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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William A. Gilchrist
Director of Planning and
Building Department

SUBJECT: Appeal of Planning Commission
Decision of PLN19215

DATE: October 14, 2019

City Administrator Approval

Date:

10/24/19

RECOMMENDATION

Staff Recommends That City Council Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal By Dunya Alwan, Ryder Diaz, And The East 12th Coalition Through R. Michael Flynn (PLN19215-A01) And Upholding The Planning Commission's Decision To Approve The Major Conditional Use Permit, Minor Variance, Regular Design Review Permit And Environmental Determination To Construct Two Residential Buildings With A Ground Floor Commercial Use At 101 East 12th Street.

EXECUTIVE SUMMARY

The proposal would develop two residential buildings with 108 affordable housing units and 252 market rate units on a City-owned site created after the reconfiguration of East 12th Street adjacent to Lake Merritt. Off-site improvements are also proposed to the adjacent stormwater treatment basin/park (collectively referred to as the "proposal").

The proposal was originally approved at the June 15, 2016 Planning Commission meeting. Staff subsequently granted an administrative extension to June 22, 2019. Unfortunately, the applicant did not apply for another extension prior to the June 22, 2019 deadline; and, therefore, was required to reapply for the entitlements and return to the Planning Commission for a second decision on September 18, 2019. The Planning Commission approved the project and adopted the Environmental Determination with a 7-0 vote.

On September 30, 2019, the Appellant filed a timely appeal to the City Council. This item is a response to that appeal.

BACKGROUND / LEGISLATIVE HISTORY

Two attached buildings are proposed for the site. The northern building would be a 26-story apartment tower with 252 market rate dwelling units and 18 units affordable to residents at the moderate income level of 80 to 120 percent of Area Median Income (AMI). An attached six-story building would include 90 very low (30 percent to 50 percent AMI) affordable housing units and

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a 327 square-foot café. The proposal includes a total of 221 parking spaces, most of which would be underground. Improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site. The total number of dwelling units on the property will be 360, of which 108 of those units will be subsidized affordable.

The proposal was originally approved at the June 15, 2016 Planning Commission meeting; this approval was extended by staff to June 22, 2019. The applicant did not apply for another extension prior to the June 22, 2019 deadline, and, therefore, returned to the Planning Commission for a second decision on September 18, 2019. The Planning Commission approved the project and adopted the Environmental Determination with a 7-0 vote.

The project approved by the Planning Commission on September 18, 2019 is substantially the same as the project approved by the Planning Commission on June 15, 2016, except for reduced cultural and café spaces and a reduction in height of the midrise building from seven stories to six. Minor changes to the façade were also proposed after consultation with the City's Design Review Committee. No change in the number of affordable units or an increase in the building footprint is proposed.

The September 18, 2016 Planning Commission staff report (**Attachment A**), which contains information about the project, including the environmental analysis, which is incorporated herein.

An approval letter was sent the day after the Planning Commission meeting to the applicant and all interested parties. On September 30, 2019, the Appellant filed a timely appeal (**Attachment B**). A summary of the issues raised by the appellant and staff's response are contained in the **Analysis and Policy Alternatives** section, below.

ANALYSIS AND POLICY ALTERNATIVES

The appeal of the decision is generally based on the following grounds: 1) the decision is not supported by substantial evidence; 2) the decision constitutes error; and 3) the decision is an abuse of discretion. The appellant further argues that the project violates the State Surplus Lands Act (SLA), the City's Public Lands Policy, and the California Environmental Quality Act (CEQA).

Below is a more detailed summary of the arguments made by the applicant (in **bold font**) and staff's response (in normal font).

- 1) The Planning Commission did not provide a sufficient showing that the approval is in the public's interest given the applicant's continuous failures to secure all the necessary permits within the requisite time, and failure to secure a timely extension. Thus, approval constitutes an abuse of discretion by the Commission. The Planning Commission did not make a finding that the applicant had extraordinary and valid reasons for failing to meet the requisite timeline such that they overcome the harm caused to the community by those failures. Since the project was originally approved at the June 15, 2016 Planning Commission meeting, the Commission has already granted one**

extension to June 22, 2019. However, the applicant did not apply for an extension by that deadline, demonstrating a willful disregard for both the Commission and the community's time and an inability to meet their own commitments and obligations.

The Planning Commission is only required to determine that the required Planning permit findings have been met and adopt the CEQA determination to approve the project. After significant deliberation, on September 18, 2019, the Planning Commission determined that the project met the required Planning permit findings and adopted staff's CEQA determination.

The Planning Commission did not need to make a finding that the applicant had extraordinary and valid reasons for failing to meet the requisite timeline for the extension because the project brought to the September 18, 2019 meeting was part of a new application, not an extension of the June 15, 2016 Planning Commission approval. Therefore, the Planning Commission evaluated the project on its own merit, not on past approvals.

Whether the applicant demonstrated "willful disregard" is not relevant to the merits of the project, the decision, or the environmental determination. This applicant is not the first, nor likely to be the last, to inadvertently let their Planning entitlements lapse.

- 2) The East 12th Street Parcel is a precious piece of public land and must be used to serve the public good. The Planning Commission's decision is not supported by the evidence on the record because, the design is substantially different than what was put before the Commission when the project was originally approved. For example, the 2016 and 2019 staff reports included many references to a publicly accessible "cultural space". The community benefits of this space were repeatedly cited by staff as significant to the design and as a reason the project should be approved. However, when questioned by the commissioners, a representative from UrbanCore admitted that the "cultural space" had been removed from the design and replaced with a lobby. This is a significant change from the original design and should at a minimum trigger a new staff review and round of community meetings to discuss this reduction in community benefits and in actual fact require UrbanCore/EBALDC to resubmit their design in a new RFP process.**

The content of the 2016 staff report is not relevant to this appeal because the project approved by the Planning Commission in 2019 stands on its own merits as a new application, not an extension of a prior approval. Staff recognizes that the approved plans did not include the same sized cultural space described in the 2019 staff report, but it does include art displays that would be available to the public. These facts were acknowledged by the Planning Commission in their discussion of the development and in the motion approving the project.

Based on substantial evidence, the Planning Commission decided that the project met the findings required for approval without the inclusion of the larger cultural space in the

buildings. The approval letter for the project (**Attachment C**), contains the required findings and how the project meets these findings.

The project did, in fact, trigger a new staff review under PLN19215, and the new approval process met all noticing deadlines and public hearing requirements in the Planning Code.

The merit of the Request for Proposal (RFP) process is not relevant because the appeal only applies to the land use entitlements and the CEQA determination.

- 3. Since its airing, this project has met with deep and consistent engagement from the community. Area residents have not only pushed for the City to comply with the Surplus Lands Act (SLA), they held a community charette to develop a needs and desires assessment for the site, and they designed a development that is reflective of community feedback. Instead of engaging with these demands, UrbanCore and EBALDC offered a "cultural space" in the development to address their assumptions of community access desires and in order to have the project approved. Then, once approved, they reworked their design, still replete with private amenities, while the only public uses of the building have vanished. It was only at the September 18th Planning Commission meeting in the guise of a re-approval process and under questioning from the Commissioners did UrbanCore and East Bay Asian Local Development Corporation (EBALDC) admit to the re-design of their new project. Planning Commissioner Hegde noted this on several occasions, stating that the proposal before the Commission for an extension "appears to be a new project". Community members who spoke at the Commission meeting all shared their opposition to the project.**

As mentioned, on September 18, 2019, the Planning Commission approved the project with full knowledge of the scaled down cultural space. This knowledge is evidenced by their lengthy discussion during the meeting and their motion to approve the project, which included the removal of text regarding the size of the cultural space from the required Variance findings. Based on substantial evidence, the Planning Commission decided that the project met the findings required for approval without the inclusion of the larger cultural space in the buildings. The approval letter for the project (**Attachment C**), contains the required findings and how the project meets these findings.

Staff's response to the issues appellant raises related to the Surplus Lands Act (SLA) is contained in Staff Response to Argument 5, below.

- 4. The application doesn't comply with the conditional use permits requirements, review requirements, and permit requirements because it fails to accomplish the goals of the SLA, is inconsistent with the community need of affordable, healthy, and accessible housing as required by the SLA. Furthermore, there has not been adequate analysis under the California Environmental Quality Act (CEQA).**

The issue of the SLA and CEQA adequacy is discussed in staff's response to Arguments 5 and 7, respectively.

- 5. Despite overwhelming community concerns, and even though UrbanCore and EBALDC's latest design is significantly different from the plans previously submitted to the Commission, the Planning Commission abused their discretion and approved the new design. These concerns included:**
 - A. "...Stripping" of all publicly accessible spaces, including a cultural space that would seat approximately 230 people to accommodate the scale of performances and events envisioned by EBALDC;**
 - B. Residents deserving to hear from and discuss with the developers how changes in the conditions at Lake Merritt have changed before the project moves forward;**
 - C. The solvency of the developer;**
 - D. Compliance with the State of California's Surplus Lands Act (SLA) and City's Public Lands Policy; and**
 - E. Lack of affordable housing in Oakland and the surplus of market rate housing.**

The findings required for approval of the project were met with or without the expanded cultural space (See **Attachment C** for how the project meets the required findings in the Planning Code). Further, the proposal includes a café and lobby/cultural area with art that would be available for viewing by the public.

There was ample opportunity for the public to provide input regarding the project because the approval process met all noticing deadlines and public hearing requirements.

The solvency of the developer is not relevant to the approval of the project because neither the Planning Code nor required findings contain developer solvency requirements or findings, and the solvency of the developer is not a CEQA issue.

According to the Disposition and Development Agreement ("DDA") entered into between the developer and applicant and the proposal's entitlements, the project would contribute 108 affordable housing units—18 units affordable for residents earning 80 to 120 percent of the AMI and 90 units affordable for residents earning between 30 and 50 percent of the Area Median Income. This constitutes over 30 percent of the total units in the development. Regardless, the number of affordable housing units contained in the project is neither a requirement in the Planning Code nor a CEQA issue, and is substantially more than the in lieu affordable housing option for fulfilling the City's affordable housing requirement under Oakland Municipal Code (O.M.C.) Chapter 15.72, entitled "Affordable Housing Impact Fees." Further, the number of affordable housing units has not changed since the 2016 approval.

Appellant's arguments regarding the SLA are not valid for consideration in this appeal of the Planning Commission's approval, which is limited to the Planning Commission's review of, and findings in support of, the proposed land use entitlements and environmental determination. The SLA concerns requirements a local agency must fulfill

prior to the disposition of property owned by the local agency. The Planning Commission does not consider proprietary matters related to the DDA, community benefits outside of the land use context, or decisions related to the sale of public land.

- 6. The project doesn't provide any access to the public and fails to provide the important community need that the project was intended to accomplish. Critically, the September 18th, 2019 application (Case File Number PLN19-215) includes community benefits, specifically a cafe and cultural space, which representatives from UrbanCore and EBALDC verbally confirmed are no longer present in the project. City staff repeatedly referenced these benefits in their 2019 staff report as reasons the project should be approved.**

Page AP.06 in the approved plans includes "retail space", which is intended to be a café run by EBALDC. Further, staff recognizes that the approved plans did not include the same sized cultural space described in the staff report. This was extensively discussed by the Planning Commission in their deliberations and in the motion approving the project. This knowledge is evidenced by their motion to approve the project, which included the removal of text regarding the size of the cultural space from the required Variance findings. The approval letter for the project (**Attachment C**), contains the required findings and how the project meets these findings. Finally, public access into the development is not a CEQA issue because it does not impact the surrounding environment.

- 6. The City Councilmembers Lynnette Gibson McElhaney and Abel Guillen's lack of compliance with ethical requirements is apparent based on (1) lack of transparency in not acknowledging the contributions when they voted in favor of the UrbanCore's project while McElhaney's husband worked for UrbanCore and Guillen had received donations to his campaign from UrbanCore, (2) failure to avoid bias by not recusing themselves, and (3) by voting in favor of selling city land to the developers who donated to them (Guillen) or were employing their spouse (McElhaney). Without their votes, City Council would not have been able to approve the project.**

This argument is not relevant because neither Councilmember McElhaney nor Councilmember Guillen were involved with the September 18, 2019 (or the 2016) Planning Commission approval of the proposal.

- 7. The East 12th Coalition continues to contest that UrbanCore has not had any genuine community engagement throughout the design process to evolve the project and community benefits to ensure that public land is used for public good. Since its inception, the community has opposed this development with affordable housing that sits in the shadow of a luxury tower that blocks its lake views. UrbanCore's new design is no exception as the community learned at the September 2019 Planning Commission meeting that all public access from the previous design and promised amenities had been struck by the developer. The new project flaunts tiers of privatized lounges, a business center, decks, seating areas, a fire pit and barbeques and pool areas that front**

the lake, all of which are on public land in view of the community and 100% inaccessible to the public. Despite these overwhelming community concerns, and even though UrbanCore's latest plans are significantly different from the plans previously submitted to the Planning Commission, they approved the new design.

The café and the art space in the lobby/cultural area would be accessible to the public. Regardless, community access to a residential project is neither a requirement in the Planning Code or in the required findings, nor is it a CEQA issue. Further, the project has included an extensive community engagement process. A memo from the developer describing the community outreach process is included as **Attachment E**.

The City's Design Review Committee refined the facade of the project at their October 10, 2017 and February 28, 2018 public meetings.

- 8. As a sensitive ecological estuary area, Lake Merritt and the public land surrounding it are precious public resources that should be made available to all Oaklanders without discrimination based on their race, skin color, or related socioeconomic factors. Oakland's housing crisis has disproportionately affected people of color, women, the elderly, disabled, and especially African Americans.**

The project should not qualify for any exemption from CEQA review, because the extensive project is adjoining to a sensitive estuary habitat, and there are significant environmental justice impacts.

The City's CEQA analysis done in 2015 relied on an earlier, different version of the project, and improperly applied exemptions based on local area plans and infill. Because there is substantial evidence that significant changes in the new project, and better, feasible mitigation measures available, under 14 CCR § 15162.

Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (Pub. Res. Code, § 21002.) Human beings are an integral part of the "environment." An agency is required to find that a "project may have a 'significant effect on the environment'" if, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]" (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines, 2 § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].)

Here, the Coalition has identified important mitigation measures that should be adopted before this project can be approved. Without the community space promised by the cultural space, and without 100% affordable housing, the project will have an unjust environmental impact on low income residents

of color, women, elderly, disabled, and other Oaklanders who are already disproportionately impacted by the housing crisis.

The project is substantially the same as that which the Planning Commission approved previously (see **Attachment A** for the CEQA analysis). The proposed changes in the project—a reduction in the size of the cultural space and the number of floors in the midrise, the addition of the café, and the inclusion of façade improvements—neither increase the footprint of the building nor create any potential for additional CEQA impacts. The residential unit count remains the same. A transportation analysis, updated for the proposal approved on September 18, 2019, indicated no significant transportation impacts resulting from the project. A memo from an environmental consultant (**Attachment D**) indicates that the 2016 CEQA review regarding impact on the Lake Merritt Estuary habitat is still valid. The Planning Commission relied upon this, and other evidence, in finding that substantial evidence existed in making its environmental determination.

The units in the buildings would be available to all socioeconomic groups listed. Further, the affordable units would be occupied by lower-income residents, which tend to be disproportionately “people of color, women, the elderly, disabled, and especially African Americans.”

The proposal would assist in alleviating the housing crisis faced by Oakland and the region by providing 108 affordable housing units and increasing the overall housing stock through an additional 252 market rate units. These units would be ideally located to minimize vehicle emissions: near a Bay Area Rapid Transit (BART) station, several AC Transit lines, and employment centers. The argument advanced by the appellant, that a mitigation measure requiring 100 percent affordability in the project should be imposed, is not a valid mitigation measure under CEQA as the amount of affordability in any residential project is not studied under CEQA as it is not considered an environmental impact of the project. The same is true for the other proposed mitigation, requiring the cultural space. While Cultural Resources is a topic of study within CEQA, in that case it is looking at the impact the project would have on historic structures as well as impacts on archaeological resources, not whether the nonresidential spaces in a building contain spaces devoted to commercial or civic uses.

Finally, the project is not on a contaminated site, is not near a significant source of air pollution, and would not displace existing permanent residents or physically divide an established community.

FISCAL IMPACT

If the proposal does not go forward, then the City would lose the potential for affordable housing and tax revenue that would be generated from the development. However, for purposes of the appeal decision, the City Council should focus on the planning-related findings made by the Planning Commission in arriving at its decision.

PUBLIC OUTREACH / INTEREST

The development team conducted public outreach for this proposal as required by the Planning & Building Department's Bureau of Planning and the Exclusive Negotiation Agreement (ENA) for the property.

Pursuant to Section 2.1.7.4 of the DDA, the development team recently held a community meeting on October 2, 2019 at Dewey Academy to discuss how to mitigate the impacts of construction on the neighboring community. The development team will also consult with the Oakland Unified School District to agree on an implementation plan to mitigate construction impacts on the neighboring schools.

COORDINATION

This report and the Planning Commission staff report have been reviewed by the Office of the City Attorney and the Budget Bureau. The Economic and Workforce Development Department also contributed to this report.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed project would transform vacant underutilized land into a high-density residential development that would provide much-needed housing units close to a regional transportation hub, a modest amount of neighborhood-serving retail, and further stimulus to the local economy. Development of the site would produce 729 construction jobs and a yet-to-be determined number of permanent jobs for staffing a café and property management. Staff estimates that the Project would generate \$45 million from property tax and \$21 million from business license tax over 66 years, in addition to other tax benefits from parking tax and sales tax.

Environmental: The proposed high-density development near a regional transportation hub will increase BART and AC Transit use and reduce automobile reliance, which would decrease the use of fossil fuels and resulting greenhouse gas emissions. The developer would fund the cost to design, construct and provide ongoing maintenance for the adjacent open space parcel owned by the City.

Social Equity: The Project would provide approximately 30 percent of the units at an affordable rent to very low- and moderate-income households, and comply with the City's local business and employment participation requirements for construction. The City Administrator would appropriate \$300,000 of the land sale proceeds to fund a Community Benefits Program consistent with terms adopted in Resolution No. 87455 C.M.S.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The anticipated environmental effects of the project have been adequately evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014). The project is also categorically exempt under Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning; and 15183.3 (Streamlining for Infill Projects). These analyses and exemptions satisfy CEQA requirements on a separate and independent basis.


A full CEQA analysis of the project is contained in **Attachment A** and **Attachment D**.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution denying the appeal by Dunya Alwan, Ryder Diaz, and The East 12th Coalition Through R. Michael Flynn (PLN19215-A01) and uphold the Planning Commission's decision to approve the Conditional Use Permit, Variance, Regular Design Review Permit, and Environmental Determination to construct two residential buildings with a ground floor commercial use at 101 East 12th Street.

For questions regarding this report, please contact Neil Gray, Planner IV, at (510) 238-3878.

Respectfully submitted,



WILLIAM A. GILCHRIST
Director, Department of Planning and Building

Reviewed by:
Ed Manasse, Deputy Director/City Planner

Prepared by:
Neil Gray, Planner IV
Bureau of Planning

Attachments (4):

- A. *Planning Commission Staff Report*
- B. *September 30, 2019 Appeal*
- C. *September 19, 2019 Approval Letter*
- D. *October 9, 2019 Memo regarding Estuary Habitat*
- E. *Memo from developer describing public outreach process.*

Location:	101 E. 12th Street (see map on reverse)
Assessors Parcel Number:	019-0027-014-00
Proposal:	Construction of two buildings. The northern building is a 26-story residential tower that contains 252 market rate units and 18 “work force” units. The southern building is five stories and contains 90 affordable housing units. The project also includes 327 square feet of commercial space, a cultural space, and 221 parking spaces. Off-site improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site.
Applicant:	Michael Johnson
Owner:	City of Oakland
Planning Permits Required:	Design Review for new construction; Conditional Use Permits to be subject to the requirements of Height Area LM-275 instead of Height Area LM-85; for increased building base height; for reduced loading birth dimensions; for construction over 100,000 square feet, and for improvements to a stormwater treatment facility. Variance for a storefront depth of 25 feet instead of the required 50 feet; All permits are Major because the proposed construction is greater than 100,000 square feet in a D-LM zone.
General Plan:	Urban Residential
Zoning:	D-LM-1 Lake Merritt Station Area District Mixed Residential Zone – 1
Environmental Determination:	The anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014). The project is also Categorically Exempt under Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning; and 15183.3 (Streamlining for Infill Projects). These analyses and exemptions satisfy CEQA requirements on a separate and independent basis.
Historic Status:	Empty lot; no historic properties.
Decision to be taken	Decision on proposal based on staff’s recommendation
Status	Appealable to the City Council within ten days.
Service Delivery District:	4
City Council District:	2
For further information:	Contact case planner Neil Gray at 510-238-3878 or by email: ngray@oaklandnet.com

SUMMARY

The proposal is to construct two buildings, a midrise building containing affordable units and a residential tower, on a City-owned site created after the reconfiguration of E. 12th Street adjacent to Lake Merritt. Off-site improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site.

This proposal was originally approved at the June 15, 2016 Planning Commission meeting; this approval was extended by staff to June 22, 2019. The applicant did not apply for another extension prior to the June 22, 2019 deadline, and is now returning to the Planning Commission for a second approval.

BACKGROUND

The proposal would develop two buildings on a City-owned site created after the reconfiguration of E. 12th Street adjacent to Lake Merritt. The northern building would be a 26-story apartment tower with 270 market rate dwelling units, a 327 square-foot café, and a cultural space. An attached five-story building would include 90 affordable housing units. The proposal includes a total of 221 parking spaces and two stories of underground parking spaces. Off-site improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site.

The proposal was originally approved at the June 15, 2016 Planning Commission meeting; this approval was extended by staff to June 22, 2019. Unfortunately, the applicant did not apply for another extension prior to the June 22, 2019 deadline, and is now returning to the Planning Commission for a second approval. Since the June 15, 2016 approval, the applicant has significantly refined the design after two hearings in front of the Design Review Committee on October 25, 2017 and February 28, 2018, respectively (see Project Description, below). Attachment A contains the updated plans.

Attachment B is the June 15, 2016 Planning Commission staff report, which contains information about the project, including the environmental analysis, and is incorporated herein. Attachment C contains an updated transportation impact analysis for CEQA purposes. The transportation impact analysis required updating because the City now analyzes traffic impacts using trip generation instead of the level of service of intersections. The updated traffic analysis shows no significant impacts from the proposal. Staff has also updated the Standard Conditions of Approval to those currently applied to projects.

PROPERTY DESCRIPTION

The site consists of two adjacent parcels: the parcel proposed for new construction (“project site”) and a neighboring vegetated area with a bioswale (“passive open space area”) proposed for landscape improvements and maintenance. Both sites are currently owned by the City and are on the southeastern edge of the Lake Merritt Specific Plan Area.

The approximately 0.92-acre project site is triangular and generally bounded by Lake Merritt Boulevard to the north, 2nd Avenue, a parcel with an empty building formerly occupied by the Oakland Unified School District (OUSD) to the west, E. 12th Street to the east, and the passive open space area to the north. Lake Merritt is located to the northeast of the project site across Lake Merritt Boulevard. Current uses on the project site include soil stockpiling and staging for nearby construction projects.

The passive open space area is a recently re-vegetated 0.91-acre City stormwater basin installed as part of the East 12th Street Reconstruction Project. It is adjacent to Lake Merritt Boulevard to the northwest, the school site and Lake Merritt Channel to the west, and the project site to the east. This parcel is significantly sloped toward the Channel.

The entire site was uncovered after East 12th Street was realigned as part of the East 12th Street Reconstruction Project, which was funded by Measure DD.

NEIGHBORHOOD DESCRIPTION

The site vicinity consists of public, institutional, residential, and commercial uses. Public and institutional uses, including the Kaiser Center and the Alameda County Courthouse, are among the most visible land uses in the area and are largely concentrated along the Lake Merritt Channel and 13th Street. The Dewey High School campus and the former OUSD administrative offices, which are also planned for redevelopment, are located at the southern border of the project site. This site is also near Laney College campus and sports fields, the Peralta Community College District Administration buildings, the Oakland Museum of California, the Kaiser Auditorium, the County Court and Offices, and the Main Oakland Public Library.

There are several multi-unit apartment buildings ranging from 2 to 23 stories in the neighborhood. These buildings have a variety of architectural styles: The 1200 Lakeshore Apartments, a 23-story residential building on the shore of Lake Merritt, has a post-modern style; the 18-story "Merritt on 3rd" residential building located southeast of the project site has a contemporary style; and the five-story Lakemount Apartment Building across 2nd Avenue from the project site has a traditional architectural style.

PROJECT DESCRIPTION

The project consists of the construction of two buildings connected by a shared entrance and central commons. The northern building is a 26-story, 267-foot tall (286 feet to the top of the elevator tower) residential tower, which contains 252 market rate and 18 "work force" housing units. The southern building is five stories and 76 feet tall and contains 90 affordable housing units. The project also contains a 327 square-foot commercial space. The project site includes 31,103 square feet of open, cultural, and recreational space; and other amenities and improvements, not including the passive open space area.

Off-site landscaping improvements are also proposed to the existing passive open space area located adjacent to the site. The passive open space area would be a visual amenity but not a recreational facility, and would not contain paths or benches.

The project, including a breakdown of affordable and workforce units, is described in more detail below. Architectural plans are contained in Attachment A.

Site Plan

At approximately 123 feet long, and 100 feet wide, the northern building has a small footprint relative to the size of the site and other towers that have been approved in Downtown Oakland. The small footprint of this 275-foot tall tower will accommodate views of Lake Merritt and Downtown from southern portions of the City.

A group open space area defined by the space between the two buildings on a second story

podium would contain landscaping, a play area for kids, and seating. Other open space amenities on the northern side of the side would surround the tower on the podium level and be located at rooftop terraces.

At approximately 8,800 square feet, the five-story southern building would have a larger footprint than the northern tower. An open space area with an outdoor kitchen and lounge would be defined by the U-shape of the building.

The ground floor façade at E. 12th Street contains “commons”, where all residents would enter the development. A café would be located at the intersection of E. 12th and 2nd Ave. Stairs adjacent to the passive open space area would connect the sidewalk to a terrace and another entrance into the commons.

A garage entrance would face 2nd Street and lead to parking behind the café and commons space. The application proposes two underground floors of car parking containing an automated puzzle car stacking system, bicycle parking, and utilities. The parking garage would include a total of 221 spaces for cars and 216 spaces for bikes. Two loading berths would be located near the 2nd Street entrance.

Elevations

Building Base. Double story windows on bottom floor of the E. 12th Street façade allow views from the street into the commons, lobbies, and café, and create a prominent building base. The E. 12th Street and northern façades are unified through double story window systems. Ground floor columns on the E. 12th Street Elevation relate to the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library.

Northern tower design. As mentioned, the 26-story northern building would have a relatively small footprint for a tower of its height. Its northern façade is rounded to allow better views of the East Bay Hills, Downtown Oakland, and Lake Merritt and to create a visually interesting shape. Each floor of this northern elevation would contain glazing with a blue-gray tint above curved, horizontal panels. These panels would be articulated to provide depth and visual interest to the façade. A metal trim “pop-out” surrounding 20th story windows breaks up the verticality of the façade. The elevations of the other sides of the building include patterns of brown concrete panels and glazing that create a vertical composition to contrast with the northern elevation.

Southern midrise building design. The most visible elevation of this building would be the east (E. 12th Street) side of the building because the rear of the building faces the OUSD future development site. The E. 12th Street elevation contains a three-story bay projection that reduces the scale of the building and relates to a similar projection at the base of the tower. Hardiboard and metal panels create a pixelated pattern that provides visual interest and relates to a pattern at the base of the tower. A fenestrated corner tower feature with horizontal fins at the intersection of E. 12th Street and 2nd Avenue reduces the scale and punctuates the corner of the building.

Landscaping

Street trees and other plantings would be located at the ground level where the site borders E. 12th Street and within the podium open space area. Off-site landscaping improvements are proposed to the passive open space located adjacent to the project site. These improvements would include the installation of natural landscaping to the area north and northwest of the project site. The land would function as a passive open space consisting mostly of native plantings, groundcover, shrubs and trees. The groundcover would be low maintenance grasses and wildflowers requiring mowing once or twice a year. Irrigation would be used for two or three years to establish the trees and shrubs. All plantings would adhere to Bay friendly practices and to the State's Water Efficient Landscape Ordinance and the area would continue to function as a stormwater treatment basin. All improvements and maintenance would be funded by the developer. As mentioned, this space would be a visual, not a recreational, amenity.

Design Changes Since June 15, 2016 Meeting

In collaboration with the Design Review Committee, the applicant has made the following changes to the project since the approval of the project at the June 15, 2016 Planning Commission meeting:

- The 20th floor "pop out" architectural feature has been refined on the east elevation of the tower;
- The exteriors of the tower and the midrise have been integrated through similar articulation patterns, related bays, and metal panels with a pixelated pattern on the eastern façades of both buildings;
- The mid-rise building was lowered by one story, but preserved the originally approved number of affordable units;
- A horizontal trellis at the roofline of the mid-rise building was removed;
- The retail area was reduced in size;
- All of the amenities in the midrise have been moved to the ground floor;
- Parking has been reduced to 221 spaces from 236 spaces; and
- All pedestrian access has been moved to the main entry at the east elevation.

GENERAL PLAN ANALYSIS

The intent of the Urban Residential classification is to "create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, or high-rise residential structures in locations with good access to transportation and other services." A high-rise apartment building clearly meets the intent of this designation. The project is also consistent with the following policies (the policies are in **bold text**; description of how the project conforms to a policy is in *italic*):

Policy D1.9: Planning for the Channel Park Residential Area. *The area between the Channel Park Arts, Educational, and Cultural Center and the waterfront should be developed as a walkable urban residential district, incorporating commercial development and open space as appropriate to take advantage of the cultural and recreational amenities*

provided by the center and the channel to the estuary, and easy transportation by BART. *The proposal is in the location described by this policy and provides residential development, open space, and ground floor commercial space.*

Policy N3.4: Encouraging Infill Development. In order to facilitate the construction of needed housing unit, infill development that is consistent with the General Plan should take place throughout the City of Oakland. *The project is near Downtown Oakland and would be considered a significant infill development.*

Policy N3.9 Orienting Residential Development. Residential development should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure. *The tower has dimensions that maximize views of Lake Merritt from buildings to the southeast and reduce shadow impacts. Open space is conveniently located on the podium level and ground level townhomes will face an attractive passive open space area. Most upper story units are facing the street.*

LAKE MERRITT STATION AREA SPECIFIC PLAN ANALYSIS

Staff believes that the project is consistent with the Lake Merritt Station Area Specific Plan for the following reasons.

The proposal meets the following policies in the Lake Merritt Station Area Specific Plan:

LU-40 City Owned Remainder Site. Redevelop the City-owned remainder site on Lake Merritt Boulevard with landmark quality design, high density residential, and active ground floor uses that complement the waterfront. *Staff believes that this high density residential project will have a landmark quality design. The narrow, rounded tower design will be unique in Oakland and be a distinctive element of the skyline. The proposed cultural space in the central commons will be a significant amenity for the neighborhood and the nearby school.*

OS-15 Lake Merritt Channel Edge Setback. Require a 100-foot setback along the eastern edge of the Lake Merritt Channel to promote new publicly accessible open space. This requirement would impact in particular the new remainder site at the corner of Lake Merritt Boulevard and 12th Street (site 44) and the OUSD administrative buildings (site 43) if they are redeveloped. *The proposed 192-foot distance from the Lake Merritt Channel to the development is consistent with Policy OS-15. The open space improvements are a first step to eventually create a path that runs through a development at the OUSD site.*

LU-2 High intensity development potential. Support transit-oriented development and accommodate regional growth projections by promoting high intensity and high density development in the Planning Area. *The proposal maximizes the residential density allowed under the LM-1/275 zoning designation.*

LU-4 Active ground floor uses. Encourage active uses in new buildings on key streets in neighborhood hubs in order to transform key streets into activated pedestrian connections over time and expand the vibrancy and activity that already exists in some areas, as shown in Figure 4.2. These active ground floor uses should be located at the street edge, or at the edge of parks, plazas, or other public spaces. Activated neighborhood hubs include:

- **Chinatown Commercial Core:** key streets through this hub include 8th Street, 9th Street, Webster Street, Harrison Street, and portions of Franklin Street, 7th Street, and 10th Street.
- **Lake Merritt BART Station Area:** key streets through this hub include Oak Street, Madison Street (excluding Madison Square Park), 8th Street, and 9th Street
- **14th Street Corridor:** 14th Street
- **Eastlake Gateway:** key streets through this hub include 1st Avenue, East 12th Street, and International Boulevard.

The proposal includes an active cultural space in the central commons and a café on the edge of E. 12th Street.

LU-39 New Lake Merritt Channel improvements. Establish an improved greenway along the Lake Merritt Channel, in part by obtaining public easements and requiring new buildings to be set back from the Channel edge in order to establish public access along the eastern edge of the Lake Merritt Channel. *The proposed 192-foot distance from the Lake Merritt Channel and improvements to the adjacent open space are consistent with this policy.*

The project is also consistent with the Design Guidelines document that was adopted with the Specific Plan. As described in the Guidelines, the tower will be stepped back and balconies, recesses, windows, reveals, and bay windows will articulate the façade. The apparent building bulk is reduced by segmenting it into smaller masses. The commercial space will have a high ceiling and significant transparency as recommended by the Guidelines.

ZONING ANALYSIS

The following highlights relevant zoning standards from the LM-1 zone.

Zoning Intent

The intent of the D-LM-1 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible commercial activities.

Ground Floor Façade Requirements

The following table contains the ground floor façade requirements contained in Chapter 17.101G of the Planning Code.

	Requirement	Proposed	Notes
Average minimum setback from the Lake Merritt Estuary Channel	60 ft	192 ft	
Minimum ground floor commercial facade transparency	55%	81%	
Minimum height of the ground floor	15 ft	22 ft	
Minimum width of storefronts	15 ft	25 ft	
Minimum depth of storefront bay	50 ft	25 ft for cafe space;	Variance required
Minimum separation between the grade and ground floor living space	2.5 ft	2.5 feet for all units.	

The project is in Height Area LM-85 but the applicant has applied for a Conditional Use Permit to be subject to the requirements of Height Area LM-275, as allowed in Table 17.101G.04 of the Planning Code. This Table states that one application in the LM-85 height area can apply for a height area upgrade to LM-275 and that these applications are reviewed on a first come, first serve basis; the subject property was the first to apply for this upgrade.

Staff recommends approval of this Conditional Use Permit (CUP) for the reasons described in the Key Issues and Impacts section of the June 15, 2016 report (see Attachment B). Staff also recommends approval of a CUP required under Section 17.101G.070 for all projects over 100,000 square feet (the project is a total of 251,939 square feet). The following table lists the relevant requirements of Height Area LM-275 and how the project complies with these requirements:

Regulation	Requirement	Proposed	Notes
Building Intensity Requirements			
Maximum density	364 units	360 units	
Maximum Floor Area Ratio (floor area/site area)	12.0	10.6	
Minimum group open space	75 sf per unit	120 sf per unit	
Conditional Use Permit Required	100,000	426,736 (Conditional Use Permit Required)	
Building Base Requirements			
Average minimum setback from the Lake Merritt Estuary Channel	60 ft	192 feet	
Tower Requirements			
Maximum total height	275 ft	272 ft	1

Maximum average per story lot coverage above the base	65 percent (30,203 sf)	31.5 percent (12,679 sf)	1
Maximum building length	150 ft	123'-7"	1, 2
Maximum diagonal length	180 ft	166 sf	1, 3
Parking and Loading Requirements			
Minimum parking spaces	0	221	4
Minimum bike spaces	<ul style="list-style-type: none"> • 19 short term (one per 20 units) • 90 long term spaces (one per four units) 	<ul style="list-style-type: none"> • 19 short term • 91 long term 	
Minimum loading births	Two loading births	Two loading births	

Notes:

1. The tower is defined by Section 17.09.040 and 17.101G.050 of the Planning Code as the area above 85 feet.
2. The building length is the length of the longest frontage of a building
3. The diagonal length is the distance between the two most separated points on a floor
4. AB744 states that a local jurisdiction cannot require more than .5 spaces per each affordable housing unit that is within one-half a mile from a transit stop, such as a BART Station. The project is approximately one-third of a mile from the Lake Merritt BART Station.

ENVIRONMENTAL DETERMINATION

The environmental determination and associated environmental analysis contained in the June 15, 2016, staff report applies to this Attachment B applies to this project and is incorporated herein. An updated transportation study has been prepared and is contained in Attachment C. It does not show significant transportation impacts related to the proposal.

KEY ISSUES AND IMPACTS

Staff does not see any Key Issues and Impacts related to the project because it has been previously approved by the Planning Commission and refined by the Design Review Committee. Please see Attachment A for a discussion of Key Issues and Impacts identified for the Planning Commission at their June 15, 2016, meeting.

RECOMMENDATION

- (1) Accept staff's environmental determination and findings that (a) anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014) and, for the reasons discussed in the June 15, 2016 report and Attachment C, no further environmental review is required; and (b) that the project is also exempt from CEQA and further CEQA review as discussed in the June 15, 2016, staff report to the Planning Commission.

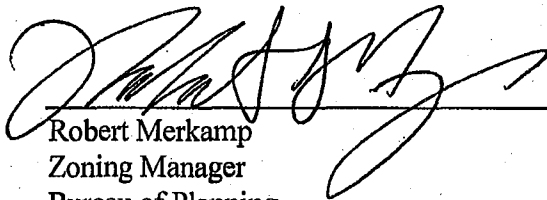
- (2) Approve the project based upon the attached findings and subject to the attached conditions of approval.

Prepared by:



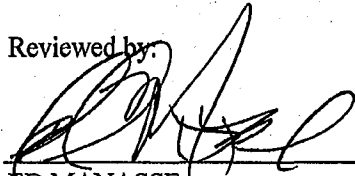
NEIL GRAY
Planner IV

Reviewed by:



Robert Merkamp
Zoning Manager
Bureau of Planning

Reviewed by:



ED MANASSE
Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Updated Project Plans
- B. June 15, 2016 Planning Commission staff report
- C. Transportation Impact Analysis

FINDINGS FOR APPROVAL

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

Section 17.136.050 Regular design review criteria.**A. For Residential Facilities.**

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

There are several multi-unit apartment buildings ranging from 2 to 23 stories in the neighborhood. These buildings have a variety of architectural styles: The 1200 Lakeshore Apartments, a 23-story residential building on the shore of Lake Merritt, has a post-modern style; the 18-story "Merritt on 3rd" residential building located southeast of the project site has a contemporary style; and the five-story Lakemount Apartment Building across 2nd Avenue from the project site has a traditional architectural style.

The E. 12th Street elevation of the southern building is articulated to a scale that relate to other buildings in the neighborhood. The proposed setback of the northern building from a two-story podium will also relate to smaller scale buildings in the neighborhood. The tall ground floor columns will relate the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library.

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

The proposal will protect views of the Lake, which is the neighborhood's most valuable natural asset. Further, improvement of the detention basin will improve the water quality of the lake and provide an attractive landscaped area. The ground floor commons will build upon existing cultural amenities in the nearby high school, Oakland Museum of California, and the Main Branch of the Oakland Public Library. A ground floor café will provide an important gathering place for the neighborhood. Finally, the development will provide residential units in a predominantly residential neighborhood.

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

There is no significant topography or landscape on the building site. The native plantings and large native trees in the passive open space area have been carefully chosen to be compatible with the lakeside environment and the existing bioswale.

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

There is a small upslope along East 12th Street that creates a separation between the grade and ground floor commercial space at the corner of East 12th Street and Lake Merritt Blvd. The design of the building takes advantage of this by creating an outdoor seating area with a view of the Channel and an attractive entrance feature for the north commons.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

B. For Nonresidential Facilities and Signs.

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

A double height ceiling on the ground floor will create a successful café and cultural space environment. Significant window transparency, awnings, and transom windows will contribute to a visually pleasing ground floor design. The café will be conveniently situated near pedestrian activity.

The E. 12th Street and northern commercial façades are unified through double story columns and large window systems. The ground floor columns also relate the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library.

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

The proposal will protect the value of investments in the area by providing an attractive café and cultural space to the neighborhood.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report

17.134.050 General Use Permit criteria.

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

The project fulfills this finding for the following reasons:

- *The relatively small tower footprint will minimize view and solar impacts on the lake from surrounding properties.*
- *The southern building is articulated with a corner feature and a bay to reduce the scale of the building. The podium and tower design of the proposal further reduces the perceived bulk of the development.*
- *As conditioned, the proposal will fund stormwater, sidewalk, and other improvements surrounding the development.*
- *A CEQA analysis contained in Attachment B demonstrates that the project, as conditioned, will not have significant impacts on the surrounding streets.*
- *The reduction in the size of the loading berths will not adversely affect the neighborhood because they will be of sufficient size to park a medium sized moving van.*
- *Improvement of the detention basin will improve the water quality of the Lake and provide an attractive open space area.*

- 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 open space and commons area on the podium will be conveniently accessed by residents and the development will be located near Lake Merritt recreational facilities. Bike and automobile parking will be conveniently located underground and visually buffered behind active spaces. Elevators to the dwelling units will also be conveniently accessed through the pedestrian entrance and two lobbies. The loading dock will be easily accessed adjacent to the entrance of the building

- 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 proposal will contribute high quality market rate and affordable residential units to a successful residential neighborhood. The proposed café and cultural space will be valuable amenities to the neighborhood.

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

See Design Review Findings, above.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

17.148.050 Variance Findings required,

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

A variance is required because the proposed depth of the café space bay is approximately 25 feet and the cultural space would be 25 feet, while 50 feet is required. Approval of the variance would meet this finding because:

- *25 feet is sufficient depth for a café, which is the intended use for the commercial space;*
- *Space on the site is confined because of the location of the required parking behind the central commons and the relatively small, wedge shaped lot.*
- *As designed, the central commons would seat approximately 230 people, which is large enough to accommodate the scale of performances and events envisioned by EBALDC, which will be managing the space and the affordable housing units. For performances, the seating would be on either side of a stage that would be located in the middle of the room.*

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

The basic intent of the applicable regulation is to create a viable and flexible storefront space. As discussed, the proposed depths are sufficient to accommodate the proposed uses and deeper spaces would preclude an effective parking design.

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

Increasing the storefront depth will adversely affect the livability of the area by reducing the number of parking spaces in the development.

- D. 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.**

Many commercial facilities in high density residential zones have been constructed with a depth of 25 feet or less.

- E. 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.**

The element requiring the variance will not affect the exterior of the building and, therefore, conforms to the Regular Design Review Criteria.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

Table 17.101G.04 -- Note 10: Findings required for the granting of a Conditional Use Permit for Exceptions to Height/Bulk/Intensity Area Standards.

- A. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies;**

As described in the Lake Merritt Specific Plan Analysis section, above, a residential tower with a ground floor commercial use is consistent with policies in the plan and its accompanying Design Guidelines.

- B. The proposal will promote implementation of the Lake Merritt Station Area Plan;**

New construction that is consistent with the policies identified in (a) directly implements the intent of the Plan.

- C. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.**

As described in the Lake Merritt Specific Plan Analysis section, above, a residential development with a ground floor commercial use is consistent with the Plan's Design Guidelines. The building is not in a historic district and the design context of the surrounding area is a mix of varying styles and building heights.

STANDARD CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated 8/27/19 and submitted on 8/27/19, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission (“this Approval”) includes the approvals set forth below. This Approval includes: Approval of Conditional Use Permits, Variance, and Design Review for the construction of a Construction of two buildings over a two-story podium and off-site improvements to an existing stormwater treatment basin/park.

1. Effective Date, Expiration, Extensions and Extinguishment

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

2. Compliance with Other Requirements

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

3. Minor and Major Changes

FINDINGS

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

4. 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.

5. 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.

6. Blight/Nuisances

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

7. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

8. 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.

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

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The

project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

10. Public Improvements

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

11. 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.

12. Construction Management Plan

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

13. Trash and Blight Removal

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
 - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Landscape Plan

- a. *Landscape Plan Required*

- Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. *Landscape Installation*

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. *Landscape Maintenance*

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. *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

17. Public Art for Private Development

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

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

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

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

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

18. Dust Controls – Construction Related

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

- a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Limit vehicle speeds on unpaved roads to 15 miles per hour.

- e) All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Criteria Air Pollutant Controls - Construction Related

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

- a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
- d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

g) **Criteria Air Pollutant Reduction Measures**

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

h) **Construction Emissions Minimization Plan**

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

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

20. Diesel Particulate Matter Controls-Construction Related

a. Diesel Particulate Matter Reduction Measures

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

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors

exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.

-or-

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

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

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

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

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

21. Exposure to Air Pollution (Toxic Air Contaminants)

a. Health Risk Reduction Measures

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

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

- or -

- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
 - Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
 - Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
 - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
 - The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
 - Sensitive receptors shall be located on the upper floors of buildings, if feasible.
 - Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted,

including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).

- Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
- Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes.
 - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. Maintenance of Health Risk Reduction Measures

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

22. 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

23. Bird Collision Reduction Measures

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

- i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.
- ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
- iii. Monopole structures or antennas shall not include guy wires.
- iv. Avoid the use of mirrors in landscape design.
- v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below.
- vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following:
 - Use opaque glass in window panes instead of reflective glass.

- Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
 - Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
 - Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.
 - Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans.
 - Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
 - Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides.
 - Install opaque window film or window film with a pattern/design which also adheres to the “two-by-four” rule for coverage.
- vi. Reduce light pollution. Examples include the following:
- Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30).
 - Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise.
 - Reduce perimeter lighting whenever possible.
 - Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass.
 - Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration.
- vii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:
- Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws.
 - Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.
 - Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day.
 - Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs.

- Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

24. 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

25. 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

26. 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

27. 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

28. Greenhouse Gas (GHG) Reduction Plan**a. Greenhouse Gas (GHG) Reduction Plan Required**

Requirement: The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan.

The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below at least one of the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population). The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), and additional GHG reduction measures available to further reduce GHG emissions, and (c) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.

Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.

The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below.

The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.

As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.

For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. GHG Reduction Plan Implementation During Construction

Requirement: The project applicant shall implement the GHG Reduction Plan during construction of the project. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be implemented during construction. For physical GHG reduction measures to be incorporated into off-site projects, the project applicant shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval. These off-site improvements shall be installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For GHG reduction measures involving the purchase of carbon credits, evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the project (or prior to completion of the project phase, for phased projects).

When Required: During construction

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. GHG Reduction Plan Implementation After Construction

Requirement: The project applicant shall implement the GHG Reduction Plan after construction of the project (or at the completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into the project or off-site projects, the measures shall be implemented on an indefinite and ongoing basis.

The project applicant shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.

Annual Report. Implementation of the GHG reduction measures and related requirements shall be ensured through compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report ("Annual Report"), for review and approval by the City Planning Director or his/her designee. The Annual Report shall be submitted to an independent reviewer of the City's choosing, to be paid for by the project applicant.

The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.

The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Thresholds. Monitoring and reporting activities will continue at the City's discretion, as discussed below.

Corrective Procedure. If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures ("Corrective GHG Action Plan"). The project applicant shall then implement the approved Corrective GHG Action Plan.

If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed.

The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the "adjusted" baseline.

In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan.

The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.

Timeline Discretion and Summary. The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

29. Hazardous Materials Related to Construction

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

- a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

30. Erosion and Sedimentation Control Measures for Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

31. Erosion and Sedimentation Control Plan for Construction

- a. *Erosion and Sedimentation Control Plan Required*

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

32. NPDES C.3 Stormwater Requirements for Regulated Projects

a. Post-Construction Stormwater Management Plan Required

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

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;
- iv. Site design measures to reduce the amount of impervious surface area;

- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Maintenance Agreement Required*

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

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

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

33. 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

34. 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

35. Extreme Construction Noise

a. Construction Noise Management Plan Required

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Public Notification Required

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

36. 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

37. 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

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

c. Obstruction Permit Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

d. Traffic Control Plan Required

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

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

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

e. *Repair of City Streets*

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

39. 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

40. Transportation and Parking Demand Management

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

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

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

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

- Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR
 - Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
 - Enhance the City’s transportation system, consistent with City policies and programs.
- ii. The TDM Plan should include the following:
- Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable.
 - Proposed TDM strategies to achieve VTR goals (see below).
- iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.
- iv. The following TDM strategies **must** be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project’s VTR.

Improvement	Required by code or when...
Bus boarding bulbs or islands	<ul style="list-style-type: none"> ● A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or ● A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb
Bus shelter	<ul style="list-style-type: none"> ● A stop with no shelter is located within the project frontage, or ● The project is located within 0.10 miles of a flag stop with 25 or more boardings per day
Concrete bus pad	<ul style="list-style-type: none"> ● A bus stop is located along the project frontage and a concrete bus pad does not already exist
Curb extensions or bulb-outs	<ul style="list-style-type: none"> ● Identified as an improvement within site analysis
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> ● A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and ● The project would generate 500 or more daily bicycle trips

Improvement	Required by code or when...
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> • A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and • The project would generate 400 or more peak period transit trips
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> • Always required
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> • When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection
In-street bicycle corral	<ul style="list-style-type: none"> • A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.
Intersection improvements¹	<ul style="list-style-type: none"> • Identified as an improvement within site analysis
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> • Always required
No monthly permits and establish minimum price floor for public parking²	<ul style="list-style-type: none"> • If proposed parking ratio exceeds 1:1000 sf. (commercial)
Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> • Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial)
Parking space reserved for car share	<ul style="list-style-type: none"> • If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per

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

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

Improvement	Required by code or when...
	200 units.
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Typically required
Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis
Pedestrian-supportive signal changes³	<ul style="list-style-type: none"> Identified as an improvement within operations analysis
Real-time transit information system	<ul style="list-style-type: none"> A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Relocating bus stops to far side	<ul style="list-style-type: none"> A project is located within 0.10 mile of any active bus stop that is currently near-side
Signal upgrades⁴	<ul style="list-style-type: none"> Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage abuts an intersection with signal infrastructure older than 15 years
Transit queue jumps	<ul style="list-style-type: none"> Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Trenching and placement of conduit for providing traffic signal interconnect	<ul style="list-style-type: none"> Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and A major transit improvement is identified within operations analysis requiring traffic signal interconnect
Unbundled parking	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1.25 (residential)

³ Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.

⁴ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

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

- Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
- Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.
- Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
- Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively)

and any applicable streetscape plan.

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

- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

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

When Required: Prior to approval of planning application.

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. TDM Implementation – Physical Improvements

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. TDM Implementation – Operational Strategies

Requirement: For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual

reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.

When Required: Ongoing

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

41. Transportation Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

a. *PEV-Ready Parking Spaces*

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *PEV-Capable Parking Spaces*

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. *ADA-Accessible Spaces*

Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all

future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

43. Construction and Demolition Waste Reduction and Recycling

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

44. 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

45. Recycling Collection and Storage Space

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet

of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

46. 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.
 - Green building point level/certification requirement per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check

application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. *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:

- 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.
- 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.
- 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

c. *Compliance with Green Building Requirements After Construction*

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

47. 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

48. 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

49. Water Efficient Landscape Ordinance (WELO)

Requirement: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

Prescriptive Measures: Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23):

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extr%20-%20Official%20CCR%20pages.pdf>

Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following

-
- a. Project Information:
 - i. Date,
 - ii. Applicant and property owner name,
 - iii. Project address,
 - iv. Total landscape area,
 - v. Project type (new, rehabilitated, cemetery, or home owner installed),
 - vi. Water supply type and water purveyor,
 - vii. Checklist of documents in the package, and
 - viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."

- b. Water Efficient Landscape Worksheet
 - i. Hydrozone Information Table
 - ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
- c. Soil Management Report
- d. Landscape Design Plan
- e. Irrigation Design Plan, and
- f. Grading Plan

Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.

For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below.

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extract%20-%20Official%20CCR%20pages.pdf>

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

50. Employee Rights

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

Applicant Statement

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

Name of Project Applicant

CONDITIONS OF APPROVAL

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD.
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STORM WATER QUALITY NOTES CONSTRUCTION BMPs

1. THE CONTRACTOR SHALL INSTALL AND MAINTAIN ALL CONSTRUCTION BMPs AS SPECIFIED IN THE PLANS.
2. THE CONTRACTOR SHALL MAINTAIN ALL BMPs IN GOOD WORKING ORDER THROUGHOUT THE CONSTRUCTION PERIOD.
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FIRE PROTECTIVE & FIRE RESISTIVE REQUIREMENTS

1. THE CONTRACTOR SHALL INSTALL ALL FIRE PROTECTIVE AND FIRE RESISTIVE MEASURES AS SPECIFIED IN THE PLANS.
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CA GREEN BUILDING STANDARDS CODE NOTES

1. THE CONTRACTOR SHALL INSTALL ALL GREEN BUILDING MEASURES AS SPECIFIED IN THE PLANS.
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UNIT MIX

UNIT	TYPE	AREA	VOLUME	WEIGHT
1	CONCRETE	100	100	100
2	BRICK	200	200	200
3	CEMENT	300	300	300
4	SAND	400	400	400
5	GRAVEL	500	500	500
6	ASPHALT	600	600	600
7	WOOD	700	700	700
8	GLASS	800	800	800
9	STEEL	900	900	900
10	PLASTER	1000	1000	1000

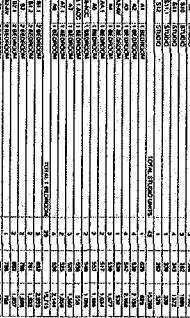
FLOOR AREA ANALYSIS

AREA	TYPE	AREA	PERCENTAGE
1	FLOOR	100	10%
2	CEILING	200	20%
3	WALL	300	30%
4	DOOR	400	40%
5	WINDOW	500	50%
6	STAIR	600	60%
7	ELEVATOR	700	70%
8	HALLWAY	800	80%
9	RESTROOM	900	90%
10	MECHANICAL	1000	100%

HDD RESIDENTIAL UNIT AREAS - GROSS & NET

UNIT	TYPE	GROSS AREA	NET AREA
1	CONCRETE	100	100
2	BRICK	200	200
3	CEMENT	300	300
4	SAND	400	400
5	GRAVEL	500	500
6	ASPHALT	600	600
7	WOOD	700	700
8	GLASS	800	800
9	STEEL	900	900
10	PLASTER	1000	1000

OPEN SPACE REQUIREMENTS



SCOPE OF WORK

ITEM	DESCRIPTION	QUANTITY	UNIT
1	CONCRETE	100	YD
2	BRICK	200	YD
3	CEMENT	300	YD
4	SAND	400	YD
5	GRAVEL	500	YD
6	ASPHALT	600	YD
7	WOOD	700	YD
8	GLASS	800	YD
9	STEEL	900	YD
10	PLASTER	1000	YD

CONTRACTOR'S OBLIGATIONS

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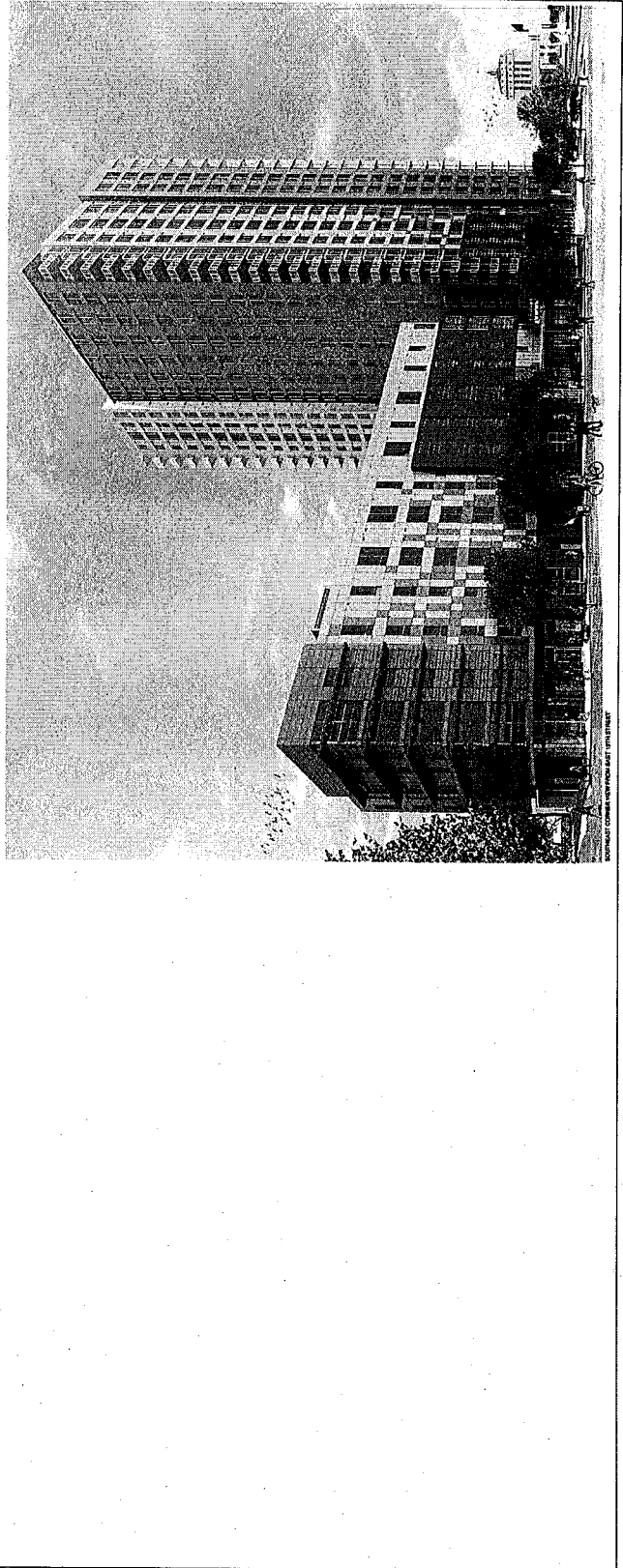
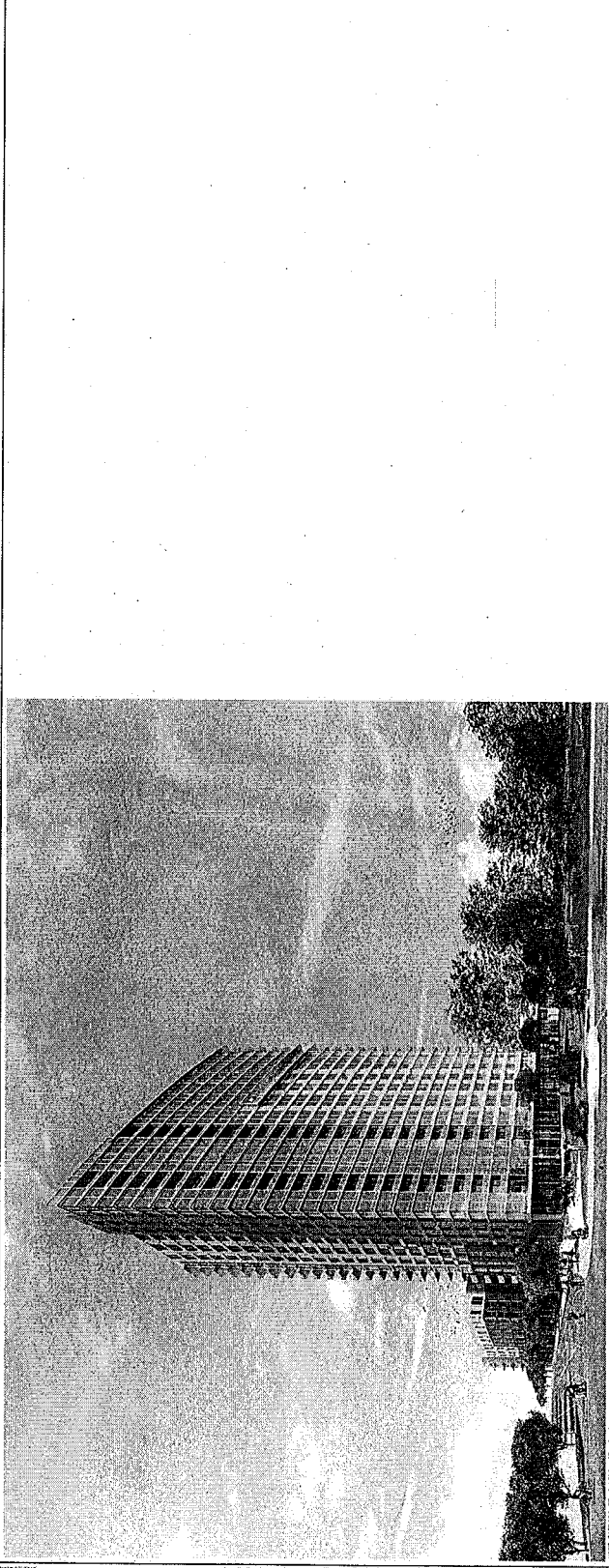
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 OAKLAND, CA 94606
 (415) 764-1111
 www.avpskyport.com

PVATOK
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2019.08.27 - ENTITLEMENT PACKAGE
 LAKEHOUSE
 111 & 121 E. 12TH STREET
 OAKLAND, CA 94606

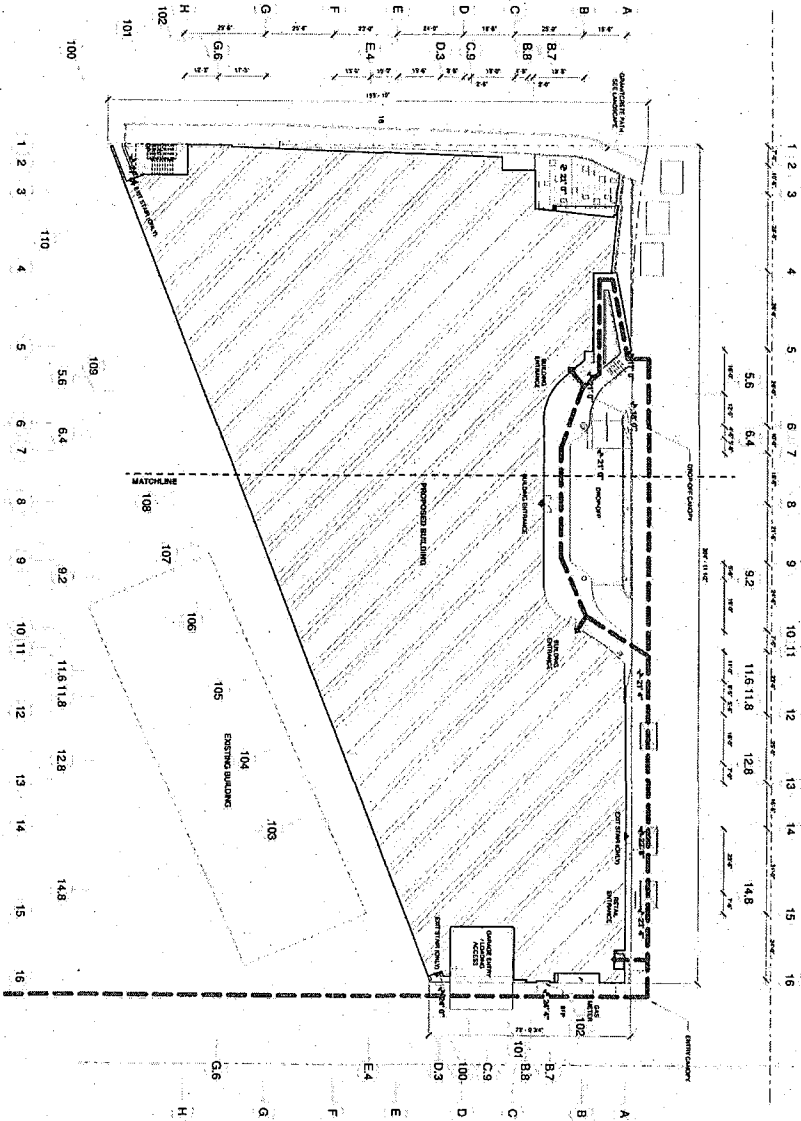
DATE: 08/27/19
 DRAWN BY: J. WILSON
 CHECKED BY: J. WILSON
 PROJECT NO.: 19-001
 SHEET NO.: 01
 SCALE: 1/8" = 1'-0"
 PROJECT NAME: LAKEHOUSE
 CLIENT: PVATOK
 ARCHITECT: AVP SKYPORT
 REVISIONS:

T10.00

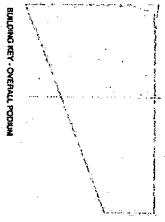


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TRUE NORTH
PROJECT NORTH



SHEET PLAN 1



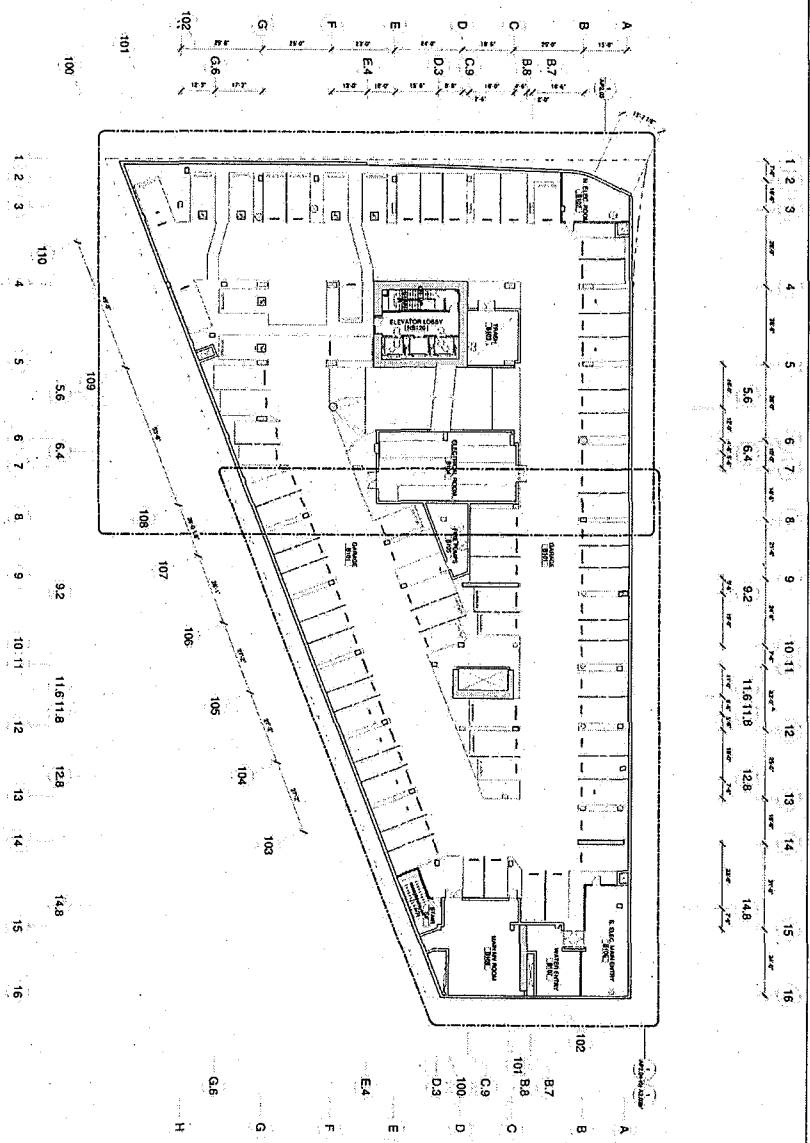
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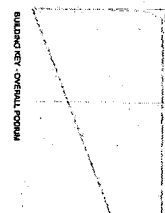
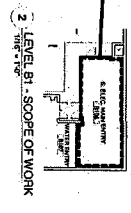
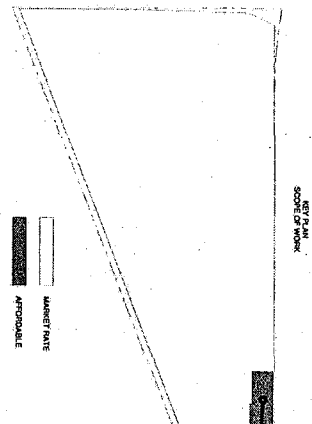
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NO.	DESCRIPTION	DATE
1	PRELIMINARY	08/27/19
2	REVISION	09/10/19
3	REVISION	09/10/19
4	REVISION	09/10/19
5	REVISION	09/10/19
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100	REVISION	09/10/19

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TRUE PROJECT NORTH



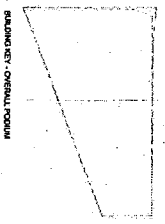
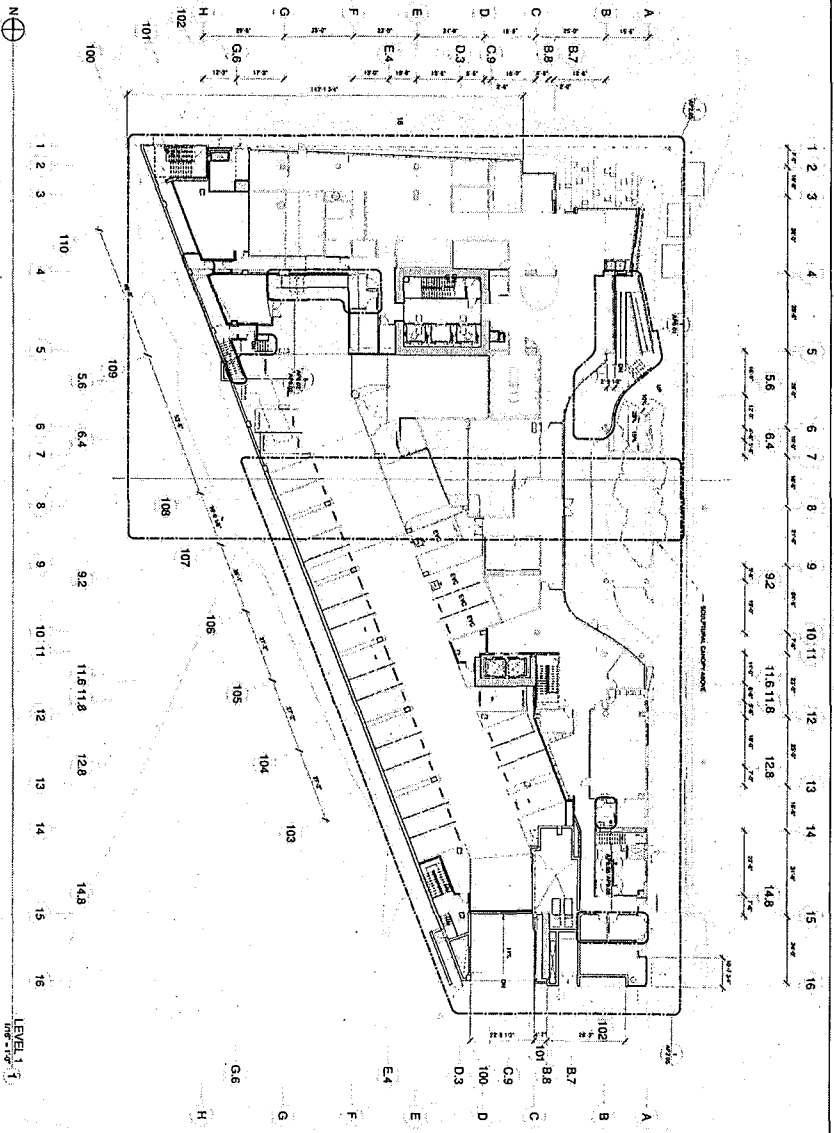
2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606

AVP
 SKYPORT
PATOK

AP1.02

NO.	DESCRIPTION	DATE
1	PRELIMINARY	08/27/19
2	REVISED	08/27/19
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 TRUE NORTH
 PROJECT NORTH

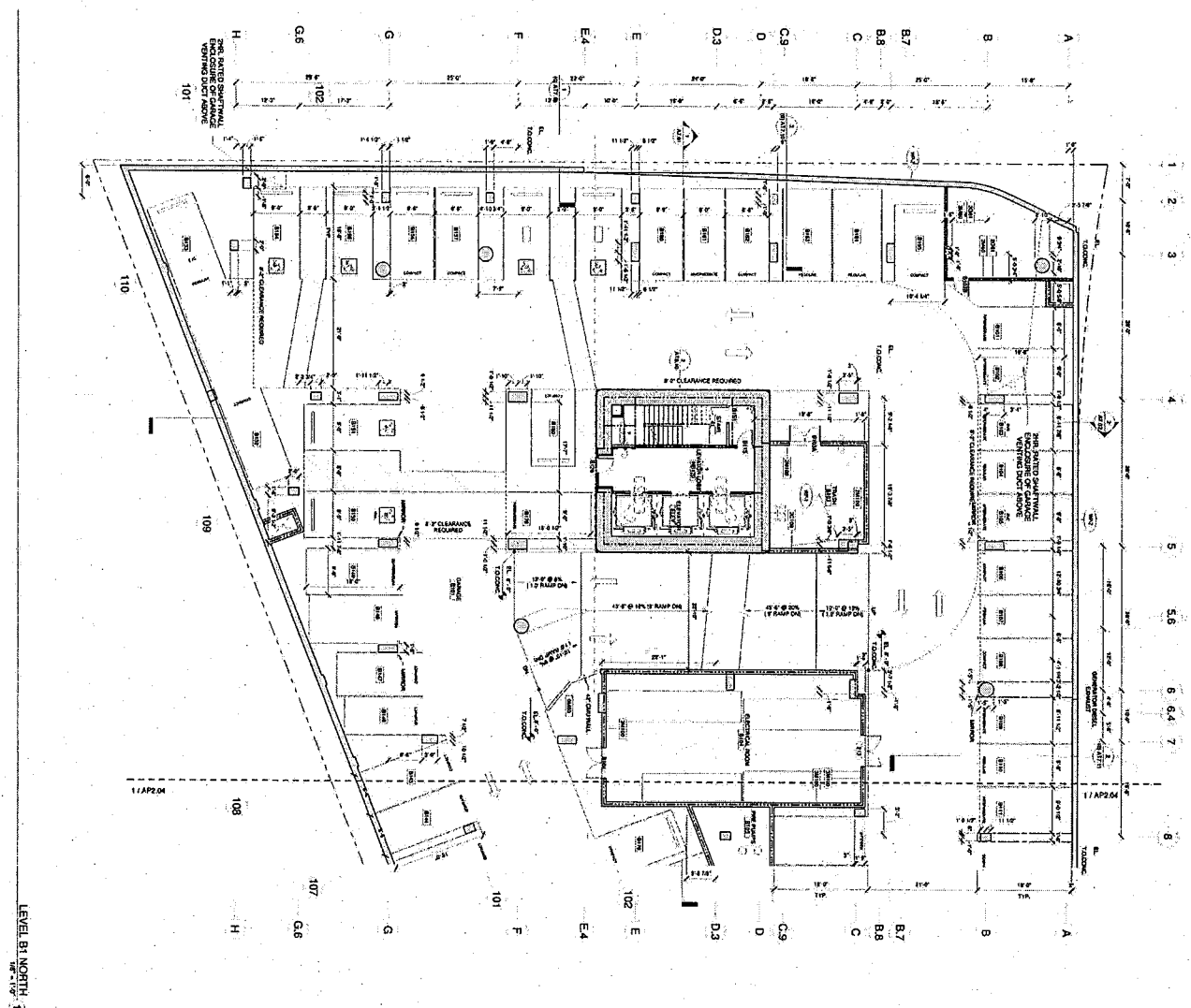


2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606

AVP
 SKYPORT
 ARCHITECTS
 1000 BAY STREET
 OAKLAND, CA 94606
 TEL: 415.763.8800
PATOK
 ENGINEERS
 1000 BAY STREET
 OAKLAND, CA 94606
 TEL: 415.763.8800

AP1.03

NO.	DESCRIPTION	DATE
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LEVEL B1 NORTH

PARKING LEGEND

1. THE PARKING GARAGE SHALL BE CONSTRUCTED TO ACCOMMODATE THE FOLLOWING NUMBER OF VEHICLES:

- 1.1. 100 VEHICLES IN THE NORTH PORTION OF THE GARAGE.
- 1.2. 100 VEHICLES IN THE SOUTH PORTION OF THE GARAGE.

2. THE PARKING GARAGE SHALL BE CONSTRUCTED TO ACCOMMODATE THE FOLLOWING TYPES OF VEHICLES:

- 2.1. 50 STANDARD PASSENGER VEHICLES.
- 2.2. 50 COMPACT PASSENGER VEHICLES.
- 2.3. 50 TRUCKS.
- 2.4. 50 BUSES.

3. THE PARKING GARAGE SHALL BE CONSTRUCTED TO ACCOMMODATE THE FOLLOWING TYPES OF VEHICLES:

- 3.1. 50 STANDARD PASSENGER VEHICLES.
- 3.2. 50 COMPACT PASSENGER VEHICLES.
- 3.3. 50 TRUCKS.
- 3.4. 50 BUSES.

4. THE PARKING GARAGE SHALL BE CONSTRUCTED TO ACCOMMODATE THE FOLLOWING TYPES OF VEHICLES:

- 4.1. 50 STANDARD PASSENGER VEHICLES.
- 4.2. 50 COMPACT PASSENGER VEHICLES.
- 4.3. 50 TRUCKS.
- 4.4. 50 BUSES.

PARKING LEGEND

5. THE PARKING GARAGE SHALL BE CONSTRUCTED TO ACCOMMODATE THE FOLLOWING TYPES OF VEHICLES:

- 5.1. 50 STANDARD PASSENGER VEHICLES.
- 5.2. 50 COMPACT PASSENGER VEHICLES.
- 5.3. 50 TRUCKS.
- 5.4. 50 BUSES.

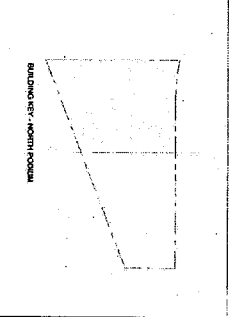
6. THE PARKING GARAGE SHALL BE CONSTRUCTED TO ACCOMMODATE THE FOLLOWING TYPES OF VEHICLES:

- 6.1. 50 STANDARD PASSENGER VEHICLES.
- 6.2. 50 COMPACT PASSENGER VEHICLES.
- 6.3. 50 TRUCKS.
- 6.4. 50 BUSES.

PARKING COUNT

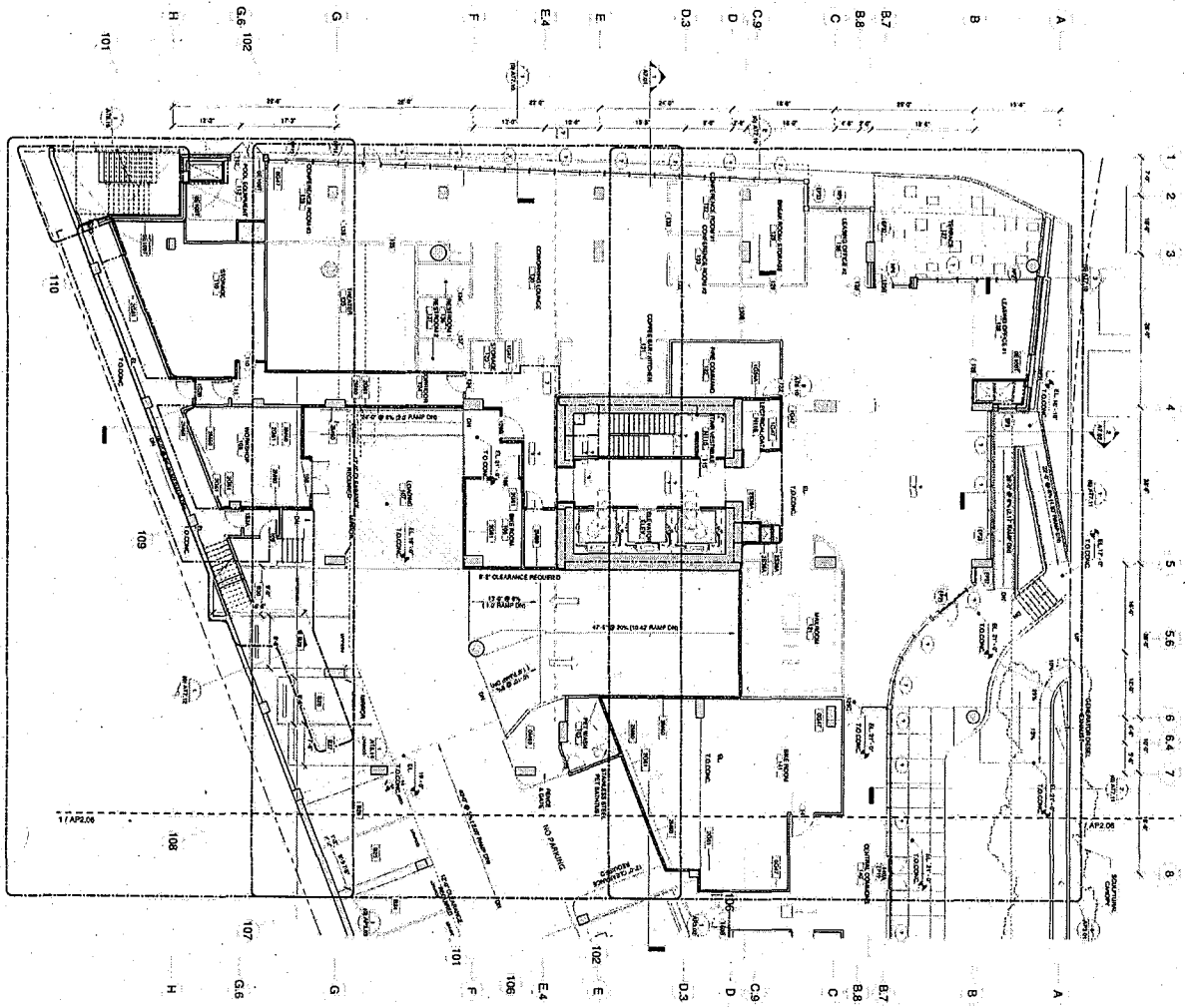
TYPE OF VEHICLE	NUMBER OF VEHICLES
STANDARD PASSENGER VEHICLE	50
COMPACT PASSENGER VEHICLE	50
TRUCK	50
BUS	50
TOTAL	200

KEY



2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606

AP2.03



LEVEL 1 NORTH

PARKING LEGEND

1. THE FOLLOWING NOTES ARE APPLICABLE TO ALL PARKING LOTS, UNLESS OTHERWISE NOTED OTHERWISE.
 2. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.
 3. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.
 4. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.
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 8. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.
 9. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.
 10. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.

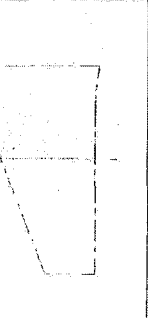
PARKING LEGEND

1. THE FOLLOWING NOTES ARE APPLICABLE TO ALL PARKING LOTS, UNLESS OTHERWISE NOTED OTHERWISE.
 2. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.
 3. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.
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 9. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.
 10. THE PARKING LOTS SHALL BE DESIGNED TO ACCOMMODATE THE MAXIMUM NUMBER OF VEHICLES AS SHOWN ON THE PARKING LAYOUT.

PARKING COUNT

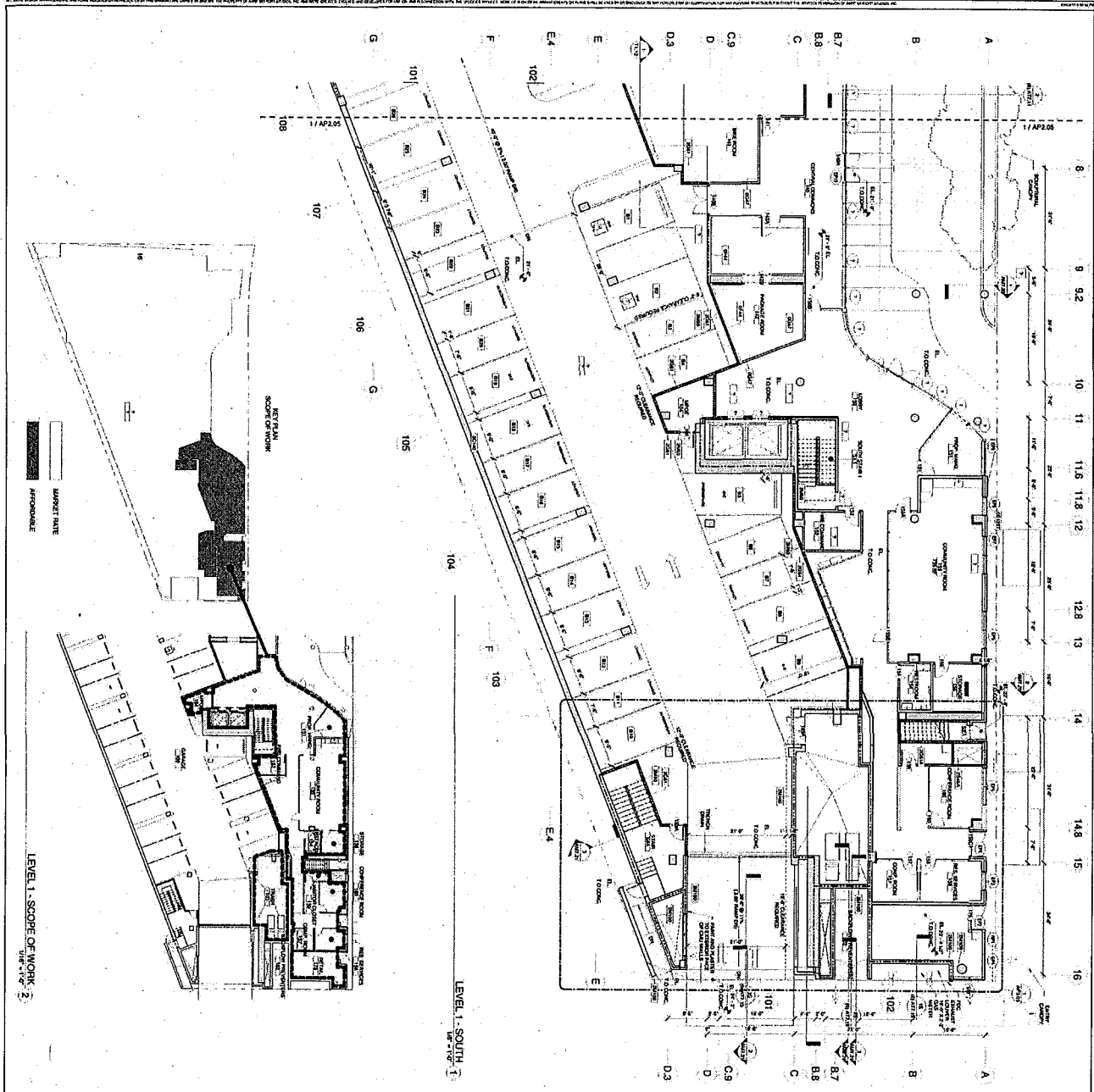
TYPE	COUNT
Handicapped	2
Motor Vehicle	100
Motorcycle	10
Bicycle	10
Storage	10
Other	10
TOTAL	132

KEY



2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606

AP2.05



PARKING LEGEND

- 1. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:
- 2. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:
- 3. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:
- 4. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:
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- 20. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:

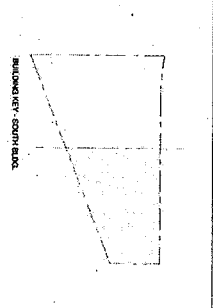
PARKING LEGEND

- 1. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:
- 2. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:
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- 19. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:
- 20. THE FOLLOWING SYMBOLS ARE USED TO IDENTIFY THE APPLICABLE TYPE OF PARKING SPACE OR CONDITION:

PARKING COUNT

LEVEL	MARKET RATE	APPROPRIATE	TOTAL
LEVEL 1, SOUTH	101	102	203
LEVEL 1, SOUTH	104	105	206
LEVEL 1, SOUTH	107	108	209
LEVEL 1, SOUTH	110	111	212
LEVEL 1, SOUTH	113	114	215
LEVEL 1, SOUTH	117	118	219
LEVEL 1, SOUTH	121	122	223
LEVEL 1, SOUTH	125	126	227
LEVEL 1, SOUTH	129	130	231
LEVEL 1, SOUTH	133	134	235
LEVEL 1, SOUTH	137	138	239
LEVEL 1, SOUTH	141	142	243
LEVEL 1, SOUTH	145	146	247
LEVEL 1, SOUTH	149	150	251
LEVEL 1, SOUTH	153	154	255
LEVEL 1, SOUTH	157	158	259
LEVEL 1, SOUTH	161	162	263
LEVEL 1, SOUTH	165	166	267
LEVEL 1, SOUTH	169	170	271
LEVEL 1, SOUTH	173	174	275
LEVEL 1, SOUTH	177	178	279
LEVEL 1, SOUTH	181	182	283
LEVEL 1, SOUTH	185	186	287
LEVEL 1, SOUTH	189	190	291
LEVEL 1, SOUTH	193	194	295
LEVEL 1, SOUTH	197	198	299
LEVEL 1, SOUTH	201	202	303
LEVEL 1, SOUTH	205	206	307
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LEVEL 1, SOUTH	217	218	319
LEVEL 1, SOUTH	221	222	323
LEVEL 1, SOUTH	225	226	327
LEVEL 1, SOUTH	229	230	331
LEVEL 1, SOUTH	233	234	335
LEVEL 1, SOUTH	237	238	339
LEVEL 1, SOUTH	241	242	343
LEVEL 1, SOUTH	245	246	347
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LEVEL 1, SOUTH	261	262	363
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LEVEL 1, SOUTH	269	270	371
LEVEL 1, SOUTH	273	274	375
LEVEL 1, SOUTH	277	278	379
LEVEL 1, SOUTH	281	282	383
LEVEL 1, SOUTH	285	286	387
LEVEL 1, SOUTH	289	290	391
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LEVEL 1, SOUTH	481	482	583
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LEVEL 1, SOUTH	581	582	683
LEVEL 1, SOUTH	585	586	687
LEVEL 1, SOUTH	589	590	691
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LEVEL 1, SOUTH	613	614	715
LEVEL 1, SOUTH	617	618	719
LEVEL 1, SOUTH	621	622	723
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LEVEL 1, SOUTH	633	634	735
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LEVEL 1, SOUTH	765	766	867
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LEVEL 1, SOUTH	773	774	875
LEVEL 1, SOUTH	777	778	879
LEVEL 1, SOUTH	781	782	883
LEVEL 1, SOUTH	785	786	887
LEVEL 1, SOUTH	789	790	891
LEVEL 1, SOUTH	793	794	895
LEVEL 1, SOUTH	797	798	899
LEVEL 1, SOUTH	801	802	903
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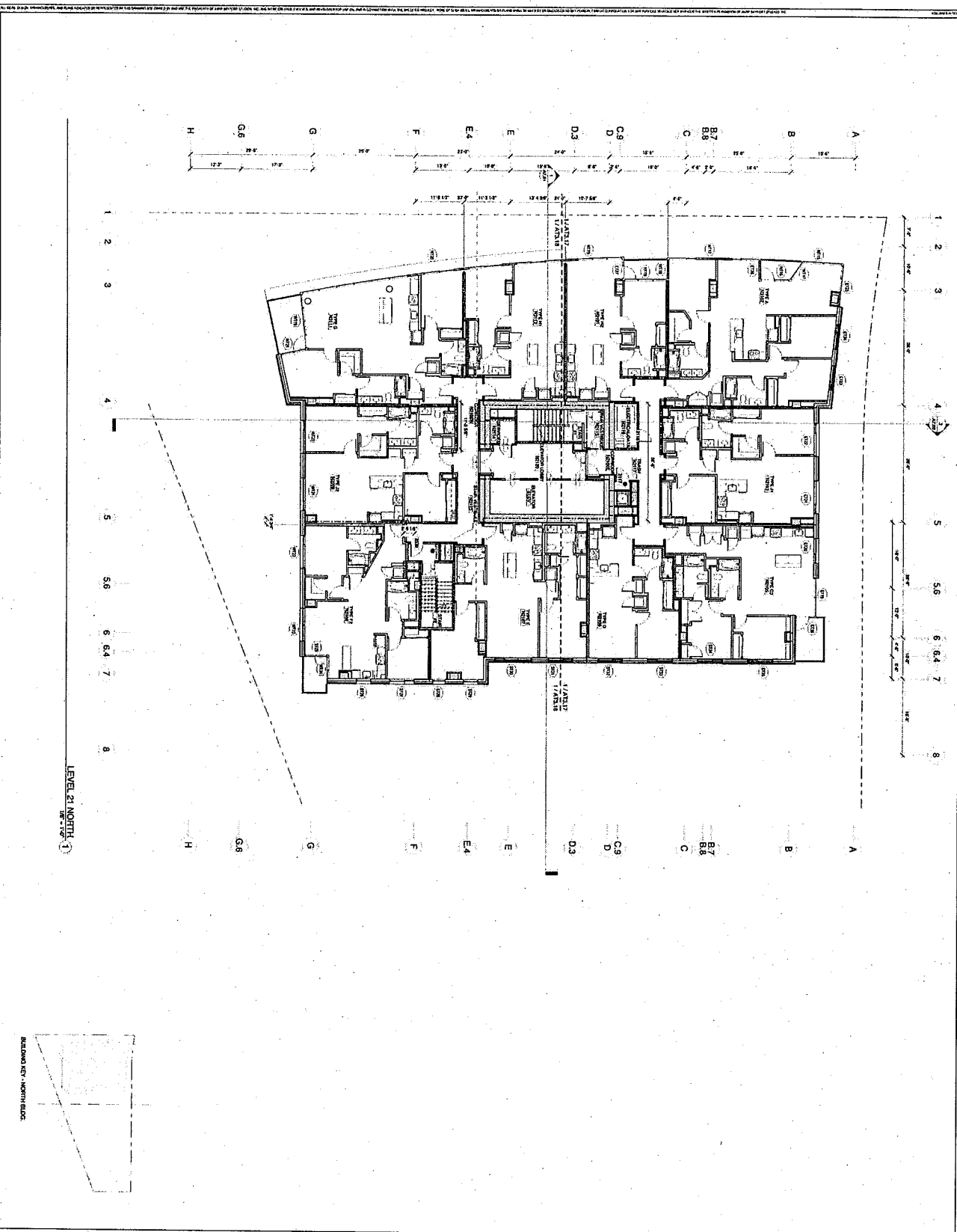
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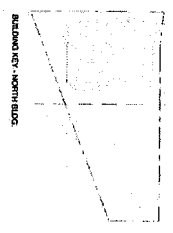
2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606



AP2.06



LEVEL 21 NORTH
11/17/19

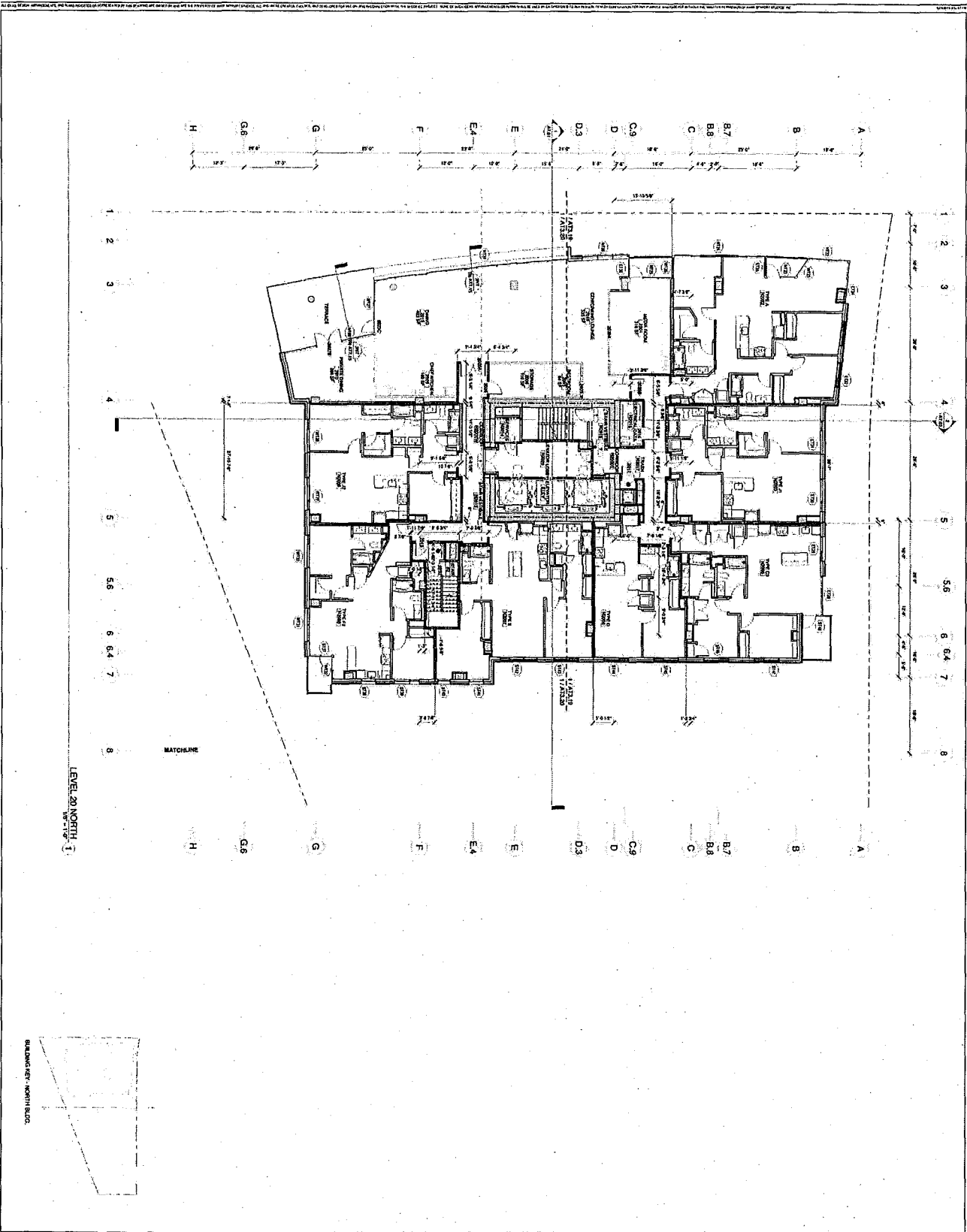


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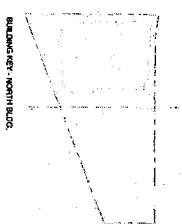
avp
 ARCHITECTURAL
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 CONSULTANTS
 ARCHITECTS
 1111 12TH STREET
 OAKLAND, CA 94606
 TEL: 415.778.8800
 WWW.AVPARCHITECTS.COM

AT2.11

PROJECT: LAKEHOUSE
 SHEET: AT2.11
 DATE: 11/17/19
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 TOWER BUILDING PLAN -
 LEVELS 21-26



LEVEL 20 NORTH



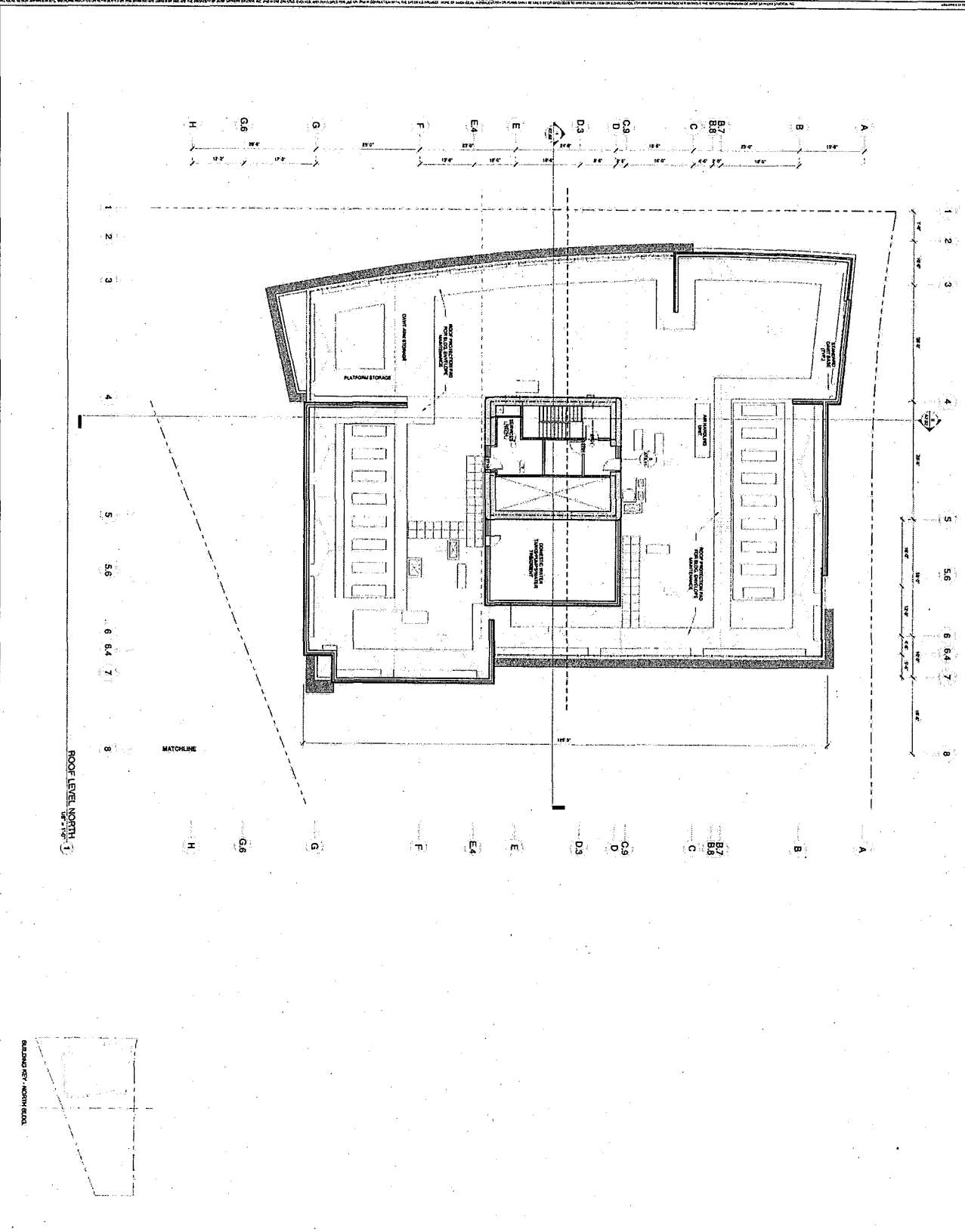
2019.08.27 - ENTITLEMENT PACKAGE
 LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606

AT2.12

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 www.patok.com



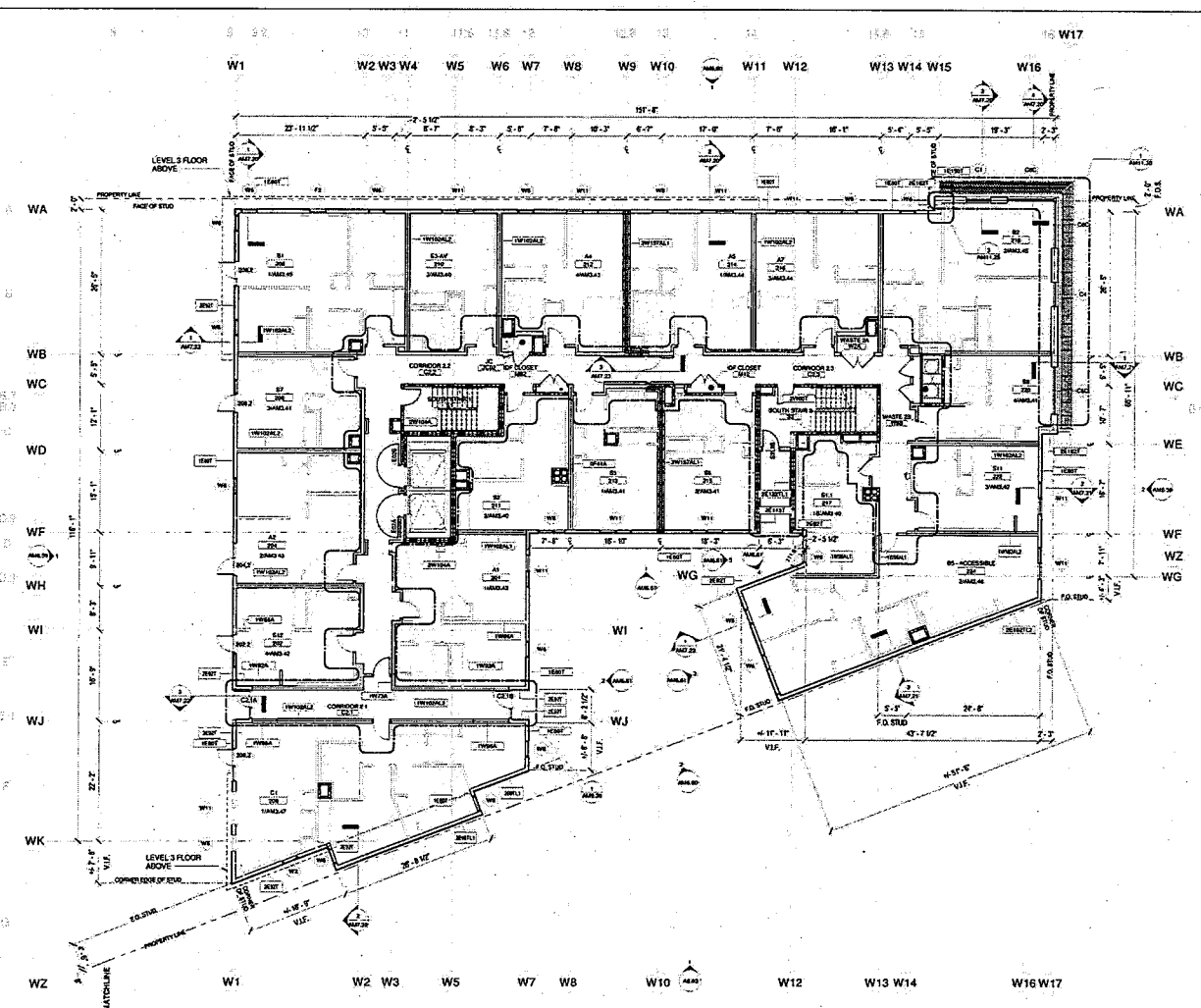
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LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606

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 ENGINEERS
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 OAKLAND, CA 94606
 TEL: 415.763.1234
 WWW.PATOK.COM

SHEET NO. AT2.13
 TOWER BUILDING PLAN
 ROOF LEVEL

DATE: 08/27/2019
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: AT2.13



TRUE PROJECT NORTH
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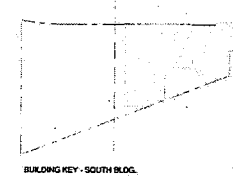
BUILDING PLAN LEVEL 2 SOUTH
1/8" = 1'-0"

GENERAL NOTES

- SEE PODIUM ARCHITECTURE SHEET DRAWINGS (P. 04) FOR ADDITIONAL INFORMATION FOR SITE PLAN, SUD PLAN, ELEVATIONS NOT SHOWN AND DETAILS NOT ON MORRIS ARCHITECTURE DRAWINGS (MORRIS).
- SEE 1 SHEET SERIES FOR BUILDING CODES, ASSEMBLY FIRE RATING, AND ACCESSIBILITY REFERENCE STANDARDS, REQUIREMENTS AND DIAGRAM.
- SEE CIVIL DRAWINGS FOR BUILDING LOCATION AND GRADING PLANS.
- SEE FLOOR, CEILING AND WALL ASSEMBLIES ON SHEET A10.00 FOR TYPE 1 SHEET A10.01 AND A10.02. ASSEMBLY FIRE RATING, SOUND RATING, STUDY SIDES, COORDINATE, BLOCKING AND BRACING REQUIREMENTS FOR ALL WALL MOUNTED ITEMS, ACCESSORIES AND VERIFY LOCATIONS PRIOR TO INSTALLATION OF FINISHES.
- SEE STRUCTURE FOR ADDITIONAL INFORMATION NOT SHOWN ON ARCHITECTURE DRAWINGS OR NOTED AS "S.S.I.T."
- ALL DIMENSIONS ARE TO THE FACE OF CONCRETE, STUD, OR CENTERLINE OF PARTY WALLS, UNLESS OTHERWISE NOTED. ALL "CLEAR" DIMENSIONS ARE TO FACE OF FINISH.
- SEE ENLARGED PLANS, UNIT PLANS AND ELEVATIONS FOR ADDITIONAL INFORMATION.
- SEE DOOR SCHEDULE FOR FIRE RATING, DOOR HARDWARE, MATERIAL, ETC.
- SEE FIRE SPRINKLER DRAWINGS FOR SCOPE OF WORK.
- SEE FIRE ALARM PROTECTION DRAWINGS FOR SCOPE OF WORK.
- PROVIDE AND INSTALL ALL NECESSARY WALL AND CEILING ACCESS PANELS AS REQUIRED FOR MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE SPRINKLER SYSTEM. IN FIRE RATED ASSEMBLIES PROVIDE RATED ACCESS PANELS WITH SELF-CLOSING DEVICES. SEE MEP AND FIRE SPRINKLER DRAWINGS OR VERIFY IN FIELD.
- SEE SPECIFICATIONS MANUAL FOR ADDITIONAL INFORMATION.
- ALL STAIR, ELEVATOR, TRASH CHUTE, AND MECHANICAL SHAFTS ARE TO BE 2 HOUR FIRE RATED CONSTRUCTION. IF CORNERING MORE THAN 2 STORES, IF LESS THAN 2 STORES, 1 HOUR FIRE RATED CONSTRUCTION.
- ALL EXIT STAIRS TO COMPLY WITH CODE CHAPTER 10B, LANSBORO 11B. EXIT STAIRS AND LANDINGS ARE TO BE 44 INCHES (2'-0") MINIMUM IN WIDTH. STAIR RISERS TO BE MAXIMUM OF 7 INCHES IN HEIGHT AND TREADS TO BE 11 INCHES MINIMUM DEEP. PER PERSON THE STAIRS ARE DESIGNED TO BE 48 INCHES (2'-0").
- SEE MECHANICAL DRAWINGS FOR VENTILATION OF RESIDENTIAL UNITS FACING ROADS AND ROOF VENTILATIONS.
- SEE PLUMBING DRAWINGS FOR PLUMBING LOCATIONS AND DRAINAGE.
- SEE FOR RISERS FOR COMMON AREA LIGHTING DESIGN AND ELECTRICAL DRAWINGS FOR POWER AND CONTROLS.
- SEE ELECTRICAL DRAWINGS FOR LIGHTING FOR VESTIBULE, BACK OF THE HOUSE, AND OVERALL INTERIOR LIGHTING.
- SEE PCA DRAWINGS PODIUM LANDSCAPING.
- SEE MORE CONSULTING ELECTRICAL DRAWINGS FOR PODIUM LIGHTING.
- SEE THE ENGINEERING ENTERPRISE DRAWINGS FOR LOW VOLTAGE.
- INTERIOR FINISHES SHALL COMPLY WITH CBC 903.1 FLAME SPREAD PROVISIONS. SEE INTERIOR DRAWINGS FOR FINISH SCHEDULE, NOT SPECIFIED ON ARCHITECTURE DRAWINGS.
- SEE DAMAGE DRAWINGS AND DETAILS FOR SPECIFICATIONS, TYPE OF JOINTS, INSULATION AND ANCHORING REQUIREMENTS FOR COMMON AREAS, CORERS, COMPONENTS, STAIRS, ELEVATORS, UNIT ENTRIES.
- REFER TO SPECIFICATIONS MANUAL FOR ADDITIONAL INFORMATION.

SYMBOL LEGEND

SYMBOL	MEANING	SYMBOL	MEANING
	MEANING		MEANING
	MEANING		MEANING
	MEANING		MEANING
	MEANING		MEANING
	MEANING		MEANING



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 1111 Broadway
 Oakland, CA 94612

2019.08.27 - ENTITLEMENT PACKAGE
 LAKEHOUSE
 111 & 121 E. 12TH STREET
 OAKLAND, CA 94608

ISSUE TRACKING:

NO.	DESCRIPTION	DATE
1	PERMIT	2018.08.20
2	PERMIT REVISION	2018.11.16
3	PERMIT REVISION	2019.02.22
4	PERMIT REVISION	2019.02.22
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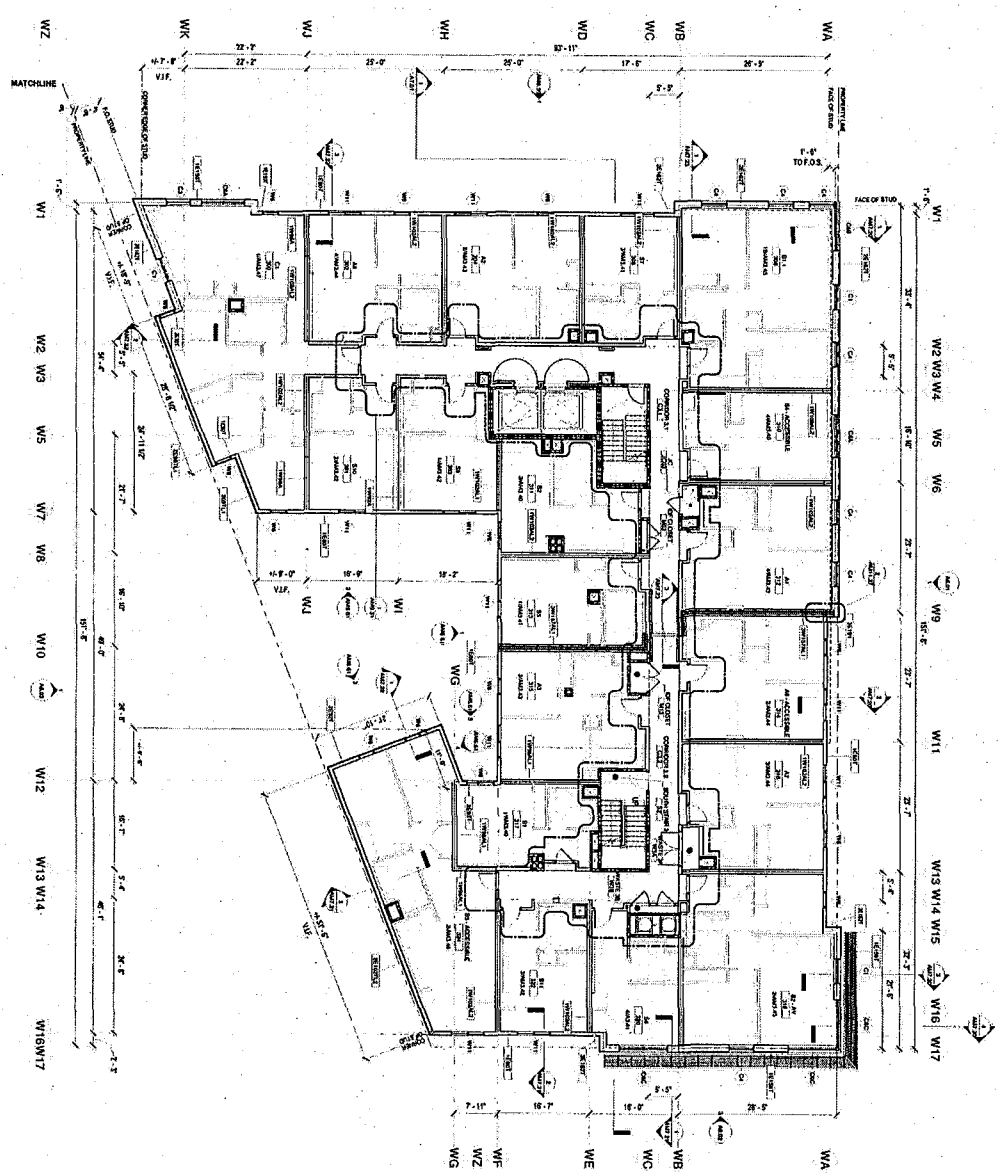
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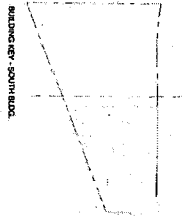
DRAWN BY: JACOB
 CHECKED BY: JACOB
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 SHEET NO.: AM2.14

AM2.14

TRUE PROJECT NORTH NORTH



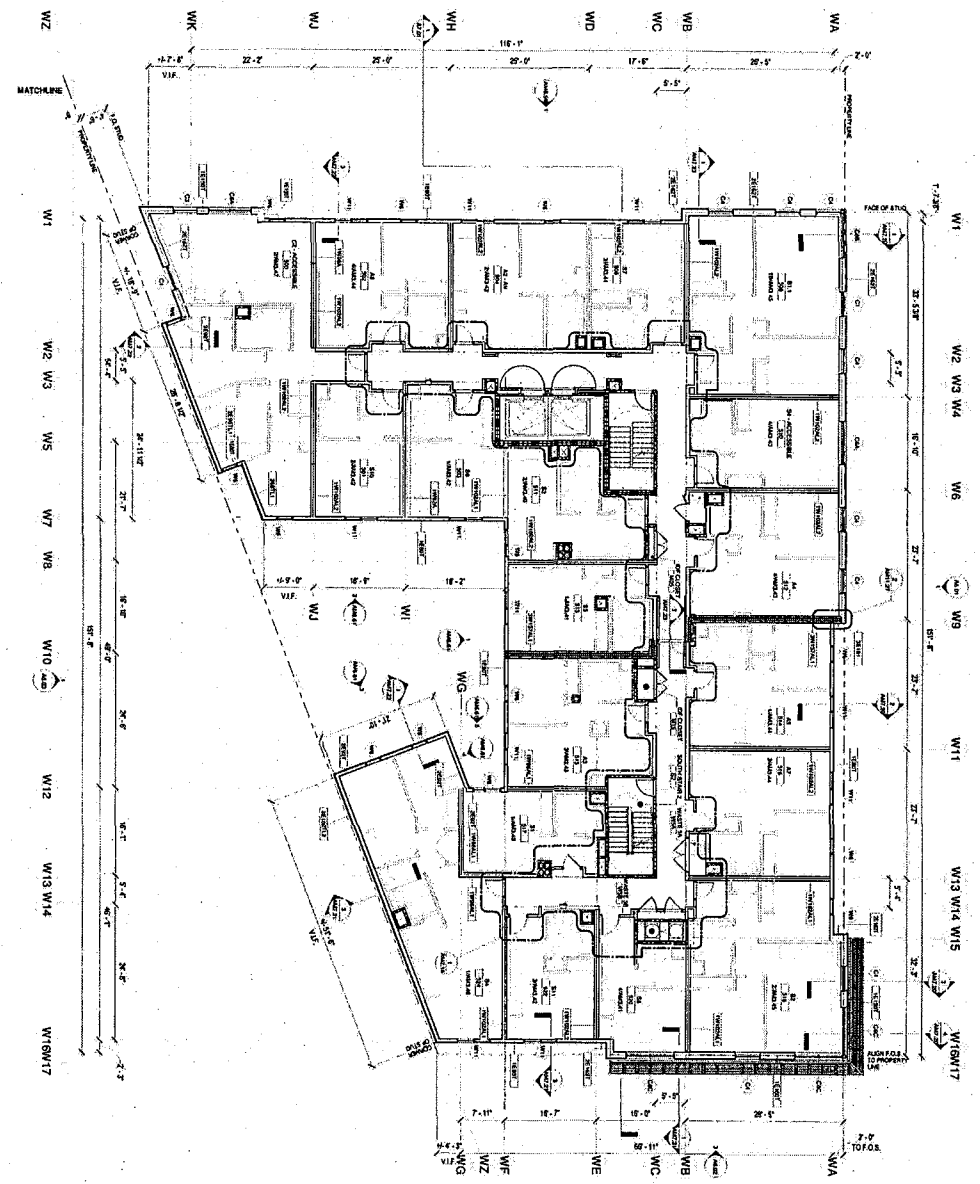
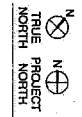
BUILDING PLAN LEVEL 3 SOUTH



SYMBOL LEGEND

SYMBOL	DESCRIPTION
[Symbol]	MECHANICAL ROOM
[Symbol]	ELECTRICAL ROOM
[Symbol]	STAIR
[Symbol]	ELEVATOR
[Symbol]	RESTROOM
[Symbol]	OFFICE
[Symbol]	CONFERENCE ROOM
[Symbol]	RECEPTION
[Symbol]	STORAGE
[Symbol]	UTILITY
[Symbol]	MECHANICAL EQUIPMENT
[Symbol]	ELECTRICAL EQUIPMENT
[Symbol]	STAIR WELLS
[Symbol]	ELEVATOR WELLS
[Symbol]	RESTROOM WELLS
[Symbol]	OFFICE WELLS
[Symbol]	CONFERENCE WELLS
[Symbol]	RECEPTION WELLS
[Symbol]	STORAGE WELLS
[Symbol]	UTILITY WELLS

- GENERAL NOTES**
1. SEE ALL DIMENSIONS FOR FINISHES AND MATERIALS IN THE ARCHITECTURAL SPECIFICATIONS AND SCHEDULE.
 2. SEE TOILET SCHEDULE FOR TOILET SCHEDULE, INCLUDING THE SINK, AND ACCESSORIES.
 3. SEE CHAIR SCHEDULE FOR CHAIR SCHEDULE AND ACCESSORIES.
 4. SEE TABLE SCHEDULE FOR TABLE SCHEDULE AND ACCESSORIES.
 5. SEE CASE SCHEDULE FOR CASE SCHEDULE AND ACCESSORIES.
 6. SEE PARTITION SCHEDULE FOR PARTITION SCHEDULE AND ACCESSORIES.
 7. SEE DOOR SCHEDULE FOR DOOR SCHEDULE AND ACCESSORIES.
 8. SEE WINDOW SCHEDULE FOR WINDOW SCHEDULE AND ACCESSORIES.
 9. SEE FLOOR SCHEDULE FOR FLOOR SCHEDULE AND ACCESSORIES.
 10. SEE CEILING SCHEDULE FOR CEILING SCHEDULE AND ACCESSORIES.
 11. PROVIDE AND INSTALL ALL NECESSARY WALL AND CEILING ACCESS PANELS AS REQUIRED FOR MECHANICAL, ELECTRICAL, AND PLUMBING SERVICES. PROVIDE ACCESS PANELS AS SHOWN ON THE DRAWINGS OR AS NOTED.
 12. SEE SPECIFICATIONS MANUAL FOR ADDITIONAL INFORMATION.
 13. ALL FIRE ALARMS, SMOKE DETECTORS, AND MECHANICAL SMOKE DETECTORS SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH THE CITY OF OAKLAND FIRE DEPARTMENT SMOKE DETECTOR AND MECHANICAL SMOKE DETECTOR SCHEDULES.
 14. ALL SET STAIRS TO COMPLY WITH CITY SCHEDULES. IN ALL ROOMS, SET STAIRS AND LANDING AREAS TO BE A MINIMUM OF 48" CLEARANCE FROM THE STAIRS TO THE WALLS AND TO BE A MINIMUM OF 48" CLEARANCE FROM THE STAIRS TO THE STAIRS.
 15. SEE MECHANICAL SCHEDULE FOR VENTILATION OF RESEARCH, LIGHT FIXTURES AND ROOM VENTILATION.
 16. SEE PLUMBING SCHEDULE FOR PLUMBING LOCATIONS AND SCHEDULES.
 17. SEE ELECTRICAL SCHEDULE FOR ELECTRICAL LOCATIONS AND SCHEDULES.
 18. SEE MECHANICAL SCHEDULE FOR MECHANICAL LOCATIONS AND SCHEDULES.
 19. SEE MECHANICAL SCHEDULE FOR MECHANICAL LOCATIONS AND SCHEDULES.
 20. SEE MECHANICAL SCHEDULE FOR MECHANICAL LOCATIONS AND SCHEDULES.
 21. SEE MECHANICAL SCHEDULE FOR MECHANICAL LOCATIONS AND SCHEDULES.
 22. PROVIDE SUFFICIENT CLEARANCE FOR ALL MECHANICAL EQUIPMENT AS SHOWN ON THE DRAWINGS OR AS NOTED.
 23. PROVIDE SUFFICIENT CLEARANCE FOR ALL MECHANICAL EQUIPMENT AS SHOWN ON THE DRAWINGS OR AS NOTED.
 24. REFER TO SPECIFICATIONS MANUAL FOR ADDITIONAL INFORMATION.



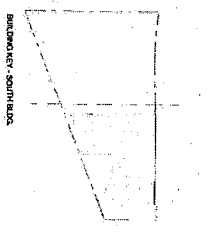
BUILDING PLAN LEVEL 5 SOUTH

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ORDINANCES APPLICABLE TO THE PROJECT.
2. SEE CONTRACT SPECIFICATIONS FOR MATERIALS, METHODS OF CONSTRUCTION, AND ACCESSIBILITY REQUIREMENTS.
3. SEE CONTRACT SPECIFICATIONS FOR FINISHES, LIGHTING, AND MECHANICAL/ELECTRICAL REQUIREMENTS.
4. ALL WORK SHALL BE SUBJECT TO THE APPROVAL AND SUPERVISION OF THE CITY ENGINEER AND THE COUNTY ENGINEER.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
8. ALL UTILITIES SHALL BE PROTECTED AND NOT DAMAGED.
9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ORDINANCES APPLICABLE TO THE PROJECT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
11. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
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17. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
18. ALL UTILITIES SHALL BE PROTECTED AND NOT DAMAGED.
19. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ORDINANCES APPLICABLE TO THE PROJECT.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

SYMBOL LEGEND

SYMBOL	DESCRIPTION
(Symbol)	WALL
(Symbol)	DOOR
(Symbol)	WINDOW
(Symbol)	STAIR
(Symbol)	ELEVATOR
(Symbol)	MECHANICAL/ELECTRICAL
(Symbol)	FINISH
(Symbol)	UTILITIES



BUILDING KEY - SOUTH SIDE

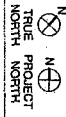
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OAKLAND, CA 94606

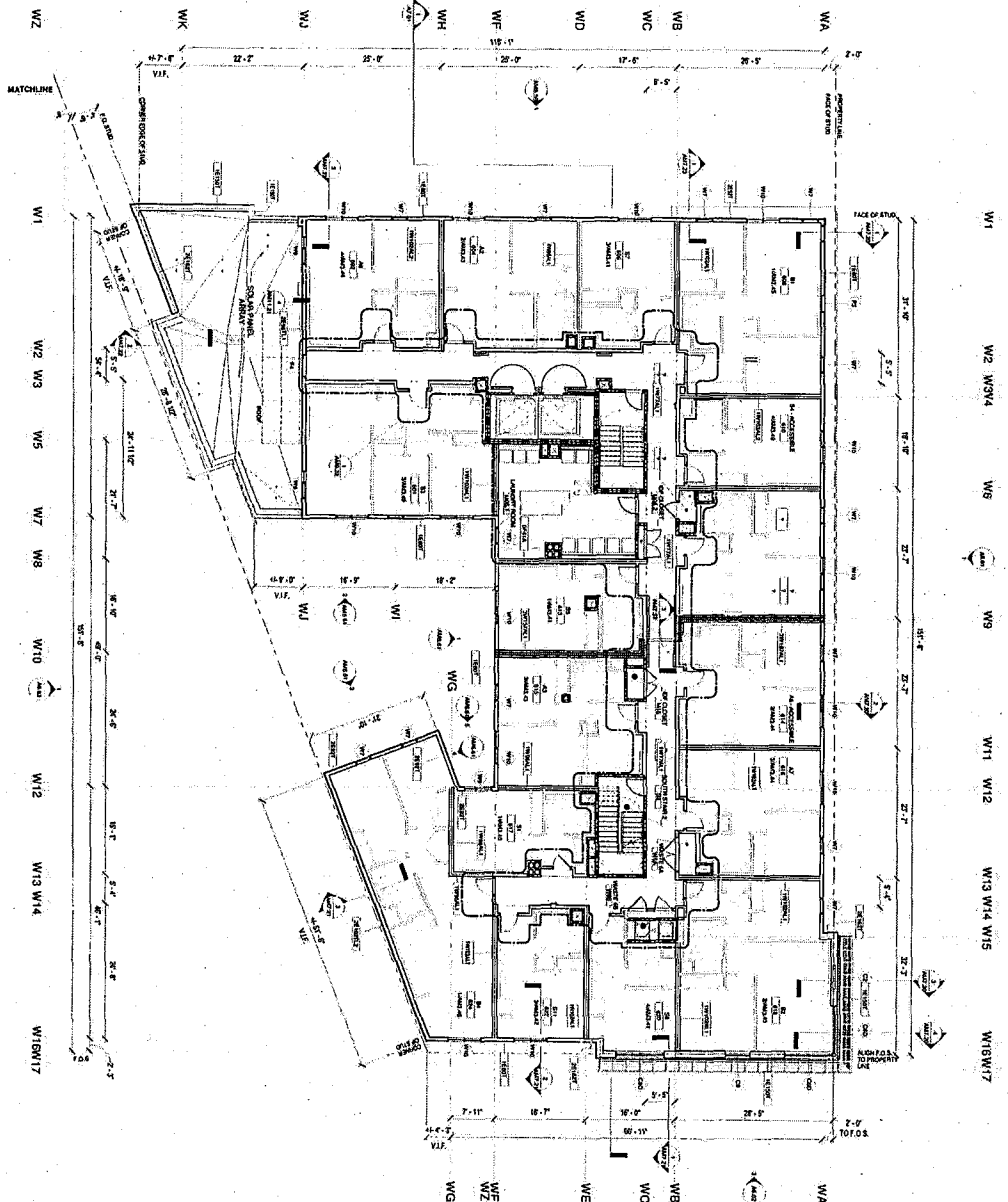


NO.	DATE	DESCRIPTION
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BUILDING PLAN LEVEL & SOUTH

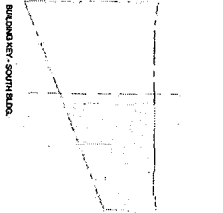


GENERAL NOTES

1. SEE GENERAL CONTRACTOR'S SPECIFICATIONS FOR ANY ADDITIONAL INFORMATION FOR THE TRADES TO BE INSTALLED AND FOR THE TRADES TO BE INSTALLED.
2. SEE GENERAL CONTRACTOR'S SPECIFICATIONS FOR THE TRADES TO BE INSTALLED AND FOR THE TRADES TO BE INSTALLED.
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SYMBOL LEGEND

SYMBOL	DESCRIPTION
[Symbol]	WALL
[Symbol]	DOOR
[Symbol]	WINDOW
[Symbol]	STAIR
[Symbol]	ELEVATOR
[Symbol]	MECHANICAL EQUIPMENT
[Symbol]	ELECTRICAL EQUIPMENT
[Symbol]	PLUMBING EQUIPMENT
[Symbol]	TELEPHONE EQUIPMENT
[Symbol]	TELEVISION EQUIPMENT
[Symbol]	COMPUTER EQUIPMENT
[Symbol]	SERVER EQUIPMENT
[Symbol]	NETWORK EQUIPMENT
[Symbol]	UPS EQUIPMENT
[Symbol]	BATTERY EQUIPMENT
[Symbol]	GENERATOR EQUIPMENT
[Symbol]	TRANSFORMER EQUIPMENT
[Symbol]	CHILLER EQUIPMENT
[Symbol]	BOILER EQUIPMENT
[Symbol]	CONDENSER EQUIPMENT
[Symbol]	EVAPORATOR EQUIPMENT
[Symbol]	COMPRESSOR EQUIPMENT
[Symbol]	EXPANSION VALVE EQUIPMENT
[Symbol]	PIPE EQUIPMENT
[Symbol]	VALVE EQUIPMENT
[Symbol]	TELEPHONE JACK EQUIPMENT
[Symbol]	TELEVISION JACK EQUIPMENT
[Symbol]	COMPUTER JACK EQUIPMENT
[Symbol]	SERVER JACK EQUIPMENT
[Symbol]	NETWORK JACK EQUIPMENT
[Symbol]	UPS JACK EQUIPMENT
[Symbol]	BATTERY JACK EQUIPMENT
[Symbol]	GENERATOR JACK EQUIPMENT
[Symbol]	TRANSFORMER JACK EQUIPMENT
[Symbol]	CHILLER JACK EQUIPMENT
[Symbol]	BOILER JACK EQUIPMENT
[Symbol]	CONDENSER JACK EQUIPMENT
[Symbol]	EVAPORATOR JACK EQUIPMENT
[Symbol]	COMPRESSOR JACK EQUIPMENT
[Symbol]	EXPANSION VALVE JACK EQUIPMENT



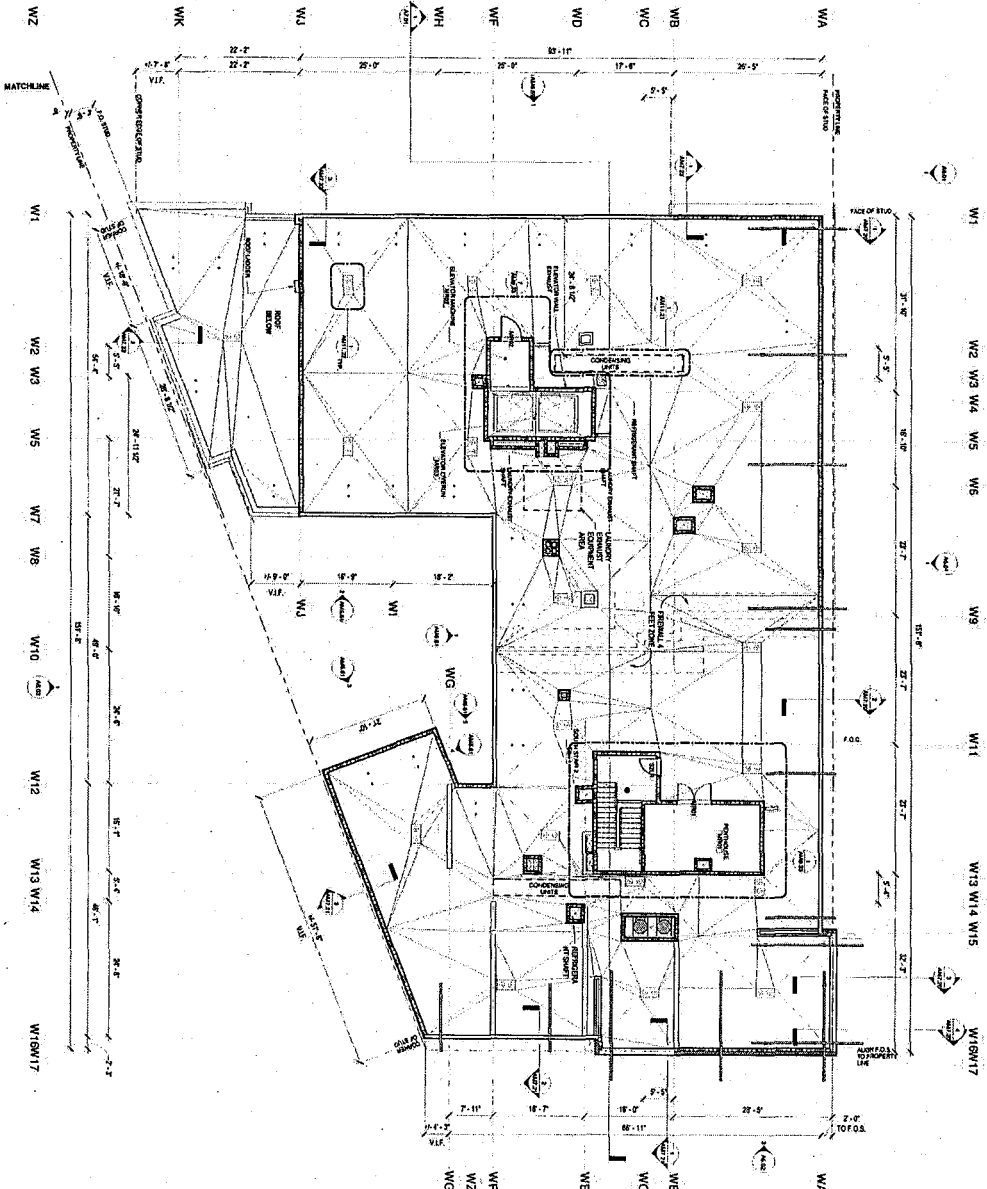
2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606



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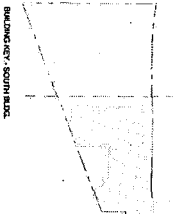


BUILDING PLAN ROOF PENTHOUSE & ELEVATOR MACHINE SOUTH



ROOF PLAN GENERAL NOTES

1. ROOF FINISHES SHALL BE AS SHOWN ON THE DRAWINGS. ALL ROOF FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
2. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
3. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
4. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
5. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
6. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
7. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
8. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
9. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
10. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
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16. ROOF FINISHES SHALL BE INSTALLED OVER A SUFFICIENTLY STURDY SUPPORT SYSTEM TO MAINTAIN THE REQUIRED SLOPE AND TO SUPPORT THE WEIGHT OF THE FINISHES AND ANY EQUIPMENT TO BE INSTALLED THEREON.
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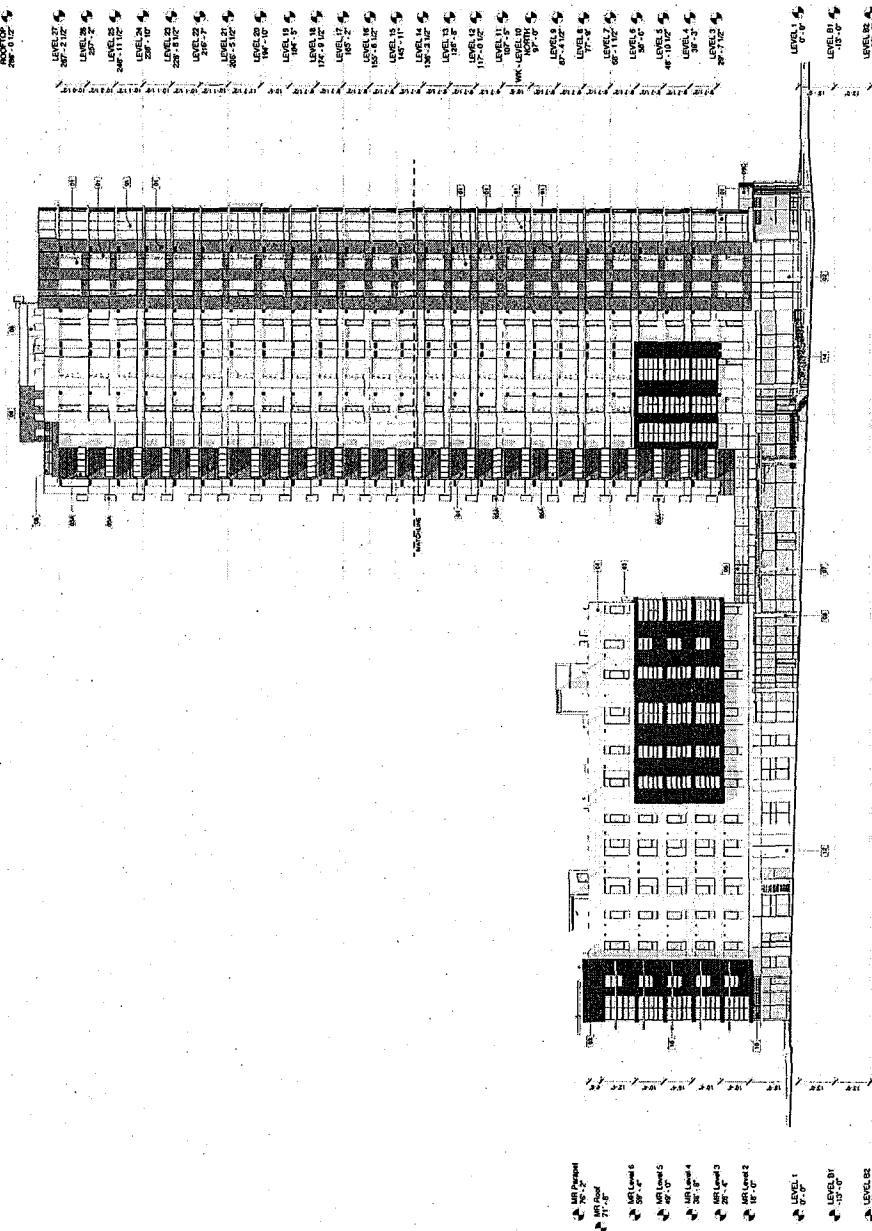


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LAKEHOUSE
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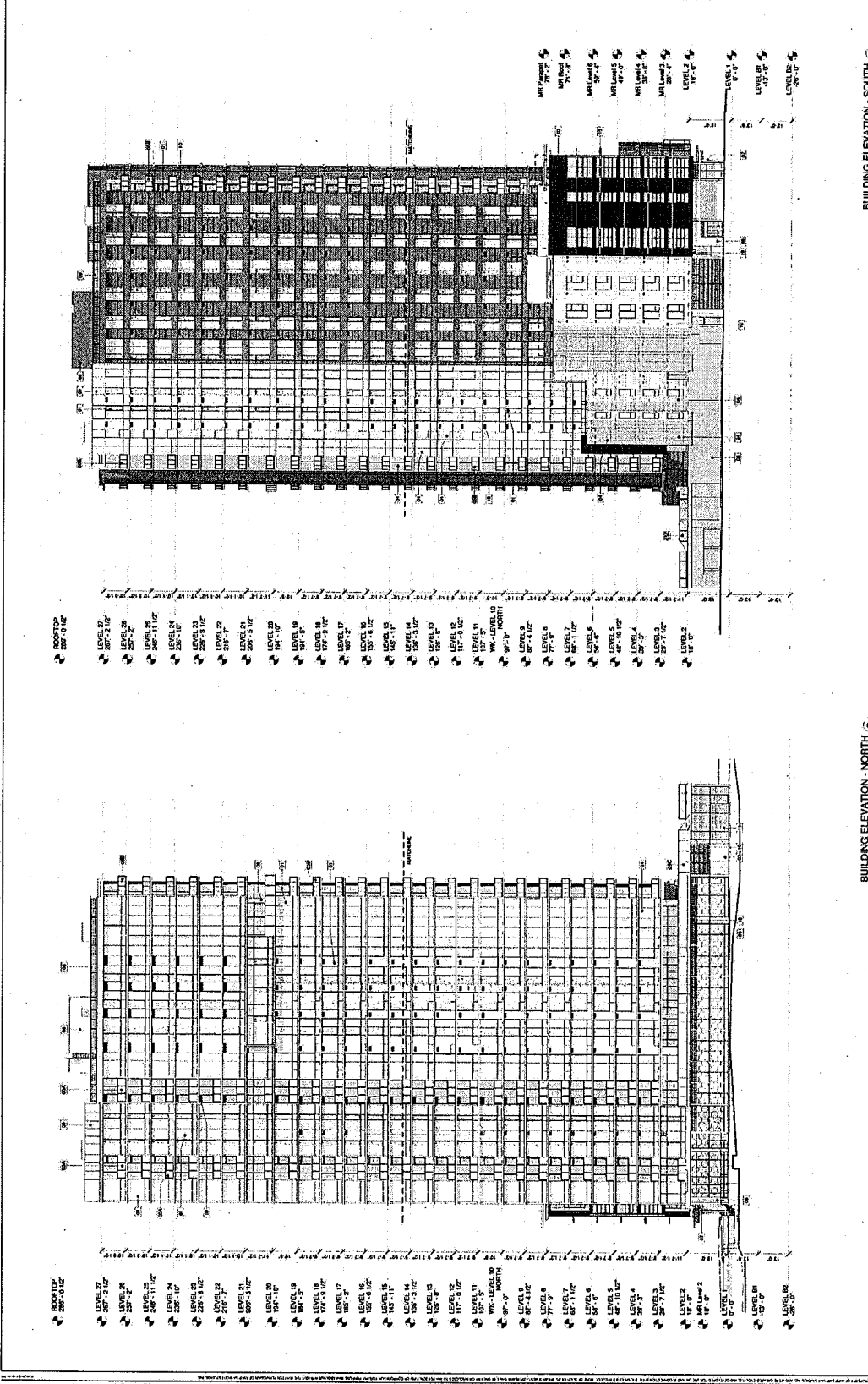


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- CONTENTS:**
- 1. APPROVED WALL SYSTEM
 - 2. APPROVED WINDOW SYSTEM
 - 3. APPROVED ROOFING SYSTEM
 - 4. APPROVED FLOORING SYSTEM
 - 5. APPROVED PARTITION SYSTEM
 - 6. APPROVED MECHANICAL SYSTEM
 - 7. APPROVED ELECTRICAL SYSTEM
 - 8. APPROVED PLUMBING SYSTEM
 - 9. APPROVED FIRE PROTECTION SYSTEM
 - 10. APPROVED ELEVATOR SYSTEM
 - 11. APPROVED STAIR SYSTEM
 - 12. APPROVED RAMP SYSTEM
 - 13. APPROVED ACCESSIBILITY SYSTEM
 - 14. APPROVED SIGNAGE SYSTEM
 - 15. APPROVED SECURITY SYSTEM
 - 16. APPROVED PEST CONTROL SYSTEM
 - 17. APPROVED ASBESTOS ABATEMENT SYSTEM
 - 18. APPROVED LEAD ABATEMENT SYSTEM
 - 19. APPROVED RADON MITIGATION SYSTEM
 - 20. APPROVED AIR QUALITY SYSTEM
 - 21. APPROVED SOUND ATTENUATION SYSTEM
 - 22. APPROVED VIBRATION MITIGATION SYSTEM
 - 23. APPROVED LIGHTING SYSTEM
 - 24. APPROVED HEATING SYSTEM
 - 25. APPROVED COOLING SYSTEM
 - 26. APPROVED HUMIDITY CONTROL SYSTEM
 - 27. APPROVED FRESH AIR SYSTEM
 - 28. APPROVED ENERGY EFFICIENCY SYSTEM
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 - 31. APPROVED BIOPHILIC DESIGN SYSTEM
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 - 36. APPROVED SITEWORK SYSTEM
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 - 38. APPROVED EXTERIOR FINISHES SYSTEM
 - 39. APPROVED INTERIOR FINISHES SYSTEM
 - 40. APPROVED MATERIALS SYSTEM
 - 41. APPROVED MANUFACTURING SYSTEM
 - 42. APPROVED SUPPLY CHAIN SYSTEM
 - 43. APPROVED RISK MANAGEMENT SYSTEM
 - 44. APPROVED QUALITY MANAGEMENT SYSTEM
 - 45. APPROVED SAFETY SYSTEM
 - 46. APPROVED ENVIRONMENTAL SYSTEM
 - 47. APPROVED SOCIAL RESPONSIBILITY SYSTEM
 - 48. APPROVED GOVERNANCE SYSTEM
 - 49. APPROVED COMPLIANCE SYSTEM
 - 50. APPROVED REPORTING SYSTEM
 - 51. APPROVED COMMUNICATIONS SYSTEM
 - 52. APPROVED TECHNOLOGY SYSTEM
 - 53. APPROVED DATA SYSTEM
 - 54. APPROVED ANALYTICS SYSTEM
 - 55. APPROVED AUTOMATION SYSTEM
 - 56. APPROVED AI SYSTEM
 - 57. APPROVED BLOCKCHAIN SYSTEM
 - 58. APPROVED CLOUD SYSTEM
 - 59. APPROVED CYBERSECURITY SYSTEM
 - 60. APPROVED DIGITAL TRANSFORMATION SYSTEM
 - 61. APPROVED INNOVATION SYSTEM
 - 62. APPROVED RESEARCH AND DEVELOPMENT SYSTEM
 - 63. APPROVED TALENT ACQUISITION SYSTEM
 - 64. APPROVED LEADERSHIP DEVELOPMENT SYSTEM
 - 65. APPROVED CULTURE SYSTEM
 - 66. APPROVED DIVERSITY AND INCLUSION SYSTEM
 - 67. APPROVED EMPLOYEE ENGAGEMENT SYSTEM
 - 68. APPROVED PERFORMANCE MANAGEMENT SYSTEM
 - 69. APPROVED FEEDBACK SYSTEM
 - 70. APPROVED CHANGE MANAGEMENT SYSTEM
 - 71. APPROVED PROJECT MANAGEMENT SYSTEM
 - 72. APPROVED RISK ASSESSMENT SYSTEM
 - 73. APPROVED STRATEGIC PLANNING SYSTEM
 - 74. APPROVED BUSINESS MODEL SYSTEM
 - 75. APPROVED FINANCIAL SYSTEM
 - 76. APPROVED MARKETING SYSTEM
 - 77. APPROVED SALES SYSTEM
 - 78. APPROVED CUSTOMER SERVICE SYSTEM
 - 79. APPROVED PARTNERSHIP SYSTEM
 - 80. APPROVED INVESTOR RELATIONS SYSTEM
 - 81. APPROVED PUBLIC AFFAIRS SYSTEM
 - 82. APPROVED CRISIS MANAGEMENT SYSTEM
 - 83. APPROVED REPUTATION MANAGEMENT SYSTEM
 - 84. APPROVED BRAND MANAGEMENT SYSTEM
 - 85. APPROVED PRODUCT MANAGEMENT SYSTEM
 - 86. APPROVED SERVICE MANAGEMENT SYSTEM
 - 87. APPROVED SUPPORT SYSTEM
 - 88. APPROVED TRAINING SYSTEM
 - 89. APPROVED ONBOARDING SYSTEM
 - 90. APPROVED OFFBOARDING SYSTEM
 - 91. APPROVED EXIT INTERVIEW SYSTEM
 - 92. APPROVED EMPLOYEE ASSISTANCE PROGRAM SYSTEM
 - 93. APPROVED WELLNESS PROGRAM SYSTEM
 - 94. APPROVED MENTAL HEALTH SYSTEM
 - 95. APPROVED PHYSICAL ACTIVITY SYSTEM
 - 96. APPROVED NUTRITION SYSTEM
 - 97. APPROVED SLEEP SYSTEM
 - 98. APPROVED STRESS MANAGEMENT SYSTEM
 - 99. APPROVED SUBSTANCE USE PREVENTION SYSTEM
 - 100. APPROVED SAFETY PROGRAM SYSTEM



BUILDING ELEVATION - EAST



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

BUILDING ELEVATION - NORTH
1/8" = 1'-0"

AVTP SYMBOL	DESCRIPTION
1	ALUMINUM WINDOW WALL SYSTEM
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3	METAL PANEL
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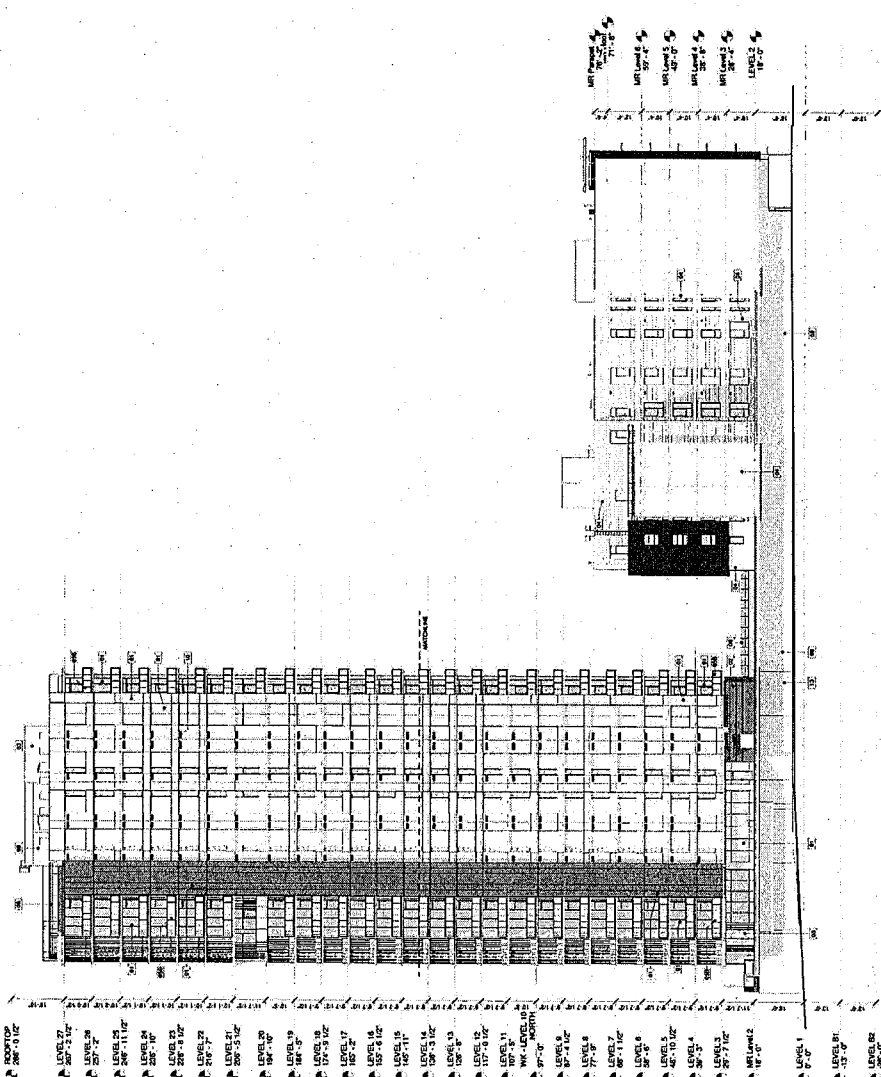
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 111 & 121 E. 12th Street
 Oakland, CA 94606

2019.08.27 - ENTITLEMENT PACKAGE
 LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606

DATE: 08/27/19
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT NO.: 19-0001
 SHEET NO.: A6.03
 SHEET TITLE: BUILDING ELEVATIONS
 PROJECT TITLE: LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606

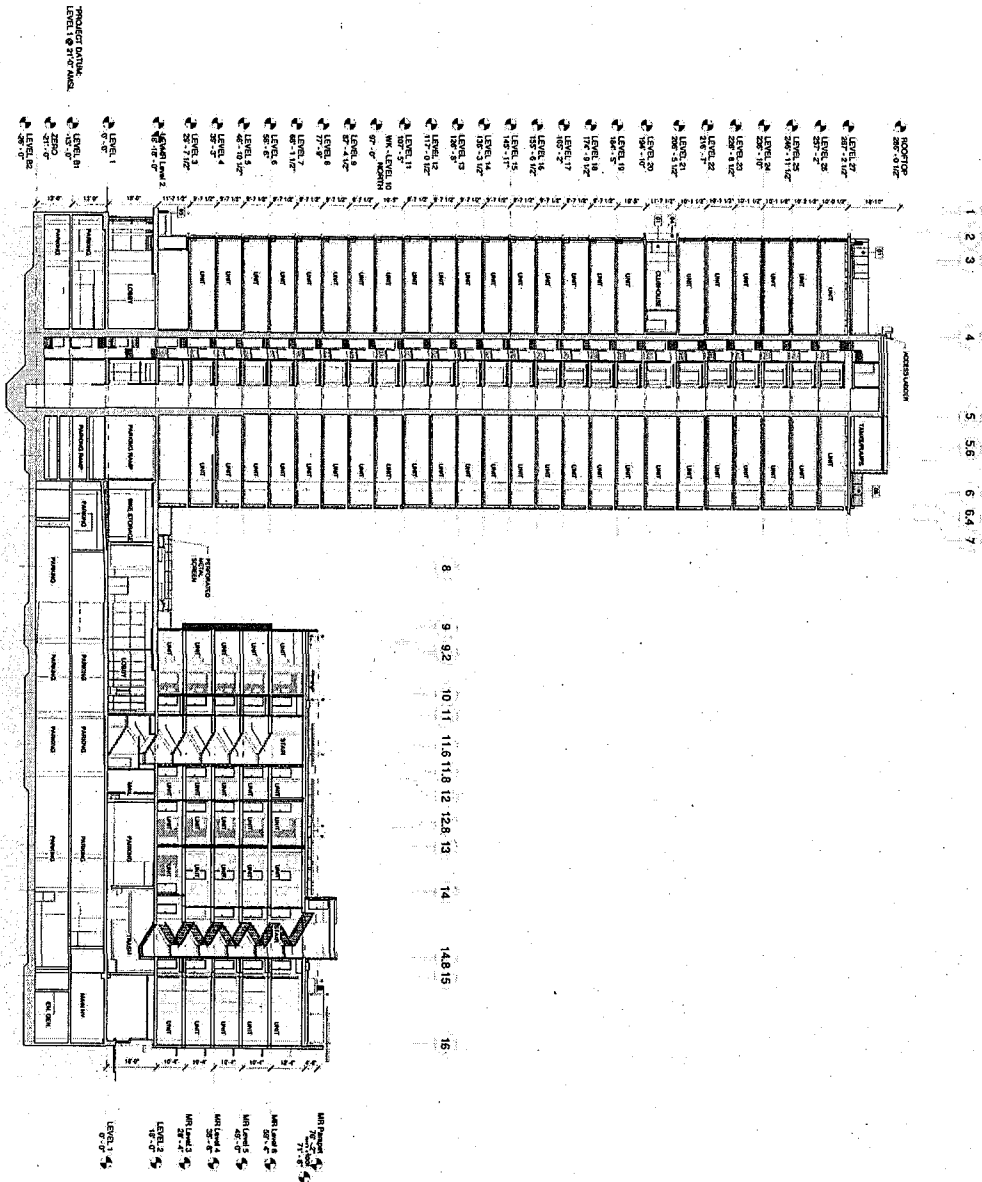
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- REVISED LEGEND
- 1. METAL PANEL
 - 2. METAL PANEL WITH REINFORCED PANEL SYSTEM
 - 3. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION
 - 4. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING
 - 5. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL
 - 6. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW
 - 7. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR
 - 8. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF
 - 9. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR
 - 10. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL
 - 11. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING
 - 12. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING
 - 13. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING AND MECHANICAL
 - 14. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL
 - 15. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING
 - 16. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND FIRE
 - 17. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND FIRE AND SECURITY
 - 18. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND FIRE AND SECURITY AND ACCESSIBILITY
 - 19. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND FIRE AND SECURITY AND ACCESSIBILITY AND SUSTAINABILITY
 - 20. METAL PANEL WITH REINFORCED PANEL SYSTEM AND INSULATION AND GLAZING AND CURTAIN WALL AND WINDOW AND DOOR AND ROOF AND FLOOR AND WALL AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND FIRE AND SECURITY AND ACCESSIBILITY AND SUSTAINABILITY AND ENERGY



BUILDING ELEVATION - WEST
 THE TOP

GENERAL NOTES



KEYNOTES LEGEND

- 1. ALUMINUM WINDOW WALL SYSTEM
- 2. METAL ANCHORAGE WALL SYSTEM
- 3. MASONRY WALL ANCHORAGE SYSTEM
- 4. ALUMINUM WINDOW WALL SYSTEM
- 5. METAL ANCHORAGE WALL SYSTEM
- 6. MASONRY WALL ANCHORAGE SYSTEM
- 7. CONCRETE WALL ANCHORAGE SYSTEM
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- 15. CONCRETE WALL ANCHORAGE SYSTEM
- 16. CONCRETE WALL ANCHORAGE SYSTEM

SYMBOL LEGEND

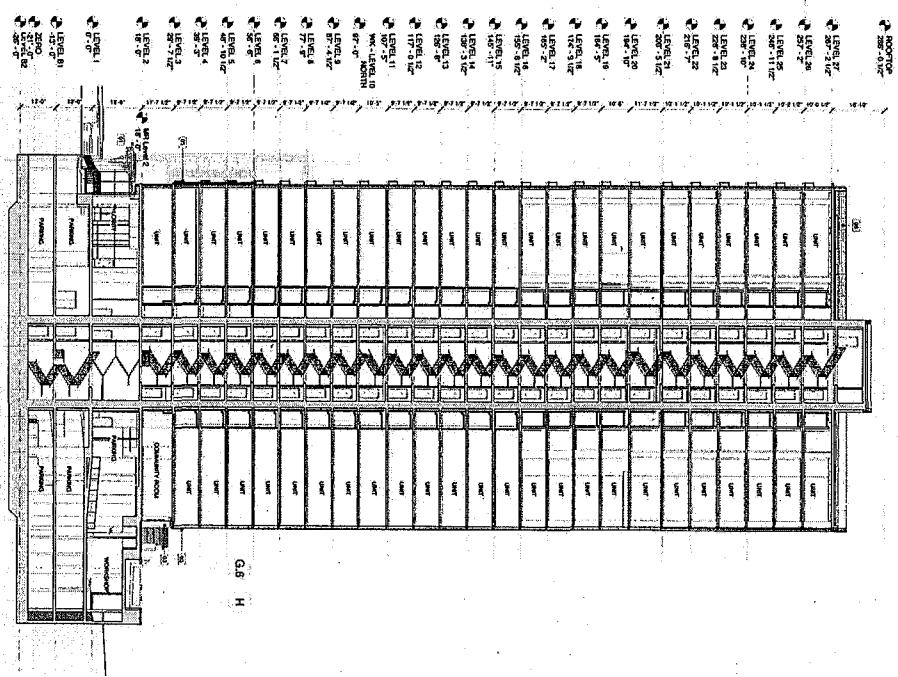
- 1. WALL
- 2. WINDOW
- 3. DOOR
- 4. STAIR
- 5. ELEVATOR
- 6. MECHANICAL ROOM
- 7. ELECTRICAL ROOM
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2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606



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GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA FIRE CODE, THE CALIFORNIA ENERGY CODE, AND THE CALIFORNIA SMOKE ALARM CODE, AS APPLICABLE.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

5. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS THROUGHOUT THE PROJECT.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LABOR AGREEMENTS.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULING AGREEMENTS.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULING AGREEMENTS.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULING AGREEMENTS.

KEYNOTES LEGEND

1. ALUMINUM WINDOW/DOOR SYSTEM

2. GLASS CURTAIN WALL SYSTEM

3. METAL CLADDING

4. METAL PANEL SYSTEM

5. METAL PANEL SYSTEM WITH INSULATION

6. METAL PANEL SYSTEM WITH INSULATION AND EXTERIOR FINISH

7. METAL PANEL SYSTEM WITH INSULATION AND EXTERIOR FINISH AND CURTAIN WALL

8. METAL PANEL SYSTEM WITH INSULATION AND EXTERIOR FINISH AND CURTAIN WALL AND GLASS CURTAIN WALL

9. METAL PANEL SYSTEM WITH INSULATION AND EXTERIOR FINISH AND CURTAIN WALL AND GLASS CURTAIN WALL AND METAL CLADDING

10. METAL PANEL SYSTEM WITH INSULATION AND EXTERIOR FINISH AND CURTAIN WALL AND GLASS CURTAIN WALL AND METAL CLADDING AND METAL PANEL SYSTEM

SYMBOL LEGEND

1. FINISH

2. FINISH

3. FINISH

4. FINISH

5. FINISH

6. FINISH

7. FINISH

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10. FINISH

2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 111 & 121 E. 12th STREET
 OAKLAND, CA 94606



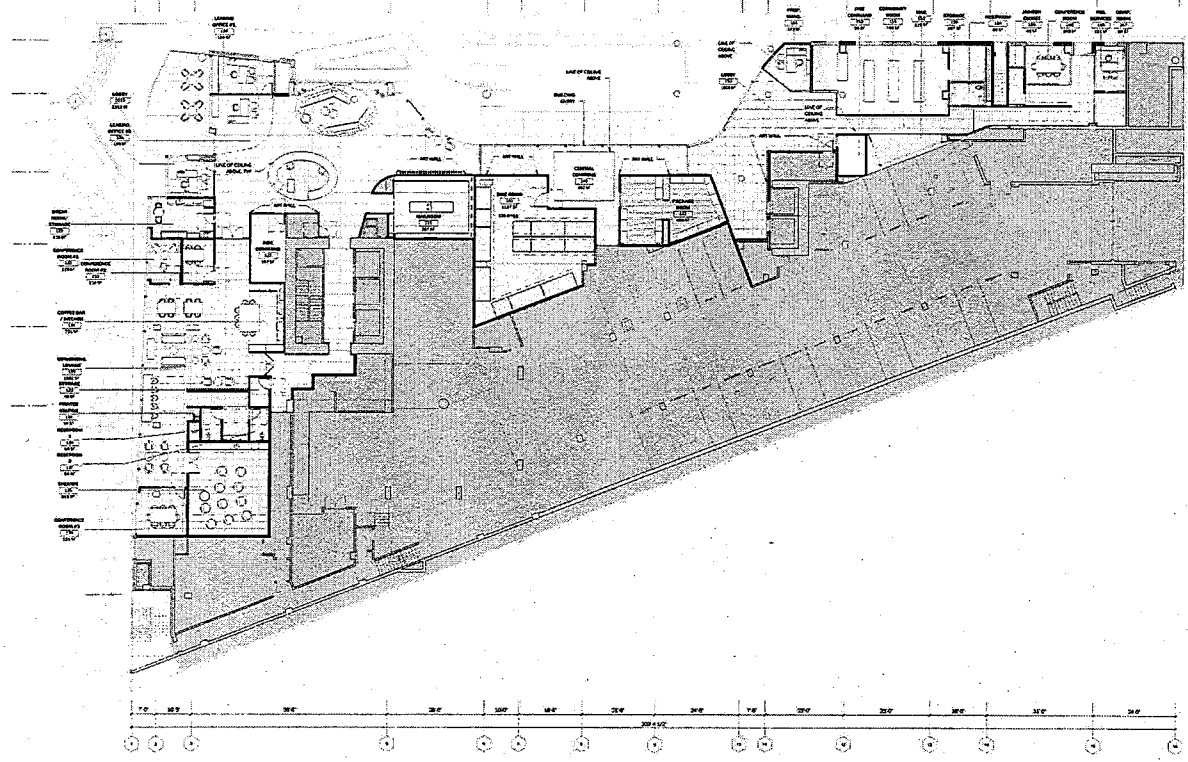
A7.02

FLOOR PLAN LEGEND

ROOM NAME ROOM TAG
 2000 2000
 2000 2000

FLOOR PLAN GENERAL NOTES

1. UNLESS NOTED, DIMENSIONS ARE SHOWN FROM FACE TO FACE UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE SHOWN FROM FACE TO FACE UNLESS NOTED OTHERWISE.
3. SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
4. SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
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15. SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
16. SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.



1 LEVEL 1

avrp STUDIOS
SKYPORT
 1114 E 15th STREET, OAKLAND, CA 94608
 415.763.8800
PATOK
 ARCHITECTURE

DE+
 PROJECT NAME

2019.08.27 - ENTITLEMENT PACKAGE
LAKEHOUSE
 1114 & 151 E 15th STREET, OAKLAND, CA 94608

REV	DATE	DESCRIPTION
01	08/27/19	ISSUE FOR PERMITTING
02	08/27/19	ISSUE FOR PERMITTING
03	08/27/19	ISSUE FOR PERMITTING
04	08/27/19	ISSUE FOR PERMITTING
05	08/27/19	ISSUE FOR PERMITTING
06	08/27/19	ISSUE FOR PERMITTING
07	08/27/19	ISSUE FOR PERMITTING
08	08/27/19	ISSUE FOR PERMITTING
09	08/27/19	ISSUE FOR PERMITTING
10	08/27/19	ISSUE FOR PERMITTING

FLOOR PLAN - LEVEL 1

IDP2.01

AVIAD STUDIOS
 SKYPORT
 1115 BAY STREET, SUITE 200
 OAKLAND, CA 94606
 TEL: 415.778.8888
 WWW.AVIADSTUDIOS.COM

PATOK
 ARCHITECTS
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 WWW.PATOKARCHITECTS.COM

DE+
 ENGINEERS
 1115 BAY STREET, SUITE 200
 OAKLAND, CA 94606
 TEL: 415.778.8888
 WWW.DEENGINEERS.COM

2019.08.27 - ENTITLEMENT PACKAGE
 LAKEHOUSE
 111 & 121 E 12TH STREET, OAKLAND, CA 94606

DATE: 08/27/2019
 TIME: 10:00 AM
 PROJECT: LAKEHOUSE
 SHEET: 18
 SCALE: AS SHOWN
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

PROJECT NUMBER:
 SHEET NUMBER:
 DRAWING NUMBER:
 REVISION NUMBER:

IDP3-02A

FLOOR PLAN GENERAL NOTES

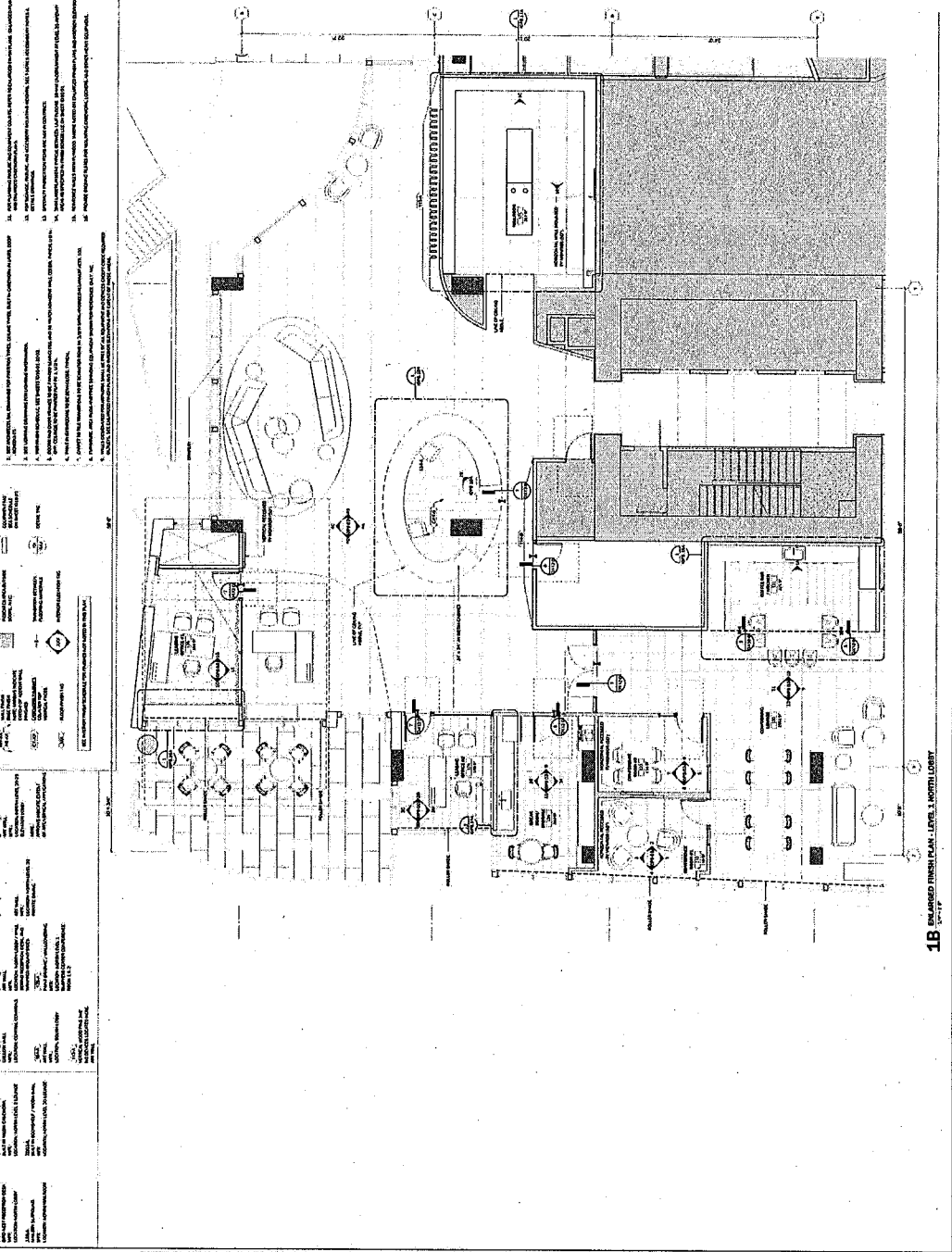
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FINISH FLOOR PLAN LEGEND

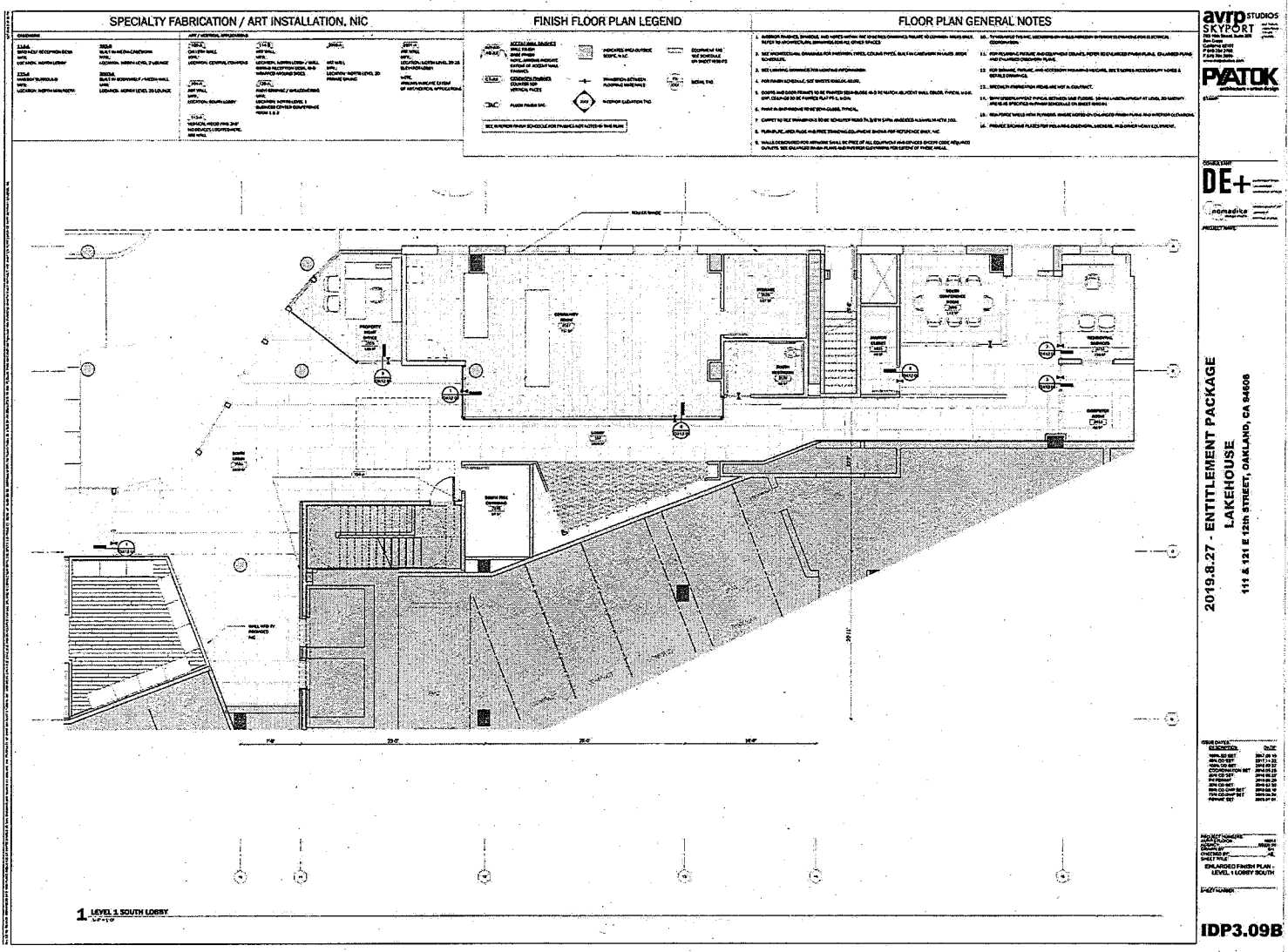
Symbol	Description
Circle with dot	ACCESSIBLE ENTRANCE
Circle with cross	ACCESSIBLE TELEPHONE
Circle with asterisk	ACCESSIBLE WATER FOUNTAIN
Circle with triangle	ACCESSIBLE RESTROOM
Circle with square	ACCESSIBLE VENDING MACHINE
Circle with diamond	ACCESSIBLE ELEVATOR
Circle with hexagon	ACCESSIBLE STAIR
Circle with octagon	ACCESSIBLE RAMP
Circle with star	ACCESSIBLE PLATFORM
Circle with circle	ACCESSIBLE CURB CUT
Circle with square	ACCESSIBLE DRIVEWAY
Circle with triangle	ACCESSIBLE SIDEWALK
Circle with diamond	ACCESSIBLE BIKEWAY
Circle with hexagon	ACCESSIBLE PATH
Circle with octagon	ACCESSIBLE STAIR
Circle with star	ACCESSIBLE PLATFORM
Circle with circle	ACCESSIBLE CURB CUT
Circle with square	ACCESSIBLE DRIVEWAY
Circle with triangle	ACCESSIBLE SIDEWALK
Circle with diamond	ACCESSIBLE BIKEWAY
Circle with hexagon	ACCESSIBLE PATH

SPECIALTY FABRICATION / ART INSTALLATION, INC

Item	Description
1	Specialty Fabrication / Art Installation, Inc
2	Specialty Fabrication / Art Installation, Inc
3	Specialty Fabrication / Art Installation, Inc
4	Specialty Fabrication / Art Installation, Inc
5	Specialty Fabrication / Art Installation, Inc
6	Specialty Fabrication / Art Installation, Inc
7	Specialty Fabrication / Art Installation, Inc
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19	Specialty Fabrication / Art Installation, Inc
20	Specialty Fabrication / Art Installation, Inc



18 ENLARGED FINISH PLAN - LEVEL 3, HOSTELRY



SPECIALTY FABRICATION / ART INSTALLATION, NIC	
ALUMINUM	ALUMINUM
BRASS	BRASS
GLASS	GLASS
WOOD	WOOD
... (other materials)	... (other materials)

FINISH FLOOR PLAN LEGEND	
(Symbol)	DESCRIPTION
(Symbol)	DESCRIPTION
(Symbol)	DESCRIPTION
(Symbol)	DESCRIPTION
(Symbol)	DESCRIPTION

- ### FLOOR PLAN GENERAL NOTES
1. REFER TO ALL NOTES ON SHEETS 101-102 FOR GENERAL NOTES.
 2. REFER TO ALL NOTES ON SHEETS 103-104 FOR FINISH NOTES.
 3. REFER TO ALL NOTES ON SHEETS 105-106 FOR MECHANICAL NOTES.
 4. REFER TO ALL NOTES ON SHEETS 107-108 FOR ELECTRICAL NOTES.
 5. REFER TO ALL NOTES ON SHEETS 109-110 FOR PLUMBING NOTES.
 6. REFER TO ALL NOTES ON SHEETS 111-112 FOR STRUCTURAL NOTES.
 7. REFER TO ALL NOTES ON SHEETS 113-114 FOR SPECIALTY FABRICATION NOTES.
 8. REFER TO ALL NOTES ON SHEETS 115-116 FOR ART INSTALLATION NOTES.
 9. REFER TO ALL NOTES ON SHEETS 117-118 FOR FINISH NOTES.
 10. REFER TO ALL NOTES ON SHEETS 119-120 FOR GENERAL NOTES.

AVTO STUDIOS
SKYPORT
 ARCHITECTS

PAATOK
 ARCHITECTS

DE+
 ARCHITECTS

2019.8.27 - ENTITLEMENT PACKAGE
 LAKEHOUSE
 111 & 121 E 12th STREET, OAKLAND, CA 94608

REVISION	DATE
1	08/27/19
2	08/27/19
3	08/27/19
4	08/27/19
5	08/27/19
6	08/27/19
7	08/27/19
8	08/27/19
9	08/27/19
10	08/27/19

PROJECT LOCATION: 111 & 121 E 12th STREET, OAKLAND, CA 94608
 SHEET TITLE: LEVEL 1 LOBBY SOUTH
 DATE: 08/27/19

IDP3.09B

Location:	Parcel generally bounded by Lake Merritt Boulevard to the north, East 12 th Street to the east, 2 nd Avenue to the south, and a City park/water treatment basin and Lake Merritt Channel to the west. (see map on reverse)
Assessors Parcel Numbers:	019-0027-014
Proposal:	Construction of two buildings over a two-story podium. The northern building is a 26-story residential tower, including the two story podium, which contains 252 market rate units and 18 "work force" units. The southern building includes eight stories, including the 2-story podium, and 90 affordable housing units. The project also includes a 1,476 commercial space and a 2,656 cultural center. Off-site improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site.
Applicant:	Ronnie Turner, UrbanCore
Owner:	City of Oakland
Planning Permits Required:	Design Review for new construction; Conditional Use Permits to be subject to the requirements of Height Area LM-275 instead of Height Area LM-85; for increased building base height; for reduced loading birth dimensions; for construction over 100,000 square feet, and for improvements to a stormwater treatment facility. Variance for a storefront depth of 28 feet instead of the required 50 feet; All permits are Major because the proposed construction is greater than 100,000 square feet in a D-LM zone.
General Plan:	Urban Residential
Zoning:	D-LM-1 Lake Merritt Station Area District Mixed Residential Zone - 1
Environmental Determination:	The anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014). The project is also Categorical Exempt under Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning; and 15183.3 (Streamlining for Infill Projects). These analyses and exemptions satisfy CEQA requirements on a separate and independent basis.
Historic Status:	Empty lot; no historic properties.
Decision to be taken	Decision on proposal based on staff's recommendation
Status	Appealable to the City Council within ten days.
Service Delivery District:	4
City Council District:	2
For further information:	Contact case planner Neil Gray at 510-238-3878 or by email: ngray@oaklandnet.com

SUMMARY

The proposed project would develop a site created after the reconfiguration of E 12th Street adjacent to Lake Merritt with a 26-story residential apartment tower on top of a two-story podium (not including an underground garage) with a 1,476 square foot café and 2,656 square foot cultural space. Staff recommends approval of the project for the reasons described in this report.

PROPERTY DESCRIPTION

The site consists of two adjacent parcels: the parcel proposed for new construction ("project site") and a neighboring vegetated area with a bioswale ("passive open space area") proposed for landscape improvements and maintenance. Both sites are currently owned by the City and are on the southeastern edge of the Lake Merritt Specific Plan Area.

The approximately 0.92-acre project site is triangular and generally bounded by Lake Merritt Boulevard to the north, 2nd Avenue, a parcel with an empty building formerly occupied by the Oakland Unified School District (OUSD) to the west, E. 12th Street to the east, and the passive open space area to the north. Lake Merritt is located to the northeast of the project site across Lake Merritt Boulevard. Current uses on the project site include soil stockpiling and staging for nearby construction projects.

The passive open space area is a recently re-vegetated 0.91-acre City stormwater basin installed as part of the East 12th Street Reconstruction Project. It is adjacent to Lake Merritt Boulevard to the northwest, the school site and Lake Merritt Channel to the west, and the project site to the east. This parcel is significantly sloped toward the Channel.

The entire site was uncovered after East 12th Street was realigned as part of the East 12th Street Reconstruction Project, which was funded by Measure DD.

BACKGROUND

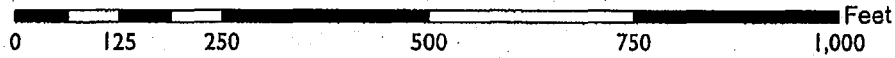
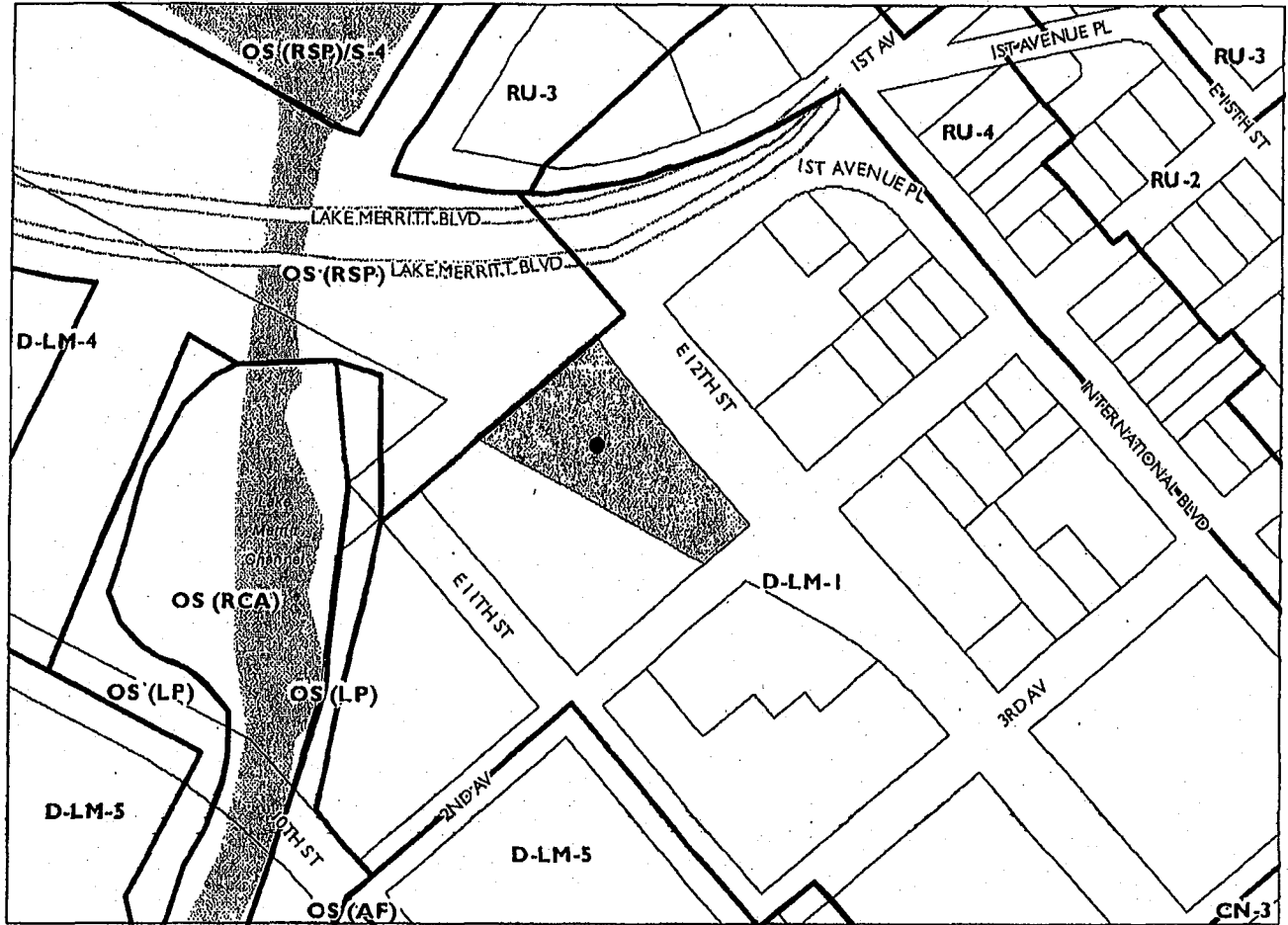
In December 2012, staff issued a Request for Proposals (RFP) to developers who showed interest in purchasing the project site from the City and developing it with market-rate housing. Staff received two development proposals and established a selection committee to evaluate the proposals and interview the two respondents to the RFP.

In July 2013, the City Council authorized the City Administrator to enter into an Exclusive Negotiating Agreement (ENA) with the selected respondent, UrbanCore-Integral Development, LLC (UrbanCore), for the development of the project site. During the 18-month ENA period, staff worked with the developer to refine its project proposal in response to community and staff input.

On April 1st, 2015, the Planning Commission approved construction of a 24-story residential apartment tower at the site. The project included 298 residential units, 2,000 square feet of ground level commercial space, and improvement of the adjacent passive open space area. Several speakers at the meeting commented that the City should have more widely advertised the RFP, the project should include affordable housing, and the project was not consistent with the State Surplus Land Act.

The City Council did not approve a development agreement with UrbanCore and directed staff to issue a "Notice of Offer and Intent to Convey Property" to local public entities and housing sponsors to see if there was further interest in purchasing or leasing the land. On July 14, 2015, the City released the notice. Council further instructed staff that their preference was a proposal

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16128

Applicant: Ronnie Turner – Urban Core

Address: Parcel bounded by Lake Merritt Boulevard
to N, East 12th Street to E, 2nd Avenue to S
and Lake Merritt Channel to W

Zone: D-LM-1

that provided at least 25 percent of the units at below market rate, maximized the total number of units, and maximized community benefits.

On March 15, 2016, the City Council directed staff to negotiate and execute an exclusive negotiating agreement with UrbanCore and their affordable housing partner, the East Bay Asian Local Development Corporation (EBALDC). The proposal currently in front of the Planning Commission is the project proposed by these two entities.

NEIGHBORHOOD DESCRIPTION

The site vicinity consists of public, institutional, residential, and commercial uses. Public and institutional uses, including the Kaiser Center and the Alameda County Courthouse, are among the most visible land uses in the area and are largely concentrated along the Lake Merritt Channel and 13th Street. The Dewey High School campus and the former OUSD administrative offices, which are also planned for redevelopment, are located at the southern border of the project site. This site is also near Laney College campus and sports fields, the Peralta Community College District Administration buildings, the Oakland Museum of California, the Kaiser Auditorium, the County Court and Offices, and the Main Oakland Public Library.

There are several multi-unit apartment buildings ranging from 2 to 23 stories in the neighborhood. These buildings have a variety of architectural styles: The 1200 Lakeshore Apartments, a 23-story residential building on the shore of Lake Merritt, has a post-modern style; the 18-story "Merritt on 3rd" residential building located southeast of the project site has a contemporary style; and the five-story Lakemount Apartment Building across 2nd Avenue from the project site has a traditional architectural style.

PROJECT DESCRIPTION

The project consists of the construction on of two buildings over a two-story podium. The northern building is a 26-story (including the two story podium), 272 foot tall residential tower, which contains 252 market rate and 18 "work force" housing units. The southern building is eight stories (including the 2-story podium) and 85 feet tall and contains 90 affordable housing units. The project also contains a 1,476 square foot commercial space and a 2,656 square-foot cultural and performance center ("central commons"). The project site includes 31,103 square feet of open, cultural, and recreational space; and other amenities and improvements, not including the passive open space area.

The following table describes the unit mix for each building:

	Southern Building	Northern Building
Studios	24	86
One-bedrooms	34	66
Two-bedrooms	22	86
Three-bedrooms	10	22
Penthouse	--	6
Townhouses	--	4
Total	91	270

Off-site landscaping improvements are also proposed to the existing passive open space area located adjacent to the site. The passive open space area would be a visual amenity but not a recreational facility, and would not contain paths or benches.

The project, including a breakdown of affordable and workforce units, is described in more detail below. Architectural plans are contained in Attachment A.

Site Plan

At approximately 123 feet long, and 100 feet wide, the northern building has a small footprint relative to the size of the site and other towers that have been approved in Downtown Oakland. The small footprint of this 275-foot tall tower will accommodate views of Lake Merritt and Downtown from southern portions of the City.

A group open space area defined by the forty-foot space between the two towers on the podium would contain landscaping, a play area for kids, and seating. Other open space amenities on the northern side of the side would surround the tower on the podium level and be located at rooftop terraces.

At approximately 8,800 square feet, the eight-story, 85-foot tall southern building would have a larger footprint than the northern tower. An open space area with an outdoor kitchen and lounge would be defined by the U-shape of the building.

The ground floor façade at E. 12th Street contains three "commons." The main entrance for all residents of the development leads into the central commons. The north and south commons would contain the residential lobbies and elevators for the north and south buildings. A café would be located at the intersection of E. 12th and 2nd Ave (see "Key Issues and Impacts" for a discussion of the location of the café). Stairs adjacent to the passive open space area would connect the sidewalk to a terrace and entrance into the north commons. Four two-story townhouses would face the passive open space area on the northern end of the podium.

A garage entrance would face 2nd Street and lead to parking behind the café and commons space. The application proposes two underground floors of car parking containing an automated puzzle car stacking system, bicycle parking, and utilities. The parking garage would include a total of 320 spaces for cars and 216 spaces for bikes. Two loading berths would be located near the 2nd Street entrance.

Elevations

Building Base. Double story windows on bottom floor of the E. 12th Street façade allow views from the street into the commons, lobbies, and café, and create a prominent building base. The E. 12th Street and northern façades are unified through double story columns and large window systems. The ground floor columns also relate to the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library. Two-story townhouse units at the northern façade allow views onto the passive open space and the Lake Merritt Channel.

Northern tower design. As mentioned, the 26-story (including the podium) northern building would have a relatively small footprint for a tower of its height. Its northern façade, which faces the Lake, is rounded to allow better views of the East Bay Hills, Downtown Oakland, and Lake Merritt and to create a visually interesting tower shape. Each floor of this northern elevation would contain glazing with a blue-gray tint above curved, horizontal panels. These panels would be articulated to provide depth and visual interest to the façade. The elevations of the other sides of the building include patterns of brown concrete panels and glazing that create a vertical composition to contrast with the northern elevation.

Southern building design. The most visible elevation of this building would be the east (E. 12th Street) side of the building because the rear of the building faces the OUSD future development site. The E. 12th Street elevation is articulated into five bays defined by windows and balconies that reduce the scale of the building and provide a residential style. Columns of hardboard and windows on the wall would relate to the ground floor façade pattern and other buildings in the neighborhood. This pattern continues on the 2nd Street elevation.

Landscaping

Street trees and other plantings would be located at the ground level where the site borders E. 12th Street and within the podium open space area. Off-site landscaping improvements are proposed to the passive open space located adjacent to the project site. These improvements would include the installation of natural landscaping to the area north and northwest of the project site. The land would function as a passive open space consisting mostly of native plantings, groundcover, shrubs and trees. The groundcover would be low maintenance grasses and wildflowers requiring mowing once or twice a year. Irrigation would be used for two or three years to establish the trees and shrubs. All plantings would adhere to Bay friendly practices and to the State's Water Efficient Landscape Ordinance and the area would continue to function as a stormwater treatment basin. All improvements and maintenance would be funded by the developer. As mentioned, this space would be a visual, not a recreational, amenity.

Affordable Housing

The northern and southern buildings contain 18 "workforce units" and 90 affordable units, respectively. The following table shows the affordability mix of the project:

Affordability	Studios	1-Bedroom	2-Bedroom	3-Bedroom	TOTAL
30% of AMI	6	9	12	2	29
40% - 50% AMI	0	5	6	2	13
60% of AMI	19	21	2	6	48
80% of AMI **	2	1	2	1	6
100% of AMI **	2	1	2	1	6
120% of AMI **	2	1	2	1	6
TOTAL	31	38	26	13	108

** Units in the North Tower

GENERAL PLAN ANALYSIS

The intent of the Urban Residential classification is to “create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, or high-rise residential structures in locations with good access to transportation and other services.” A high-rise apartment building clearly meets the intent of this designation. The project is also consistent with the following policies (the policies are in bold text; description of how the project conforms to a policy is in *italic*):

Policy D1.9: Planning for the Channel Park Residential Area. The area between the Channel Park Arts, Educational, and Cultural Center and the waterfront should be developed as a walkable urban residential district, incorporating commercial development and open space as appropriate to take advantage of the cultural and recreational amenities provided by the center and the channel to the estuary, and easy transportation by BART. *The proposal is in the location described by this policy and provides residential development, open space, and ground floor commercial space.*

Policy N3.4: Encouraging Infill Development. In order to facilitate the construction of needed housing unit, infill development that is consistent with the General Plan should take place throughout the City of Oakland. *The project is near Downtown Oakland and would be considered a significant infill development.*

Policy N3.9 Orienting Residential Development. Residential development should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure. *The tower has dimensions that maximize views of Lake Merritt from buildings to the southeast and reduce shadow impacts. Open space is conveniently located on the podium level and ground level townhomes will face an attractive passive open space area. Most upper story units are facing the street.*

LAKE MERRITT STATION AREA SPECIFIC PLAN ANALYSIS

Staff believes that the project is consistent with the Lake Merritt Station Area Specific Plan for the following reasons.

The proposal meets the following policies in the Lake Merritt Station Area Specific Plan:

LU-40 City Owned Remainder Site. Redevelop the City-owned remainder site on Lake Merritt Boulevard with landmark quality design, high density residential, and active ground floor uses that complement the waterfront. *Staff believes that this high density residential project will have a landmark quality design. The narrow, rounded tower design will be unique in Oakland and be a distinctive element of the skyline. The proposed cultural space in the central commons will be a significant amenity for the neighborhood and the nearby school.*

OS-15 Lake Merritt Channel Edge Setback. Require a 100-foot setback along the eastern edge of the Lake Merritt Channel to promote new publicly accessible open space. This requirement would impact in particular the new remainder site at the corner of Lake Merritt Boulevard and 12th Street (site 44) and the OUSD administrative buildings (site 43) if they are redeveloped. *The proposed 192-foot distance from the Lake Merritt Channel to the development is consistent with Policy OS-15. The open space improvements are a first step to eventually create a path that runs through a development at the OUSD site.*

LU-2 High intensity development potential. Support transit-oriented development and accommodate regional growth projections by promoting high intensity and high density development in the Planning Area. *The proposal maximizes the residential density allowed under the LM-1/275 zoning designation.*

LU-4 Active ground floor uses. Encourage active uses in new buildings on key streets in neighborhood hubs in order to transform key streets into activated pedestrian connections over time and expand the vibrancy and activity that already exists in some areas, as shown in Figure 4.2. These active ground floor uses should be located at the street edge, or at the edge of parks, plazas, or other public spaces. Activated neighborhood hubs include:

- Chinatown Commercial Core: key streets through this hub include 8th Street, 9th Street, Webster Street, Harrison Street, and portions of Franklin Street, 7th Street, and 10th Street.
- Lake Merritt BART Station Area: key streets through this hub include Oak Street, Madison Street (excluding Madison Square Park), 8th Street, and 9th Street.
- 14th Street Corridor: 14th Street
- Eastlake Gateway: key streets through this hub include 1st Avenue, East 12th Street, and International Boulevard.

The proposal includes an active cultural space in the central commons and a café on the edge of E. 12th Street.

LU-39 New Lake Merritt Channel improvements. Establish an improved greenway along the Lake Merritt Channel, in part by obtaining public easements and requiring new buildings to be set back from the Channel edge in order to establish public access along the eastern edge of the Lake Merritt Channel. *The proposed 192-foot distance from the Lake Merritt Channel and improvements to the adjacent open space are consistent with this policy.*

The project is also consistent with the Design Guidelines document that was adopted with the Specific Plan. As described in the Guidelines, the tower will be stepped back and balconies,

recesses, windows, reveals, and bay windows will articulate the façade. The apparent building bulk is reduced by segmenting it into smaller masses (two towers and the base) that correspond to the internal function of the structure. The commercial space will have a high ceiling and significant transparency as recommended by the Guidelines. The northern commons space will not be at the sidewalk grade as recommended by the Guidelines due to grade changes; however, the northeast corner of the project site will be connected to the sidewalk through a welcoming outdoor staircase.

ZONING ANALYSIS

The following highlights relevant zoning standards from the LM-1 zone.

Zoning Intent

The intent of the D-LM-1 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible commercial activities.

Ground Floor Facade Requirements

The following table contains the ground floor façade requirements contained in Chapter 17.101G of the Planning Code.

	Requirement	Proposed	Notes
Average minimum setback from the Lake Merritt Estuary Channel	60 ft	192 ft	
Minimum ground floor commercial facade transparency	55%	81%	
Minimum height of the ground floor	15 ft	22 ft	
Minimum width of storefronts	15 ft	25 ft	
Minimum depth of storefront bay	50 ft	25 ft for cafe space;	1
Minimum separation between the grade and ground floor living space	2.5 ft	2.5 feet for all units.	

Note:

1. The proposal requires a variance for not meeting minimum requirement for this item. See the Key Issues and Impacts Section, below, for further discussion.

Height, Bulk, Intensity, Open Space, and Tower Standards

The project is in Height Area LM-85 but the applicant has applied for a Conditional Use Permit to be subject to the requirements of Height Area LM-275, as allowed in Table 17.101G.04 of the Planning Code. This Table states that one application in the LM-85 height area can apply for a

height area upgrade to LM-275 and that these applications are reviewed on a first come, first serve basis; the subject property is the first and so far only project to apply for this upgrade.

Staff recommends approval of this Conditional Use Permit (CUP) for the reasons described in the Key Issues and Impacts section of this report. Staff also recommends approval of a CUP required under Section 17.101G.070 for all projects over 100,000 square feet (the project is a total of 251,939 square feet). The following table lists the relevant requirements of Height Area LM-275 and how the project complies with these requirements:

Regulation	Requirement	Proposed	Notes
Building Intensity Requirements			
Maximum density	364 units	360 units	
Maximum Floor Area Ratio (floor area/site area)	12.0	10.6	
Minimum group open space	75 sf per unit	120 sf per unit	
Conditional Use Permit Required	100,000	426,736 (Conditional Use Permit Required)	
Building Base Requirements			
Average minimum setback from the Lake Merritt Estuary Channel	60 ft	192 feet	
Tower Requirements			
Maximum total height	275 ft	272 ft	1
Maximum average per story lot coverage above the base	65 percent (30,203 sf)	31.5 percent (12,679 sf)	1
Maximum building length	150 ft	123'-7"	1, 2
Maximum diagonal length	180 ft	166 sf	1, 3
Parking and Loading Requirements			
Minimum parking spaces	248 (3/4 space per market rate dwelling unit, .5 space per affordable unit)	310	4
Minimum bike spaces	<ul style="list-style-type: none"> • 19 short term (one per 20 units) • 90 long term spaces (one per four units) 	<ul style="list-style-type: none"> • 19 short term • 91 long term 	
Minimum loading births	Two loading births	Two loading births	

Notes:

1. The tower is defined by Section 17.09.040 and 17.101G.050 of the Planning Code as the area above 85 feet.
2. The building length is the length of the longest frontage of a building

3. The diagonal length is the distance between the two most separated points on a floor
4. AB744 states that a local jurisdiction cannot require more than .5 spaces per each affordable housing unit that is within one-half a mile from a transit stop, such as a BART Station. The project is approximately one-third of a mile from the Lake Merritt BART Station.

ENVIRONMENTAL DETERMINATION

The City certified an Environmental Impact Report (LMSAP EIR) for the LMSAP in November 2014, pursuant to the California Environmental Quality Act (CEQA). The LMSAP EIR presented detailed potential development assumptions for certain "Opportunity Sites," which are properties considered "most likely to redevelop." The 12th Street parcel was identified as Opportunity Site #44 in the development program, which considered the development of a 20-story apartment building containing 357 residential units, 20,000 square feet of retail space and 0.13 acres of open space.

The 2014 LMSAP EIR analyzed the environmental impacts of adoption and implementation of the LMSAP. The analysis in the 2014 LMSAP EIR specifically included the proposed project site and provides the basis for use of an Addendum to the LMSAP EIR (per CEQA Guidelines Section 15164). Although the proposed project's building height and unit count are greater than what was set forth in the LMSAP development program, the level of development currently proposed for the site is within the broader development assumptions analyzed in the LMSAP EIR, and therefore providing CEQA clearance through an Addendum would be permissible as discussed throughout this CEQA Analysis document.

Additionally, environmental clearance under CEQA Guidelines Section 15183 also would be permissible as there are a number of separate and independently qualified planning level documents, specifically program-level EIRs that provide a basis for CEQA clearance of the proposed Lakehouse Commons Project. These program-level documents include the City of Oakland's 1998 General Plan Land Use and Transportation Element EIR (1998 LUTE EIR), the 2010 General Plan Housing Element EIR and 2014 Addendum (Housing Element EIR), and the 2011 Central District Urban Renewal Plan Amendments EIR (or "Redevelopment Plan EIR"). These are referred to collectively throughout the analysis in this document as "the Previous CEQA Documents."

In summary, based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR, as well as those of the 1998 LUTE EIR, the 2011 Redevelopment Plan EIR, and for the housing components of the proposed project, the 2010 General Plan Housing Element EIR and 2014 Addendum, the potential environmental impacts associated with the Lakehouse Commons Project have been adequately analyzed and covered in the planning-level LMSAP EIR and other Previous CEQA Documents. Therefore, no further review or analysis under CEQA is required.

A detailed CEQA analysis of the project is contained in Attachment B of this report. There are no new significant or substantially more severe environmental effects that would necessitate preparation of any further environmental review.

KEY ISSUES AND IMPACTS

The following addresses the major issues raised by the public during the community outreach process.

Community Benefits

Staff has received input that the City, as owner of the project site, should require the developer to provide more community benefits. The most frequently cited benefit from the public has been including affordable housing in the development. Although there is no requirement in the Planning Code or the Lake Merritt Station Area Plan requiring that the project provide affordable housing, 25 percent of the proposed units are affordable (see Project Description, above) and 5 percent are workforce units. The development will also ease regional housing pressures by maximizing the number of dwelling units at the site. Finally, the developer has agreed to not sell condominium conversion rights from the project site, which will help preserve rental units throughout the city. Another community benefit includes the designing, improvement, and maintenance of the passive open space area adjacent to the project site. Attachment A contains plans showing the proposed improvements.

Location of Café

Staff recommends that the location of the proposed café space be moved from the corner of E. 12th Street and 2nd Avenue to the corner of the parcel nearest Lake Merritt Blvd. Management and leasing offices and part of the north commons, which serves as a lobby area for the northern tower, are currently proposed for that area of the building. Staff proposes this location for the café because it will be convenient to the many pedestrians that walk around the lake, serve as an appropriate gateway into the Eastlake neighborhood, and take advantage the views of Lake Merritt and the improved passive open space. Staff also believes that the café can be moved and leave sufficient space for a lobby serving the north tower. Further, a café at this location will contribute to a future retail node because the LMSAP identifies the motel parking lot across E. 12th Street as an opportunity site for ground floor retail.

The developer argues that the currently proposed site is appropriate because it will be more convenient to the Eastlake neighborhood and staff's proposal would require pedestrians to cross the wide and busy Lake Merritt Blvd to reach the café. They also state that they prefer a larger lobby for the residential tower. Finally, EBALC, which would be operating the café, prefers it to be on the ground floor of the southern building, which they would also operate.

LM-275 Height Area

As mentioned, the project is in Height Area LM-85 but the applicant has applied for a Conditional Use Permit to be subject to the requirements of Height Area LM-275. Staff recommends approval of the Conditional Use Permit because the project meets the criteria for approval contained in Note 2 of Table 17.101G.04 as described below. The criteria are in **bold** and staff's response is in *italic*.

- a. **The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies;**

As described in the Lake Merritt Area Specific Plan Analysis section, above, the project is consistent with Policies in the Plan and its accompanying Design Guidelines.

- b. **The proposal will promote implementation of the Lake Merritt Station Area Plan;**

New construction that is consistent with the policies identified in (a) directly implements the intent of the Plan.

- c. **The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.**

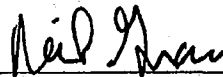
As described in the Lake Merritt Specific Plan Analysis section, above, a residential tower with a ground floor commercial use is consistent with the Plan's Design Guidelines. The building is not in a historic district and the design context of the surrounding area is a mix of varying styles and building heights.

Finally, the impact on views of Lake Merritt will be minimized due to the relatively small footprint of the proposed building.

RECOMMENDATION

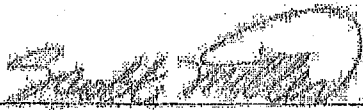
- (1) Accept staff's environmental determination and findings that (a) anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014) and, for the reasons discussed in this report, including Attachment B, no further environmental review is required; and (b) that the project is also exempt from CEQA and further CEQA review as discussed in this report.
- (2) Approve the project based upon the attached findings and subject to the attached conditions of approval

Prepared by:



NEIL GRAY
Planner III

Reviewed by:



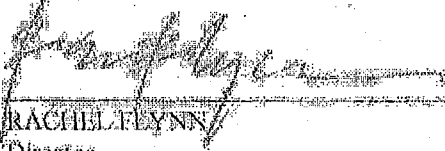
SCOTT MILLER
Zoning Manager
Bureau of Planning

Reviewed by:



DARIN RANELLI
Deputy Director
Bureau of Planning

Approved for forwarding to the
City Planning Commission:



RACHAEL FLYNN
Director
Department of Planning and Building

ATTACHMENTS:

- A. Project Plans
- B. CEQA Analysis

FINDINGS FOR APPROVAL

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

Section 17.136.050 Regular design review criteria.

A. For Residential Facilities.

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

There are several multi-unit apartment buildings ranging from 2 to 23 stories in the neighborhood. These buildings have a variety of architectural styles: The 1200 Lakeshore Apartments, a 23-story residential building on the shore of Lake Merritt, has a post-modern style; the 18-story "Merritt on 3rd" residential building located southeast of the project site has a contemporary style; and the five-story Lakemount Apartment Building across 2nd Avenue from the project site has a traditional architectural style.

The residential style of the proposed materials and openings, such as hardie and concrete panels, balconies, bay windows, and recessed windows, will relate to the other residential buildings in the neighborhood. The E. 12th Street elevation of the southern building is articulated into five bays containing windows and balconies that form a scale that to other buildings in the neighborhood. The proposed setback of the northern and southern building from the two story podium level will also relate to smaller scale buildings in the neighborhood. The ground floor columns will relate the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library.

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

The proposal will protect views of the Lake, which is the neighborhood's most valuable natural asset. Further, improvement of the detention basin will improve the water quality of the lake and provide an attractive landscaped area. The ground floor central commons will build upon existing cultural amenities in the nearby high school, Oakland Museum of California, and the Main Branch of the Oakland Public Library. A ground floor café will provide an important gathering place for the neighborhood. Finally, the development will provide residential units in a predominantly residential neighborhood.

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

There is no significant topography or landscape on the project site. The native plantings and large native trees in the passive open space area have been carefully chosen to be compatible with the lakeside environment and the existing bioswale.

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

There is a small upslope along East 12th Street that creates a separation between the grade and ground floor commercial space at the corner of East 12th Street and Lake Merritt Blvd. The design of the building takes advantage of this by creating an outdoor seating area with a view of the Channel and an attractive entrance feature for the north commons.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

B. For Nonresidential Facilities and Signs.

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

A double height ceiling on the ground floor will create a successful café and cultural space environment. Significant window transparency, awnings, and transom windows will contribute to a visually pleasing ground floor design. The café will be conveniently situated near pedestrian activity.

The E. 12th Street and northern commercial façades are unified through double story columns and large window systems. The ground floor columns also relate the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library.

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

The proposal will project the value of investments in the area by providing an attractive café and cultural space to the neighborhood.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report

17.134.050 General Use Permit criteria.

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

The project fulfills this finding for the following reasons:

- *The relatively small tower footprint will minimize view and solar impacts on the lake from surrounding properties.*
- *The southern building is articulated into bays to reduce the scale of the building. The podium and tower design of the proposal further reduces the perceived bulk of the development.*
- *As conditioned, the proposal will fund stormwater, sidewalk, and other improvements surrounding the development.*
- *A CEQA analysis contained in Attachment B demonstrates that the project, as conditioned, will not have significant impacts on the surrounding streets.*
- *The reduction in the size of the loading berths will not adversely affect the neighborhood because they will be of sufficient size to park a medium sized moving van.*
- *Improvement of the detention basin will improve the water quality of the Lake and provide an attractive open space area.*

- 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 open space and commons area on the podium will be conveniently accessed by residents and the development will be located near Lake Merritt recreational facilities. Bike and automobile parking will be conveniently located underground and visually buffered behind active spaces. Elevators to the dwelling units will also be conveniently accessed through the pedestrian entrance and two lobbies. The loading dock will be easily accessed adjacent to the entrance of the building

FINDINGS

- 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 proposal will contribute high quality market rate and affordable residential units to a successful residential neighborhood. The proposed café and cultural space will be valuable amenities to the neighborhood.

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

See Design Review Findings, above.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

17.148.050 Variance Findings required.

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

A variance is required because the proposed depth of the café space bay is approximately 28 feet and the cultural space would be 25 feet, while 50 feet is required. Approval of the variance would meet this finding because:

- 28 feet is sufficient depth for a café, which is the intended use for the commercial space;*
- Space on the site is confined because of the location of the required parking behind the central commons and the relatively small, wedge shaped lot.*
- As designed, the central commons would seat approximately 230 people, which is large enough to accommodate the scale of performances and events envisioned by EBALDC, which will be managing the space and the affordable housing units. For performances, the seating would be on either side of a stage that would be located in the middle of the room.*

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

FINDINGS

The basic intent of the applicable regulation is to create a viable and flexible storefront space. As discussed, the proposed depths are sufficient to accommodate the proposed uses and deeper spaces would preclude an effective parking design.

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

Increasing the storefront depth will adversely affect the livability of the area by reducing the number of parking spaces in the development.

- D. 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.**

Many commercial facilities in high density residential zones have been constructed with a depth of 28 feet or less.

- E. 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.**

The element requiring the variance will not affect the exterior of the building and, therefore, conforms to the Regular Design Review Criteria.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

Table 17.101G.04 -- Note 10: Findings required for the granting of a Conditional Use Permit for Exceptions to Height/Bulk/Intensity Area Standards.

- A. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies;**

As described in the Lake Merritt Specific Plan Analysis section, above, a residential tower with a ground floor commercial use is consistent with policies in the plan and its accompanying Design Guidelines.

- B. The proposal will promote implementation of the Lake Merritt Station Area Plan;**

New construction that is consistent with the policies identified in (a) directly implements the intent of the Plan.

- C. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.**

As described in the Lake Merritt Specific Plan Analysis section, above, a residential development with a ground floor commercial use is consistent with the Plan's Design Guidelines. The building is not in a historic district and the design context of the surrounding area is a mix of varying styles and building heights.

CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated 7/6/16 and submitted on 7/6/16, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: Approval of Conditional Use Permits, Variance, and Design Review for the construction of a Construction of two buildings over a two-story podium and off-site improvements to an existing stormwater treatment basin/park.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.

- a) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and Conditions shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to

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

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

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

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

12. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities

Prior to issuance of a building permit

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less),

and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform to all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

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

13. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

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

14. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

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

15. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

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

16. Landscape Maintenance.

Ongoing

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

17. Underground Utilities.

Prior to issuance of a building permit

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

18. Improvements in the Public Right-of-Way.

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

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.

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

19. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division may include the following components:

- a) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- b) Reconstruct drainage facility to current City standards.
- c) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- d) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- e) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- f) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

20. Payment for Public Improvements

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

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

21. Compliance Matrix

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

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

22. Construction Management Plan

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

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

23. Parking and Transportation Demand Management

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

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

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

24. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)***Ongoing throughout demolition, grading, and/or construction***

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

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- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not 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) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.
- j) 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.
- k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- l) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- n) 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.
- o) 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.
- p) 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.
- q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- s) 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.

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- t) Minimize the idling time of diesel-powered construction equipment to two minutes.
- u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.
- 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 CARB's most recent certification standard.

25. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

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

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- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

26. Noise Control

Ongoing throughout demolition, grading, and/or construction

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

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

27. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also

- include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
 - d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
 - e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

28. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

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

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

29. Operational Noise-General

Ongoing

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section

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8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

30. Construction Traffic and Parking

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

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

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.

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

31. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

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

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

32. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or

more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

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

33. File Driving and Other Extreme Noise Generators

Ongoing throughout demolition, grading, and/or construction

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example

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and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

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

34. Lighting Plan

Prior to the issuance of an electrical or building permit

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

35. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

- a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
- b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and

treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

36. Human Remains

Ongoing throughout demolition, grading, and/or construction

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

37. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

38. Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the

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project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

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

39. Post-Construction Stormwater Management Plan

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

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

- a) The post-construction stormwater management plan shall include and identify the following:
- i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and
 - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution;
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
- i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

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

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

40. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

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

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

41. Stormwater and Sewer

Prior to completing the final design for the project's sewer service

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

42. Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter)

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

A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:

- 1) The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
- 2) The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
 - i. Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).
 - ii. Do not locate sensitive receptors near distribution center's entry and exit points.
 - iii. Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.
 - iv. Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.
 - v. Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.
 - vi. Install indoor air quality monitoring units in buildings.
 - vii. Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and

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the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

- B. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

43. Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)

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

- A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential risk due to exposure to toxic air contaminants to achieve an acceptable interior air quality level for sensitive receptors. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
- B. Exterior Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

44. Bird Collision Reduction

Prior to issuance of a building permit and ongoing

- A. The project applicant, or his or her successor, including the building manager or homeowners' association, shall submit plans to the Planning and Zoning Division, for review and approval, indicating how they intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent.
 - 1. Mandatory measures include all of the following:
 - i. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with three second flash instead of blinking red or rotating lights.

- ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
 - iii. Monopole structures or antennas shall not include guy wires.
 - iv. Avoid the use of mirrors in landscape design.
 - v. Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roofs, water features) near glass.
2. Additional BMP strategies to consider include the following:
- i. Make clear or reflective glass visible to birds using visual noise techniques. Examples include:
 1. Use of opaque or transparent glass in window panes instead of reflective glass.
 2. Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm).
 3. Apply striping on glass surface. If the striping is less than 2 cm wide it must be applied vertically at a maximum of 10 cm apart (or 1 cm wide strips at 5 cm distance).
 4. Install paned glass with fenestration patterns with vertical and horizontal mullions of 10 cm or less.
 5. Place decorative grilles or louvers with spacing of 10 cm or less.
 6. Apply one-way transparent film laminates to outside glass surface to make the window appear opaque on the outside.
 7. Install internal screens through non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.
 8. Install windows which have the screen on the outside of the glass.
 9. Use UV-reflective glass. Most birds can see ultraviolet light, which is invisible to humans.
 10. If it is not possible to apply glass treatments to the entire building, the treatment should be applied to windows at the top of the surrounding tree canopy or the anticipated height of the surrounding vegetation at maturity.
 - ii. Mute reflections in glass. Examples include:
 1. Angle glass panes toward ground or sky so that the reflection is not in a direct line-of-sight (minimum angle of 20 degrees with optimum angle of 40 degrees).
 2. Awnings, overhangs, and sunshades provide birds a visual indication of a barrier and may reduce image reflections on glass, but do not entirely eliminate reflections.
 - iii. Reduce Light Pollution. Examples include:
 1. Turn off all unnecessary interior lights from 11 p.m. to sunrise.
 2. Install motion-sensitive lighting in lobbies, work stations, walkways, and corridors, or any area visible from the exterior and retrofitting operation systems that automatically turn lights off during after-work hours.
 3. Reduce perimeter lighting whenever possible.
 - iv. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes:

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1. Donation of discovered dead bird specimens to authorized bird conservation organization or museums to aid in species identification and to benefit scientific study, as per all federal, state and local laws.
2. Production of educational materials on bird-safe practices for the building occupants.
3. Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day.
4. Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.

45. Greenhouse Gas (GHG) Reduction Plan

Prior to issuance of a construction-related permit and ongoing as specified

The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval. The applicant shall implement the approved GHG Reduction Plan.

The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below 1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population to help achieve the City's goal of reducing GHG emissions. The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), (c) a comprehensive set of quantified additional GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.

Specifically, the applicant/sponsor shall adhere to the following:

- a) ***GHG Reduction Measures Program.*** Prepare and submit to the City Planning Director or his/her designee for review and approval a GHG Reduction Plan that specifies and quantifies GHG reduction measures that the project will implement by phase.

Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures Document (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.

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The proposed GHG reduction measures must be reviewed and approved by the City Planning Director or his/her designee. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "offset carbon credits," pursuant to item "b" below).

The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.

- b) ***Offset Carbon Credits Guidelines.*** For GHG reduction measures involving the purchase of offset carbon credits, evidence of the payment/purchase shall be submitted to the City Planning Director or his/her designee for review and approval prior to completion of the project (or prior to completion of the project phase, if the project includes more one phase).

As with preferred locations for the implementation of all GHG reductions measures, the preference for offset carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of offset carbon credit purchases shall be based on current market value at the time purchased and shall be based on the Project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.

- c) ***Plan Implementation and Documentation.*** For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. For operational GHG reduction measures to be incorporated into the project, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of project completion (or at the completion of the project phase for phased projects).

For physical GHG reduction measures to be incorporated into off-site projects, the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval and then installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into off-site projects, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of completion of the subject project (or at the completion of the project phase for phased projects).

- d) ***Compliance, Monitoring and Reporting.*** Upon City review and approval of the GHG Reduction Plan program by phase, the applicant/sponsor shall satisfy the following

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requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the Project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.

Implementation of the GHG reduction measures and related requirements shall be ensured through the project applicant/sponsor's compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant/sponsor shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (Annual Report), subject to the City Planning Director or his/her designee for review and approval. The Annual Report shall be submitted to an independent reviewer of the City Planning Director's or his/her designee's choosing, to be paid for by the project applicant/sponsor (see *Funding*, below), within two months of the anniversary of the Certificate of Occupancy.

The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.

The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Thresholds, as confirmed by the City Planning Director or his/her designee through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below.

- e) **Funding.** Within two months after the Certificate of Occupancy, the project applicant/sponsor shall fund an escrow-type account or endowment fund to be used exclusively for preparation of Annual Reports and review and evaluation by the City Planning Director or his/her designee, or its selected peer reviewers. The escrow-type account shall be initially funded by the project applicant/sponsor in an amount determined by the City Planning Director or his/her designee and shall be replenished by the project applicant/sponsor so that the amount does not fall below an amount determined by the City Planning Director or his/her designee. The mechanism of this account shall be mutually agreed upon by the project applicant/sponsor and the City Planning Director or his/her designee, including the ability of the City to access the funds if the project applicant/sponsor is not complying with the GHG Reduction Plan requirements, and/or to reimburse the City for its monitoring and enforcement costs.
- f) **Corrective Procedure.** If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving

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the GHG reduction goal, the project applicant/sponsor shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (Corrective GHG Action Plan). The project applicant/sponsor shall then implement the approved Corrective GHG Action Plan.

If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant/owner fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City Planning Director or his/her designee may, in addition to its other remedies, (a) assess the project applicant/sponsor a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed.

The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the "adjusted" baseline.

In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant/sponsor has made a good faith effort to comply with the GHG Reduction Plan.

The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.

- g) ***Timeline Discretion and Summary.*** The City Planning Director or his/her designee shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.
- *Fund Escrow-type Account for City Review:* Certificate of Occupancy plus 2 months
 - *Submit Baseline Inventory of "Actual Adjusted Emissions":* Certificate of Occupancy plus 1 year
 - *Submit Annual Report #1:* Certificate of Occupancy plus 2 years
 - *Submit Corrective GHG Action Plan (if needed):* Certificate of Occupancy plus 4 years (based on findings of Annual Report #3)
 - *Post Attainment Annual Reports:* Minimum every 3 years and at the City Planning Director's or his/her designee's reasonable discretion

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46. Bird Collision Reduction

Prior to issuance of a building permit and ongoing

The project applicant, or his or her successor, including the building manager or homeowners' association, shall submit plans to the Planning and Zoning Division, for review and approval, indicating how they intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent.

a) Mandatory measures include all of the following:

- vi. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with three second flash instead of blinking red or rotating lights.
- vii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
- viii. Monopole structures or antennas shall not include guy wires.
- ix. Avoid the use of mirrors in landscape design.
- x. Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roofs, water features) near glass.

b) Additional BMP strategies to consider include the following:

- ii. Make clear or reflective glass visible to birds using visual noise techniques. Examples include:
 1. Use of opaque or transparent glass in window panes instead of reflective glass.
 2. Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm).
 3. Apply striping on glass surface.

47. Car Parking

Ongoing

- a) Off-street parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s). It is acceptable to accomplish this by the developer marketing the units with rents that include on parking space per unit and if the resident does not desire to use the space, the rent amount will be reduced accordingly.
- b) Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 days' notice if requested by residents to be made available to them.

Prior to Issuance of Building Permit

- c) A parking in-lieu fee shall be paid to the City as set forth in the Master Fee Schedule. A parking in-lieu fee may be refunded, without interest, to the person who made such

payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.

48. Public Art for Private Development

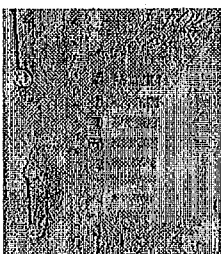
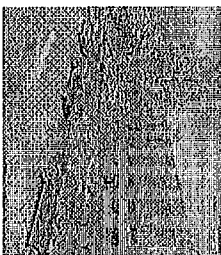
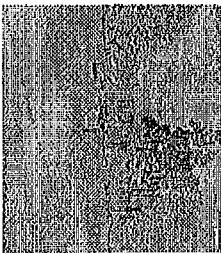
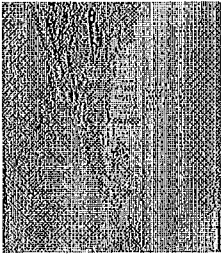
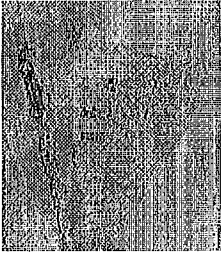
Prior to issuance of Final Certificate of Occupancy and Ongoing

The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in-lieu contribution, or provide proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations that are verified by the City to either hold a valid Oakland business license and/or be an Oakland-based 501(c) (3) tax designated organization in good standing.

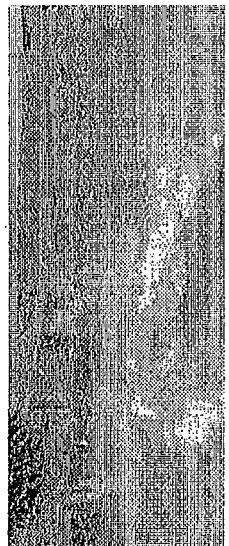
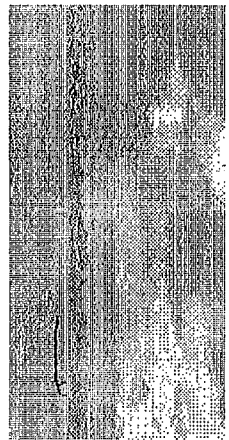
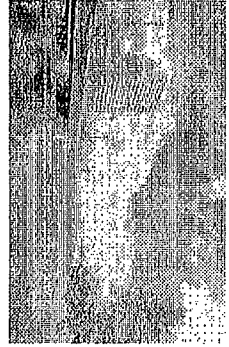
49. Café Location

Prior to Issuance of Building Permit

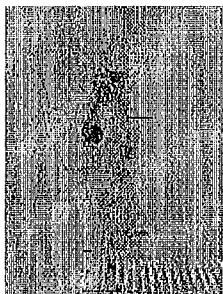
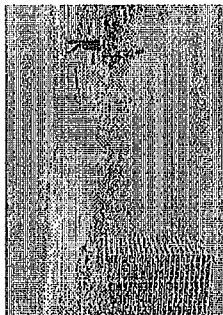
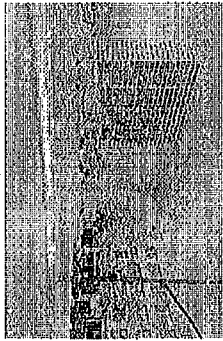
Plans shall be submitted for review and approval of the Planning Director or his/her designee showing the location of the proposed café at or near the corner of the parcel nearest to the intersection of E. 12th Street and Lake Merritt Blvd.



HISTORICAL REFERENCE



ADJACENT SITES / CONTEXT



EXISTING SITE



LAKEHOUSE COMMONS

E 12th Street and Lake Merritt Boulevard, Oakland CA

PYATOK

1111 14th Street, Suite 300
Oakland, CA 94612
Tel: 415.778.1111
www.pyatok.com

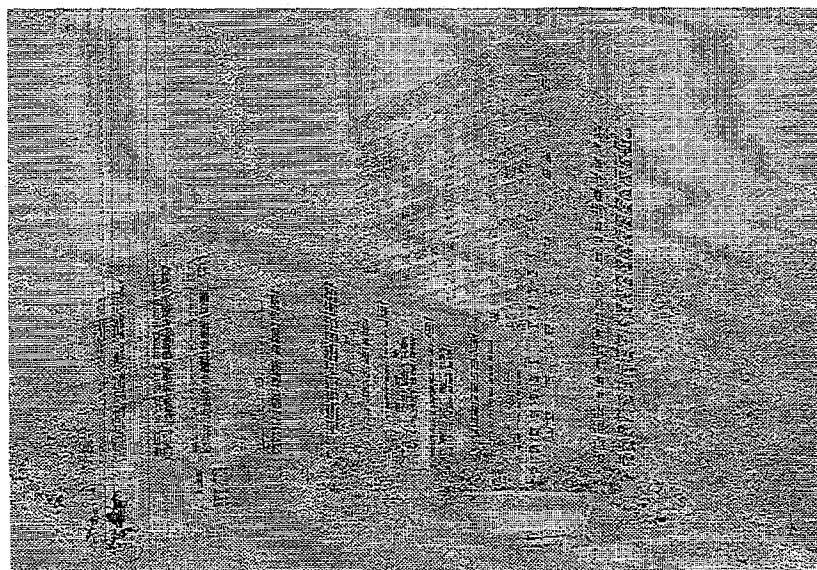
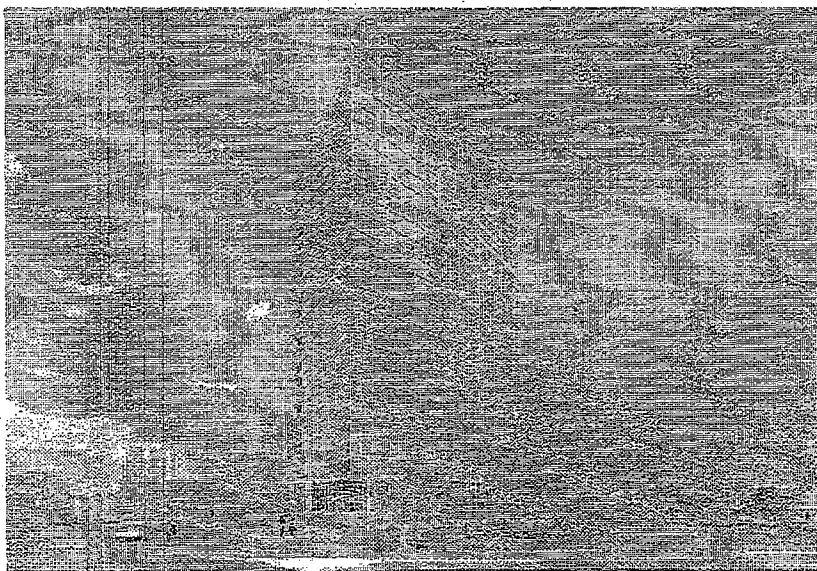
ARCHITECT
200 West 14th Street, Suite 300
Oakland, CA 94612
Tel: 415.778.1111
www.pyatok.com

PROJECT: LAKEHOUSE COMMONS
1111 14th Street, Suite 300
Oakland, CA 94612
Tel: 415.778.1111
www.pyatok.com

SITE CONTEXT

DATE: 01/15/11
SCALE: AS SHOWN
DRAWN BY: [Name]

70.02



PYATOK

ARCHITECTURE

1000 17th Street, Suite 1000
Oakland, CA 94612

415.778.1000

www.pyatok.com

pyatok.com

LAKEHOUSE COMMONS

E 12th Street and Lake Merritt Boulevard, Oakland CA

1000 17th Street, Suite 1000
Oakland, CA 94612

415.778.1000

www.pyatok.com

pyatok.com

RENDERINGS

DATE: 10/10/12

BY: [Signature]

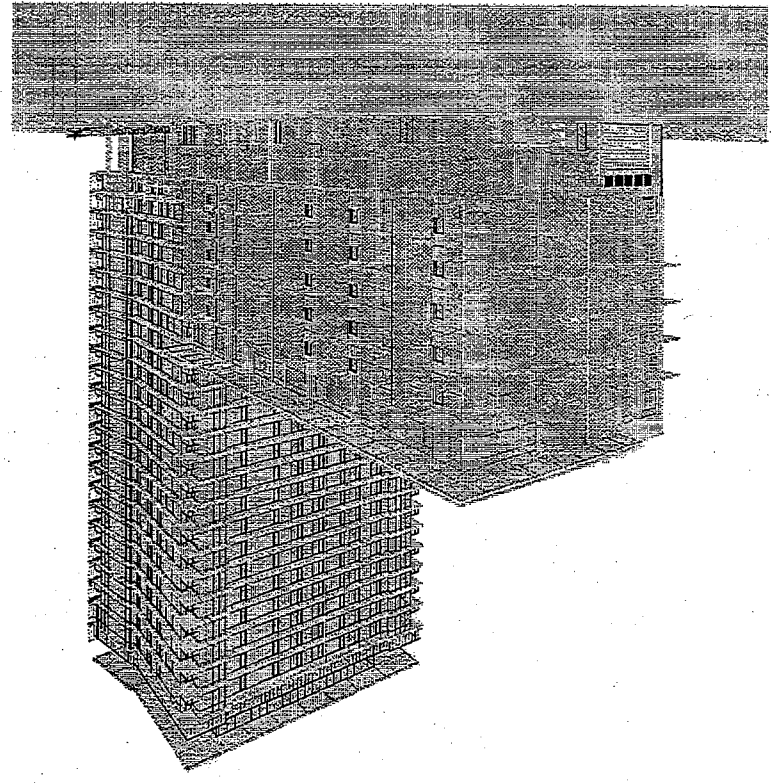
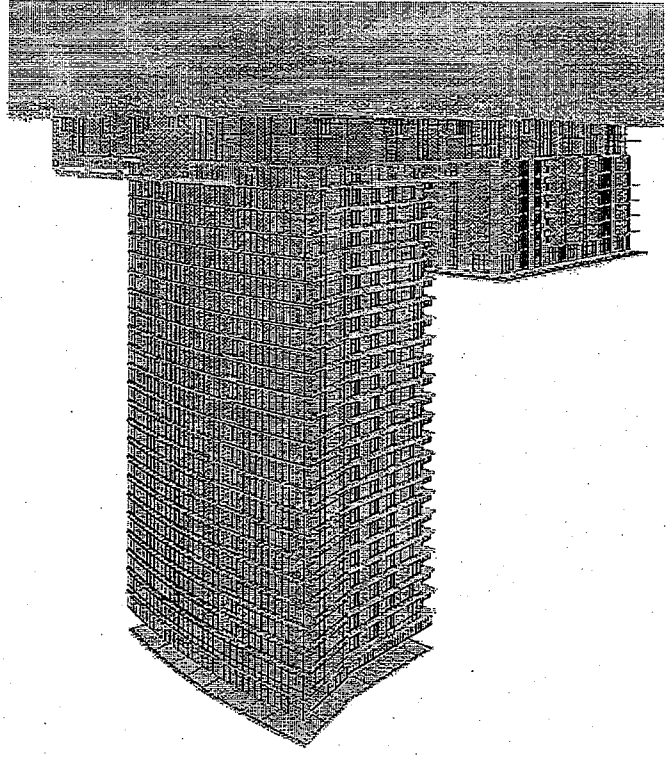
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PROJECT: LAKESHORE COMMONS

TOP

10.05

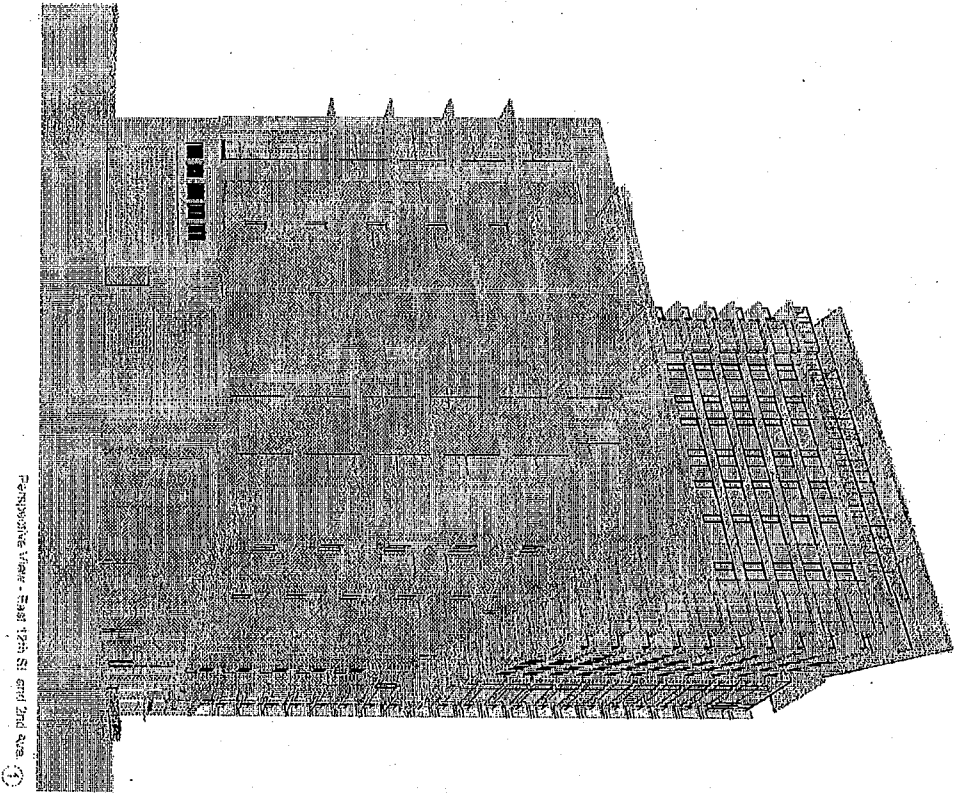
PERSPECTIVE VIEWS



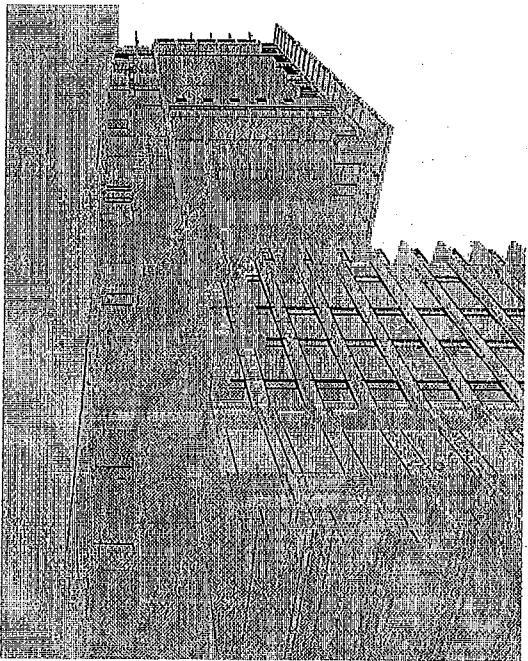
LAKEHOUSE COMMONS
E 12th Street and Lake Merritt Boulevard, Oakland CA

ARCHITECT
PLOTKIN + PARTNERS
1000 BROADWAY, SUITE 200
NEW YORK, NY 10018
TEL: 212 679 1200
WWW.PLOTKIN.COM

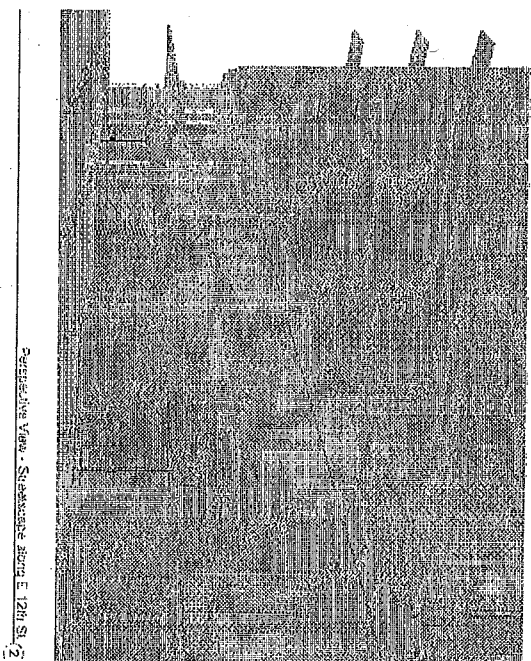
PLATOK



Perspective View - East 12th St. from 2nd Ave. 1



Perspective View - Street looking along F 12th St. 2



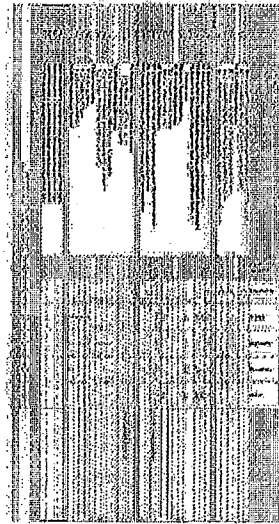
Perspective View - Street from E 12th St. 3

PATOK
 ARCHITECTURE
 1000 12th Street, Suite 200
 Oakland, CA 94612
 Tel: 415.763.1234
 Fax: 415.763.1235
 www.patok.com

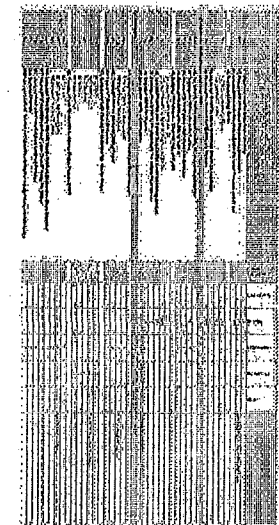
LAKEHOUSE COMMONS
 E 12th Street and Lake Merritt Boulevard, Oakland CA

PROJECT ARCHITECT
 PATOK ARCHITECTURE
 1000 12th Street, Suite 200
 Oakland, CA 94612
 Tel: 415.763.1234
 Fax: 415.763.1235
 www.patok.com

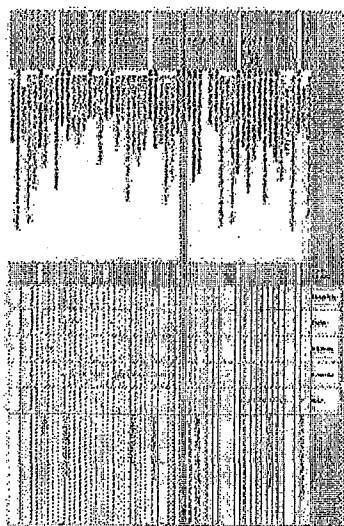
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 CHECKED BY: [Name]
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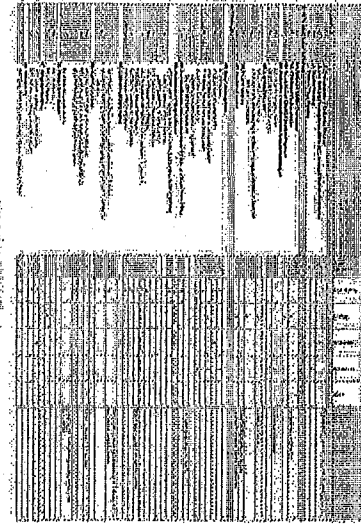
Architectural rendering of a building facade.



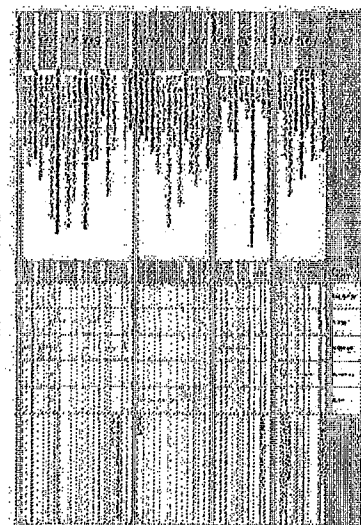
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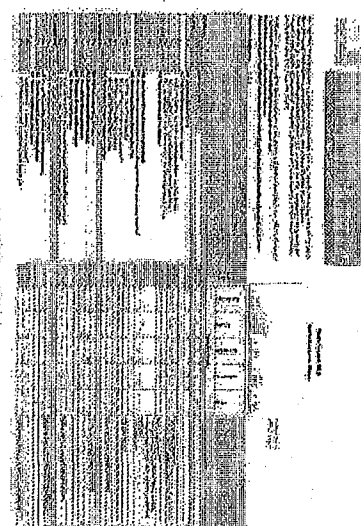
Architectural rendering of a building facade.



Architectural rendering of a building facade.



Architectural rendering of a building facade.



Architectural rendering of a building facade.

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1000 14th Street, Oakland, CA 94612
Tel: 415.763.1000
www.paatok.com

LAKEHOUSE COMMONS

E 12th Street and Lake Merritt Boulevard, Oakland CA

LAKEHOUSE COMMONS
1000 14th Street, Oakland, CA 94612
Tel: 415.763.1000
www.paatok.com

GREENPOINT
CONSULTANTS - NORTH
COMMERCIAL

1000 14th Street, Oakland, CA 94612
Tel: 415.763.1000
www.paatok.com

10.10

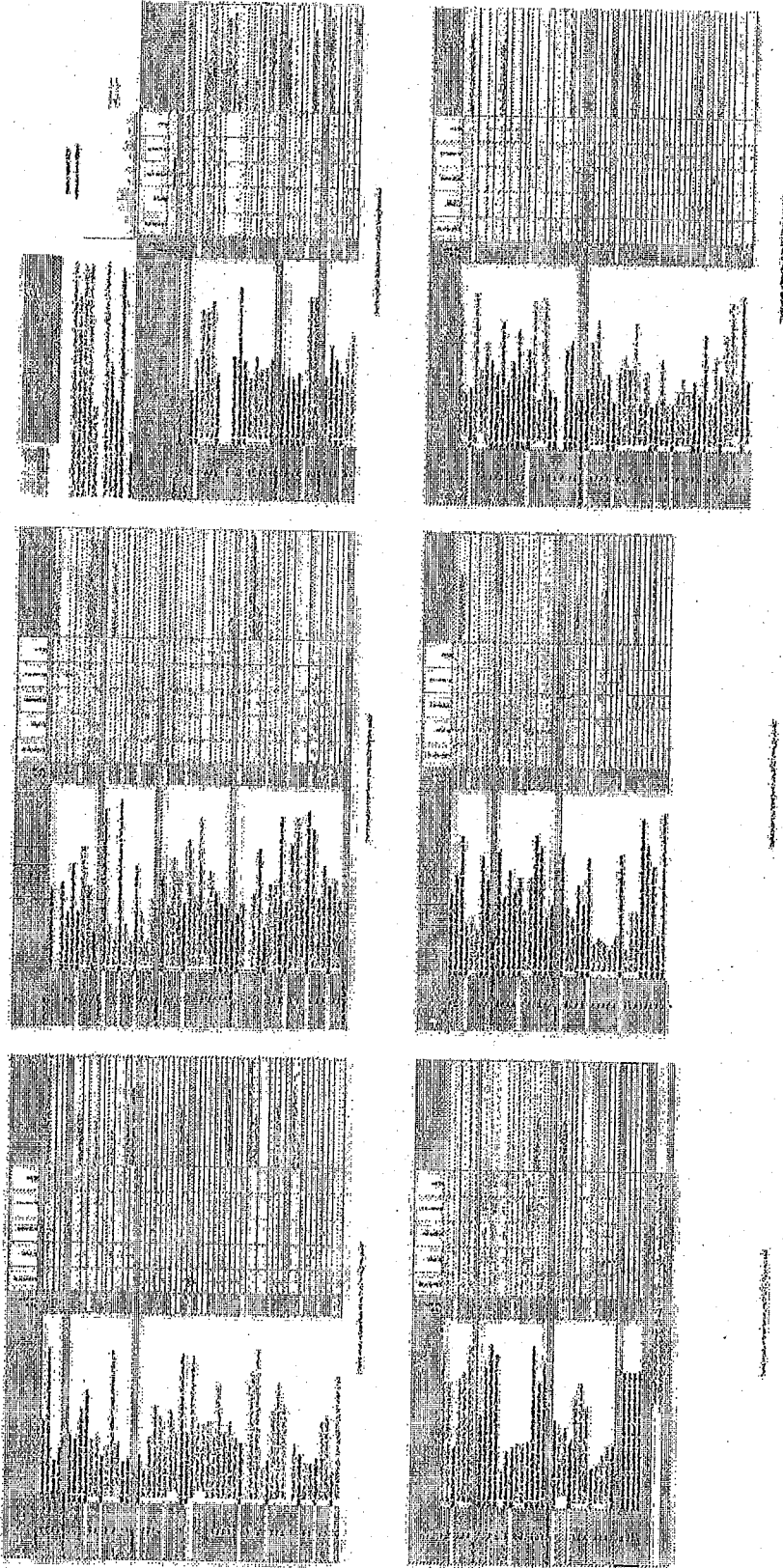
LAKEHOUSE COMMONS
E 12th Street and Lake Merritt Boulevard, Oakland, CA

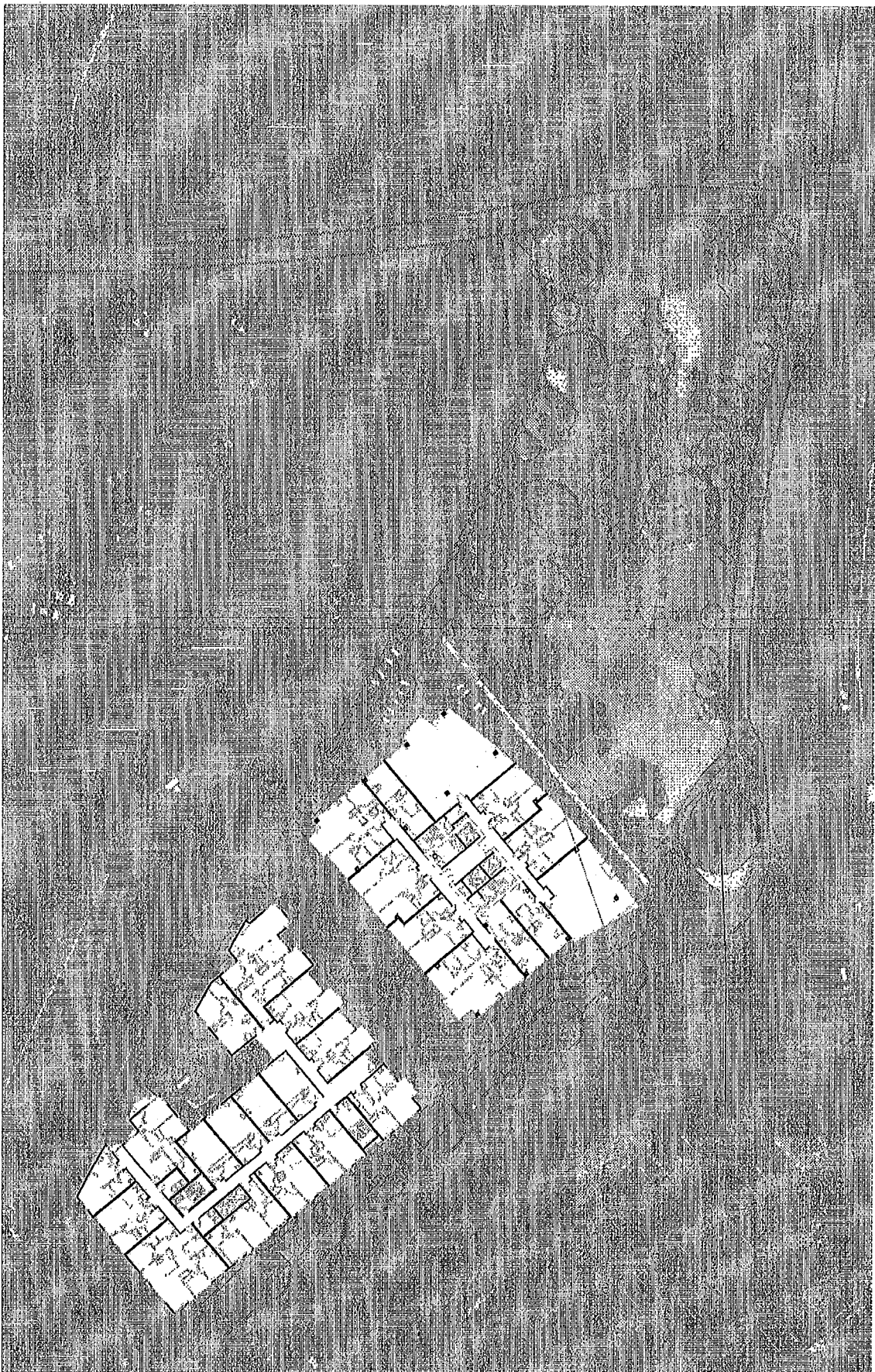
PROJECT NO. 09-001
DATE: 04/20/09
SCALE: AS SHOWN
DRAWN BY: J. [unreadable]
CHECKED BY: [unreadable]

GREENPOINT
CHECKLIST: SOUTH
COMMONS

DATE: 04/20/09
SCALE: AS SHOWN
DRAWN BY: J. [unreadable]
CHECKED BY: [unreadable]

PIATOK ARCHITECTS, INC.





PAATOK
PARKING AND ACCESSORY TRAFFIC ORGANIZATION

LAKE MERRITT TOWERS & PARK SITE PLAN
DATE: 08/11/2010

SCALE: 1" = 100'-0"

LAKE MERRITT TOWERS & PARK SITE PLAN

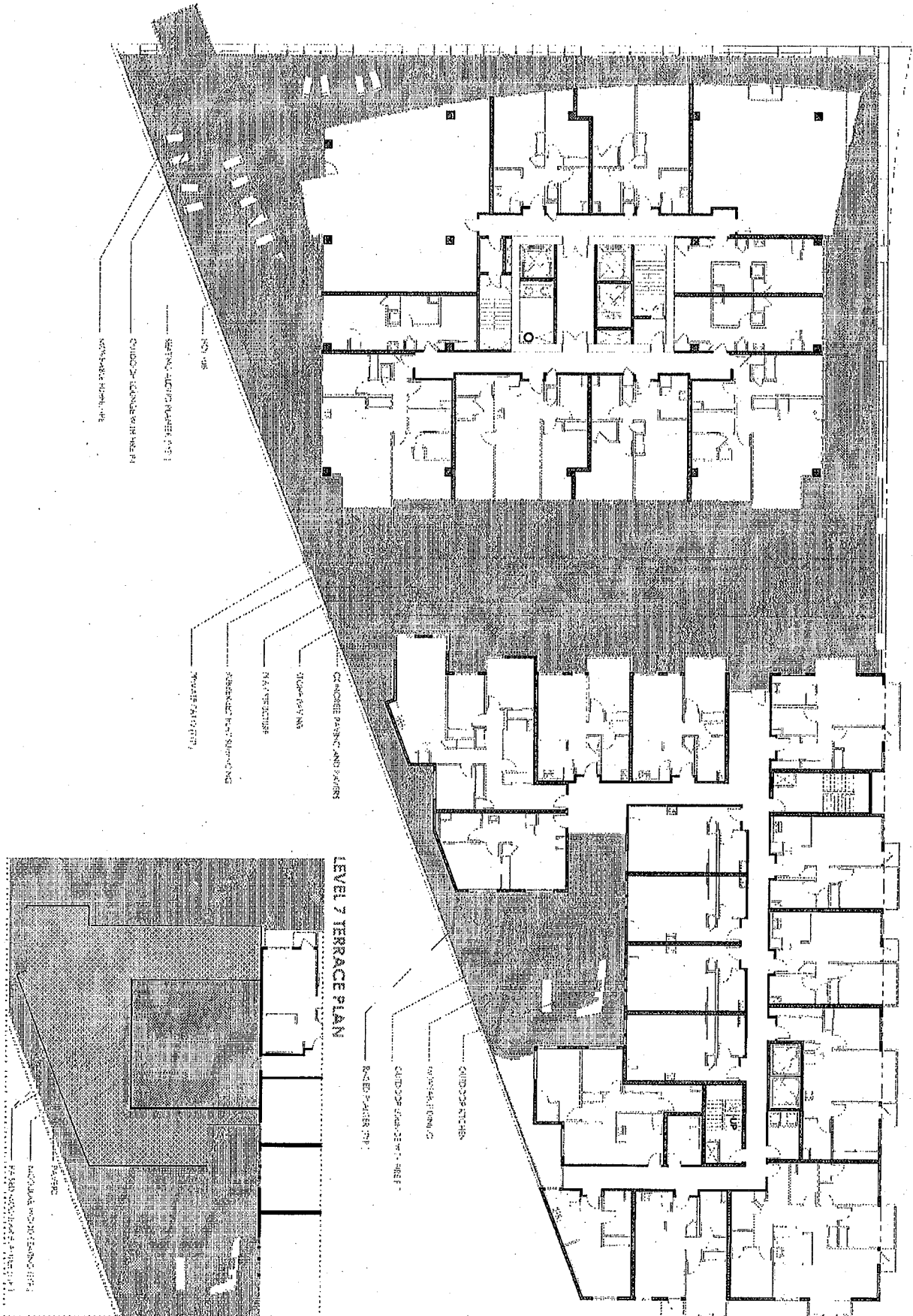
LAKEHOUSE COMMONS

E 12th Street and Lake Merritt Boulevard, Oakland CA

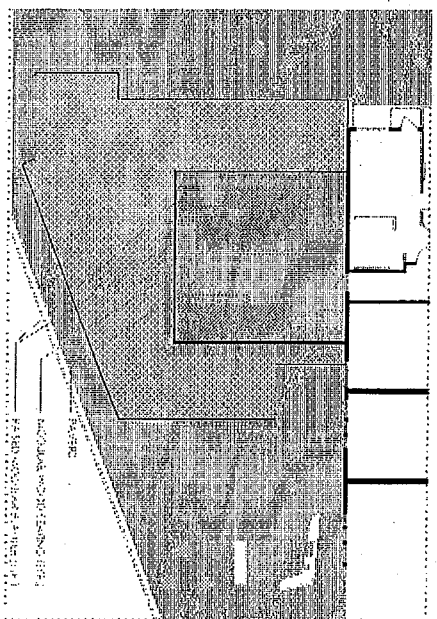
PROJECT: LAKE MERRITT TOWERS & PARK
DATE: 08/11/2010
SCALE: 1" = 100'-0"

LAKEHOUSE COMMONS
SITE PLAN

001



LEVEL 7 TERRACE PLAN



LAKEHOUSE COMMONS

E 12th Street and Lake Merritt Boulevard, Oakland CA

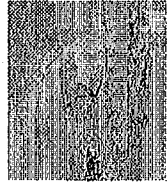
PIATOK

11750 POINT BLVD
 OAKLAND, CA 94612
 (415) 762-1000
 www.piatok.com

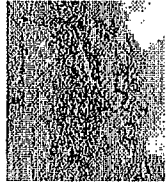
1002

PODIUM PALETTE

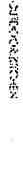
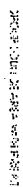
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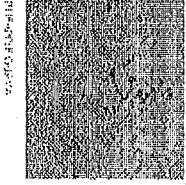
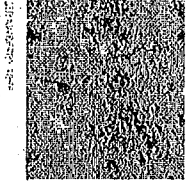
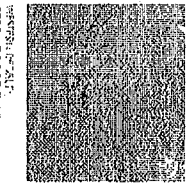
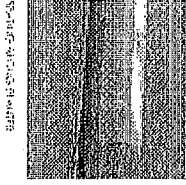
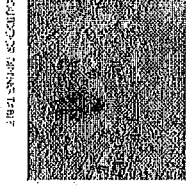
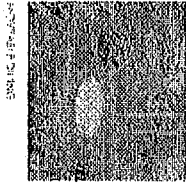
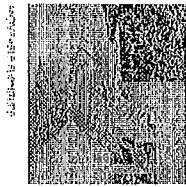
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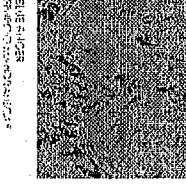
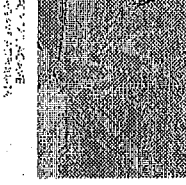
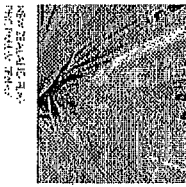
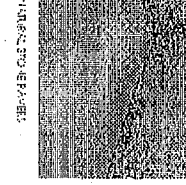
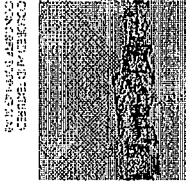
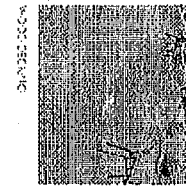
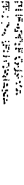
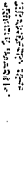
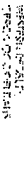
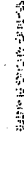
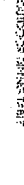
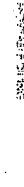
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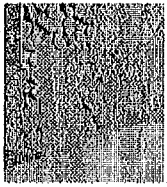
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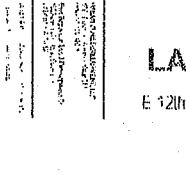
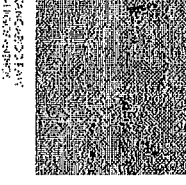
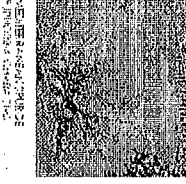
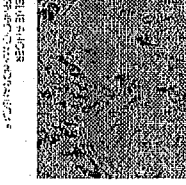
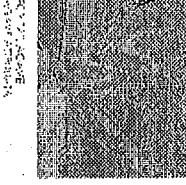
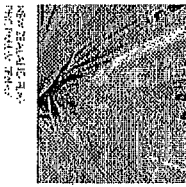
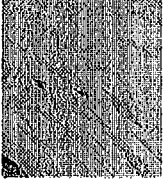
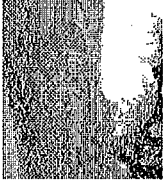
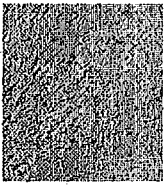
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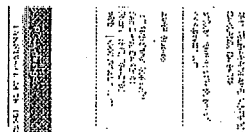
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GRASS



PAVING

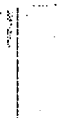


LAKEHOUSE COMMONS

E 12th Street and Lake Merril Boulevard, Oakland CA

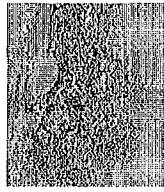
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LANDSCAPE
PODIUM MATERIALS

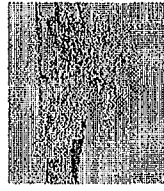


INITIAL PLANTING LIST FOR LAKE MERRITT TOWERS PARK

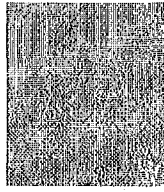
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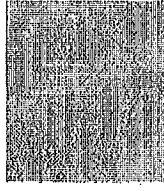
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MIDWAY ACQUICOLA
BOWEN'S WIRE



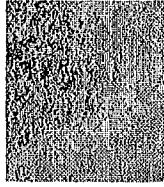
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MIDWAY ACQUICOLA



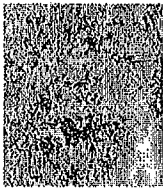
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TROSSA VITIFOLIA



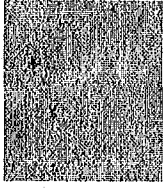
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PACIFIC BIRCH



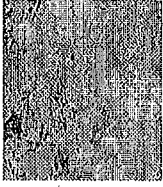
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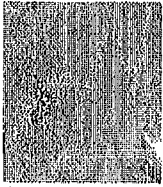
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CASCADIA
PACIFIC SHILOA

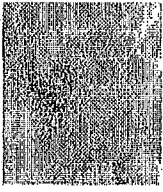


YOGA
PACIFIC SHILOA

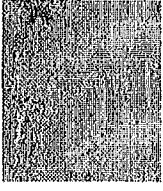


PACIFIC
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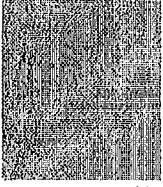
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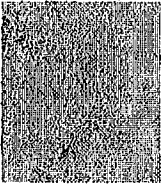
LAKEVIEW
MIDWAY ACQUICOLA



VALLEY
MIDWAY ACQUICOLA



WESTERN PINE
TROSSA VITIFOLIA



PACIFIC BIRCH
PACIFIC BIRCH



PACIFIC REDWOOD
PACIFIC REDWOOD

PATOK

3100 20th Street, Oakland, CA 94612

415-763-1111

www.patok.com

1000 17th Street, Oakland, CA 94612

415-763-1111

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1000 17th Street, Oakland, CA 94612

LAKEHOUSE COMMONS

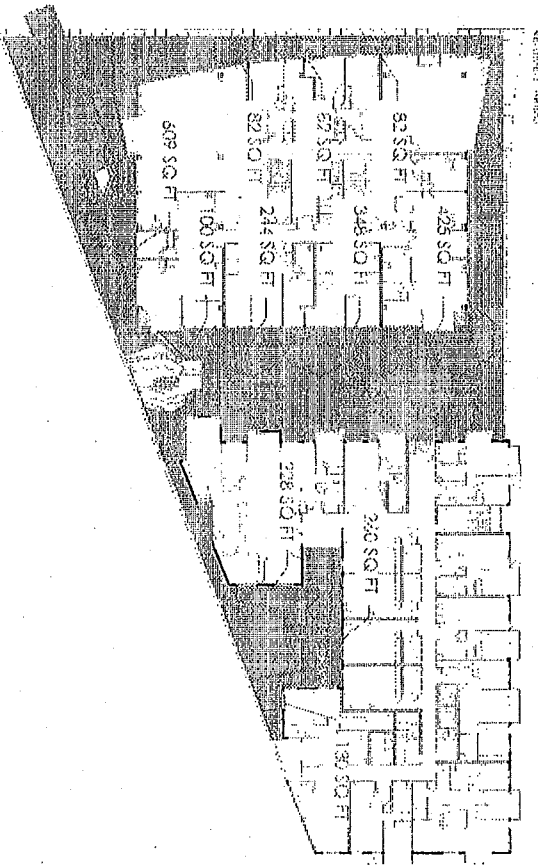
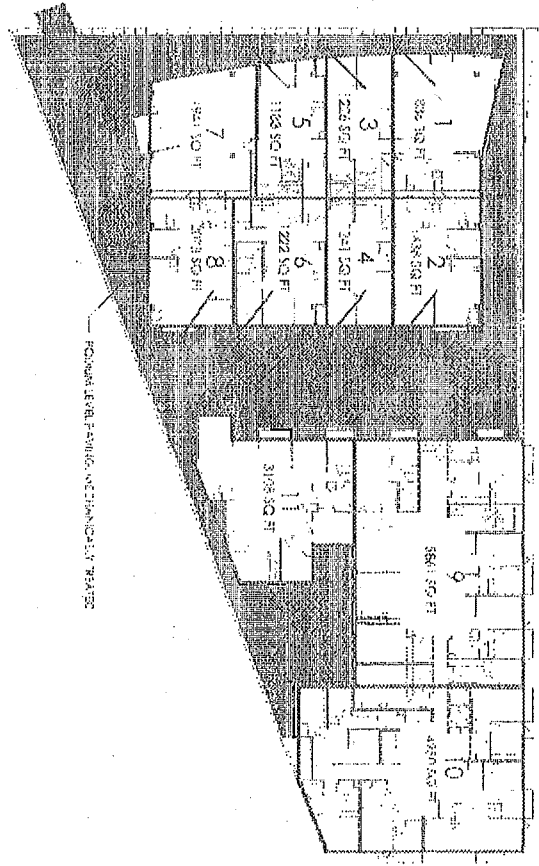
1000 17th Street and Lake Merritt Boulevard, Oakland, CA

PROJECT: LAKEHOUSE COMMONS
 1000 17th Street, Oakland, CA 94612
 DATE: 01/15/2014
 DRAWING NO.: 1000 17th Street

LAKEHOUSE COMMONS
 PARK PATTERNS

LAKEHOUSE COMMONS
 1000 17th Street, Oakland, CA 94612
 DATE: 01/15/2014
 DRAWING NO.: 1000 17th Street

LAKE MERRITT TOWERS // STORMWATER CALCULATIONS



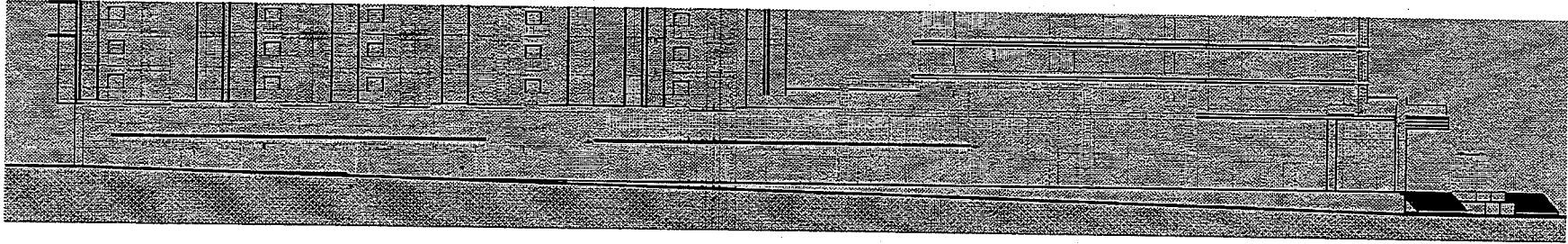
IMPROVEMENT AREA	TOTAL SQUARE FOOTAGE	TOTAL LANDSCAPING SELF-TREATMENT	TOTAL IMPERVIOUS SURFACES	TREATMENT AREA REQUIRED
ASPH	1,100	0	1,100	0
ASPH	25	0	25	0
ASPH	21	0	21	0
ASPH	1,127	0	1,127	0
ASPH	22	0	22	0
ASPH	241	0	241	0
ASPH	1,801	0	1,801	0
ASPH	666	0	666	0
ASPH	208	0	208	0
TOTAL IMPROVEMENTS EXCEPT LANDSCAPING	5,911	0	5,911	0
TOTAL	20,775	1,881	18,894	1,881

PVATOK

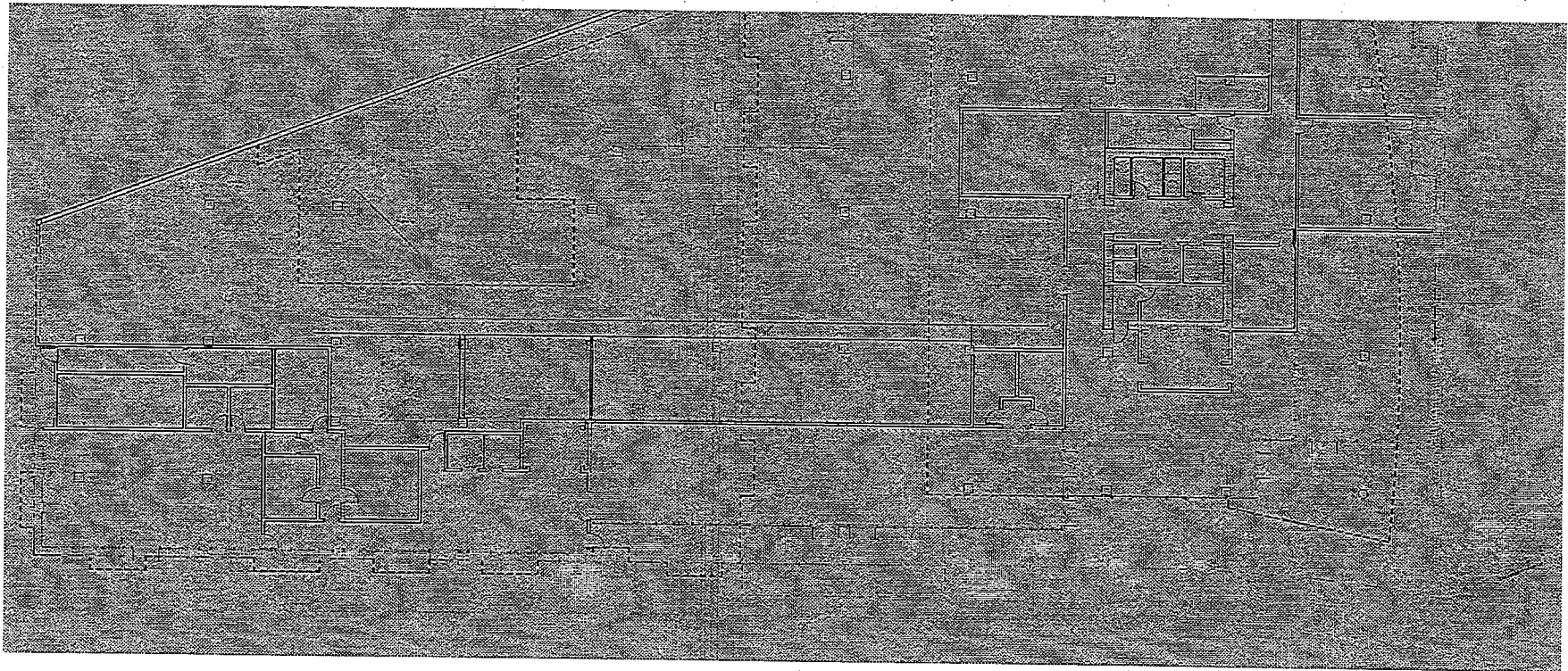
12000 12th Street, Oakland, CA 94612
 510.438.8800
 www.pvatok.com

LAKEHOUSE COMMONS
 E 12th Street and Lake Merritt Boulevard, Oakland CA

10.05



2 12TH STREET ENLARGED ELEVATION - WEST



1 BUILDING PLAN - LEVEL 1

PYATOK

740 TELEGRAPH AVENUE, SUITE 200
OAKLAND, CA 94612

PHOTOGRAPHY BY
JAMES W. HARRISON

ARCHITECT

2200 RIVER STREET, SUITE 200
OAKLAND, CA 94612
TEL: 415.764.1100
WWW.PYATOK.COM

LAKEHOUSE COMMONS
E 12th Street and Lake Merritt Boulevard, Oakland CA

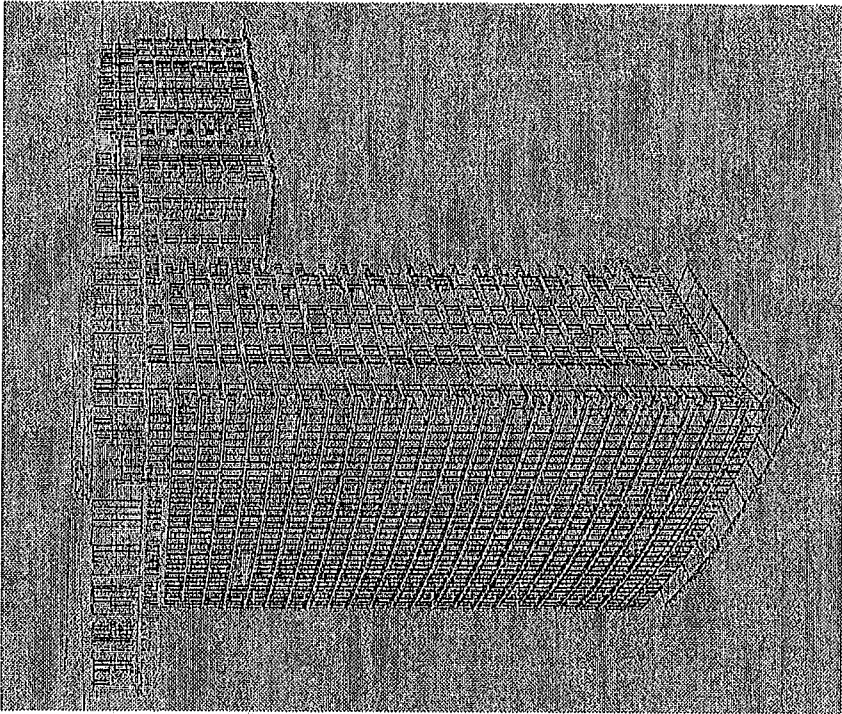
LEIGH AND PETERSON, LLC
ARCHITECTS
1100 MARKET STREET, SUITE 100
OAKLAND, CA 94612
TEL: 415.764.1100

ILLUMINOSA
LIGHTING CONCEPT
DESIGN

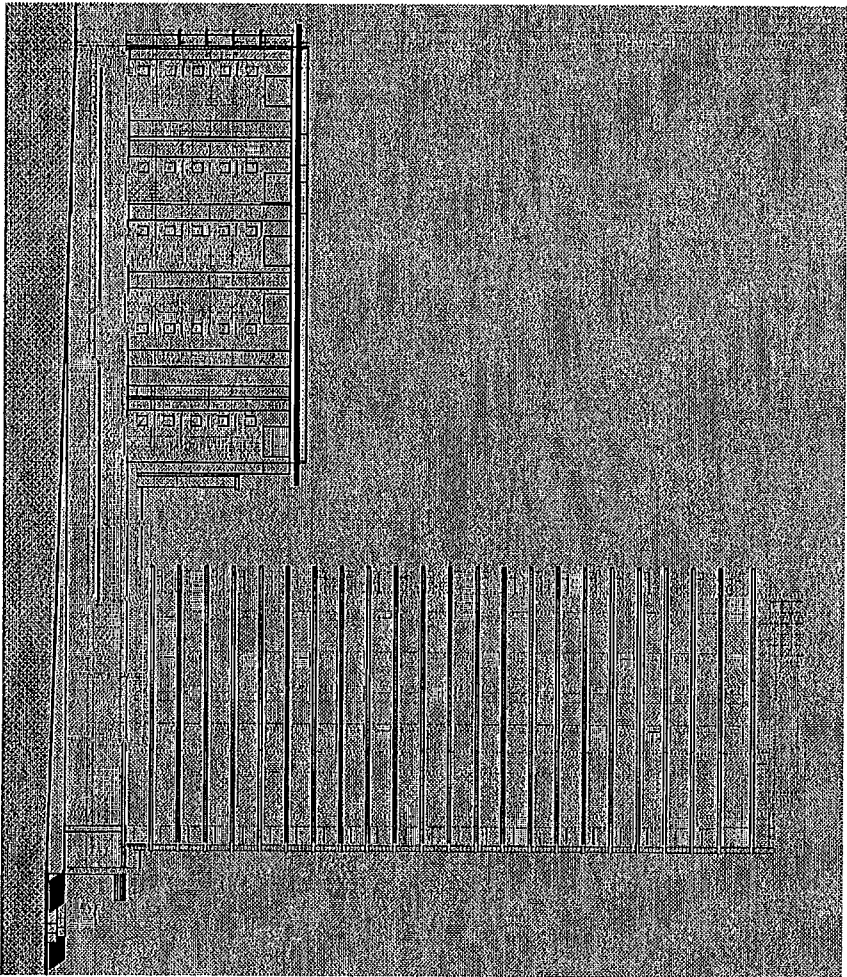
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SCALE: 1/8" = 1'-0"

PROJECT NO. 14-001

AL01



2 Perspective View - East 12th St and Lake Merritt Blvd



1 12TH STREET ELEVATION - WEST

PAATOK

PRINCIPAL ARCHITECT

2000 12th Street
Oakland, CA 94612
Tel: 415.763.1234
www.paatok.com

LAKEHOUSE COMMONS
E 12th Street and Lake Merritt Boulevard, Oakland CA

CONCEPT DESIGN BY
PAATOK ARCHITECTS
ARCHITECTS
2000 12th Street
Oakland, CA 94612
Tel: 415.763.1234
www.paatok.com

ILLUMINOSA
LIGHTING CONCEPT
DESIGN

2000 12th Street
Oakland, CA 94612
Tel: 415.763.1234
www.paatok.com

AL.02

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1415 12th Street, Suite 1000
Oakland, CA 94612

PHOTOGRAPHY: CHRISTOPHER
WILSON

ARCHITECT:
1215 12th Street, Suite 1000
Oakland, CA 94612
Phone: 415.778.1215
Website: Pyatok.com

LAKEHOUSE COMMONS
E 12th Street and Lake Merritt Boulevard, Oakland, CA

DATE: 08/14/2012
PROJECT: LAKELAND
SCALE: 1/8" = 1'-0"

DATE: 08/14/2012
PROJECT: LAKELAND
SCALE: 1/8" = 1'-0"

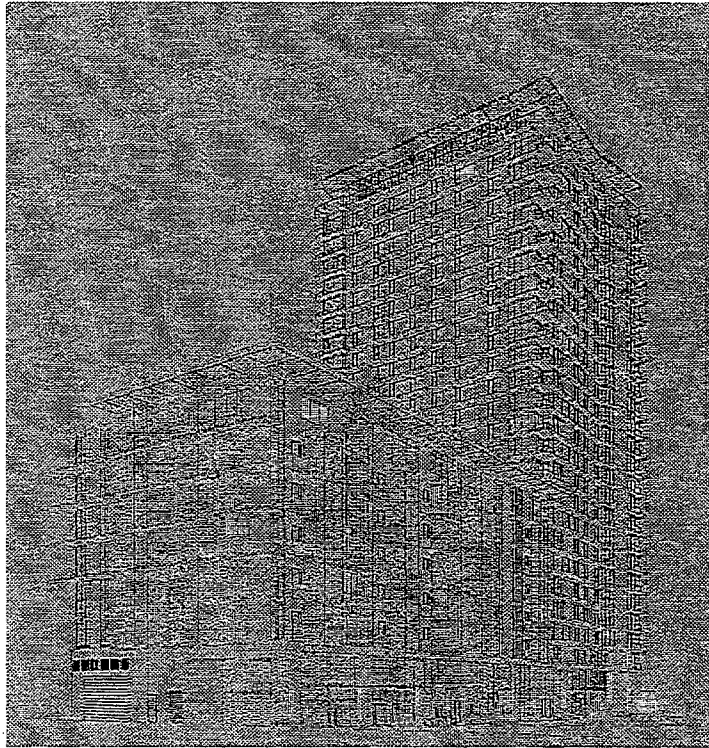
DATE: 08/14/2012
PROJECT: LAKELAND
SCALE: 1/8" = 1'-0"

LUMINOZA
LIGHTING CONCEPT
DESIGN

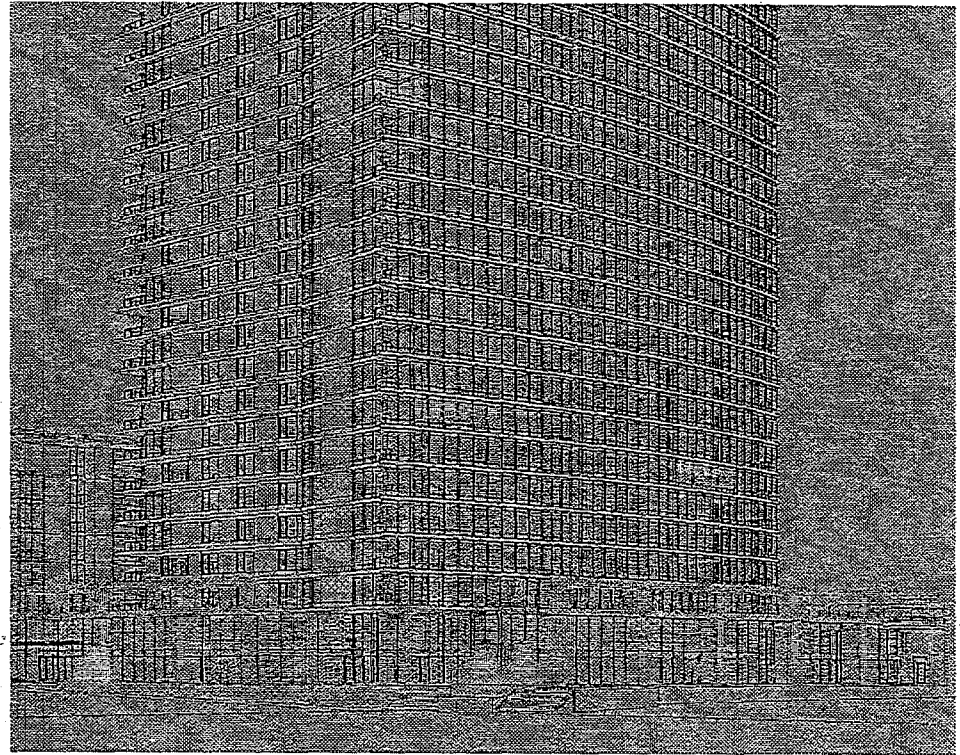
DATE: 08/14/2012
PROJECT: LAKELAND
SCALE: 1/8" = 1'-0"

DATE: 08/14/2012
PROJECT: LAKELAND
SCALE: 1/8" = 1'-0"

AL03

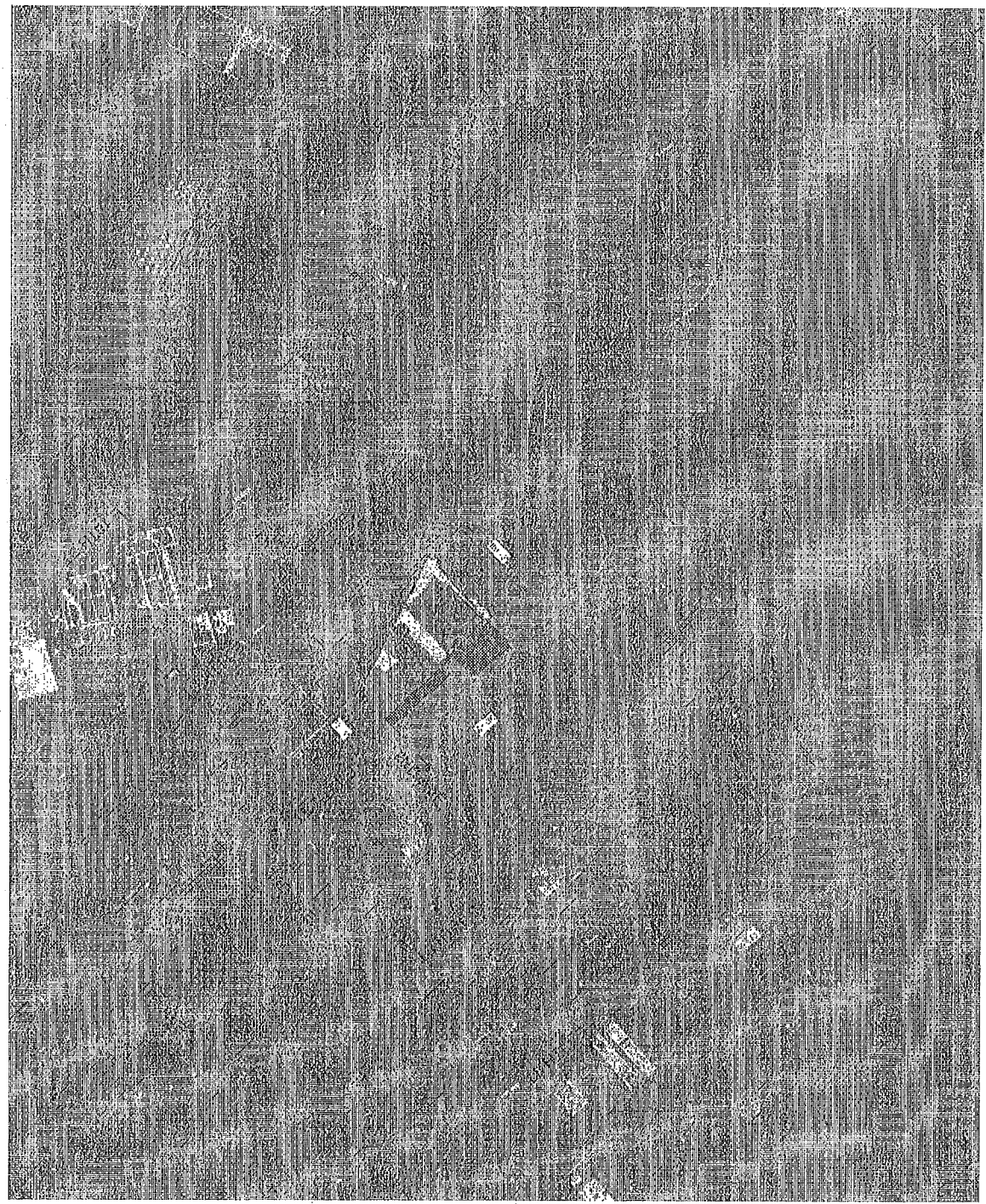


2 Perspective View - East 12th St



1 Perspective View - Streetscape along E 12th St

TRUE PROJECT NORTH



SITE PLAN

A100

DATE: 10/15/10
SCALE: AS SHOWN

SITE PLAN

PROJECT: LAKEHOUSE COMMONS
LOCATION: E 12th Street and Lake Merritt Boulevard, Oakland CA
DATE: 10/15/10
SCALE: AS SHOWN

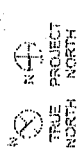
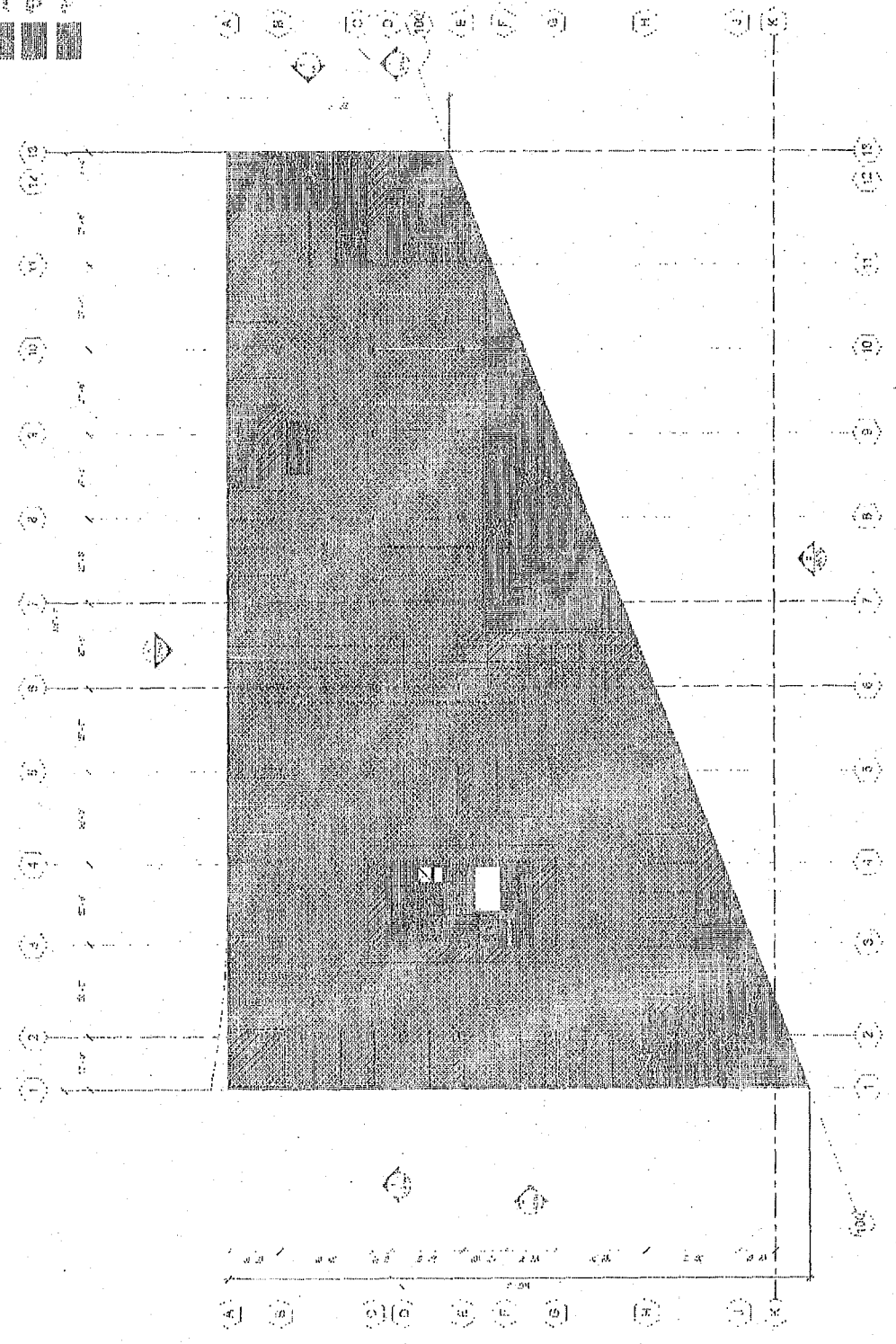
LAKEHOUSE COMMONS

E 12th Street and Lake Merritt Boulevard, Oakland CA

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ARCHITECTS
1000 BAY STREET
OAKLAND, CA 94612
TEL: 415.763.1000
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ROOM LEGEND

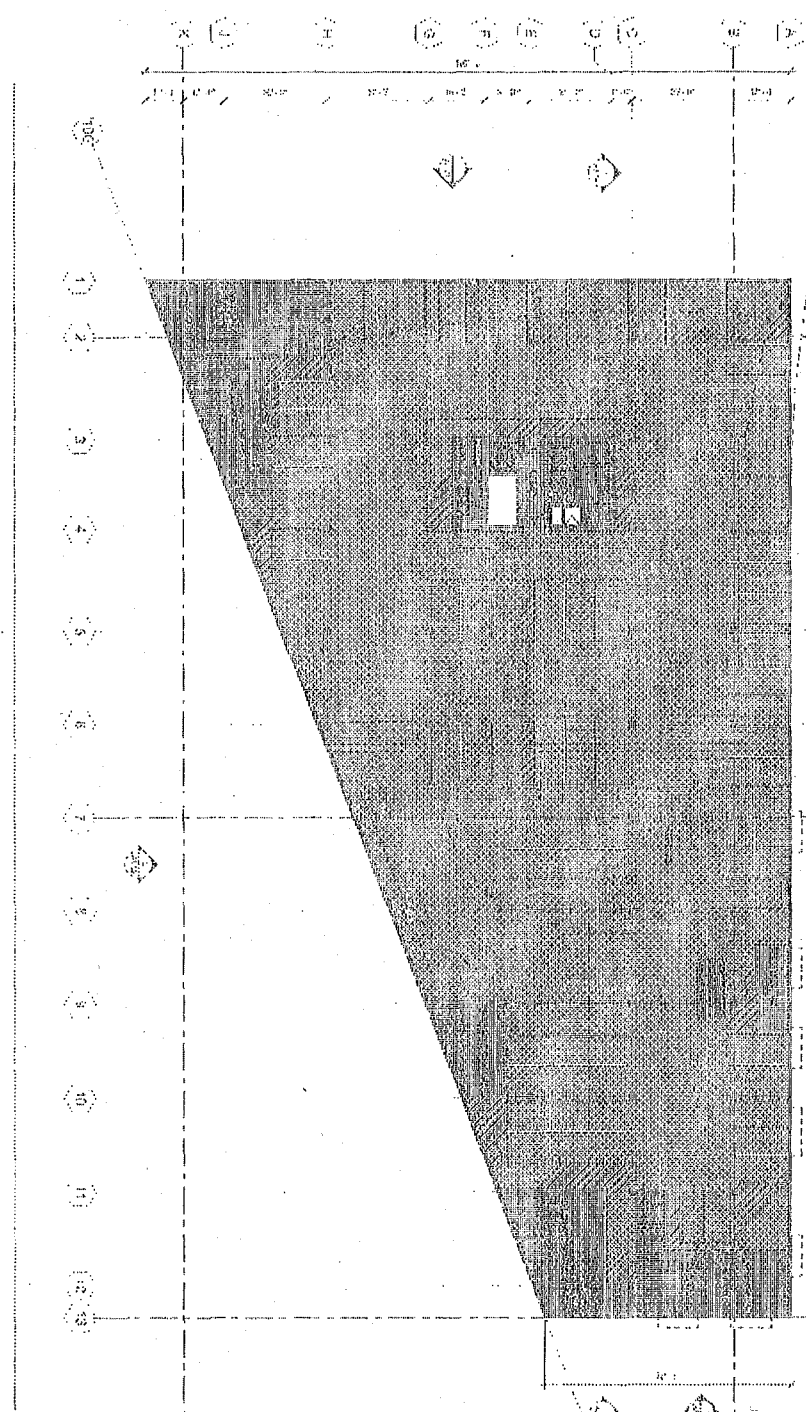
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[Pattern]	CONFERENCE	[Pattern]	RECEPTION
[Pattern]	RESTROOM	[Pattern]	STORAGE
[Pattern]	LOBBY	[Pattern]	MECHANICAL
[Pattern]	STAIR	[Pattern]	ELEVATOR
[Pattern]	MECHANICAL	[Pattern]	STAIR
[Pattern]	MECHANICAL	[Pattern]	STAIR
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[Pattern]	MECHANICAL	[Pattern]	STAIR
[Pattern]	MECHANICAL	[Pattern]	STAIR
[Pattern]	MECHANICAL	[Pattern]	STAIR



BUILDING PLAN - LEVEL 3E

ROOM LEGEND

ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT
ADJACENT	ADJACENT	ADJACENT	ADJACENT



N
 TRUE PROJECT NORTH
 NORTH

A102

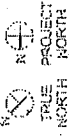
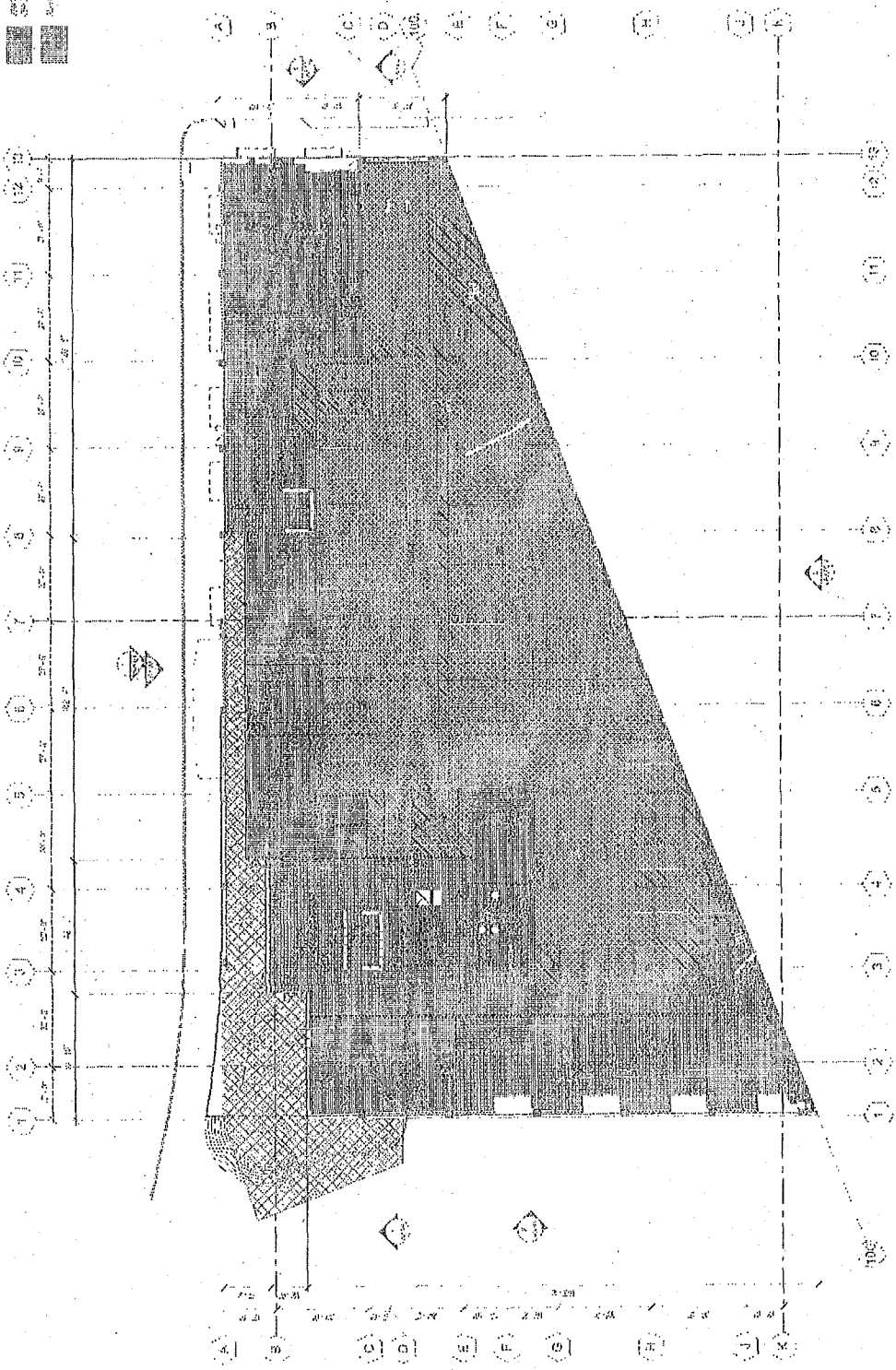
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LAKEHOUSE COMMONS
 E 12th Street and Lake Merritt Boulevard, Oakland CA

BUILDING PLAN
 LEVEL 31

ROOM LEGEND

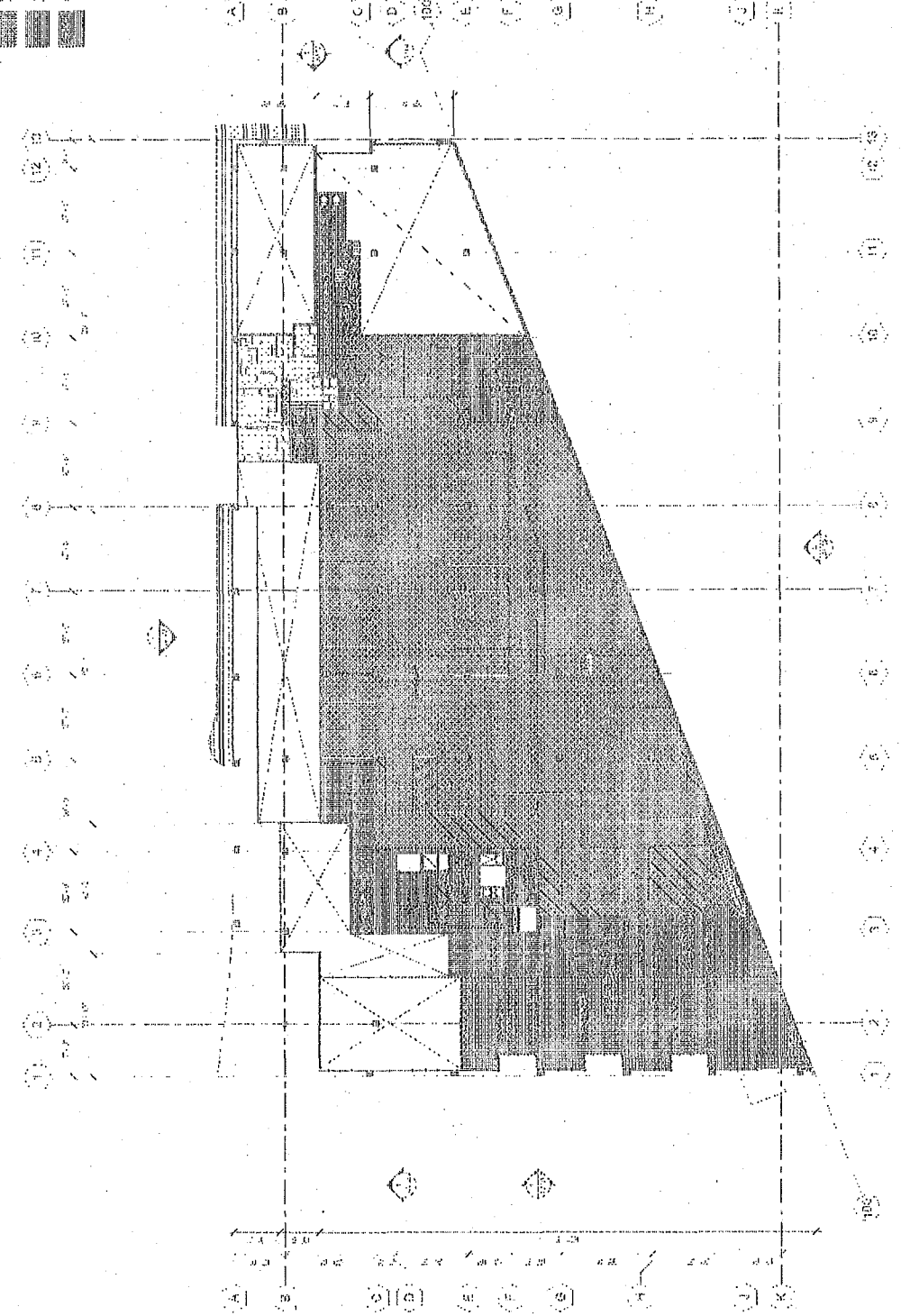
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[Pattern]	RESTROOM
[Pattern]	STAIR
[Pattern]	ELEVATOR
[Pattern]	HALL
[Pattern]	OFFICE
[Pattern]	CONFERENCE
[Pattern]	MEETING
[Pattern]	RECEPTION
[Pattern]	LOBBY
[Pattern]	RETAIL
[Pattern]	CAFETERIA
[Pattern]	GYMNASIUM
[Pattern]	POOL
[Pattern]	OUTDOOR DECK
[Pattern]	LANDSCAPE
[Pattern]	ROOF



BUILDING PLAN - LEVEL 1

ROOM LEGEND

[Pattern]	OFFICE	[Pattern]	RECEPTION
[Pattern]	CONFERENCE	[Pattern]	STORAGE
[Pattern]	MEETING	[Pattern]	MECHANICAL
[Pattern]	RESTROOM	[Pattern]	STAIRWELL
[Pattern]	LOBBY	[Pattern]	ELEVATOR
[Pattern]	RECEPTION	[Pattern]	STAIR
[Pattern]	CONFERENCE	[Pattern]	MECHANICAL
[Pattern]	MEETING	[Pattern]	STAIRWELL
[Pattern]	RESTROOM	[Pattern]	STAIR
[Pattern]	LOBBY	[Pattern]	ELEVATOR
[Pattern]	RECEPTION	[Pattern]	STAIRWELL
[Pattern]	CONFERENCE	[Pattern]	MECHANICAL
[Pattern]	MEETING	[Pattern]	STAIRWELL
[Pattern]	RESTROOM	[Pattern]	STAIR
[Pattern]	LOBBY	[Pattern]	ELEVATOR



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1417 12TH STREET, SUITE 200
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LAKESHORE COMMONS

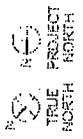
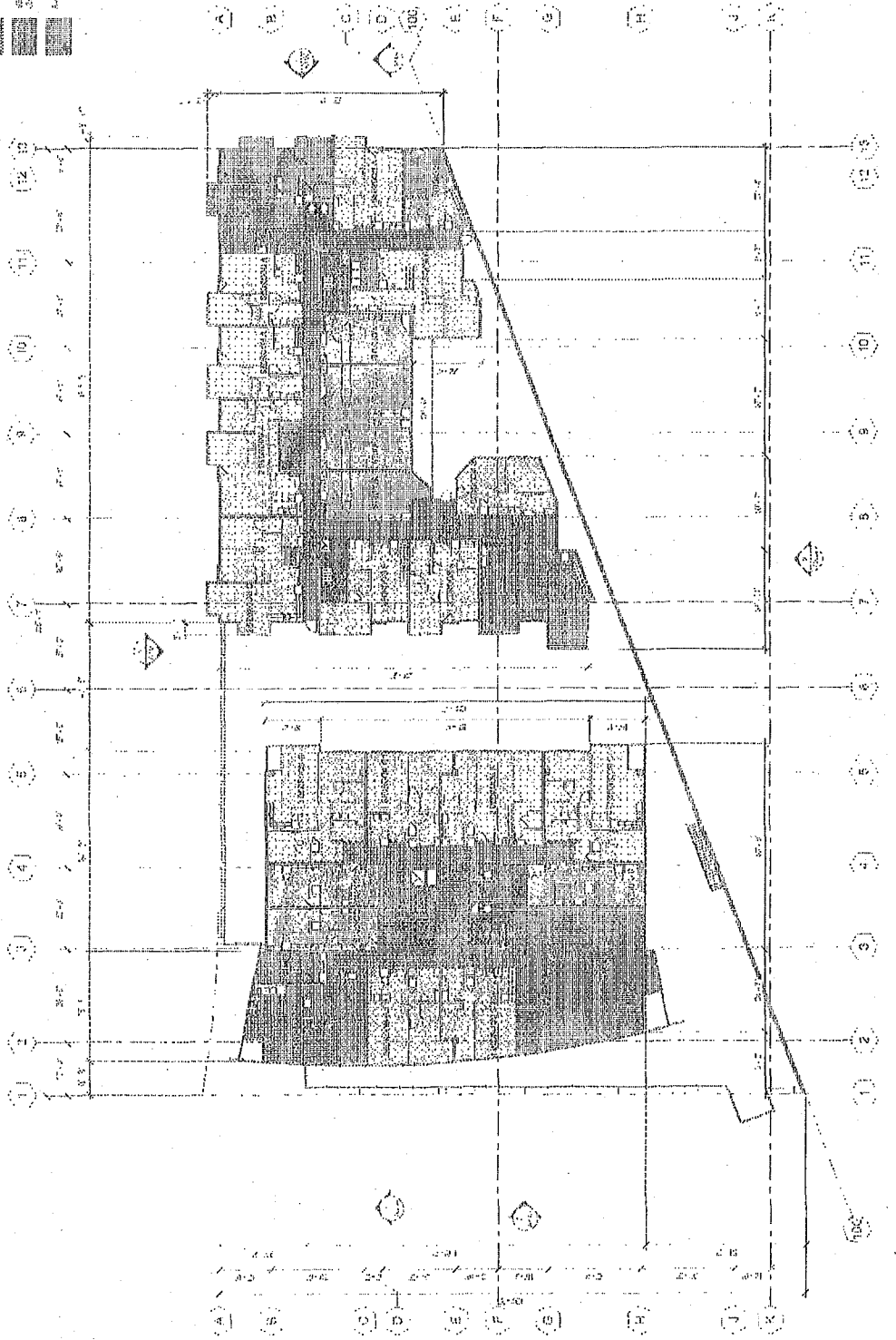
E 12th Street and Lake Merritt Boulevard, Oakland CA

BUILDING PLAN -
 LEVEL 3 AND 4

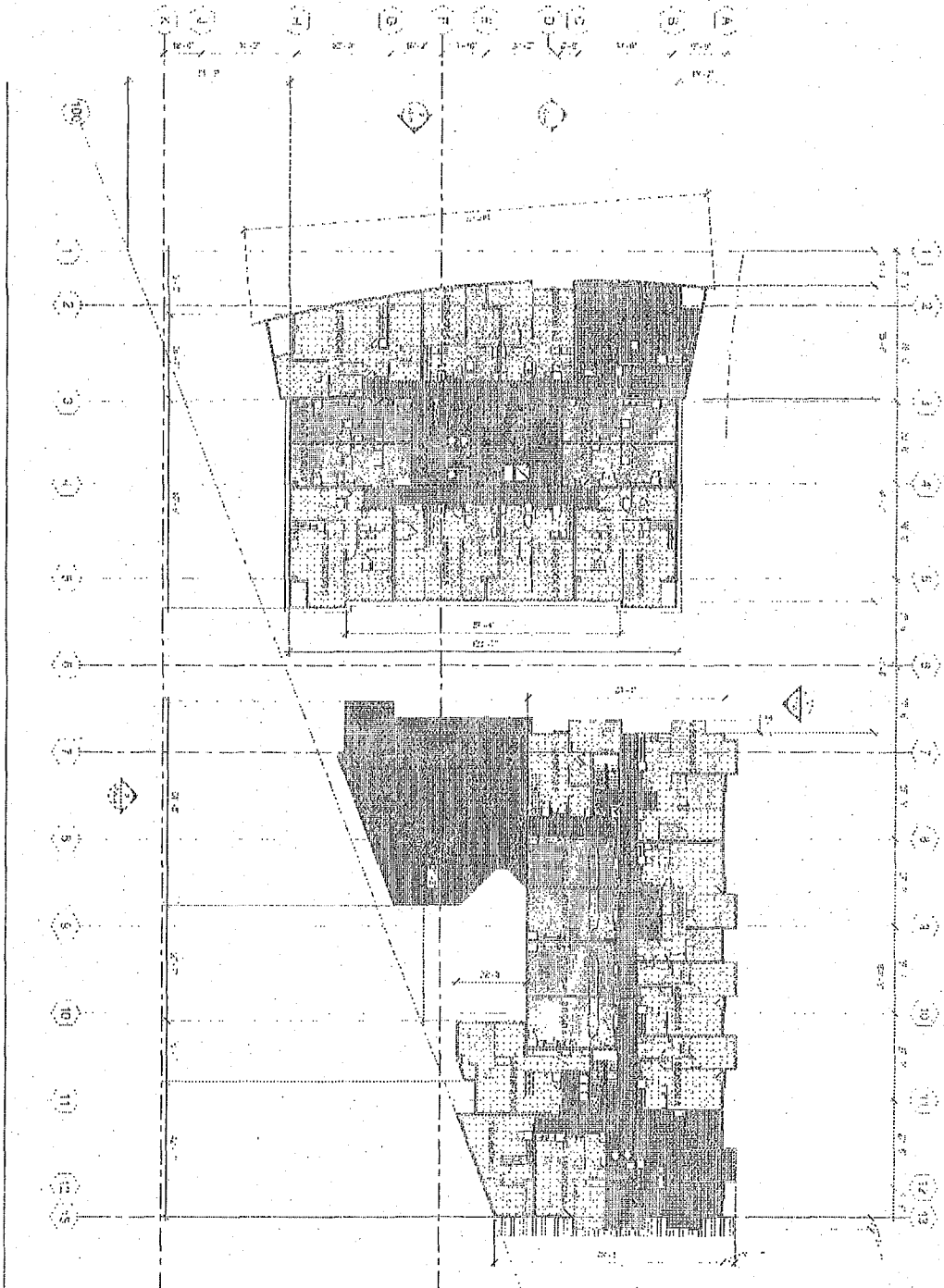
DATE: 10/15/10
 SCALE: AS SHOWN
 SHEET: A1.05

A1.05

	PARKING
	CORRIDOR
	ELEVATOR LOBBY
	STAIR
	OFFICE
	CONFERENCE ROOM
	RECEPTION
	BREAK ROOM
	RESTROOM
	UTILITY
	STORAGE
	MECHANICAL
	ELECTRICAL



BUILDING PLAN - LEVEL 3 AND 4



ROOM LEGEND

	LOBBY		CORRIDOR
	OFFICE		CONFERENCE ROOM
	MEETING ROOM		STORAGE
	BREAK ROOM		UTILITY
	ELEVATOR LOBBY		MECHANICAL
	STAIRWELL		RESTROOM
	JANITOR ROOM		STORAGE
	CORRIDOR		MECHANICAL
	ELEVATOR LOBBY		RESTROOM
	STAIRWELL		JANITOR ROOM
	CORRIDOR		STORAGE

BUILDING PLAN, LEVEL 7 AND 8
 TRUE PROJECT NORTH
 PROJECT NORTH

A1.07

BUILDING PLAN - LEVEL 7 AND 8

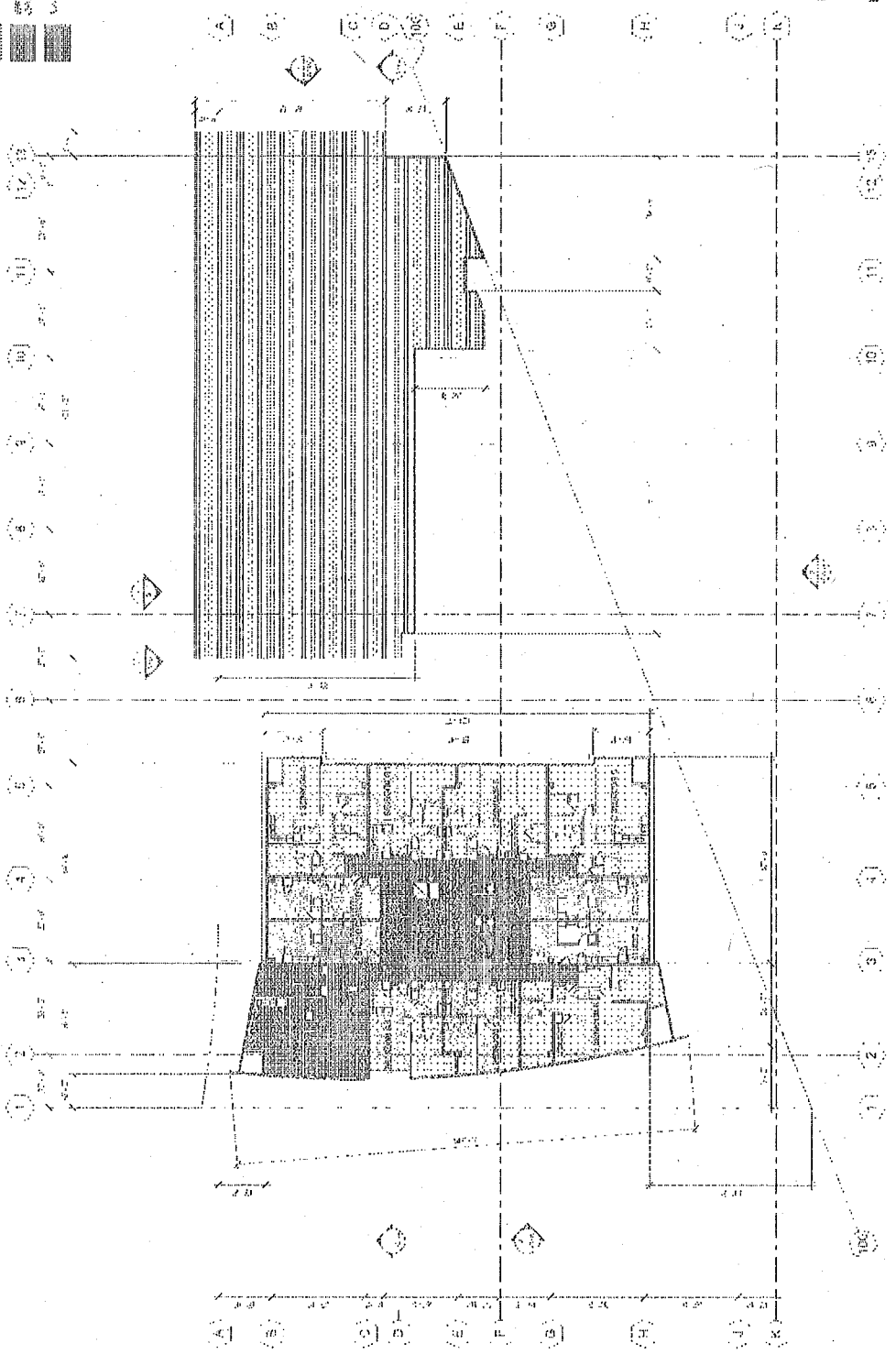
DATE: 02/20/18
 SCALE: AS SHOWN
 PROJECT: LAKEHOUSE COMMONS
 SHEET: A1.07
 DRAWN BY: [Name]
 CHECKED BY: [Name]

LAKEHOUSE COMMONS
 E 12th Street and Lake Merritt Boulevard, Oakland CA

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 ARCHITECTS
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 OAKLAND, CA 94612
 TEL: 415.764.8800
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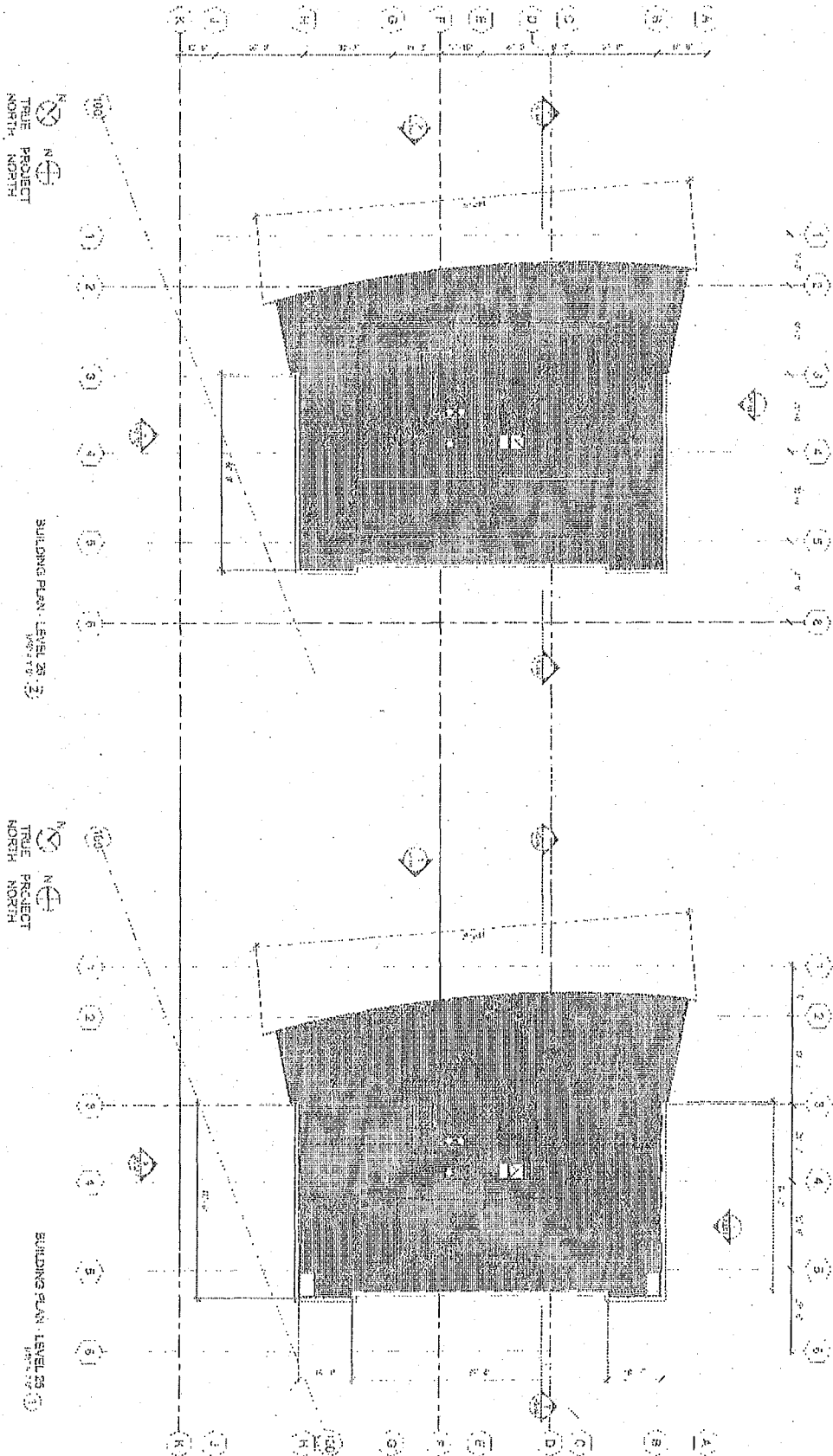
ROOM LEGEND

	STORAGE		MECHANICAL
	UTILITY		OFFICE
	CONFERENCE ROOM		RECEPTION
	AUDITORIUM		LOBBY
	CORRIDOR		STAIRWELL
	ELEVATOR LOBBY		RESTROOM
	BREAK ROOM		STORAGE
	UTILITY		MECHANICAL



TRUE PROJECT NORTH

BUILDING PLAN - LEVEL 9 THROUGH 24



TRUE PROJECT NORTH NORTH

BUILDING PLAN - LEVEL 25

TRUE PROJECT NORTH NORTH

BUILDING PLAN - LEVEL 26

ROOM LEGEND

[Pattern]	LOBBY	[Pattern]	OFFICE
[Pattern]	CORRIDOR	[Pattern]	MEETING
[Pattern]	CONFERENCE	[Pattern]	RECEPTION
[Pattern]	RESTROOM	[Pattern]	STORAGE
[Pattern]	MECHANICAL	[Pattern]	UTILITY
[Pattern]	STAIR	[Pattern]	ELEVATOR
[Pattern]	TRASH	[Pattern]	REPAIR
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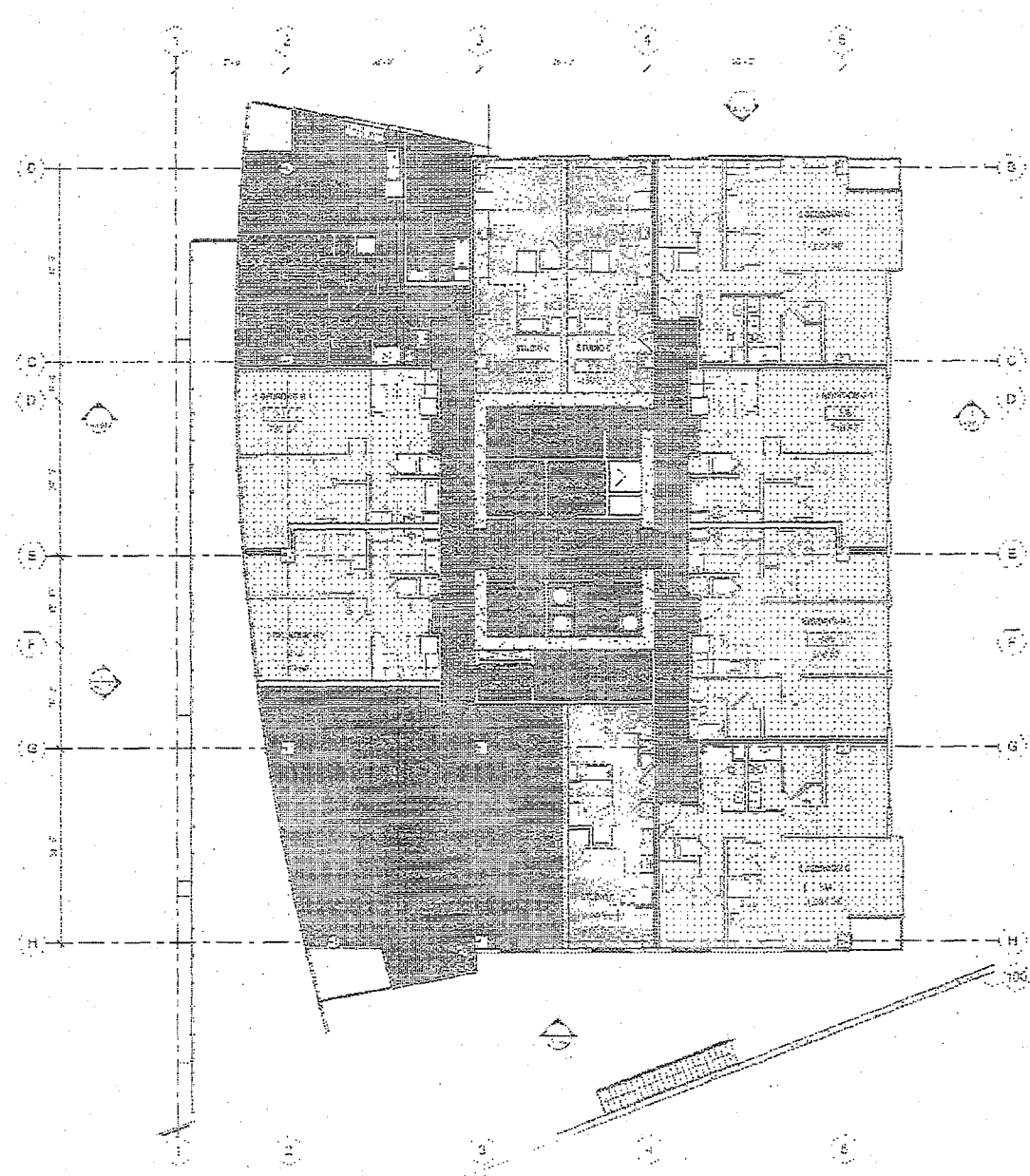
A1.09

BUILDING PLANS - LEVELS 25 AND 26

DATE: 10/15/2014
 TIME: 10:00 AM
 PROJECT: LAKEHOUSE COMMONS
 SHEET: A1.09

LAKEHOUSE COMMONS
 E 12th Street and Lake Merritt Boulevard, Oakland CA

PTATOK



ROOM LEGEND

[Pattern]	STAIR	[Pattern]	RE-DECK
[Pattern]	OFFICE	[Pattern]	WALL SIGN
[Pattern]	RECEPTION	[Pattern]	OFFICE RECEPTION
[Pattern]	MEETING	[Pattern]	OFFICE RECEPTION
[Pattern]	STORAGE	[Pattern]	OFFICE RECEPTION
[Pattern]	RESTROOM	[Pattern]	OFFICE RECEPTION
[Pattern]	ELEVATOR	[Pattern]	OFFICE RECEPTION
[Pattern]	STAIR	[Pattern]	OFFICE RECEPTION

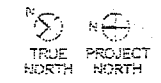
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 1000 BROADWAY
 SUITE 1000
 OAKLAND, CA 94612
 TEL: 415.764.1000
 FAX: 415.764.1001
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ARCHITECT: PYATOK ARCHITECTS
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ENLARGED BUILDING PLAN - LEVEL 3 - NORTH COMMONS

DATE: 11/11/11
 SCALE: 1/8" = 1'-0"



ENLARGED BUILDING PLAN - LEVEL 3, NORTH

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ARCHITECTS & INTERIORS
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SAN FRANCISCO, CA 94133
415.774.8888
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LAKEHOUSE COMMONS

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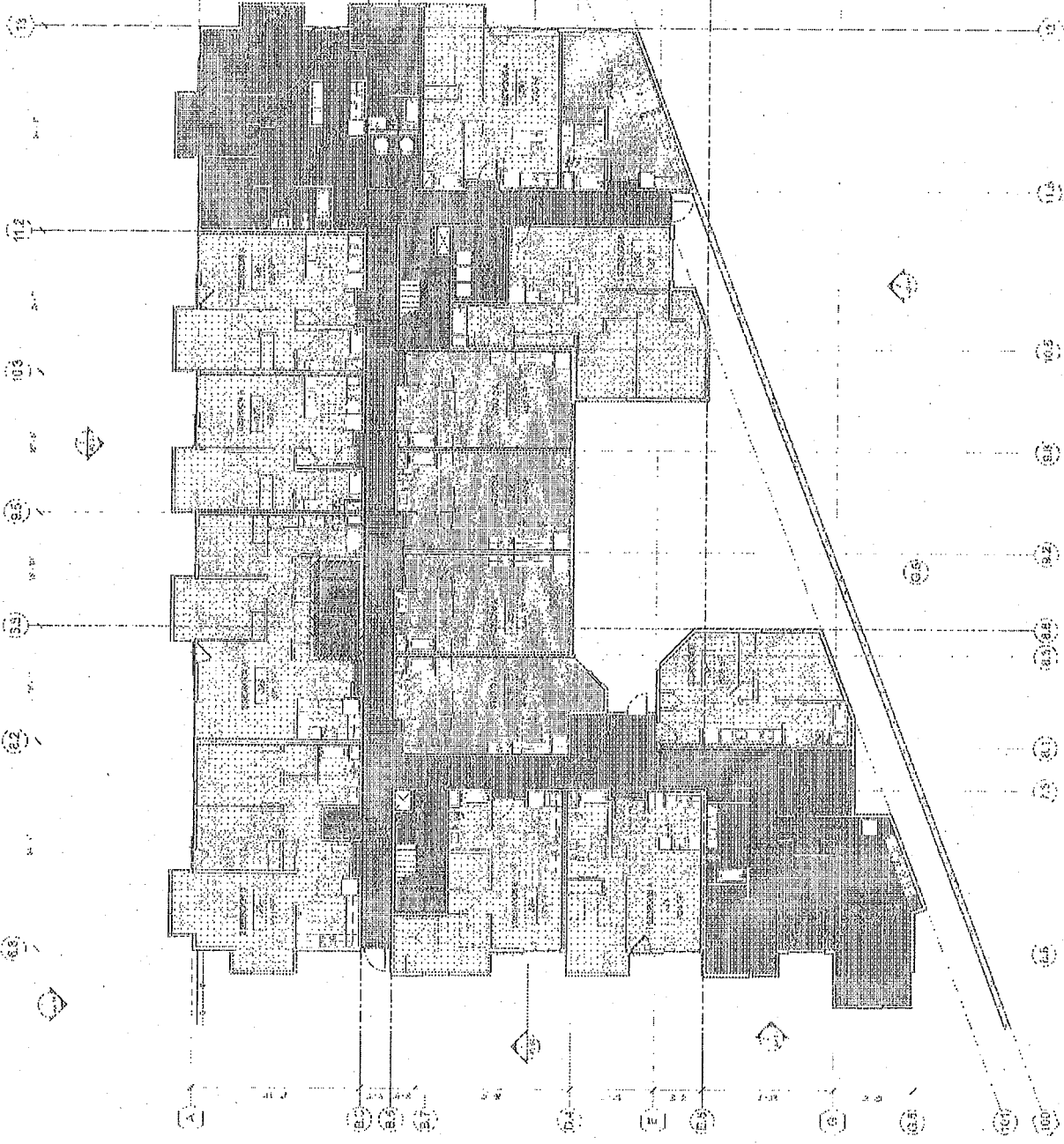
ENLARGED BUILDING
PLAN - LEVEL 3 -
SOUTH COMMONS

DATE: 12/10/2019
TIME: 10:00 AM
SCALE: 1/8" = 1'-0"

A2.01b

ROOM LEGEND

ROOM TYPE	SYMBOL
OFFICE	[Pattern]
RECEPTION	[Pattern]
CONFERENCE	[Pattern]
MEETING	[Pattern]
LOBBY	[Pattern]
STAIR	[Pattern]
ELEVATOR	[Pattern]
RESTROOM	[Pattern]
MECHANICAL	[Pattern]
PLUMBING	[Pattern]
STRUCTURAL	[Pattern]
GLAZING	[Pattern]
ROOF	[Pattern]
MECHANICAL ROOM	[Pattern]
PLUMBING ROOM	[Pattern]
STAIR WALK	[Pattern]
MECHANICAL WALK	[Pattern]
PLUMBING WALK	[Pattern]
STAIR WALK	[Pattern]



ENLARGED BUILDING PLAN - LEVEL 3 - SOUTH COMMONS

PVATOK
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 1100 MARKET STREET
 SAN FRANCISCO, CA 94102
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LAKEHOUSE COMMONS
 E 12th Street and Lake Merritt Boulevard, Oakland CA

PROJECT NO. PV-12-001
 SHEET NO. A2.02a
 DATE: 08/14/12
 DRAWN BY: [Name]
 CHECKED BY: [Name]

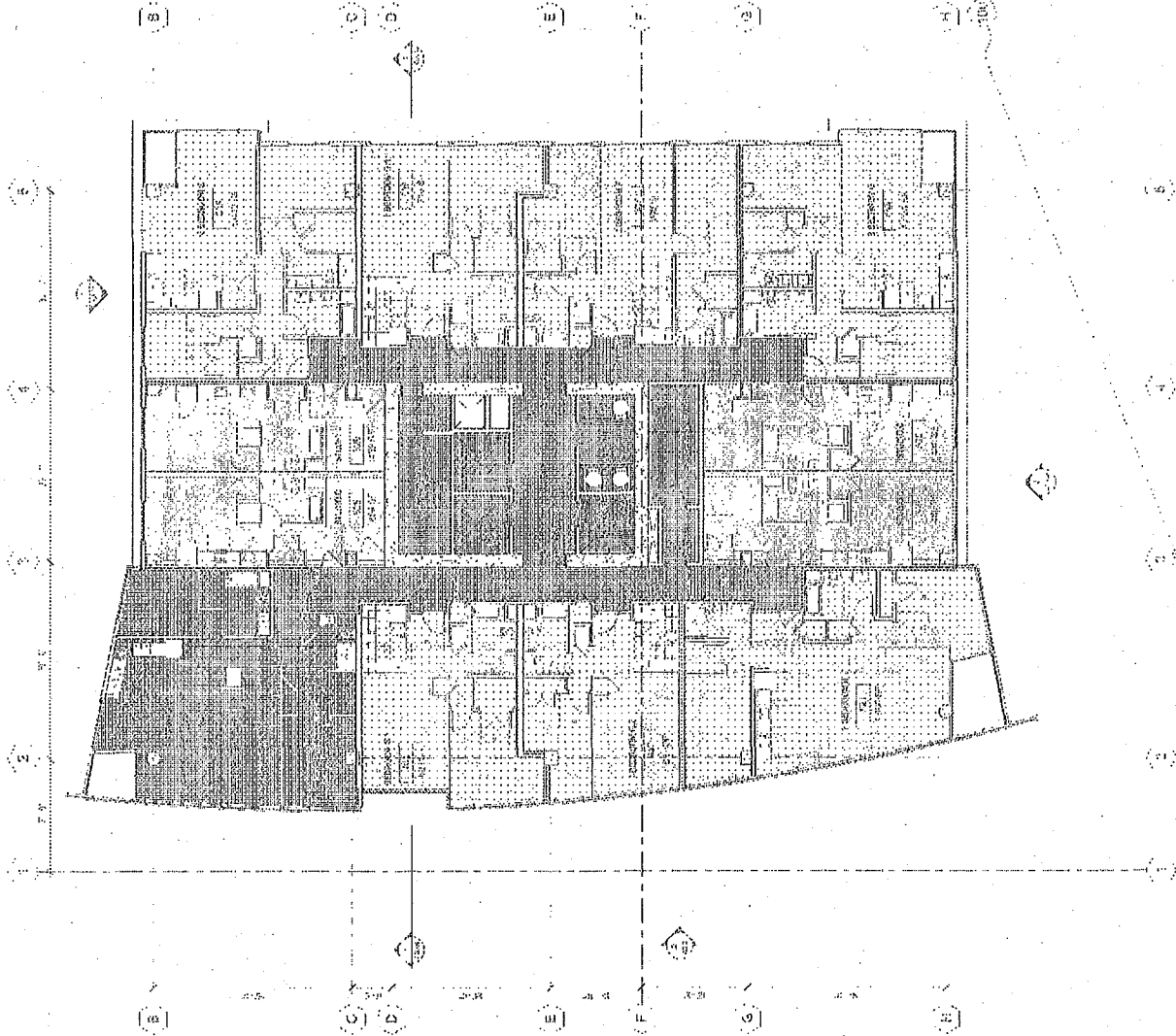
ENLARGED BUILDING
 PLAN - LEVEL 6
 NORTH COMMONS

SCALE: 1/8" = 1'-0"
 DATE: 08/14/12
 DRAWN BY: [Name]

A2.02a

ROOM LEGEND

[Pattern]	OFFICE
[Pattern]	CONFERENCE
[Pattern]	RECEPTION
[Pattern]	MEETING
[Pattern]	STORAGE
[Pattern]	RESTROOM
[Pattern]	LOBBY
[Pattern]	MECHANICAL
[Pattern]	STAIR
[Pattern]	ELEVATOR
[Pattern]	MECHANICAL SHAFT
[Pattern]	STAIR CORE
[Pattern]	ELEVATOR CORE
[Pattern]	MECHANICAL CORE
[Pattern]	STAIR WALKWAY
[Pattern]	ELEVATOR WALKWAY
[Pattern]	MECHANICAL WALKWAY



PROJECT NORTH
 TRUE NORTH

ENLARGED BUILDING PLAN - LEVEL 6 NORTH COMMONS

A2.02b

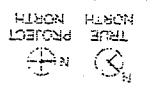
ENLARGED BUILDING PLAN - LEVEL 5
PLAN - LEVEL 5
SOUTH COMMONS

DATE: 11/11/11
PROJECT NO: 1111111111
DRAWN BY: J. J. J.

LAKEHOUSE COMMONS
E 12th Street and Lake Martin Boulevard, Oakdale, CA

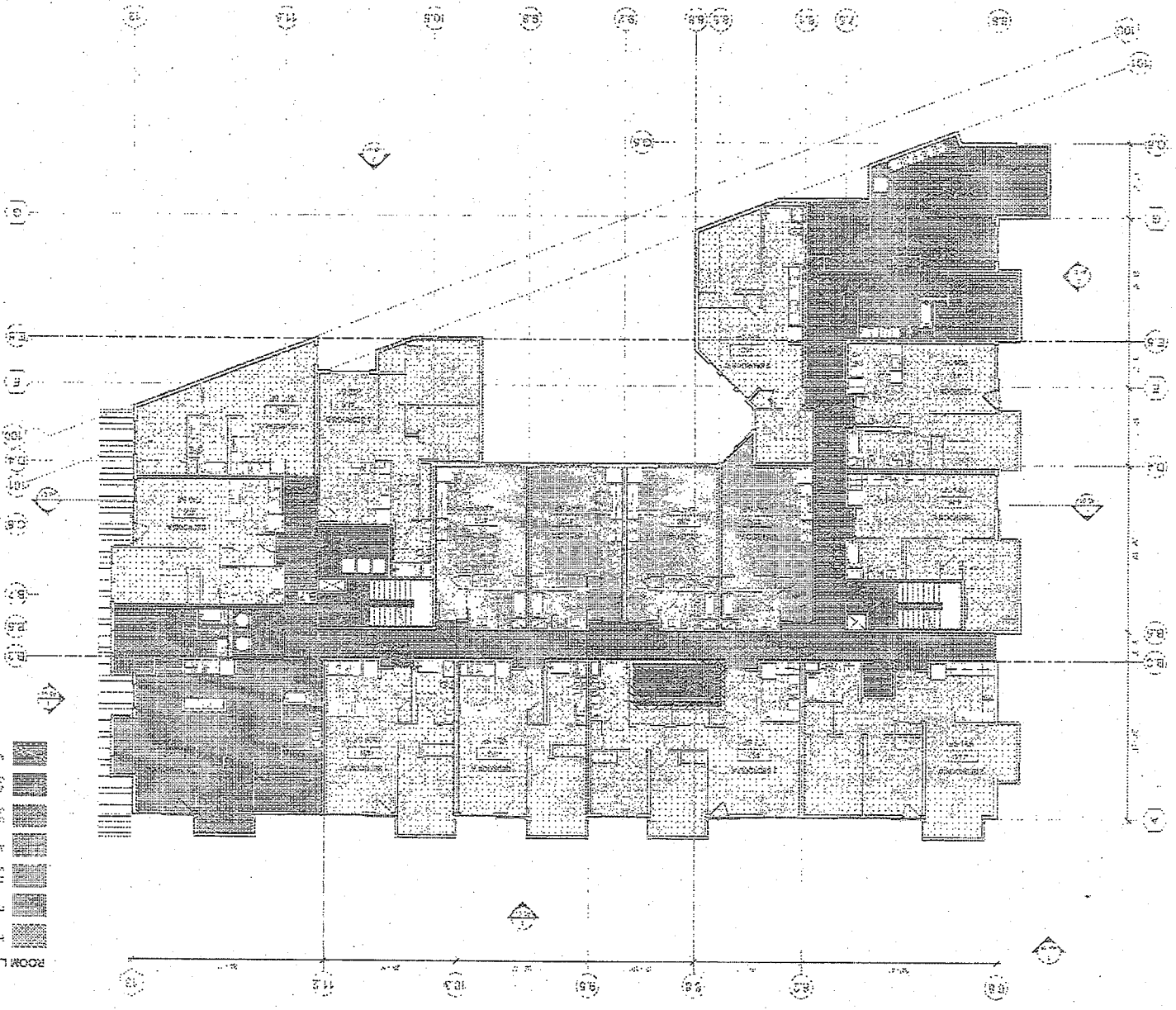
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ARCHITECTS
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1111111111
1111111111

ENLARGED BUILDING PLAN - LEVEL 5 SOUTH



ROOM LEGEND

101	OFFICE
102	CONFERENCE
103	RECEPTION
104	STORAGE
105	RESTROOM
106	LOBBY
107	MEETING
108	TRAINING
109	WORKSTATION
110	RECEPTION
111	OFFICE
112	CONFERENCE
113	RECEPTION
114	STORAGE
115	RESTROOM
116	LOBBY
117	MEETING
118	TRAINING
119	WORKSTATION
120	RECEPTION
121	OFFICE
122	CONFERENCE
123	RECEPTION
124	STORAGE
125	RESTROOM
126	LOBBY
127	MEETING
128	TRAINING
129	WORKSTATION
130	RECEPTION
131	OFFICE
132	CONFERENCE
133	RECEPTION
134	STORAGE
135	RESTROOM
136	LOBBY
137	MEETING
138	TRAINING
139	WORKSTATION
140	RECEPTION
141	OFFICE
142	CONFERENCE
143	RECEPTION
144	STORAGE
145	RESTROOM
146	LOBBY
147	MEETING
148	TRAINING
149	WORKSTATION
150	RECEPTION





ROOM LEGEND

[Hatching]	MEANS	[Hatching]	APP. JUNK
[Hatching]	MECH.	[Hatching]	INT. STAIR
[Hatching]	OFFICE	[Hatching]	INT. STAIRWELL
[Hatching]	RECEPTION	[Hatching]	INT. STAIRWELL
[Hatching]	LOBBY AND WAITING	[Hatching]	INT. STAIRWELL
[Hatching]	RENTAL OFFICE/STORAGE	[Hatching]	INT. STAIRWELL
[Hatching]	STORAGE	[Hatching]	INT. STAIRWELL
[Hatching]	STORAGE	[Hatching]	INT. STAIRWELL

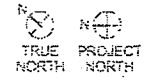
PYATOK
 ARCHITECTURAL FIRM
 1000 BAY STREET, SUITE 200
 OAKLAND, CA 94612
 TEL: (415) 778-1000
 FAX: (415) 778-1001

LAKEHOUSE COMMONS
 E 12th Street and Lake Merritt Boulevard, Oakland CA

100% COMPLETED
 100% COMPLETED
 100% COMPLETED

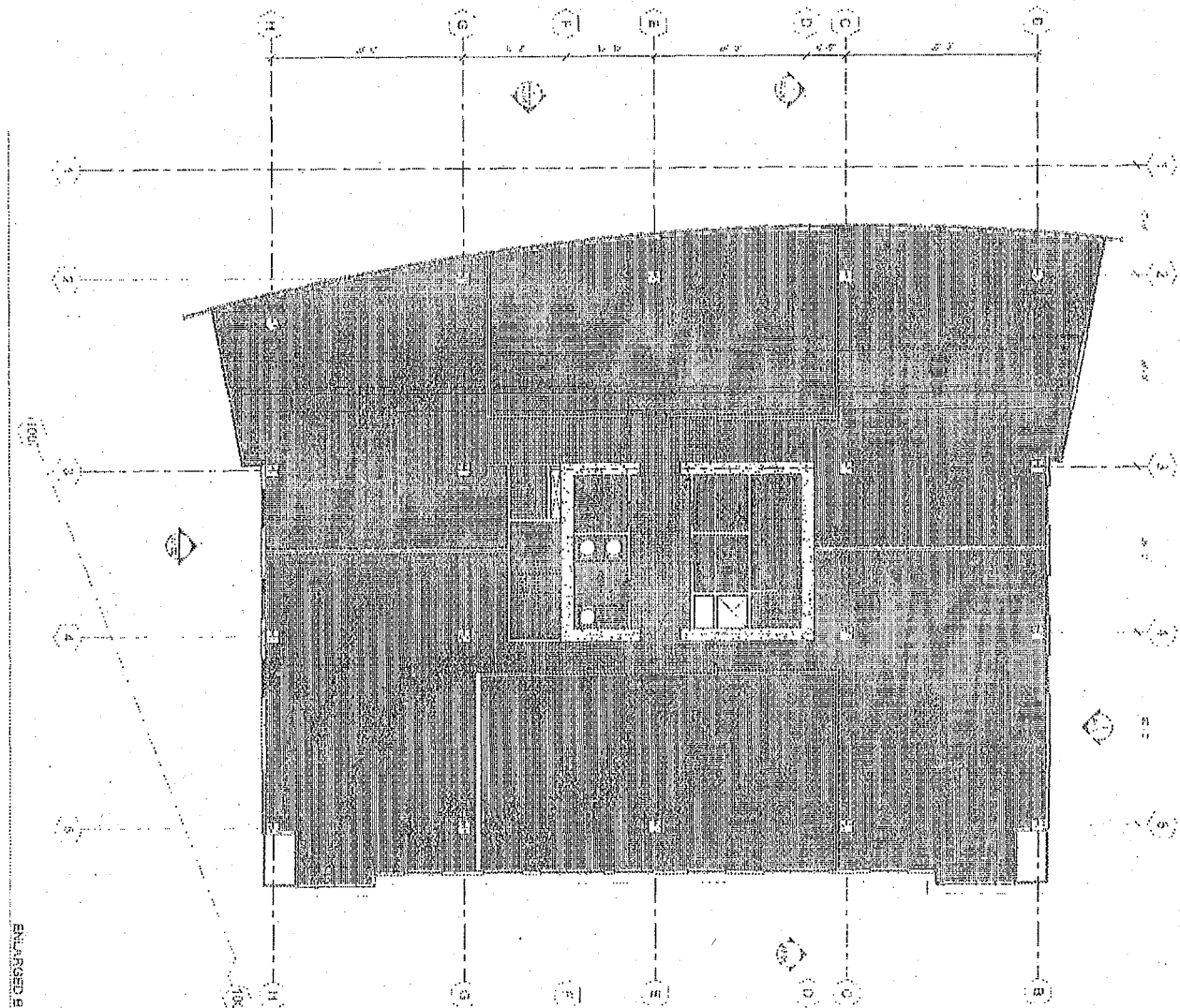
ENLARGED BUILDING PLAN - LEVEL 7 - SOUTH COMMONS

DATE: 10/1/11
 BY: [Signature]
 CHECKED: [Signature]
 TITLE: [Title]

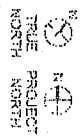


ENLARGED BUILDING PLAN - LEVEL 7 SOUTH COMMONS

A2.03b



ENLARGED BUILDING PLAN - LEVEL 25, NORTH COMMONS



ROOM LEGEND

[Pattern]	OFFICE	[Pattern]	CONFERENCE
[Pattern]	RECEPTION	[Pattern]	STAIR
[Pattern]	RESTROOM	[Pattern]	ELEVATOR
[Pattern]	MEETING	[Pattern]	LOBBY
[Pattern]	STORAGE	[Pattern]	MECHANICAL
[Pattern]	UTILITY	[Pattern]	TRASH
[Pattern]	LABORATORY	[Pattern]	SERVER
[Pattern]	WORKSTATION	[Pattern]	RECEPTION
[Pattern]	RECEPTION	[Pattern]	STAIR
[Pattern]	STAIR	[Pattern]	ELEVATOR
[Pattern]	ELEVATOR	[Pattern]	LOBBY
[Pattern]	LOBBY	[Pattern]	MECHANICAL
[Pattern]	MECHANICAL	[Pattern]	TRASH
[Pattern]	TRASH	[Pattern]	SERVER
[Pattern]	SERVER	[Pattern]	RECEPTION

A2.04a

ENLARGED BUILDING PLAN - LEVEL 25, NORTH COMMONS

DATE: 10/15/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: [Number]

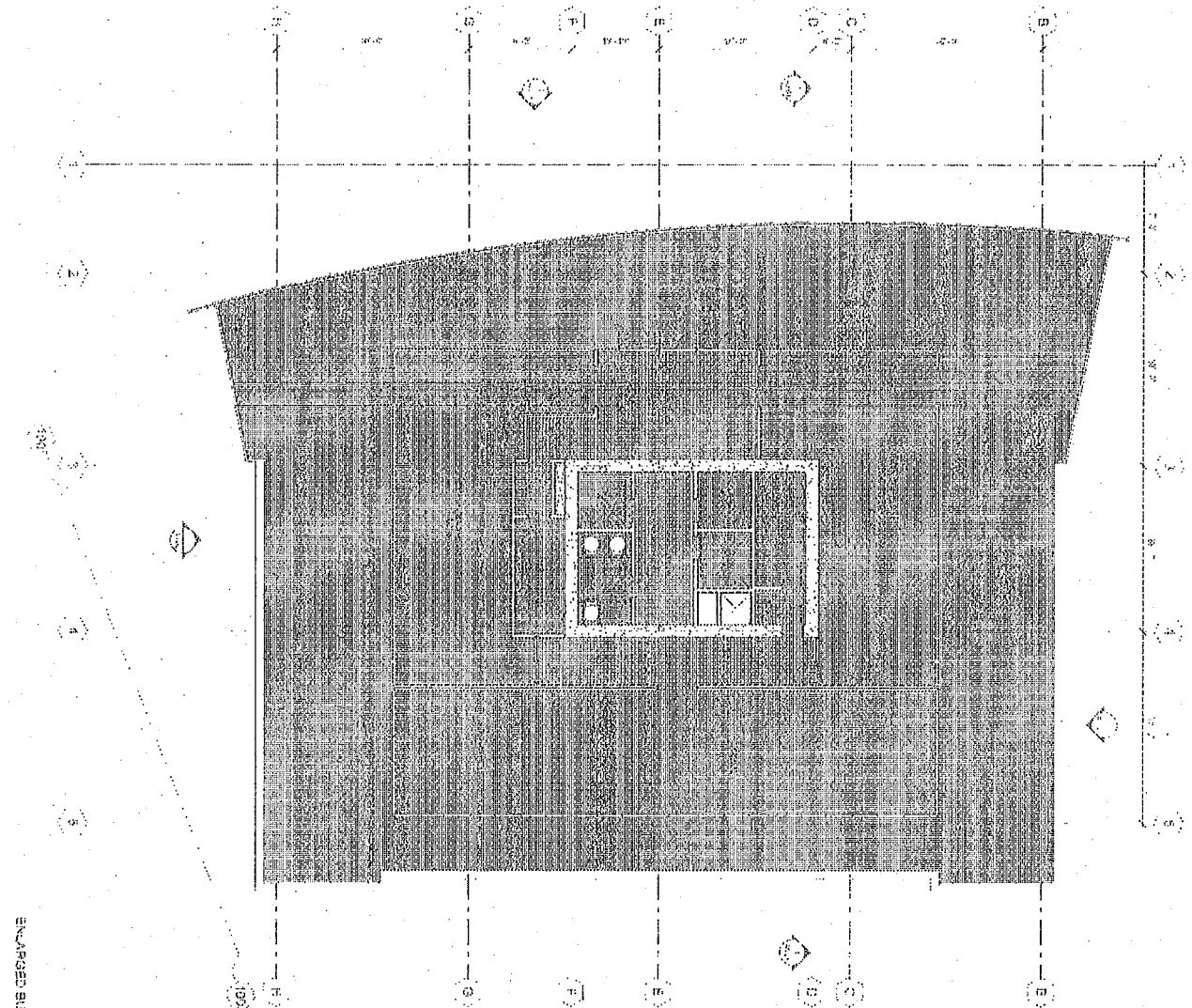
LAKEHOUSE COMMONS
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ARCHITECT: PATOK
 1000 14th Street, Suite 100
 Oakland, CA 94612
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 FAX: 415.763.2201
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 Oakland, CA 94612
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 FAX: 415.763.2201
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ROOM LEGEND

[Pattern]	PERKINS	[Pattern]	PERKINS
[Pattern]	STAIR	[Pattern]	UNIT 112
[Pattern]	LOBBY	[Pattern]	UNIT 113
[Pattern]	OFFICE	[Pattern]	UNIT 114
[Pattern]	CONFERENCE	[Pattern]	UNIT 115
[Pattern]	RESTROOM	[Pattern]	UNIT 116
[Pattern]	MEETING	[Pattern]	UNIT 117
[Pattern]	RECEPTION	[Pattern]	UNIT 118
[Pattern]	STAIR	[Pattern]	UNIT 119
[Pattern]	STAIR	[Pattern]	UNIT 120
[Pattern]	STAIR	[Pattern]	UNIT 121
[Pattern]	STAIR	[Pattern]	UNIT 122
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[Pattern]	STAIR	[Pattern]	UNIT 125
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[Pattern]	STAIR	[Pattern]	UNIT 131
[Pattern]	STAIR	[Pattern]	UNIT 132
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[Pattern]	STAIR	[Pattern]	UNIT 141
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[Pattern]	STAIR	[Pattern]	UNIT 147
[Pattern]	STAIR	[Pattern]	UNIT 148
[Pattern]	STAIR	[Pattern]	UNIT 149
[Pattern]	STAIR	[Pattern]	UNIT 150

ENLARGED BUILDING PLAN - LEVEL 26 NORTH
 TRUE PROJECT NORTH
 N

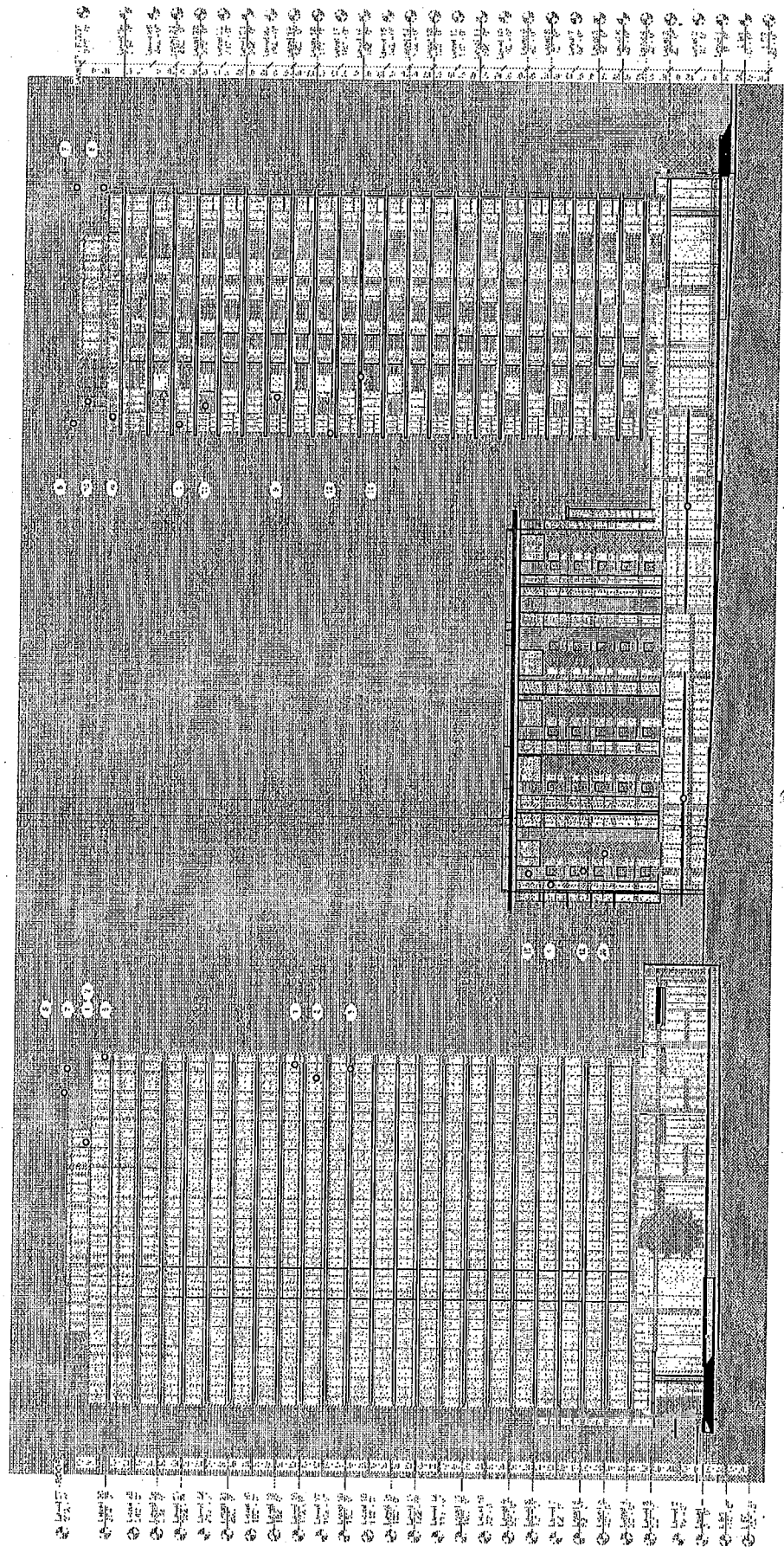
PYATOK
 3000 Broadway, Suite 200
 Oakland, CA 94612
 Tel: 510.434.4000
 Fax: 510.434.4001
 www.pyatok.com

LAKEHOUSE COMMONS
 E 12th Street and Lake Merritt Boulevard, Oakland CA

A2.05a

ENLARGED BUILDING PLAN - LEVEL 26 - NORTH COMMONS
 26
 11/11/10
 11/11/10

NUMBER	DESCRIPTION	REVISIONS
1	GENERAL NOTE	
2	GENERAL NOTE	
3	GENERAL NOTE	
4	GENERAL NOTE	
5	GENERAL NOTE	
6	GENERAL NOTE	
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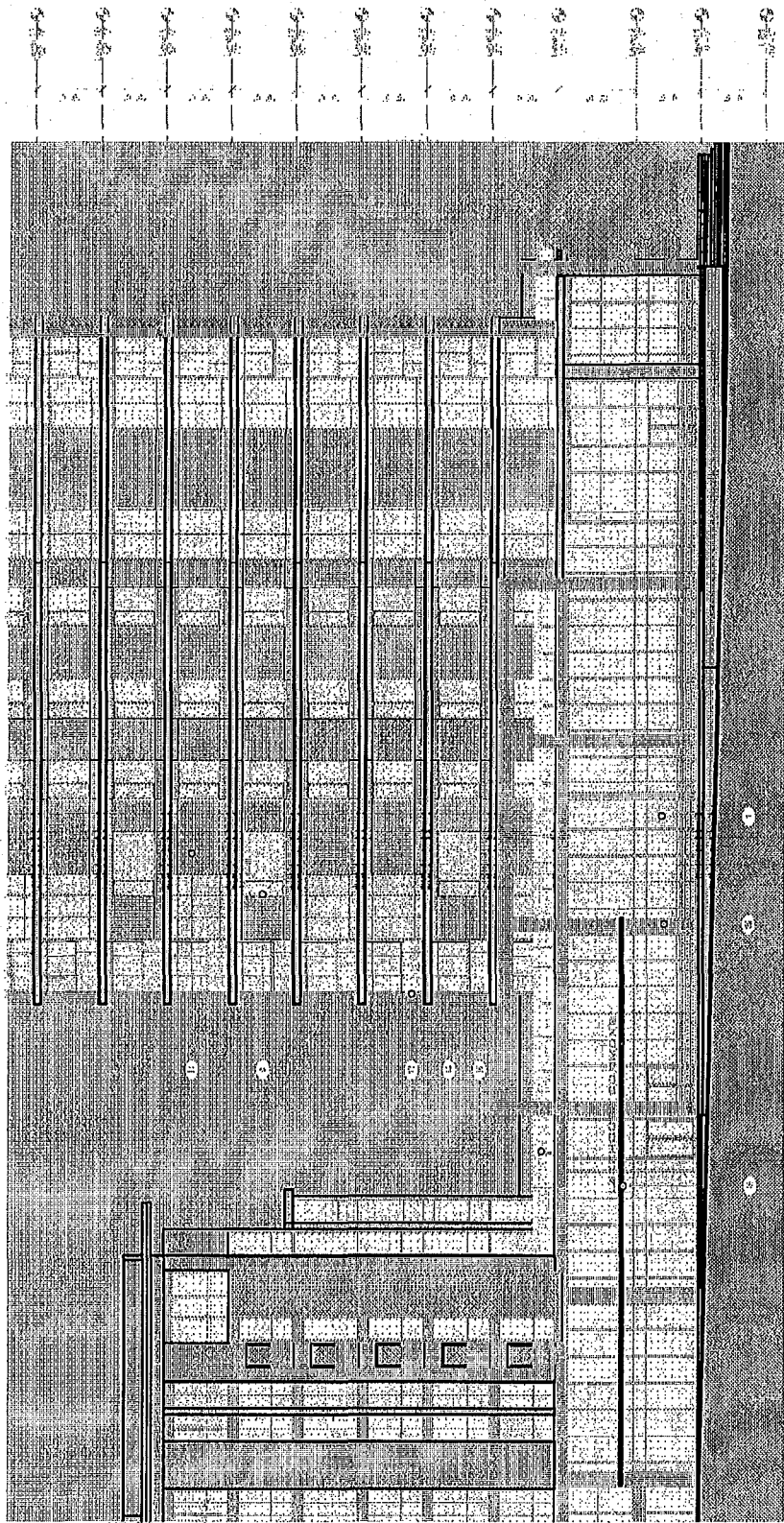


LAKE MERRITT BLVD ELEVATION (NORTH) (2)

12TH STREET ELEVATION (WEST) (2)

- 1. GENERAL NOTE: ALL DIMENSIONS SHALL BE TO FINISH UNLESS OTHERWISE NOTED.
- 2. FINISHES: SEE FINISH SCHEDULE FOR ALL FINISHES.
- 3. ALL WALLS SHALL BE 12" THICK UNLESS OTHERWISE NOTED.
- 4. ALL FLOORS SHALL BE CONCRETE ON GRADE UNLESS OTHERWISE NOTED.
- 5. ALL CEILING SHALL BE 8' HIGH UNLESS OTHERWISE NOTED.
- 6. ALL ROOF SHALL BE 2" POLYSTYRENE INSULATION OVER 4" CONCRETE ON GRADE UNLESS OTHERWISE NOTED.
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LAKEHOUSE COMMONS
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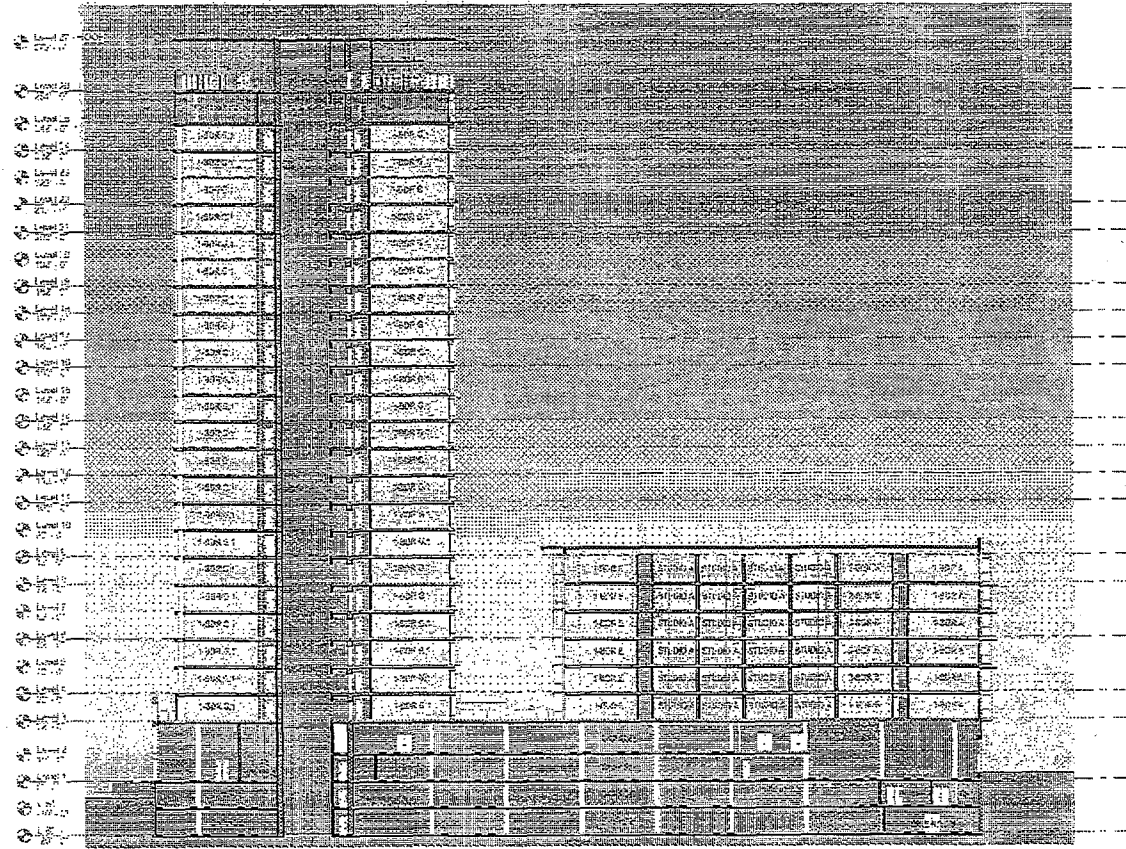
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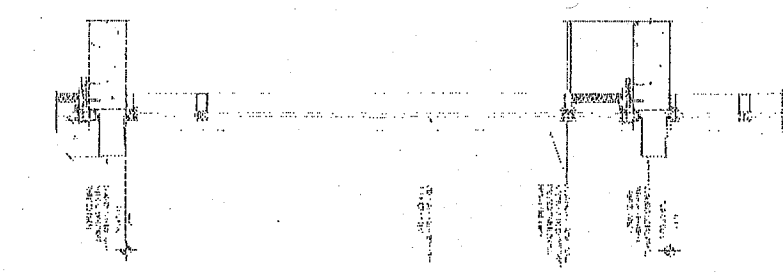
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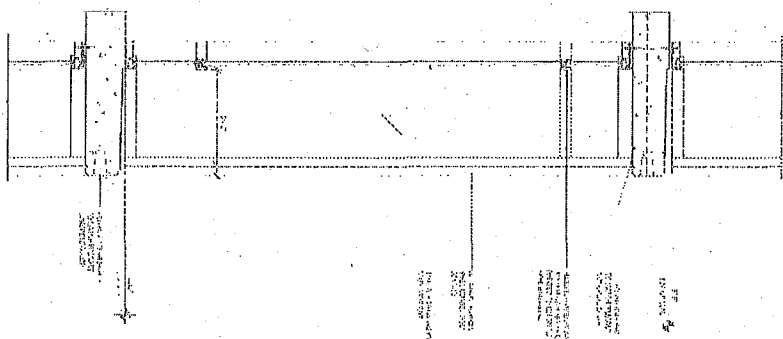


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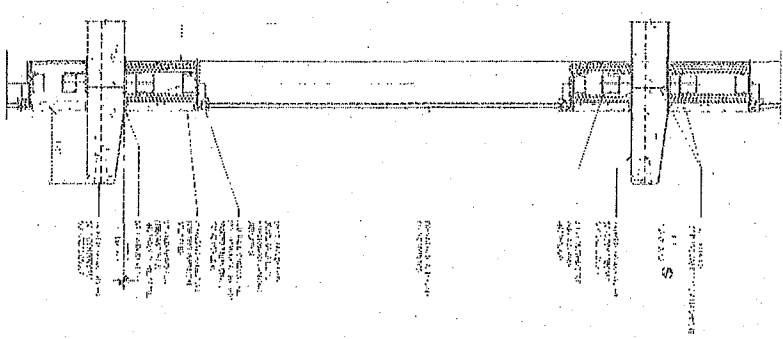
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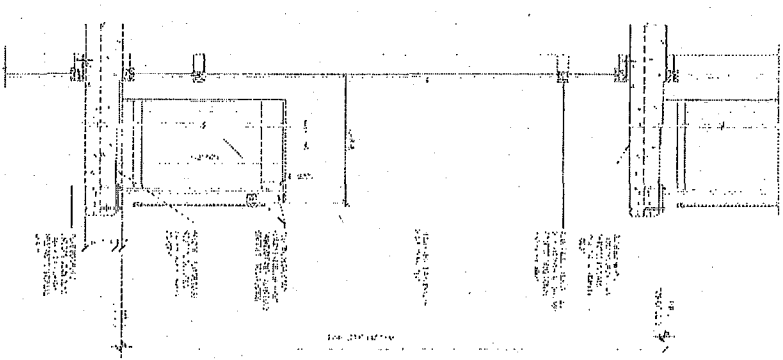
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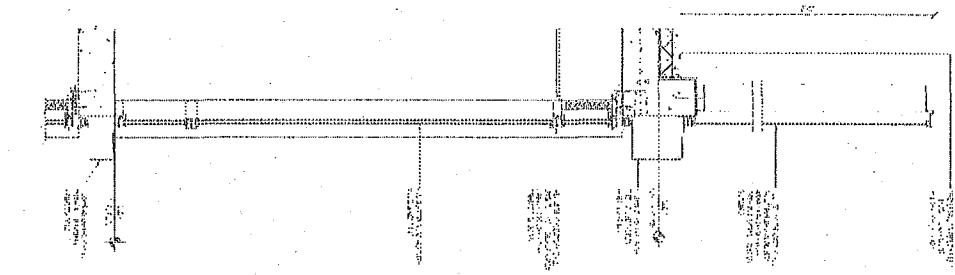
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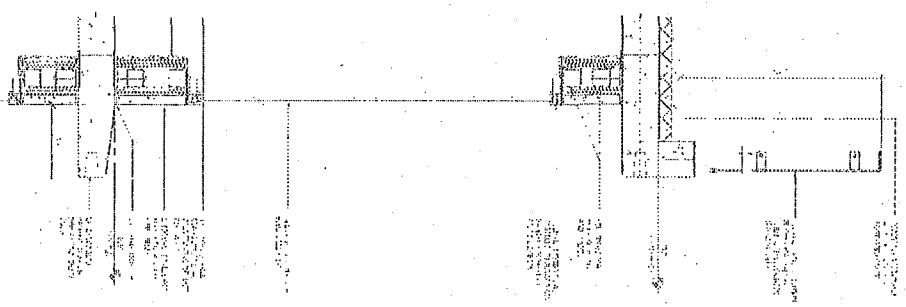
4 WINDOW WALL AT BALCONY AT EAST WEST ELEVATIONS

WALL SECTIONS

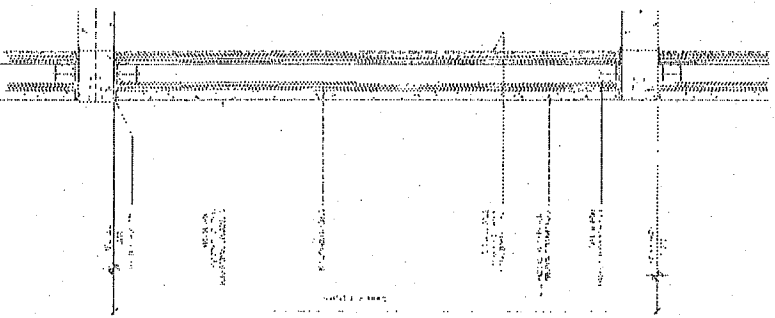
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2	WINDOW WALL AT NORTH ELEVATION
3	WINDOW AT PRE-CAST PANEL AT SOUTH EAST WEST ELEVATIONS
4	WINDOW WALL AT BALCONY AT EAST WEST ELEVATIONS



SECTION AT PARAPET
 AT NORTH ELEVATION



SECTION EDGE PARAPET
 AT EAST AND SOUTH ELEVATIONS



SECTION WALL PARAPET
 AT MAIN ELEVATION

WALL
 SECTIONS

**LAKEHOUSE COMMONS PROJECT
CEQA ANALYSIS**

LSA

May 2016

**LAKEHOUSE COMMONS PROJECT
CEQA ANALYSIS**

Submitted to:

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250 Frank H. Ogawa Plaza, Suite 2114
Oakland, California 94612

Prepared by:

LSA Associates, Inc.
2215 Fifth Street
Berkeley, California 94710
510.540.7331

LSA

May 2016

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LAKEHOUSE COMMONS PROJECT CEQA ANALYSIS

Pursuant to California Resources Code Sections 21083.3, 21094.5.5, and 21166 and CEQA Guidelines Sections 15162, 15164, 15183, 15183.3, 15168, and 15180

Date: May 27, 2016

Project Address: East 12th Street and 2nd Avenue

Case Number: PLN16128-ER01

Zoning: Lake Merritt Station Area Plan District Urban Residential (D-LM-1)

General Plan: LMSAP District Urban Residential (D-LM-1)

APNs: 019-0027-013-03

Lot Size: 0.92 acres

Applicant: Michael E. Johnson, President
UrbanCore Development, LLC
4096 Piedmont Avenue, Suite 313
Oakland, CA 94611

Staff Contact: Neil Gray, Planner III
510.238.3878
ngray@oaklandnet.com

I. EXECUTIVE SUMMARY

The proposed Lakehouse Commons Project (project) includes the development of two distinct buildings with a continuous 4-level podium base, including an 8-story mid-rise residential building (South Commons Building) and a 26-story residential apartment tower (North Commons Building). The proposed project would provide a total of 361 residential units, 2,000 square feet of ground-level commercial space, and 330 parking spaces. The project site is located at the northwest corner of the East 12th Street and 2nd Avenue intersection (12th Street parcel) on Assessor's Parcel Number (APN) 019-0027-013-03 and is currently a vacant lot used for soil stockpiling and staging for nearby construction projects.

The proposed project is located within the Lake Merritt Station Area Plan (LMSAP or Station Area Plan). The City certified an Environmental Impact Report (LMSAP EIR) for the LMSAP in November 2014, pursuant to the California Environmental Quality Act (CEQA). The LMSAP EIR presented detailed potential development assumptions for certain "Opportunity Sites," which are properties considered "most likely to redevelop." The 12th Street parcel was identified as Opportunity Site #44 in the development program, which considered the development of a 20-story apartment building containing 357 residential units, 20,000 square feet of retail space and 0.13 acres of open space.

The 2014 LMSAP EIR analyzed the environmental impacts of adoption and implementation of the LMSAP. The analysis in the 2014 LMSAP EIR specifically included the proposed project site and provides the basis for use of an Addendum to the LMSAP EIR (per CEQA Guidelines Section 15164). Although the proposed project's building height and unit count are greater than what was set forth in the LMSAP development program, the level of development currently proposed for the site is within the broader development assumptions analyzed in the LMSAP EIR, and therefore providing CEQA clearance through an Addendum would be permissible as discussed throughout this CEQA Analysis document.

Additionally, environmental clearance under CEQA Guidelines Section 15183 also would be permissible as there are a number of separate and independently qualified planning level documents, specifically program-level EIRs that provide a basis for CEQA clearance of the proposed Lakehouse Commons Project. These program-level documents include the City of Oakland's 1998 General Plan Land Use and Transportation Element EIR (1998 LUTE EIR), the 2010 General Plan Housing Element EIR and 2014 Addendum (Housing Element EIR), and the 2011 Central District Urban Renewal Plan Amendments EIR (or "Redevelopment Plan EIR"). These are referred to collectively throughout the analysis in this document as "the Previous CEQA Documents."

In summary, based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR, as well as those of the 1998 LUTE EIR, the 2011 Redevelopment Plan EIR, and for the housing components of the proposed project, the 2010 General Plan Housing Element EIR and 2014 Addendum, the potential environmental impacts associated with the Lakehouse Commons Project have been adequately analyzed and covered in the planning-level LMSAP EIR and other Previous CEQA Documents. Therefore, no further review or analysis under CEQA is required.

II. BACKGROUND

A. PLANNING CONTEXT

The project site is located within the boundaries of the Lake Merritt Station Area Plan (LMSAP), for which the City of Oakland certified an Environmental Impact Report (EIR) in November 2014, pursuant to the California Environmental Quality Act (CEQA).

The LMSAP encompasses approximately 286 acres of area within a half-mile radius of the Lake Merritt Bay Area Rapid Transit (BART) Station. Its goal is to guide actions to improve the area's vitality and to accommodate and promote future growth over a 25-year period. The LMSAP aims to foster new, high-quality transit-oriented development that supports and helps connect existing neighborhood assets and provide enhanced neighborhood amenities. The LMSAP identifies 47 opportunity sites with development potential which comprise vacant or underutilized land. In total, the LMSAP EIR assume a development program of 4,900 new housing units, 4,100 new jobs, 404,000 square feet of retail, and 1,229,000 square feet of office uses within the 286-acre LMSAP area.

The project site is identified as Opportunity Site #44 (Draft EIR Figure 2.5-1¹) and is within the Eastlake Gateway Plan District. The LMSAP changed the land use designation for the site from Institutional to Urban Residential and rezoned the site from Urban Residential Zone-3 (RU-3) to LMSAP District Urban Residential (D-LM-1). Appendix B of the LMSAP indicates that the project site is assumed to have the potential for development of an apartment building containing 357 residential units, 20,000 square feet of retail space and 0.13 acres of open space. The assumed height is approximately 20 stories.² Although the proposed project's building height and unit count are greater than what was set forth for Opportunity Site #44 in the LMSAP development program, the level of development currently proposed for the site is within the broader development assumptions analyzed in the EIR and is consistent with the zoning at the site, which implemented the LMSAP. As stated in the LMSAP EIR, deviation from the specific site-by-site assumptions in the development program may be considered minor as they are anticipated and analyzed in the EIR. Specifically, the LMSAP EIR allows for flexibility in future development and states that as long as the actual plan area buildout stays within the impact envelope analyzed in the EIR, there can be a mix-and-match between various land uses and they need not adhere specifically to the assumptions in the development program.

B. CEQA CONTEXT

The LMSAP EIR anticipated that the environmental review of specific development projects assumed as part of the LMSAP would be streamlined in accordance with CEQA. A previous version of the

¹ Oakland, City of, 2013. *Lake Merritt Station Area Plan Draft Environmental Impact Report*, November.

² *Ibid*, Appendix B.

proposed project evaluated in this document (referred to as the Lake Merritt Boulevard Apartments Project) was approved by the City and identified as Categorical Exempt from further CEQA review.³ The Lake Merritt Boulevard Apartments Project proposed to construct a 298-unit, 24-story residential apartment building with a 2,000 square-foot ground-level café on the project site. However, this project was withdrawn and the currently proposed Lakehouse Commons Project, which is the subject of this CEQA analysis, is instead contemplated for the site.

In addition, several projects within the LMSAP have been completed, are under construction, or have been approved. These include the completed 116 6th Street Project (70 affordable senior housing units); the under construction 118 11th Street Project (71 affordable residential units and 18,000 square feet of health clinic/commercial space); and approved projects at 1331 Harrison Street (169 residential units and 3,600 square feet of retail space), 378/84 11th Street (95-room hotel; under appeal), and 327 7th Street (382 residential units and 9,000 square feet of commercial space).

The analysis in this environmental review document supports determinations that: 1) the proposed project qualifies for an exemption per CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); 2) the proposed project qualifies for streamlining provisions of CEQA under Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects); and 3) the proposed project qualifies for an Addendum to the 2014 LMSAP EIR pursuant to CEQA Guidelines Section 15164 (Addendum to an EIR) as none of the conditions requiring a supplemental or subsequent EIR, as specified in Public Resources Code section 21166 and CEQA Guidelines Sections 15162 (Subsequent EIRs) and 15163 (Supplement to an EIR), are present.

1. Lake Merritt Station Area Plan EIR

The analysis in the LMSAP EIR applies to the proposed project and provides the basis for its qualification for the aforementioned CEQA exemption and streamlining provisions. The LMSAP EIR is hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California 94612, and/or located at: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Plans/DOWD008198>.

This CEQA Analysis document is considered to be an Addendum to the LMSAP EIR which provides the planning level analysis evaluating the potential significant impacts that could result from the reasonably foreseeable maximum development under the plan. As specified in CEQA Guidelines Section 15168, the LMSAP EIR is appropriate for a Specific Plan since the degree of specificity in an EIR corresponds to the degree of specificity in the underlying activity described in the EIR. Preparation of a planning-level document simplifies the task of preparing subsequent project-level environmental documents for future projects under the LMSAP for which the details are currently unknown. As such, the LMSAP EIR presents an analysis of the environmental impacts of adoption and implementation of the LMSAP. Specifically, it evaluates the physical and land use changes from potential development that could occur with adoption and implementation of the LMSAP. Further, where feasible, and where an adequate level of detail is available such that the potential environmental effects may be understood and analyzed, the LMSAP EIR provides a project-level analysis to

³ Oakland, City of, 2015. *Final Lake Merritt Boulevard Apartments Project Environmental Review*. February 25.

eliminate or minimize the need for subsequent CEQA review of projects that could occur under the LMSAP.

The 2014 LMSAP EIR (including its Initial Study Checklist) determined that development consistent with the LMSAP would result in impacts related to the following topics that would be **reduced to a less-than-significant level with the implementation of mitigation measures and/or standard conditions of approval** (described in Section III): aesthetics (degradation of existing visual character, adversely affect scenic vistas, new light or glare); air quality (conflicts with the Bay Area Clean Air Plan [CAP]); cultural resources (archaeological, human remains, paleontological); greenhouse gases and global climate change (generation of greenhouse gas emissions); hazards and hazardous materials; geology and soils; hydrology and water quality (flooding, runoff in excess of existing capacity, groundwater depletion); noise (use and density incompatibilities, interior noise levels, violation of noise ordinance); utilities and service systems (impacts on existing stormwater, solid waste, and wastewater facilities); biological resources (fish or wildlife species, riparian habitat, wetlands, trees); public services (except as noted below as significant); and transportation/circulation (intersection operations Downtown).

Less-than-significant impacts were identified for the following topics in the 2014 LMSAP EIR and Initial Study: land use (adjacent land uses and land use policy); parks and recreation (expansion of existing park facilities on environment and increase demand for facilities); aesthetics (shadow, conflict with existing policies); noise (in excess of applicable standards); and hydrology and water quality (exposure to loss or risk of death). **No impacts** were identified for agricultural or forestry resources, and mineral resources.

Significant unavoidable impacts were identified for the following environmental topics in the 2014 LMSAP EIR: transportation/circulation (roadway segment operations); air quality (exposure of sensitive receptors to toxic air contaminants [TACs], cumulative impacts); and cultural resources (changes to historic resources). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

2. Other Applicable Previous CEQA Documents/Program EIRs

The analysis in the 2014 LMSAP EIR directly applies to the Lakehouse Commons Project, providing the basis for use of an Addendum. The following describes the Program EIRs that constitute the Previous CEQA Documents considered in this CEQA Analysis. Each of the following documents are hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California 94612, and/or located at: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Plans/DOWD008198>.

a. Land Use and Transportation Element EIR. The City certified the EIR for its General Plan Land Use and Transportation Element (LUTE) in 1998. The LUTE identifies policies for utilizing Oakland's land as change takes place and sets forth an action program to implement the land use policy through development controls and other strategies. The LUTE identifies five "Showcase Districts" targeted for continued growth; the project site is located within the "Downtown Showcase District" intended to promote a mixture of vibrant and unique districts with around-the-clock activity, continued expansion of job opportunities, and growing residential population. The 1998 LUTE EIR is designated a "Program EIR" under CEQA Guidelines Sections 15183 and 15183.3. As such,

subsequent activities under the LUTE are subject to requirements under each of the EIR CEQA Sections, which are described further in Section III.

Applicable mitigation measures identified in the 1998 LUTE EIR are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or newer standard conditions of approval, the latter of which are described below in Section III.

The 1998 LUTE EIR (including its Initial Study Checklist) determined that development consistent with the LUTE would result in impacts related to the following topics that would be reduced to a **less-than-significant level with the implementation of mitigation measures and/or standard conditions of approval** (described in Section III): aesthetics (views, architectural compatibility and shadow only); air quality (construction dust [including PM10] and emissions Downtown, odors); cultural resources (except as noted below as less than significant); hazards and hazardous materials; land use (use and density incompatibilities); noise (use and density incompatibilities, including from transit/transportation improvements); population and housing (induced growth, policy consistency/clean air plan); public services (except as noted below as significant); and transportation/circulation (intersection operations Downtown).

Less-than-significant impacts were identified for the following topics in the 1998 LUTE EIR and Initial Study: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway emissions in Downtown, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed-use projects and near transit); noise (roadway noise Downtown and citywide, multi-family near transportation/transit improvements); population and housing (exceeding household projections, housing displacement from industrial encroachment); public services (water demand, wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand). **No impacts** were identified for agricultural or forestry resources, and mineral resources.

Significant unavoidable impacts were identified for the following environmental topics in the 1998 LUTE EIR: air quality (regional emissions, roadway emissions Downtown); noise (construction noise and vibration in Downtown); public services (fire safety); transportation/circulation (roadway segment operations); wind hazards, and policy consistency (clean air plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

b. Oakland Housing Element Update EIR and Addendum. The City has twice amended its General Plan to adopt updates to its Housing Element. The City certified a 2010 EIR for the 2007-2014 Housing Element, and a 2014 Addendum to the 2010 Housing Element EIR for the 2015-2023 Housing Element. The General Plan identifies the City's current and projected housing needs, and sets goals, policies, and programs to address those needs, as specified by the state's Regional Housing Needs Allocation (RHNA) process. The project site is specified as an "Additional Housing Opportunity Site" in the 2015-2023 Housing Element, and thus the Lakehouse Commons Project would contribute to the total number of housing units needed in the City of Oakland to meet its RHNA target. Applicable mitigation measures and SCAs identified in the 2014 Addendum to the 2010 EIR are considered in the analysis of the residential components of the Lakehouse Commons Project in this document, and are largely the same as those identified in the 2011 Redevelopment Plan

EIR (described below). The 2010 Housing Element EIR was designated a Program EIR under CEQA Guidelines Sections 15183 and 15183.3. As such, subsequent activities under the Housing Element that involve housing, are subject to requirements under each of the aforementioned EIR CEQA Sections, which are described further in Section III.

Applicable mitigation measures and standard conditions of approval (also described in Section III) identified in the 2010 Housing Element EIR and 2014 Addendum are considered in the analysis in this document and are largely the same as those identified in the other Program EIR documents described in this section.

The 2010 Housing Element EIR (including its Initial Study Checklist) and 2014 Addendum determined that housing developed pursuant to the Housing Element, which would include the project site, would result in impacts related to the following topics that would be **reduced to a less-than-significant level with the implementation of mitigation measures and/or standard conditions of approval** (described in Section III): aesthetics (visual character/quality and light/glare only); air quality (except as noted below); biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials (except as noted below, and no impacts regarding airport/airstrip hazards and emergency routes); hydrology and water quality (except as noted below); noise; public services (police and fire only); and utilities and service systems (except as noted below).

Less-than-significant impacts were identified for the following topics in the Housing Element EIR and Addendum: hazards and hazardous materials (emergency plans and risk via transport/disposal); hydrology and water quality (flooding/flood flows, and inundation by seiche, tsunami or mudflow); land use (except no impact regarding community division or conservation plans); population and housing (except no impact regarding growth inducement); public services and recreation (except as noted above, and no impact regarding new recreation facilities); and utilities and service systems (landfill, solid waste, and energy capacity only, and no impact regarding energy standards). **No impacts** were identified for agricultural or forestry resources, and mineral resources.

Significant unavoidable impacts were identified for the following environmental topics in the Housing Element EIR and Addendum: air quality (toxic air contaminant exposure) and traffic delays. Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

c. Central District Urban Renewal Plan Amendments EIR (Redevelopment Plan EIR). The Lakehouse Commons Project site is located within the Central District Urban Renewal Plan area, which generally encompasses the entire Downtown: approximately 250 city blocks (828 acres) in an area generally bounded by Interstate 980 (I-980), Lake Merritt, 27th Street and the Embarcadero. The Oakland City Council adopted the Central District Urban Renewal Plan (Redevelopment Plan) for the project area in June 1969. The City prepared and certified an EIR for proposed amendments to the Urban Renewal Plan in 2011, and amended or supplemented the Plan on April 3, 2012. The 2011 Redevelopment Plan EIR was designated a Program EIR under CEQA Guidelines Section 15180; as such, subsequent activities are subject to requirements under CEQA Section 15168.

Applicable mitigation measures and standard conditions of approval (described in Section III) identified in the 2011 Redevelopment Plan EIR are considered in the analysis in this document and are also largely the same as those identified in the other Program EIRs described in this section.

The 2011 Redevelopment Plan EIR determined that development facilitated by the Proposed Amendments would result in impacts related to the following topics to the following resources that would be **reduced to a less-than-significant level with the implementation of identified mitigation measures and/or standard conditions of approval** (described in Section III): aesthetics (light/glare only); air quality (except as noted below as less than significant and significant); biological resources (except no impacts regarding wetlands or conservation plans); cultural resources (except as noted below as significant); geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality (stormwater and 100-year flooding only); noise (exceeding standards – construction and operations only); traffic/circulation (safety and transit only); utilities and service systems (stormwater and solid waste only).

Less-than-significant impacts were identified for the following topics in the 2011 Redevelopment Plan EIR: aesthetics (except as noted above as less than significant with standard conditions of approval); air quality (clean air plan consistency); hydrology and water quality (except as noted above as less than significant with standard conditions of approval); land use and planning; population and housing; noise (roadway noise only); public services and recreation; traffic/circulation (air traffic and emergency access); and utilities and service systems (except as noted above as less than significant with standard conditions of approval). **No impacts** were identified for agricultural or forestry resources, and mineral resources.

The 2011 Redevelopment Plan EIR determined that the Proposed Amendments combined with cumulative development would have **significant unavoidable impacts** on the following environmental resources: air quality (toxic air contaminant exposure and odors); cultural resources (historic); and traffic/circulation (roadway segment operations). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

III. PURPOSE AND SUMMARY OF THIS DOCUMENT

The purpose of this document is to evaluate CEQA compliance of the proposed Lakehouse Commons Project. The 2014 LMSAP EIR analyzed the environmental impacts of development located within the LMSAP, which included the project site on the 12th Street parcel identified as Opportunity Site #44 in the development program. The LMSAP EIR anticipated that the environmental review of specific development projects assumed as part of the LMSAP would be streamlined in accordance with CEQA. An Addendum to the LMSAP EIR is considered to be suitable for CEQA clearance for the currently proposed Lakehouse Commons Project, as demonstrated by the CEQA Checklist presented in Section VI, herein. For comprehensive review and public information, the CEQA Checklist and its supporting attachments demonstrate that the Lakehouse Commons Project would qualify for certain other CEQA exemptions, as summarized below, which separately and independently also provide a basis for CEQA compliance.

1. CEQA Exemptions

1. **Addendum.** Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 (Subsequent EIRs, Supplements and Addenda to an EIR or Negative Declaration), state that an addendum to a certified EIR is allowed when minor changes or additions are necessary, and none of the conditions for preparation of a subsequent EIR or Negative Declaration per Sections 15162 and 15164 are satisfied.

The analysis in the 2014 LMSAP EIR directly applies to the portion of the project site on the 12th Street parcel, providing the basis for use of an Addendum.

2. **Community Plan Exemption.** Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) 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.”

The analysis in the Program EIRs – the 1998 LUTE EIR and, for only the residential component of the Lakehouse Commons Project, the 2010 Housing Element EIR and its 2014 Addendum, as well as the 2011 Redevelopment Plan EIR and the 2014 LMSAP EIR – are applicable to the Lakehouse Commons Project and are the Previous CEQA Documents providing the basis for use of the Community Plan Exemption for CEQA compliance.

3. **Qualified Infill Exemption.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects) 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 applicable development policies and standard conditions of approval. 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.

The analysis in the Program EIRs noted above is applicable to the Lakehouse Commons Project and are the Previous CEQA Documents providing the basis for use of the Qualified Infill Exemption under CEQA Guidelines Section 15183.3.

4. **Program EIRs and Redevelopment Projects.** CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects) provide that the 2011 Redevelopment Plan EIR can be used as a Program EIR in support of streamlining and/or tiering provisions under CEQA. The 2011 Redevelopment Plan EIR is a Program EIR for streamlining and/or tiering provisions by CEQA Section 15168. The section defines the "program EIR" as one prepared on a series of actions that can be characterized as one large project and are related geographically and by other shared characteristics. Section 15168 continues that "subsequent activities in the program EIR must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." If the agency finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR and no new environmental document would be required.

Further, CEQA Guidelines Section 15180 specifies that if a certified redevelopment plan EIR is prepared, no subsequent EIRs are required for individual components of the redevelopment plan unless a subsequent EIR or supplement to the EIR would be required by Section 15162 or 15163.

The analysis in the Program EIRs and Redevelopment EIR noted above is applicable to the Lakehouse Commons Project and providing the basis for use of the Program EIRs and Redevelopment Projects streamlining provisions under CEQA Guidelines Sections 15168 and 15180.

2. Previous Mitigation Measures and Current Standard Conditions of Approval (SCAs)

The CEQA Checklist provided in Section VI of this document evaluates the potential project-specific environmental effects of the proposed Lakehouse Commons Project, and evaluates whether such impacts were adequately covered by the 2014 LMSAP EIR (as well as the Previous CEQA Documents previously described in Section II) to allow the above-listed provisions of CEQA to apply. The analysis conducted incorporates by reference the information contained in each of the Previous CEQA Documents. The Lakehouse Commons Project is legally required to incorporate and/or comply with the applicable requirements of the mitigation measures identified in the 2014 LMSAP EIR. Therefore, the mitigation measures herein are assumed to be included as part of the

proposed project, including those that have been modified to reflect the City's current standard language and requirements, as discussed below.

a. SCA Application in General. The City established its Standard Conditions of Approval and Uniformly Applied Development Standards (SCAs) in 2008, and they have since been amended and revised several times. The City's SCAs are incorporated into new and changed projects as conditions of approval regardless of a project's environmental determination. The SCAs incorporate policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection Ordinance, Stormwater Water Management and Discharge Control Ordinance, Oakland Protected Trees Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects.

b. SCA Application in this CEQA Analysis. Mitigation measures and SCAs identified in the 2014 LMSAP EIR that would apply to the Lakehouse Commons Project are listed in Attachment A to this document, which is incorporated by reference into this CEQA Analysis. Because the SCAs are mandatory City requirements, the impact analysis for the proposed project assumes that they will be imposed and implemented, which the project sponsor has agreed to do or ensure as part of the proposed project. If the CEQA Checklist (see Section VI) or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected.

Most of the SCAs that are identified for the Lakehouse Commons Project were also identified in the 2014 LMSAP EIR, the 2011 Redevelopment Plan EIR, and the 2010 Oakland Housing Element EIR and 2014 Addendum; the 1998 LUTE EIR was developed prior to the City's application of SCAs. As discussed specifically in Attachment A to this document, since certification of the LMSAP EIR, the City of Oakland has revised its SCAs, and the most current SCAs are identified in this CEQA Analysis. All mitigation measures identified in the LMSAP EIR that would apply to the proposed project are also identified in Attachment A to this document.

3. Lakehouse Commons Project CEQA Compliance The Lakehouse Commons Project satisfies each of the CEQA provisions, as summarized below.

- **Addendum.** The analysis conducted in this document indicates that, pursuant to CEQA Guidelines Section 15162 through 15164, an Addendum to the 2014 LMSAP EIR applies; therefore, this CEQA Analysis is considered to be the Addendum to the 2014 LMSAP EIR. As discussed under Project Characteristics below, the Lakehouse Commons Project represents a minor change to the Opportunity Site #44 development from what was analyzed in the development program in the 2014 LMSAP EIR. The Lakehouse Commons Project would not represent a substantial change from what was described in the overall development program. Although the proposed building height and unit count are greater than what was set forth for Opportunity Site #44 in the development program, the level of development currently proposed for the site is within the broader development assumptions analyzed in the EIR. As stated in the LMSAP EIR, deviation from the specific site-by-site assumptions in the development program may be considered minor as they are anticipated

and analyzed in the EIR. Therefore, the Lakehouse Commons Project meets the requirements for an addendum, as evidenced in Attachment B to this document.

- **Community Plan Exemption.** Based on the analysis conducted in this document, and pursuant to CEQA Guidelines Section 15183, the Lakehouse Commons Project also qualifies for a community plan CEQA exemption. The project is permitted in the zoning district where the project site is located, and is consistent with the land uses envisioned for the site. The analysis herein considers the analysis in the 2010 Oakland Housing Element EIR and 2014 Addendum for the evaluation of the housing components of the Lakehouse Commons Project, and further reconsiders the analysis in the 1998 LUTE EIR and 2014 LMSAP EIR for the overall project. This CEQA Analysis concludes that the proposed 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 offsite effects in the 2014 LMSAP EIR; or (3) were previously identified as significant effects, but are determined to have a more severe adverse impact than discussed in the LMSAP EIR. Findings regarding the proposed project's consistency with the zoning are included as Attachment C to this document.
- **Qualified Infill Exemption.** The analysis conducted indicates that the proposed project qualifies for a qualified CEQA infill exemption and, pursuant to CEQA Guidelines Section 1518.3, is generally consistent with the required performance standards provided in CEQA Guidelines Appendix M, as evaluated in Table D-1 in Attachment D to this document. This CEQA Analysis supports that the Lakehouse Commons Project would not cause any new specific effects or more significant effects than previously identified in applicable planning level EIRs, and uniformly applicable development policies or standards (SCAs) would substantially mitigate the project's effects. The Lakehouse Commons Project is proposed on a previously developed site in downtown Oakland and is surrounded by urban uses. Furthermore, the proposed project is generally consistent with the land use, density, building intensity, and applicable policies for the site. The analysis herein considers the analysis in the 2014 LMSAP EIR; the 2011 Redevelopment Plan EIR; the 1998 LUTE EIR; and for the residential components of the Lakehouse Commons Project only, the 2010 Housing Element EIR and its 2014 Addendum.
- **Program EIRs and Redevelopment Projects.** The analysis in the 2011 Redevelopment Plan EIR and this CEQA Analysis demonstrates that the Lakehouse Commons Project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15162, because the level of development now proposed for the site is within the broader development assumptions analyzed in the EIR.

Overall, based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR, as well as those of the 1998 LUTE EIR, the 2011 Redevelopment Plan EIR, and for the housing components of the proposed project, the 2010 General Plan Housing Element EIR and 2014 Addendum—all of which are summarized in the CEQA Checklist in Section VI of this document—the potential environmental impacts associated with the Lakehouse Commons Project have been adequately analyzed and covered in the planning-level LMSAP EIR and other Previous CEQA Documents. Therefore, no further review or analysis under CEQA is required.

IV. PROJECT DESCRIPTION

This chapter provides an overview of the proposed Lakehouse Commons Project (project), including a description of existing conditions within and in the vicinity of the project site.

A. PROJECT AREA

The following provides an overview of the project site's regional and local context.

1. Project Location

The approximately 0.92-acre project site is located on the southeastern edge of the Lake Merritt district in the City of Oakland, Alameda County. Regional access to the project site is provided by I-880, which is located approximately 0.5 miles south of the site; I-580, which is located just over 1 mile northeast of the site; and I-980, which is located about 1.3 miles northwest of the site. The Lake Merritt Bay Area Rapid Transit (BART) Station is also located about 0.75 miles to the west. The triangular parcel is generally bounded by Lake Merritt Boulevard to the north, East 12th Street to the east, 2nd Avenue and a vacant building formerly occupied by the Oakland Unified School District (OUSD) to the south, and a recently re-vegetated 0.91-acre City park/water treatment basin installed as part of the East 12th Street Reconstruction Project and Lake Merritt Channel to the west. Lake Merritt is located immediately to the north of the site across Lake Merritt Boulevard. Figure 1 depicts the site's regional and local context. Figure 2 depicts an aerial view of the project site and vicinity.

2. Existing Site Conditions

The project site is generally level and consists of a vacant lot that was previously bisected by a portion of East 12th Street. This roadway was realigned as part of the East 12th Street Reconstruction Project⁴ and all pavements have been removed. Current uses on the site include soil stockpiling and staging for nearby construction projects. Vegetation on the site is limited to a few scattered shrubs along the perimeter of the site and a few trees that border the site. The site is approximately 21 feet above sea level.

3. Surrounding Land Uses

The site vicinity is characterized as urban and consists of public, institutional, residential, and commercial uses. Public and institutional uses are among the most prominent land uses in the area and are largely concentrated along the Lake Merritt Channel and along 13th Street. As shown in Figure 2, these uses include the Dewey High School campus and the former OUSD administrative

⁴ Oakland, City of, 2014. Lake Merritt Park Improvements, East 12th Street Project. Website: www2.oaklandnet.com/Government/o/PWA/o/EC/s/MeasureDD/OAK025946. August.

offices,^{5,6} the Laney College campus and sports fields, the Peralta Community College District Administration buildings, the Oakland Museum of California, the Kaiser Auditorium, the County Court and Offices, and the Public Library. Multi-unit apartment buildings ranging from 2 to 23 stories in height also exist in the area including the 18-story Merritt on 3rd residential building located southeast of the site on the corner of 3rd and East 12th Streets and the 23-story 1200 Lakeshore Apartments located immediately north of the site across Lake Merritt Boulevard.

B. PROPOSED PROJECT

The proposed project would develop the site with two distinct buildings with a continuous 4-level podium base, including an 8-story mid-rise residential building (South Commons Building) and a 26-story residential apartment tower (North Commons Building). The residential buildings would include a total of 361 residential units, 2,000 square feet of ground level commercial space, 330 parking spaces, and associated amenities and improvements. The proposed North Commons Building would be a maximum of 275 feet in height at the roof above the natural grade, including architectural and mechanical features that extend above the roofline. Conceptual site plans for the two below and partially-below ground garage levels and first two levels of the podium, which also include parking, are shown in Figures 3a, 3b, 3c and 3d. Figure 3e depicts the residential floor area plan (Level 3). Conceptual building elevations and sections are shown in Figures 4a and 4b and building cross sections are shown in Figure 5. Conceptual ground- and podium-level landscaping and common open space areas are shown in Figures 6a and 6b, respectively. The proposed project is described in more detail below.

1. Building Program

The proposed project would construct approximately 550,000 gross square feet of residential and commercial building area with associated amenities and infrastructure. A total of 91 residential units would be located within the South Commons Building, for a total residential floor area of 61,031 square feet. A total of 25 studio apartments, 36 one-bedroom units, 20 two-bedroom units, and 10 three-bedroom units would be included in this building. A total of 270 residential units would be located within the North Commons Building, for a total residential floor area of 217,224 square feet. A total of 86 studio apartments, 4 townhomes, 66 one-bedroom units, 86 two-bedroom units, 22 three-bedroom units, and 6 penthouse apartments would be included in this building. The South Commons Building would include 90 affordable housing units available to extremely low income and very low income residents between 30 percent and 60 percent of the average median income (AMI).⁷ All units within the North Commons Building would be market-rate (18 units would be restricted to 80 to 120 percent of AMI).

⁵ The existing Dewey High School campus and former OUSD administrative offices are surplus OUSD property and are currently proposed to be redeveloped with a 275-foot residential tower.

⁶ Oakland Unified School District, 2014. Request for Developer Qualifications for New Development of Oakland Unified School District Properties, Including the Parcels Housing the Pail Robeson Administration Building, and Dewey High School. Available online at: www.ousd.k12.ca.us/cms/lib07/CA01001176/Centricity/Domain/95/RFO%201025%202ND%20Ave.%20Jun%2024.pdf. June 24.

⁷ Oakland, City of, 2015. 2015 Income Limits. Available online at: www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak053389.pdf.

A total of approximately 14,232 square feet of residential amenity space would be located throughout Levels 1 through 3 of both buildings and at the top (Level 26) of the North Commons Building for shared use by project residents. The ground level would include the building entrance, lobby, lounge area, and bike storage room; the second level would include additional bicycle storage rooms, and the third level would include an indoor fitness room. The third level (top of the podium) would include an approximately 11,224 square-foot open courtyard that would include a fire lounge, a wood deck with a wading pool and hot tub, a kitchen and grilling space, a theater and performance space, and several movable outdoor chairs and tables in addition to seating along planters (Figure 6b). In addition, the South Commons Building would include a 747 square-foot roof deck and the North Commons Building would include a 6,441 square-foot roof-top deck. Private balconies would also be located off of some residential units.

A 2,000-square-foot café and retail space would also be located at the ground level. The café would include an outdoor terrace and plaza with views towards Lake Merritt and the Lake Merritt Channel.

2. Landscaping

As shown in Figures 6a and 6b, a number of landscape features would be incorporated into the design of the proposed project. Street trees and other plantings would be located at the ground level where the site borders East 12th Street and the existing water treatment basin, at the third podium level within the outdoor open space area, and at the outdoor roof decks.

In addition, off-site improvements are proposed to the existing water treatment basin/park located adjacent to the site (0.91 acres). These improvements would include the installation of natural landscaping to the area north and northwest of the project site. This park is owned by the City and with the proposed improvements would function as a passive open green space consisting mostly of native plantings, groundcover, shrubs and trees. The groundcover would be low maintenance grasses and wildflowers requiring mowing once or twice a year. Temporary irrigation would be used for two or three years to establish the trees and shrubs. All plantings would adhere to Bay friendly practices and adhere to the State's Water Efficient Landscape Ordinance.

3. Access, Circulation and Parking

Vehicular access to the four-level parking garage would be provided by a single entrance on 2nd Avenue. The parking garage would include a total of 330 parking spaces, including mechanical stackers. Fifty feet of the curb along East 12th Street, from approximately the service entrance to the elevator core, would be striped for on-street loading.

Pedestrian access to the proposed apartments and common areas would be provided by a secured entrance located on East 12th Street. Access would also be available through the café that would be located at the corner of East 12th Street and Lake Merritt Boulevard. There would be an elevator to provide access from the sub-surface garage level and all levels of the building. Internal pathways and stairwells would provide access to various levels within the building.

4. Construction and Grading

Subsurface excavation for the subsurface parking garage, foundations, and utilities would likely occur to a depth of approximately 28 feet below grade. Approximately 42,000 cubic yards of soil would also be off-hauled as part of site excavation for the subsurface parking garage and grading. The

construction period is expected to begin in mid-2017 and would occur over an approximately two-year period. Occupancy of the units could occur as early as the summer of 2019.

5. Discretionary Actions

The project sponsor requests, and the proposed project would require, a number of discretionary actions/approvals, as listed below:

- Conditional Use Permit (CUP) to allow the increase in building heights and density on the project site and reduction in loading berth size; and
- Design Review Approval.

Figure 1: Project Location and Regional Vicinity

8.5x11/Color

Figure 2: Aerial Photograph of the Project Site

8.5x11/Color

Figure 3a: Conceptual Partially Below-Grade Parking Garage (Level 1B) Plan

8.5x11/BW

Figure 3b: Conceptual Ground Level (Level 1) Plan

8.5x11/BW

Figure 3c: Conceptual Level 2 Plan

8.5x11/BW

Figure 3d: Conceptual Podium Level (Level 2) Plan

8.5x11/BW

Figure 3e: Conceptual Residential Floor (Level 3) Plan

8.5x11/BW

Figure 4a: Building Elevations

8.5x11/Color

Figure 4b: Building Elevations

8.5x11/Color

Figure 5: Building Sections

8.5x11/Color

Figure 6a: Conceptual Landscape Plan

8.5x11/Color

Figure 6b: Conceptual Landscape Plan

8.5x11/Color

V. SUMMARY OF FINDINGS

An evaluation of the proposed Lakehouse Commons Project (project) is provided in the CEQA Checklist in Section VI that follows. This evaluation concludes that this CEQA Analysis document qualifies as an Addendum to the LMSAP EIR to provide CEQA clearance for the proposed project and it is exempt from additional environmental review. The project is consistent with the development density and land use characteristics established by the City of Oakland General Plan and Planning Code, and any potential environmental impacts associated with development of the project were adequately analyzed and covered by the analysis in the 2014 LMSAP EIR, and in the applicable Program EIRs (Previous CEQA Documents discussed in Section II): the 1998 LUTE EIR, the 2011 Redevelopment Plan EIR, and for the housing components of the proposed project, the 2010 Housing Element EIR and 2014 Addendum.

The proposed project would be required to comply with the applicable mitigation measures and City of Oakland SCAs identified in the 2014 LMSAP EIR and presented in Attachment A to this document. With implementation of the applicable mitigation measures and SCAs, the proposed project would not result in a substantial increase in the severity of previously identified significant impacts in the 2014 LMSAP EIR, the applicable Program EIRs, or in any new significant impacts that were not previously identified in any of the Previous CEQA Documents.

In accordance with California Public Resources Code Sections 21083.3, 21094.5, and 21166; and CEQA Guidelines Sections 15183, 15183.3, 15162, 15164, 15168, and 15180, and as set forth in the CEQA Checklist below, this CEQA Analysis document qualifies as an Addendum to the LMSAP EIR and provides the basis for one or more CEQA exemptions because the following findings can be made:

- **Addendum.** The 2014 LMSAP EIR analyzed the impacts of development within the LMSAP. The proposed project would not result in substantial changes or involve new information not already analyzed in the 2014 LMSAP EIR because the level of development now proposed for the site is within the broader development assumptions analyzed in the EIR. The proposed project would not cause new significant impacts not previously identified in the 2014 LMSAP EIR, or result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the LMSAP that would cause significant environmental impacts to which the proposed project would contribute considerably, and no new information has been put forward that shows that the proposed project would cause significant environmental impacts. Therefore, no supplemental environmental review is required in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 through 15164, as well as 15168 and 15180.
- **Community Plan Exemption.** The proposed project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not previously identified as significant project-level, cumulative, or offsite effects in the 2014 LMSAP EIR, or in the applicable Previous CEQA Documents: 1998 LUTE EIR, the 2011 Redevelopment Plan

EIR, and for the housing components of the proposed project, the 2010 Housing Element EIR and 2014 Addendum; or (3) were previously identified as significant effects, but-as a result of substantial new information not known at the time the 2014 LMSAP EIR was prepared, or when the Program EIRs were certified-would increase in severity beyond that described in those EIRs. Therefore, the proposed project would meet the criteria to be exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

- **Qualified Infill Exemption.** The proposed project would not cause any new specific effects on the environment that were not already analyzed in the 2014 LMSAP EIR or in the applicable Program EIRs: the 1998 LUTE EIR, the 2011 Redevelopment Plan EIR, and for the housing components of the proposed project, the 2010 Housing Element EIR and 2014 Addendum. Further, the proposed project would not cause any new specific effects on the environment that are more significant than previously analyzed in the 2014 LMSAP EIR, or the aforementioned previously certified applicable Program EIRs. The effects of the proposed project have been addressed in the 2014 LMSAP EIR and Program EIRs, and no further environmental documents are required in accordance with Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.
- **Program EIRs and Redevelopment Projects.** The analysis in the 2011 Redevelopment Plan EIR and in this CEQA Analysis demonstrates that the Lakehouse Commons Project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15162, because the level of development now proposed for the site is within the broader development assumptions analyzed in the EIR. The effects of the proposed project have been addressed in that EIR and no further environmental documents are required in accordance with CEQA Guidelines Sections CEQA Guidelines Sections 15168 and 15180.

Each of the above findings provides a separate and independent basis for CEQA compliance.

Darin Ranelletti
Environmental Review Officer

Date

VI. CEQA CHECKLIST

OVERVIEW

The analysis in this CEQA Checklist provides a summary of the potential environmental impacts that may result from the proposed project. The analysis in this CEQA Checklist also summarizes the impacts and findings of the certified 2014 LMSAP EIR, as well as the Program EIRs that covered the environmental effects of various projects encompassing the project site and that are still applicable for the proposed project. As previously indicated, the Program EIRs are referred to collectively throughout this CEQA Analysis as the "Previous CEQA Documents" and include the 1998 Land Use and Transportation Element EIR (LUTE EIR), the 2011 Central District Urban Renewal Plan (or Redevelopment Plan) Amendments EIR (Redevelopment Plan EIR), and for the housing components of the proposed project, the 2010 General Plan Housing Element EIR (Housing Element EIR) and 2014 Addendum. Given the timespan between the preparations of these EIRs, there are variations in the specific environmental topics addressed and significance criteria; however, as discussed above in Section II and throughout this Checklist, the overall environmental effects identified in each are largely the same; any significant differences are noted.

Several SCAs would apply to the Lakehouse Commons Project because of the proposed project's characteristics and proposed "changes" to the maximum program of development identified for LMSAP Opportunity Site #44; the SCAs are triggered because the City is considering discretionary actions for the proposed project.

All SCAs identified in the 2014 LMSAP EIR that would apply to the Lakehouse Commons Project are listed in Attachment A to this document, which is incorporated by reference into this CEQA Analysis. Because the SCAs are mandatory City requirements, the impact analysis for the proposed project assumes that they will be imposed and implemented, which the project sponsor has agreed to do as part of the proposed project. If this CEQA Checklist or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected.

Most of the SCAs that are identified for the Lakehouse Commons Project were also identified in the 2014 LMSAP EIR, the 2011 Redevelopment Plan EIR, and the 2010 Housing Element EIR and 2014 Addendum. The 1998 LUTE EIR was developed prior to the City's application of SCAs. As discussed specifically in Attachment A to this document, since certification of the LMSAP EIR, the City of Oakland has revised its SCAs, and the most current SCAs are identified in this CEQA Analysis. All mitigation measures identified in the LMSAP EIR that would apply to the proposed project are also identified in Attachment A to this document.

This CEQA Checklist hereby incorporates by reference the discussion and analysis of all potential environmental impact topics as presented in the certified 2014 LMSAP EIR and the Previous CEQA Documents. This CEQA Checklist provides a determination of whether the proposed project would result in:

- Equal or Less Severity of Impact Previously Identified in the Previous CEQA Documents;
- Substantial Increase in Severity of Previously Identified Significant Impact in the Previous CEQA Documents; or
- New Significant Impact

Where the severity of the impacts of the proposed project would be the same as or less than the severity of the impacts described in the 2014 LMSAP EIR and the Previous CEQA Documents, the checkbox for "Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents" is checked.

If the checkbox for "Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents" or "New Significant Impact" were checked, there would be significant impacts that are:

- Peculiar to the project or project site (per CEQA Guidelines Sections 15183 or 15183.3);
- Not identified in the previous 1998 LUTE EIR, 2010 Housing Element EIR and 2014 Addendum, Redevelopment Plan EIR, or 2014 LMSAP EIR (per CEQA Guidelines Sections 15183 or 15183.3), including offsite and cumulative impacts (per CEQA Guidelines Section 15183);
- Due to substantial changes in the project (per CEQA Guidelines Section 15162 and 15168);
- Due to substantial changes in circumstances under which the project will be undertaken (per CEQA Guidelines Sections 15162 and 15168); or
- Due to substantial new information not known at the time the Previous CEQA Documents were certified (per CEQA Guidelines Sections 15162, 15168, 15183, or 15183.3).

None of the aforementioned conditions were found for the proposed project, as demonstrated throughout the following CEQA Checklist and in its supporting attachments (Attachments A through D) that specifically describe how the proposed project meets the criteria and standards specified in the CEQA Guidelines sections identified above.

1. Aesthetics, Shadow, and Wind

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Have a substantial adverse effect on a public scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway; substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986); or cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or, cast shadow on an historical resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create winds that exceed 36 mph for more than one hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

Scenic vistas, scenic resources, visual character, light and glare, shadow, and wind were analyzed in each of the Previous CEQA Documents, which found that the effects to these topics would be less than significant. The Redevelopment Plan EIR and the Housing Element EIR cited applicable SCAs

that would ensure the less-than-significant visual quality effects result from implementation of the project. The 1998 LUTE EIR identified mitigation measures that are functionally equivalent to the SCAs to reduce certain potential effects to less than significant. The 1998 LUTE EIR also identified significant and unavoidable impacts regarding wind hazards.

LMSAP Findings

The 2014 LMASP EIR determined that individual projects would be subject to the design guidelines outlined in the LMSAP and would be required to comply with the height limits identified in the LMSAP. The 2014 LMSAP also determined that with implementation of SCAs, impacts related to aesthetics would be less than significant with development occurring under the LMSAP. Specifically, implementation of the LMSAP would not result in adverse effects to scenic resources within view of a scenic route; would not result in a substantially adverse effect on a scenic vista, would not substantially degrade the visual character or quality of the LMSAP area and its surroundings, and would not create a new source of substantial light or glare affecting day or nighttime views in the area. The 2014 LMASP EIR also determined that impacts related to increased shadows would be less than significant with development occurring under the LMSAP. Specifically, new development would not cast shadows that would impair the beneficial use of any public or quasi-public parks or other open spaces or require an exception to existing policies and regulations that address the provision of adequate light. The LMASP EIR did not include an evaluation of shadow impacts on solar heat collection or historic resources and assumed that more detailed analysis would be required as individual projects are proposed.

Potential wind impacts were not analyzed at a project-specific level of detail in the LMASAP EIR because it is not feasible to reasonably evaluate such impacts until individual development projects are proposed.

Project Analysis

Aesthetics (Criterion 1a)

On September 27, 2013, and after completion of the Draft EIR for the Station Area Plan, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014 and added Section 21099 to the California Public Resources Code. Among other provisions, Public Resources Code Section 21099(d)(1) changed the typical analysis of aesthetics and parking impacts for urban infill projects, meeting certain criteria pursuant to CEQA. The proposed project meets the definition of a mixed-use residential project on an infill site within a transit priority area as specified by Section 21099(a). Accordingly, the topic of aesthetics does not need to be considered in determining the significance of the proposed project's physical environmental effects under CEQA. Nonetheless, for informational purposes, the discussion below provides an overview of the conclusions made in the LMSAP EIR and the change in visual conditions in and around the project site that would occur with implementation of the proposed project.

The project site is located within Height Area 4 as evaluated in the LMSAP Draft EIR (Figure 2.4-5). Building heights of up to 275 feet, with a 45-foot base were considered for these areas. However, subsequent to publication of the Draft EIR and as part of the Final EIR, the Station Area Plan was revised to permit a maximum building height of 85 feet within Height Area 4, including at the project site (LMSAP EIR Figure 2.3-2). However, exceptions to proposed total and base buildings heights

may be granted with a Conditional Use Permit. According to the Final EIR, a maximum of two buildings could be up to 175 feet in height and one building would be allowed up to 275 feet. In addition, the LMSAP EIR previously analyzed zoning within the Plan area and the proposed project is consistent with the zoning analyzed as part of the LMSAP EIR.

The proposed project would construct two distinct buildings with a continuous 4-level podium base, including an 8-story mid-rise residential building (South Commons Building) and a 26-story residential apartment tower (North Commons Building). The site is currently vacant and used for soil stockpiling and staging for nearby construction projects. The maximum height of the South Commons Building would be approximately 80 feet in height and the maximum height of the North Commons Building would be approximately 272 feet in height. The podium base would be approximately 32 feet above natural grade. The proposed project would be constructed on an existing parcel in an urban area and would not alter street patterns or obstruct views of existing scenic vistas. In addition, given the limited views in the area, the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. The proposed project also would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Although the proposed building would be taller than the development considered for the project site in the LMSAP EIR, as noted above, it would not obstruct views of existing scenic vistas or degrade the visual character or quality of the site and its surroundings. The proposed project would be required to obtain a Conditional Use Permit to exceed the height requirements specified in the LMSAP. Although the proposed project would exceed the height limits allowed in the Station Area Plan, the proposed height limit was evaluated in the Draft EIR and impacts related to building heights and massing were determined to be less than significant.

In addition, while the proposed project's building height is greater than what was set forth in the LMSAP development program, the level of development currently proposed for the site is within the broader development assumption analyzed in the LMSAP EIR. The LMSAP EIR determined that with implementation of SCAs, impacts related to aesthetics would be less than significant with development occurring under the LMSAP, including the proposed project. The potential impacts of the proposed project on scenic vistas, scenic resources and visual character would be similar to those identified in the LMSAP EIR and the Previous CEQA Documents considered in this analysis.

As such, the potential impacts of the proposed project regarding aesthetics would be similar to, or less severe than, those identified in the LMSAP EIR and the Previous CEQA Documents considered in this analysis. No mitigation measures are required.

Shadow (Criteria 1b through 1d)

Except for the 1998 LUTE EIR, each of the Previous CEQA Documents found less-than-significant shadow effects, assuming incorporation of applicable SCAs. The 1998 LUTE EIR identified mitigation measures, functionally equivalent to the SCAs, to reduce potential shadow effects to less than significant.

Due to the proposed project's potential to cast new shadows in and around the vicinity of the site, which could affect public spaces, solar collectors, or historic resources, a project-specific shadow study was prepared (Appendix A) for the site.⁸ Shadow simulations were prepared for March 21, June 21, September 21, and December 21, for 9:00 a.m. (morning), 12:00 p.m. (noon), and 3:00 p.m. (afternoon). A shadow simulation for June 21, at 6:00 p.m. (early evening) was also prepared. A brief summary of the results of this analysis is provided below.

- *March 21.* On March 21, the proposed project would cast a shadow on the adjacent City park/water quality basin and portions of the Lake Merritt Channel and adjacent pedestrian paths in the morning hours and on adjacent buildings in the afternoon.
- *June 21.* On June 21, the proposed project would cast a shadow on portions of the adjacent City park/water quality basin during the morning hours and on adjacent development (primarily a surface parking lot) in the early evening hours.
- *September 21.* On September 21, the proposed project would cast a shadow on the adjacent City park/water quality basin and portions of the Lake Merritt Channel and adjacent pedestrian paths in the morning hours and on adjacent development (primarily a surface parking lot) in the afternoon.
- *December 21.* On December 21, the proposed project would cast a shadow on the adjacent City park/water quality basin and portions of the Lake Merritt and adjacent pedestrian paths in the morning hours and on adjacent buildings in the noon and afternoon hours.

Peralta Park is located directly west across the channel from the project site, but shadows cast by the project would not reach the park. The proposed project would cast shadows on existing open space areas, including Lake Merritt, Lake Merritt Channel, and the adjacent open space throughout the year during the morning hours. Because the shadow would fall only during the morning hours and not during the afternoon, when open space areas are most in use, the proposed project would not substantially impair the beneficial use these areas, or of any other public or quasi-public park, lawn, garden, or open space. In addition, the proposed project would be subject to the City's Design Review process and would be subject to further evaluation of the building height and mass, including consideration of the design guidelines set forth in the LMSAP.

Within the project vicinity, the existing four-story apartment building located at the intersection of East 12th Street and 2nd Street, directly across from the project site, includes solar collectors at the building rooftop. The proposed project would only cast shadows on these solar facilities during the early evening hours (after 3:00 p.m.) in the summer months. The proposed project would not substantially impair the use of these solar collectors. The Lake Merritt Historic District is located immediately west of the project site and encompasses parts of the adjacent City-owned open space and the Lake Merritt Channel. In addition, buildings rated "A" (Highest Importance) or "B" (Major Importance) on the Oakland Cultural Heritage Survey are located south and west of the site, across Lake Merritt Channel (LMSAP EIR Figure 3.8-1). However, the proposed project would not cast new shadows on any historic structures, as none are located within the immediate vicinity of the site.

⁸ Rowan William Davies & Irwin, Inc., 2016. *Lakehouse Commons Oakland, CA Sun/Shadow Study*. April 28.

As such, the potential impacts of the proposed project regarding shadows would be similar to, or less severe than, those identified in the LMSAP EIR and the Previous CEQA Documents considered in this analysis. No mitigation measures are required.

Wind (Criterion 1e)

A building's exposure, massing, and orientation can affect nearby ground-level wind accelerations, which can in turn affect the comfort of pedestrians. Under the City of Oakland's thresholds of significance, wind analysis is performed if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exists: the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt, or San Francisco Bay) or the project is located in Downtown. The purpose of these thresholds is to ensure pedestrian comfort levels are maintained in areas that are subject to windy conditions. The City has determined that a building of over 100 feet in height in any of these locations could generate winds in excess of 36 miles per hour, which are well above typical wind conditions in the area and could in turn affect the comfort level of the pedestrian environment.

The proposed project both exceeds 100 feet in height and is near Lake Merritt. Therefore, a project-level pedestrian wind study was conducted (see Appendix B). The purpose of the study was to assess the wind environment around the development in terms of pedestrian comfort and hazards relative to wind metrics specified in the City of Oakland. The following four development configurations were tested:

- *Configuration A, Existing Conditions.* Configuration A includes all existing buildings within the surrounding area including the newly constructed five-story Lakeside Senior Apartments located at 116 15th Street;
- *Configuration B, Existing Plus Project Conditions.* Configuration B includes Existing Conditions plus the proposed project, without landscaping;
- *Configuration C, Existing Plus Project with Landscaping.* Configuration C includes Existing Conditions plus the proposed project and proposed landscaping; and
- *Configuration D, Cumulative Conditions Plus Project with Landscaping.* Configuration D includes anticipated future development within the vicinity of the project site, including the Oakland Unified School District (OUSD) property⁹ just south of the site, in addition to the proposed project and proposed landscaping.

For Configuration A, Existing Conditions, wind speeds at two locations to the north of the project site (Locations 13 and 14 in Figure 4a in Appendix B) are expected to exceed the hazard criterion of 36 mile-per-hour winds, for a total of 3 hours.

For Configuration B, Existing Plus Project Conditions, wind speeds at three locations at grade level (Locations 6, 12 and 14 in Figure 4b in Appendix B) would exceed the hazard criterion for a total of 3 hours. Wind speeds at 12 locations on the podium of the proposed building (Locations 44 through 46,

⁹ It should be noted that the massing for this project is generic as no plans are currently available for this future cumulative project.

48 and 50 through 54) would exceed the hazard criterion for a total of 76 hours. The above-grade locations are not public areas and these exceedances do not result in a significant impact under the City's criteria; therefore, design measures to improve these conditions could be developed as the project progresses. Two of the locations exceeding the hazard criterion at grade level are along sidewalks to the north of the project site, and another location is at the southeast corner of the proposed building. The hazard exceedance at two of these locations (Locations 6 and 12) are new compared to the Existing Conditions Configuration and, in the absence of proposed landscaping, would result in a significant impact related to wind hazards. However, with the addition of the existing and proposed landscaping on and around the proposed development (Configuration C), the total number of locations where winds exceed the hazard criterion at the grade level would be reduced to zero. Under Configuration C, eight locations would exceed the hazard criterion on the podium of the proposed building for a total of 64 hours (Locations 45, 46, 48 and 50 through 54, see Figure 4c in Appendix B). The above-grade locations are not public areas and these exceedances do not result in a significant impact under the City's criteria; therefore, design measures to improve these conditions could be developed as the project progresses. With proposed landscaping improvements, the proposed project would result in a less-than-significant impact related to wind hazard conditions under Existing Plus Project Conditions (Configuration C).

With the addition of the future buildings at and near the site, and including existing and proposed landscaping (Configuration D), wind speeds at one grade level location on the northeast corner of the proposed building (Location 1 in Figure 4d in Appendix B) would exceed the hazard criterion for a total of 1 hour. The exceedance location is a cumulative impact associated with the addition of the future OUSD building, and not the proposed project itself, that would only occur as part of Configuration D. Wind speeds at 7 locations on the podium of the proposed building (Locations 45, 46 and 50 through 54) are expected to exceed the hazard criterion for a total of 68 hours. The above-grade locations are not public areas and these exceedances do not result in a significant impact under the City's criteria; therefore, design measures to improve these conditions could be developed as the project progresses. With proposed landscaping improvements, the proposed project would result in a less-than-significant impact related to wind hazard conditions under Cumulative Plus Project Conditions.

Implementation of the proposed project would not significantly alter wind speeds on Lake Merritt. As part of the wind study, wind speeds were measured within a 1,500 foot radius of the project site including two locations north of the project site located immediately adjacent to Lake Merritt (Locations 56 and 57). In all four configurations analyzed as part of the wind study, wind speeds at these locations would not exceed the City of Oakland threshold of 36 miles per hour for one daylight hour during the year. Predicted wind speed, to be exceeded one hour per year at each of these locations, ranges from 30 to 32 miles per hour annually. In addition, wind speeds at these locations would not exceed the 11 miles per hour comfort threshold. As such, impacts associated with wind hazard conditions at Lake Merritt would be less than significant for all four project configurations.

With predicted wind conditions, the wind study concludes that the proposed project, with the presence of existing and proposed landscaping, would not have a significant impact under Existing or Cumulative Conditions on the wind conditions within the public areas around the project site, including Lake Merritt.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the LMSAP EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the LMSAP EIR or the Previous CEQA Documents, nor would it result in new significant impacts related to aesthetics, shadow, or wind that were not identified in the LMSAP EIR or the Previous CEQA Documents. Implementation of SCA-16, SCA-17, SCA-18, and SCA-25 (see Attachment A) would ensure that impacts related to aesthetics, shadows, and wind would be less than significant. No mitigation measures are required.

2. Air Quality

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. During project construction result in average daily emissions of 54 pounds per day of ROG, NO _x , or PM _{2.5} or 82 pounds per day of PM ₁₀ ; during project operation result in average daily emissions of 54 pounds per day of ROG, NO _x , or PM _{2.5} , or 82 pounds per day of PM ₁₀ ; result in maximum annual emissions of 10 tons per year of ROG, NO _x , or PM _{2.5} , or 15 tons per year of PM ₁₀ ; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a noncancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM _{2.5} of greater than 0.3 microgram per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a noncancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM _{2.5} of greater than 0.8 microgram per cubic meter; or expose new sensitive receptors to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a noncancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM _{2.5} of greater than 0.8 microgram per cubic meter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

Construction and Operational Emissions and Odors. The 1998 LUTE EIR identified mitigation measures that would reduce operational emissions to less-than-significant levels, and it found significant and unavoidable cumulative effects regarding increased criteria pollutants from increased regional traffic. The Redevelopment Plan EIR found that emissions associated with construction and operations resulting from increased criteria pollutants would result in less-than-significant effects with incorporation of SCAs. The Redevelopment Plan EIR also identified effective SCAs to address potentially significant effects regarding dust, odors, and consistency with the applicable regional clean air plan.

Toxic Air Contaminants. The 1998 LUTE EIR did not quantify or address cumulative health risks. As such, an analysis was not required when that LUTE EIR was prepared. The Redevelopment Plan EIR identified significant and unavoidable impacts regarding cumulative health risks after the consideration of SCAs.

LMSAP Findings

The LMSAP EIR considered potential impacts of LMSAP implementation on local and regional air quality. The applicable air quality plan is the Bay Area Air Quality Management District's (BAAQMD) Bay Area 2010 Clean Air Plan (Clean Air Plan), which was adopted on September 15, 2010. Potential impacts related to consistency with the Clean Air Plan were identified as less than significant in the LMSAP EIR with implementation of SCA-19 (Construction-Related Air Pollution Controls, Dust and Equipment Emissions), SCA-20 (Exposure to Air Pollution, Toxic Air Contaminants), and SCA-71 (Parking and Transportation Demand Management).

Project Analysis

Construction and Operational Emissions (Criterion 2a)

As previously discussed, the LMSAP EIR identified the project site as Opportunity Site #44 in the development program, which considered the development of a 20-story apartment building containing 357 residential units, 20,000 square feet of retail space and 0.13 acres of open space. Although the proposed project would develop the site with four additional residential units as compared to what was considered in the 2014 LMSAP EIR, the site would be developed with approximately 18,000 fewer square feet of commercial space than anticipated. The proposed project along with five other development projects evaluated in the Transportation Assessment¹⁰ (see Appendix C) would generate fewer vehicle trips than considered in the 2014 LMSAP EIR analysis. Therefore, the proposed project would also be consistent with and further implement the goals of the Clean Air Plan.

The level of development proposed for the site is within the broader development assumptions analyzed in the LMSAP EIR. Because the proposed project is consistent with the overall development assumptions analyzed in the LMSAP EIR, construction and operational emissions impacts would be consistent with the findings in the LMSAP EIR. As such, the proposed project would have less-than-significant impacts associated with project construction and operational emissions and would not result in a new or more severe significant impact compared with the LMSAP EIR.

Toxic Air Contaminants (Criterion 2b)

The LMSAP identified impacts associated with potential exposure of sensitive receptors to substantial health risks from toxic air contaminants (TACs) from sources including both diesel particulate matter (DPM) and gaseous emissions. The project site is located within 1,000 feet of at least three identified TAC stationary sources, including those that exceed the Risk Threshold (refer to Figure 3.3-1 in the LMSAP).¹¹ Compliance with SCA-20 (Exposure to Air Pollution, Toxic Air Contaminants) would ensure that exposure to DPM would be reduced; however, the risk from gaseous TACS may not be reduced with certainty and this impact is identified as both a Plan-level and cumulative-level significant and unavoidable impact in the LMSAP EIR. The project site is not located within the

¹⁰ Fehr & Peers. 2016. Lakehouse Commons Project - Transportation Assessment Memorandum. May 24.

¹¹ TACs that exceed the Risk Threshold present an increased cancer risk of 10 in a million or exceed the ambient PM_{2.5} increase of 0.3 µg/m³ annual average.

vicinity of a site that emits gaseous TACs; however, and this impact would not apply to development of the project site.

The LMSAP EIR also identified potential impacts associated with the installation of back-up generators (a source of TACs) and identified SCAs to reduce the potential effect to less than significant. Moreover, the BAAQMD does not permit any new generators that may have emissions levels that pose adverse health impacts. The proposed project would not include a back-up generator that would emit TACs; therefore, this impact does not apply to the proposed project.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the LMSAP EIR and Previous CEQA Documents, implementation of the proposed project would not result in a new significant impacts related to air quality emissions identified in the LMSAP EIR. Implementation of SCA-19, SCA-20, and SCA-71 would ensure that the proposed project would not result in a new significant impact related to construction, operational, or cumulative TAC emissions, which were addressed in the LMSAP EIR and found to be significant and unavoidable. Therefore, no mitigation measures are required.

3. Biological Resources

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;</p> <p>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;</p> <p>Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means;</p> <p>Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;</p>	☒	☐	☐
<p>b. Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code [OMC] Chapter 12.36) by removal of protected trees under certain circumstances; or</p> <p>Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.</p>	☒	☐	☐

Previous CEQA Documents Findings

The Previous CEQA Documents identified less-than-significant impacts related to biological resources, with the Redevelopment Plan EIR identifying applicable of City of Oakland SCAs. No mitigation measures were necessary.

LMSAP Findings

The LMSAP EIR identified 12 special-status species that are known to have the potential to occur within the LMSAP Area. Within the LMSAP area, Lake Merritt and the Lake Merritt Channel are places where there are particularly sensitive areas with regard to biological resources. The LMSAP EIR determined that with implementation of SCAs, impacts related to biological resources would be less than significant with development occurring under the Station Area Plan. Specifically, impacts to special-status animal and plant species, riparian habitats, protected wetlands, and movement of

migratory species would all be less than significant. In addition, new development is not anticipated to fundamentally conflict with the Oakland Tree Protection Ordinance or the Oakland Creek Protection Ordinance.

Project Analysis

Special-Status Species, Wildlife Corridors, Riparian and Sensitive Habitat, Wetlands, Tree and Creek Protection (Criteria 3a and 3b)

The project site is located within the vicinity of Lake Merritt and the Lake Merritt Channel, but is currently used for soil stockpiling and staging for nearby construction projects and therefore has minimal habitat suitable for special-status species.

Implementation of SCAs that ensure Low Impact Development (LID) to improve water quality (SCA-48 through SCA-50) would ensure that impacts to special-status species that occur within the vicinity of the project site would be less than significant. Implementation of SCA-25 (Bird Collision Reduction) would reduce incidents of bird and bat collision as a result of new building development adjacent to Lake Merritt and the Lake Merritt Channel.

Lake Merritt Channel is not considered a riparian corridor; however, the LMSAP requires a 100-foot setback from the eastern edge of the channel given that nesting habitat for native bird species exist in this area. The proposed project would be set back over 100 feet from the channel. Lake Merritt and Lake Merritt Channel are "waters of the U.S." and are subject to the Clean Water Act. A small portion of Lake Merritt Channel is classified as wetlands and recent improvements in the area will likely add new wetlands. Any development along Lake Merritt Channel must comply with the Creek Protection Ordinance under SCA-54 and SCA-55. All properties in the LMSAP area are subject to the Creek Protection Ordinance's provisions for limiting non-stormwater discharges and eliminating pollutants from stormwater.

The project site includes very little vegetation, although some mature trees border the southern site boundary. It is not anticipated that these trees would be affected by the proposed project; however, SCA-26 and SCA-27 may be required if construction activities have the potential to permanently or temporarily impact existing trees, including their root systems.

Conclusion

The proposed project would not result in any new or more severe significant impacts related to biological resources than those identified in the LMSAP EIR or Previous CEQA Documents. Implementation of SCA-25, SCA-26, SCA-27, SCA-48, SCA-49, SCA-50, SCA-54, and SCA-55 would ensure that potential impacts associated with biological resources would be less than significant. The LMSAP EIR did not identify any mitigation measures related to biological resources and no mitigation measures would be required for the proposed project.

4. Cultural Resources

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired." The significance of an historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historic Places, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The 1998 LUTE EIR identified potentially significant impacts to historic resources, and identified mitigation measures to reduce the impacts to less-than-significant levels. The Redevelopment Plan EIR, which addresses much of the oldest part of Downtown Oakland, identified a significant and unavoidable impact to historic resources, even with the implementation of mitigation measures. Both of the Program EIRs identified less-than-significant effects to archaeological and paleontological resources and human remains, with the Redevelopment Plan EIR specifically identifying applicable City of Oakland SCAs.

LMSAP Findings

The 2014 LMSAP EIR does not include a project-level analysis of historic resources, indicating project-level analysis shall be conducted for individual development projects in the LMSAP. The LMSAP EIR further determined that impacts to archaeological resources, paleontological resources, and human remains would be less than significant with the implementation of applicable SCAs. The LMSAP EIR indicates that paleontological sensitivity of the geologic units underlying the LMSAP area is considered to be low to moderate.

Project Analysis

Historical Resources (Criterion 4a)

The project site consists of a vacant site and does not include any historic structures. Historic buildings near the project site include Oakland Unified School District's Paul Robeson Administration Building, located at 1025 2nd Avenue, and the Ethel Moore Building, located at 121 East 11th Street. The LMSAP EIR determined that demolition of these and other historic buildings within the Plan area would be a significant and unavoidable impact associated with the Plan's implementation. Although these buildings are in close proximity to the project site, construction of the project would not directly affect these resources, and this significant unavoidable impact would not apply to the proposed project.

Archaeological and Paleontological Resources and Human Remains (Criteria 4b through 4d)

The proposed project would involve grading and excavation activities up to depths of approximately 28 feet below grade to construct the building; therefore, there is the potential to impact unknown archaeological resources, as well as potential unknown paleontological resources or human remains, as noted in the LMSAP EIR and Previous CEQA Documents. However, implementation of SCA-29 (Archaeological and Paleontological Resources) and SCA-31 (Human Remains) would ensure that potential impacts related to the uncovering of archaeological resources, human remains and paleontological resources are reduced to less-than-significant levels during construction. Implementation of the SCAs also would require a qualified specialist to document a discovery and that appropriate procedures be followed in the event of a discovery, and would ensure that the appropriate procedures for handling and identifying identified resources are followed.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and the Previous CEQA Documents considered throughout this analysis, the proposed project would not result in any more severe significant impacts identified in the LMSAP EIR or the Previous CEQA Documents, nor would it result in new significant impacts related to cultural resources that were not identified in the LMSAP EIR or the Previous CEQA Documents. Implementation of SCA-29 and SCA-31 would ensure that potential impacts associated with cultural resources would be less than significant. No mitigation measures are required.

5. Geology, Soils, and Geohazards

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Expose people or structures to substantial risk of loss, injury, or death involving: <ul style="list-style-type: none"> • Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; • Strong seismic ground shaking; • Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or • Landslides; 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property; result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The Previous CEQA Documents identified that impacts to geology, soils, and geohazards would be less than significant, with the Redevelopment Plan EIR identifying applicable City of Oakland SCAs. No mitigation measures were necessary.

LMSAP Findings

The LMSAP EIR determined that with implementation of SCAs, impacts related to seismic hazards and unstable soils would be less than significant with development occurring under the LMSAP.

Project Analysis

Seismic Hazards, Expansive Soils, and Soil Erosion (Criteria 5a and 5b)

The LMSAP identified that much of the Plan area, particularly along the Lake Merritt Channel, is located in a severe shaking intensity zone in the San Francisco Bay Area. However, the project site is located outside of a seismic hazard zone and is in an area of low liquefaction susceptibility (LMSAP Draft EIR Figure 3.12-1). The site is generally level and is not located in a landslide area or in an area of known unstable soil conditions. SCA-34 (Soils Report) requires all project applicants to prepare a soils report and geotechnical report to ensure that individual development projects do not expose people or structures to an unacceptable level of risk during a large regional earthquake. The proposed project would also be required to comply with the California Building Code's current seismic standards, which require specific design parameters for construction in various seismic environments, and the project applicant would be required to complete a soils report per SCA-34.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and the Previous CEQA Documents considered in this analysis, implementation of the proposed project would not result in any new or more significant impacts related to geology and soils than those identified in the LMSAP EIR or the Previous CEQA Documents. Implementation of SCA-33 and SCA-34 would ensure that potential impacts associated with hazardous geologic and soils conditions would be less than significant. No mitigation measures are required.

6. Greenhouse Gas and Climate Change

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically:</p> <ul style="list-style-type: none"> For a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO₂e annually AND more than 4.64 metric tons of CO₂e per service population annually. The service population includes both the residents and the employees of the project. The project's impact would be considered significant if the emissions exceed BOTH the 1,100 metric tons threshold and the 4.6 metric tons threshold. Accordingly, the impact would be considered less than significant if the project's emissions are below EITHER of these thresholds. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. Fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

Climate change and greenhouse gas emissions (GHG) were not expressly addressed in the 1998 LUTE EIR. The Redevelopment Plan EIR identified less-than-significant GHG impacts with the incorporation of applicable City of Oakland SCAs. No mitigation measures were necessary.

LMSAP Findings

The LMSAP EIR included GHG emissions and impacts analyses, and identified less-than-significant impacts with the incorporation of the applicable City of Oakland SCAs, and no mitigation measures were necessary. The LMSAP EIR determined that development occurring under the LMSAP would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment at the plan level or at the project level. The estimate of emissions from service population annually, was less than the applicable significance threshold, and implementation of the LMSAP would not fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions. The LMSAP EIR determined that development of specific projects under the Plan would be subject to all applicable regulatory requirements adopted for the purpose of reducing greenhouse gas emissions.

Project Analysis

Greenhouse Gas Emissions and Consistency with GHG Emissions Plans and Policies (Criterion 6a and 6b)

The LMSAP EIR determined that development occurring under the LMSAP would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment. Development within the LMSAP area would generate a total of approximately 3.05 CO₂e per service population annually, which is below the threshold of 4.6 metric tons of CO₂e.¹² Although the proposed project's building height and unit count are greater than what was set forth in the LMSAP development program, the level of development currently proposed for the site is within the broader development assumptions analyzed in the LMSAP EIR.¹³ As such, the proposed project's impacts related to greenhouse gas emissions would also be less than significant.

Implementation of the LMSAP would not fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions and this impact would also be less than significant. The proposed project would comply with the City of Oakland Energy and Climate Action Plan, current City Sustainability Program and General Plan policies and regulations regarding GHG reductions and other local, regional and statewide plans, policies and regulations that are related to the reduction of GHG emissions and relevant to the proposed project. Implementation of the LMSAP, and projects developed under the Plan would be subject to all applicable regulatory requirements adopted for the purpose of reducing greenhouse gas emissions. The proposed project is consistent with the LMSAP and would also be required to implement applicable requirements adopted for the purpose of reducing greenhouse gas emissions.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and the Previous CEQA Documents considered in this analysis, implementation of the proposed project would not result in any new or more significant impacts related to greenhouse gas emissions than those identified in the LMSAP EIR or the Previous CEQA Documents. Implementation of SCA-19 and SCA-38 would further ensure that impacts associated with greenhouse gas emissions would be less than significant. No mitigation measures are required.

¹² CO₂e refers to "carbon dioxide equivalents."

¹³ Fehr & Peers, 2016. Lakehouse Commons Project – Transportation Assessment. May 24.

7. Hazards and Hazardous Materials

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;</p> <p>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;</p> <p>Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors;</p> <p>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List") and, as a result, would create a significant hazard to the public or the environment;</p>	☒	☐	☐
<p>b. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;</p>	☒	☐	☐
<p>c. Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions; or</p> <p>Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p>	☒	☐	☐

Previous CEQA Documents Findings

The Previous CEQA Documents found less-than-significant effects regarding hazards and hazardous materials including risk of upset in proximity to a school and emergency response/evacuation plans, with the Redevelopment Plan EIR identifying applicable City of Oakland SCAs. The 1998 LUTE EIR identified mitigation measures to reduce potentially significant effects regarding exposing workers and the public to hazardous substances to a less-than-significant level. These mitigation measures are now incorporated into the applicable City of Oakland SCAs.

LMSAP Findings

The LMSAP EIR determined that with implementation of SCAs, impacts related to hazards and hazardous materials would be less than significant with development occurring under LMSAP. Specifically, impacts related to the routine transport, use, or disposal of hazardous materials; accidental release of hazardous materials to the environment; use of hazardous materials near

sensitive receptors; emission of hazardous materials near schools; emergency access; and impaired use of an emergency response plan would all be less than significant.

Project Analysis

Exposure to Hazards, Hazardous Materials Use, Storage and Disposal (Criterion 7a)

Petroleum hydrocarbon, lead, and/or other heavy metal contamination is known to occur within properties located within one-quarter of a mile from the Lake Merritt Channel, potentially including the proposed project site. Similarly, the northern portion of Lake Merritt Channel and the southern margin of Lake Merritt are also known to contain hazardous materials, such as metals, as a result of past industrial activities. The East 12th Street improvement area has been found to contain soluble lead above California hazardous waste thresholds and excavated soil may therefore constitute a California hazardous waste, once excavated.

In compliance with SCA-40 (Phase I Site Assessment Report), a Phase I Environmental Site Assessment was prepared for the proposed project and recommended that a soil vapor survey be conducted in the northern portion of the property to ascertain if a former gasoline service station located at the site affected soil or groundwater in such a way that vapor intrusion into the new development could occur.¹⁴ In addition, near surface soil samples should be collected to ascertain if the long-term use of the property as a roadway resulted in soil contamination.

The City of Oakland's SCAs include a requirement for all construction sites to take all appropriate measures to protect human health and the environment if potential contamination is identified prior to construction or is accidentally discovered during construction activities. Implementation of SCA-39 (Hazardous Materials Related to Construction), SCA-40 (Site Contamination), and SCA-41 (Hazardous Materials Business Plan) would ensure that impacts are reduced to a less-than-significant level. Because the site is undeveloped, demolition activities which may result in the release of lead and asbestos-containing building materials would not occur with the proposed project.

The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (i.e., the Cortese List), although the nearby Dewey School site is listed as a contaminated site on the Leaking Underground Storage Tank List. The school site was previously determined to not have affected soil and groundwater and the California State Department of Toxic Substances Control (DTSC) determined that no further action is required at this time. Additionally, the transportation, use, and storage of all hazardous materials involved with the proposed project would be required to comply with federal, State and local hazardous materials regulations and would be required to submit a Hazardous Materials Management Plan (HMMP) and Hazardous Materials Business Plan (HMBP) as required by Alameda County and the City of Oakland SCAs. Since development of the proposed project would be subject to the SCAs pertaining to best management practices for hazardous materials, removal of asbestos and lead-based paint and other hazardous materials and wastes, including those found in the soil and groundwater, the potential impacts would be reduced to less-than-significant levels.

¹⁴ Adanta, Inc., 2014. *Phase I Environmental Site Assessment, 12th Street West of 2nd Avenue, Oakland, California*. September 1.

Hazardous Materials within a Quarter Mile of a School (Criterion 7b)

The proposed project is located on a site that is close to sensitive receptors including residential areas, schools, public gathering places and parks, and civil facilities. More specifically, the proposed project is located immediately adjacent to Dewey High School and within 1,000 feet of La Escuelita Elementary School; however, the proposed project would be required to comply with existing regulations that require hazardous material handlers within 1,000 feet of a school or other sensitive receptors to prepare a Hazardous Material Assessment Report and Remediation Plan.

Emergency Access Routes (Criteria 7c)

The proposed project would not significantly interfere with emergency response plans or evacuation plans. More specifically, the proposed project would not permanently change the surrounding streets or roadways. As such, the proposed project would not result in any new or more severe impacts related to emergency access routes.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and the Previous CEQA Documents, implementation of the proposed project would not result in any new or more severe significant impacts related to hazards and hazardous materials than those identified in the LMSAP EIR or the Previous CEQA Documents. Potential impacts associated with exposure to hazards and hazardous materials would be less than significant with implementation of SCA-39, SCA-40, and SCA-41. No mitigation measures are required.

8. Hydrology and Water Quality

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Violate any water quality standards or waste discharge requirements;</p> <p>Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters;</p> <p>Create or contribute substantial runoff which would be an additional source of polluted runoff;</p> <p>Otherwise substantially degrade water quality;</p> <p>Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.</p>	☒	☐	☐
<p>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted);</p>	☒	☐	☐
<p>c. Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems;</p> <p>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site</p>	☒	☐	☐
<p>d. Result in substantial flooding on- or off-site;</p> <p>Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows;</p> <p>Place within a 100-year flood hazard area structures which would impede or redirect flood flows; or</p> <p>Expose people or structures to a substantial risk of loss, injury, or death involving flooding.</p>	☒	☐	☐

Previous CEQA Documents Findings

The Previous CEQA Documents found less-than-significant impacts related to hydrology or water quality, primarily given required adherence to existing regulatory requirements, many of which are

incorporated in the City of Oakland's SCAs. The Previous CEQA Documents found less-than-significant impacts related to flooding and risks from flooding. The 1998 LUTE EIR acknowledged that areas considered under that Program EIR could potentially occur within a 100-year flood boundary. Adherence to existing regulatory requirements that are incorporated in the City of Oakland's SCAs would address potentially significant effects regarding flooding. No mitigation measures were warranted.

LMSAP Findings

The LMSAP EIR determined that with implementation of SCAs, impacts related to hydrology and water quality, groundwater, and flooding would be less than significant with development occurring under the LMSAP. Specifically, development occurring under the Station Area Plan would not violate water quality standards or waste discharge requirements, deplete groundwater supplies, result in substantial erosion or siltation, result in substantial flooding, create or contribute substantial runoff exceeding the capacity of the storm drainage system or contributing to polluted runoff, expose people or structures to hazards associated with flooding, seiche, tsunami, or mudflows, substantially alter existing drainage patterns, or conflict with the regulations of the Creek Protection Ordinance that protect hydrological resources.

Project Analysis

Water Quality, Stormwater, and Drainages and Drainage Patterns (Criteria 8a and 8c)

Construction activities occurring at the site have the potential to impact water quality for receiving water bodies by generating polluted runoff or soils, particularly the nearby Lake Merritt Channel. However, these potential effects are addressed by existing regulations. Development projects that would disturb 1.0 acre or more are required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), in accordance with the State Water Resources Control Board's (State Water Board) General Construction Permit. However, the project site is 0.92 acres and therefore a SWPPP is not required. For those project components that would disturb less than 1.0 acre of land, City of Oakland Municipal Code section 13.16.100 (City Of Oakland Creek Protection, Storm Water Management and Discharge Control Ordinance) would still be applicable. The ordinance requires the use of standard Best Management Practices to prevent pollution or erosion to creeks and/or storm drains. In addition, the City of Oakland has numerous SCAs relating to stormwater runoff from construction. These include SCA-33 (Construction Permits), SCA-34 (Soils Report), SCA-50 (NPDES Stormwater Requirements), and SCA-54 (Creek Protection Plan), which apply to all projects that require a Grading Permit except for those on steep slopes.

Operation period impacts to water quality may also result with development occurring under the LMSAP, including the proposed project. The project site is located on vacant land that is currently entirely covered with exposed, permeable soils; no permanent structures are located on the site. The proposed project would introduce approximately 26,279 square feet of impermeable surfaces to the site. Water quality in stormwater runoff is regulated locally by the Alameda Countywide Clean Water Program and the municipal stormwater requirements set by the Regional Water Quality Control Board. Adherence to these requirements would result in incorporation of treatment measures and other appropriate source control and site design features that reduce pollutants in runoff to the maximum extent practicable. Approximately 1,050 square feet of treatment area is required to treat runoff from the site before it is released to the storm drain system. The proposed project intends to

provide a minimum of 1,050 square feet of treatment areas at the podium level. Implementation of source control measures proposed by the project and compliance with existing regulations would ensure that impacts to operation period water quality would be less than significant.

Use of Groundwater (Criterion 8b)

The proposed project would not utilize groundwater resources and would not substantially affect groundwater recharge. Some dewatering may be required for construction of the proposed project, but the dewatering is not anticipated to substantially lower the groundwater level. Potable water is supplied by the East Bay Municipal Utility District (EBMUD), and groundwater is generally not considered potable and is not utilized in the public drinking water supply. The 2014 LMSAP EIR also assumed project compliance with existing City practices, which are stated City of Oakland SCAs that address all applicable regulatory standards and regulations pertaining to remediation and grading and excavation activities. The proposed project would adhere to these SCAs and therefore would have a less-than-significant impact on water quality or groundwater supplies, as identified in the LMSAP EIR and the Previous CEQA Documents.

Flooding and Substantial Risks from Flooding (Criteria 8d)

The project site is not located in either a 100-year or 500-year flood boundary. In addition, the project site is not located within a flood hazard zone or tsunami-inundation zone (LMSAP Draft EIR Figure 3.14-1). Therefore, the proposed project would not result in a significant impact with respect to flood-related risks.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and the Previous CEQA Documents, implementation of the proposed project would not result in any new or more severe significant impacts related to hydrology and water quality, groundwater, and flooding than those identified in the LMSAP EIR or the Previous CEQA Documents. The proposed project would not result in any new or more significant impacts related to hydrology and water quality than those identified in the LMSAP EIR. The LMSAP EIR determined that implementation of SCA-33, SCA-34, SCA-50, and SCA-54 would ensure that potential impacts to hydrology and water quality would be less than significant. No mitigation measures are required.

9. Land Use, Plans, and Policies

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Physically divide an established community;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in a fundamental conflict between adjacent or nearby land uses; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The Previous CEQA Documents considered in this analysis all found less-than-significant impacts related to land use, plans, and policies, and no mitigation measures were warranted. The 1998 LUTE EIR, however, identified a significant and unavoidable effect associated with inconsistencies with policies in the Clean Air Plan (resulting from significant and unavoidable increases in criteria pollutants from increased traffic regionally). It identified mitigation measures, which largely align with current City of Oakland SCAs involving Transportation Demand Management (TDM), which apply to all projects within the City of Oakland.

LMSAP Findings

The LMSAP EIR determined that impacts related to land use and planning would be less than significant with development occurring under the LMSAP. No mitigation measures were required and no City of Oakland SCAs apply to the proposed project. Compliance with LUTE Policies D10.2, N5.2, and N8.2 would ensure that development under the LMSAP would not conflict with surrounding land uses, or with existing plans, policies, and regulations adopted for the purpose of mitigating an environmental effect.

Project Analysis

Division of Existing Community, Conflict with Land Uses, or Land Use Plans (Criteria 9a through 9c)

The LMSAP changed the land use designation for the project site from Institutional to Urban Residential and rezoned the site from Urban Residential Zone-3 (RU-3) to Lake Merritt Station Area Plan District Urban Residential (D-LM-1). The intent of the D-LM-1 zone is to create, maintain, and enhance certain areas appropriate for high-density residential development with small-scaled compatible ground-level commercial uses. As previously discussed, the project site is identified as Opportunity Site #44 in the LMSAP. The LMSAP assumed that the project site would be developed with a 20-story apartment building including up to 357 residential units and 20,000 square feet of

retail space. The proposed project would develop the site with up to 361 residential units and 2,000 square feet of ground-floor commercial use, which is consistent with the type of development assumed for the project site in the LMSAP. As previously discussed, the proposed project would result in a greater height and unit count (but substantially less commercial square footage) than what was set forth for Opportunity Site #44 in the LMSAP development program; however, the level of development currently proposed for the site is within the broader development assumptions analyzed in the LMSAP EIR. As stated in the LMSAP EIR, deviation from the specific site-by-site assumptions in the development program may be considered minor if they are consistent with the overall development program analyzed in the LMSAP EIR.

The project would redevelop a vacant site and would not change the existing street network or otherwise introduce incompatible uses to the project area or create land use conflicts. Therefore, the proposed project would not result in any new or more significant impacts related to land use and planning than those identified in the LMSAP EIR. The project would continue to have less-than-significant land use and planning impacts as identified in the LMSAP EIR for the overall development program.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and Previous CEQA Documents, the proposed project would not result in any new or more severe significant impacts related to land use and planning than those identified in the LMSAP EIR or the Previous CEQA Documents. The LMSAP EIR did not identify any mitigation measures related to land use, and no City of Oakland SCAs directly addressing land use and planning apply to the proposed project.

10. Noise

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts. During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard;</p> <p>Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code Section 8.18.020) regarding persistent construction-related noise;</p>	☒	☐	☐
<p>b. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise;</p>	☒	☐	☐
<p>c. Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3-dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project);</p>	☒	☐	☐
<p>d. Expose persons to interior L_{dn} or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24);</p> <p>Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval (see Figure 1);</p> <p>Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]); or</p>	☒	☐	☐

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
e. During either project construction or project operation expose persons to or generate ground-borne vibration that exceeds the criteria established by the Federal Transit Administration (FTA).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The Previous CEQA Documents both identified less-than-significant impacts related to operational noise, primarily from roadway traffic, as well as noise compatibility. The 1998 LUTE EIR identified mitigation measures to address potential noise conflicts between different land uses. Regarding construction noise, the 1998 LUTE EIR identified a significant and unavoidable construction noise and vibration impact in Downtown, even after the incorporation of mitigation measures.

LMSAP Findings

The LMSAP EIR determined that with implementation of SCAs construction and operation period noise would be less than significant with development occurring under the LMSAP. The LMSAP EIR determined that while activities occurring under the Plan could expose residential uses near construction to noise levels exceeding the General Plan standard of 80 and 85 dBA, construction of individual development projects implemented under the LMSAP would be temporary in nature and that associated impacts would be less than significant with implementation of applicable SCAs.

The LMSAP EIR also determined that operation-period noise associated with projects developed under the Plan would be less than significant, and that implementation of applicable SCAs would ensure that operation noise is reduced to a less-than-significant level.

Project Analysis

Construction and Operational Noise and Vibration, Exposure of Receptors to Noise (Criteria 10a, 10b, 10c, 10d, and 10e)

Construction Period. The LMSAP EIR determined that construction activities occurring under the LMSAP could expose residential uses at 50 feet from construction sites to estimated temporary noise levels as high as 89 dB for typical machinery, or as high as 101 dB for pile drivers. This noise would exceed the General Plan standard of 80 and 85 dBA for short-term construction noise at receiving residential uses and commercial or industrial uses, respectively, for some distance around the construction sites. Construction activities for the proposed project would be expected to occur over approximately 24 months and would entail excavation and shoring, foundation and below-grade construction and construction of the buildings and finishing interiors. However, the LMSAP EIR determined that construction-period noise associated with construction of individual development projects implemented under the LMSAP would be temporary in nature and that associated impacts would be less than significant with implementation of City of Oakland SCAs. The proposed project is consistent with the level of development anticipated for the project site under the LMSAP and would

comply with applicable regulations in the Noise Ordinance, including applicable SCAs which regulate construction-period noise (SCA-58, SCA-59, SCA-60, SCA-61, and SCA-62).

Operation Period. The LMSAP EIR determined that operation-period noise levels associated with projects developed under the LMSAP would be less than significant. Operation of new buildings, including the proposed project, would include noise from mechanical equipment. However, this equipment would be standardized for noise reduction, and would not be expected to exceed Noise Ordinance thresholds. In addition, implementation of SCA-64 (Operational Noise) would ensure that operation noise is reduced to a less-than-significant level.

New development, including the proposed project, would generate additional traffic that would affect ambient noise levels. Noise analysis conducted for the LMSAP EIR found that the increase in traffic noise resulting from reasonably foreseeable maximum development under the LMSAP would be less than 5 dB on all roadway segments studied. The threshold of significance is considered to be 5dB or above; therefore, this impact would be less than significant.

Residential uses such as the proposed project are required to have interior noise levels no greater than 45 dBA, per City of Oakland standards. To achieve these indoor noise standards, the LMSAP EIR determined that many new buildings with residential uses will need to achieve substantial noise reduction from exterior noise levels. The City's SCA-63 mandates incorporation of noise reduction measures into project design to achieve an acceptable interior noise level for residential uses. Compliance with existing City SCAs will reduce potential impacts related to interior noise to a less-than-significant level.

Some locations within the Plan area would have community noise levels that would exceed General Plan guidelines for residential uses. According to Oakland's land use compatibility guidelines, residential uses are compatible with noise levels up to 60 dBA and conditionally compatible with noise levels up to 70 dBA. As shown in Table 3.10-8 of the Final EIR, noise levels above 70 dBA would occur on area roadways, including on Lake Merritt Boulevard, within the vicinity of the site. However, the LMSAP EIR determined that these exceedances would occur in the context of a community noise environment that currently exceeds standards in much of the Plan area. Implementation of SCA-63, which requires installation of noise reduction design features, would ensure that these impacts are less than significant.

Conclusion

The proposed project would not result in any new or more significant noise-related impacts than those identified in the LMSAP EIR. The less-than-significant construction-period noise impacts identified in the LMSAP EIR would be similar with development of the proposed project. Although the proposed project's building height and unit count are greater than what was set forth in the LMSAP development program, the level of development currently proposed for the site is within the broader development assumptions analyzed in the LMSAP EIR. As such, the operation-period noise impacts would be similar to those analyzed in the LMSAP EIR. Implementation of SCA-58, SCA-59, SCA-60, SCA-61, SCA-62, SCA-63, and SCA-64 would be applicable to and would be implemented by the proposed project and would further ensure that noise-related impacts associated with the proposed project would be less than significant.

11. Population and Housing

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element; or Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The Previous CEQA Documents found less-than-significant impacts related to population and housing, as well as employment. The 1998 LUTE EIR identified mitigation measures to address unanticipated employment growth (compared to regional ABAG projections), and no other mitigation measures were warranted.

LMSAP Findings

The LMSAP EIR determined that impacts related to population and housing would be less than significant with development occurring under the LMSAP. No mitigation measures or SCAs would be required. Implementation of the LMSAP is intended to increase growth within an urban area and the LMSAP EIR assumes that approximately 4,900 new housing units would be added to the Plan area by 2035, with an associated household and population growth of 4,700 and 9,870, respectively. This projected growth is in line with regional growth projections including ABAG's 2009 growth forecast for 2035. Development at opportunity sites would largely occur as infill, in an urbanized and built-out city. The LMSAP would include a variety of changes to public infrastructure, but none that would increase the capacity of infrastructure outside the Plan area resulting in unplanned population growth.

Project Analysis

Population Growth and Displacement of Housing and People (Criteria 11a and 11b)

The project site is identified as Opportunity Site #44 in the LMSAP and up to 357 residential units are assumed for the site. The proposed project would result in slightly more growth than identified for the site in the LMSAP, with development of up to 361 units. However, as previously discussed, the level

of development currently proposed for the site is within the broader development assumptions analyzed in the EIR. As stated in the LMSAP EIR, deviation from the specific site-by-site assumptions in the development program may be considered minor as they are anticipated and analyzed in the LMSAP EIR. The site is vacant and would not displace housing or people. Therefore, the proposed project would not result in any new or more significant impacts related population and housing than those identified in the LMSAP EIR.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and the Previous CEQA Documents, the proposed project would not result in any new or more severe significant impacts related to population and housing than those identified in the LMSAP EIR or the Previous CEQA Documents. The LMSAP EIR did not identify any mitigation measures related to population and housing, and none would be required for the proposed project. In addition, no SCAs would apply.

12. Public Services, Parks and Recreation Facilities

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: <ul style="list-style-type: none"> • Fire protection; • Police protection; • Schools; or • Other public facilities. 	☒	☐	☐
b. Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.	☒	☐	☐

Previous CEQA Documents Findings

The Redevelopment Plan EIR found less-than-significant impacts related to public services and recreational facilities; no mitigation measures were warranted nor City of Oakland SCAs identified. The 1998 LUTE EIR identified a significant and unavoidable impact for fire safety, with mitigation measures pertaining to the North Oakland Hills area; the 1998 LUTE EIR also identified a significant and unavoidable impact regarding increased student enrollment, particularly in Downtown (and the Waterfront), and identified mitigation measures that would not reduce the effect to less than significant. Thus the impact was significant and unavoidable.

LMSAP Findings

The LMSAP EIR determined that the increase in demand for public services (i.e., fire, police, and schools) and park and recreation services from development under the LMSAP would be less than significant. The Oakland Police Department and Fire Department would adjust service capacity as needed and the City is responsible for coordinating service provisions to adjust to the expected increase in demand for these services. New development, including the proposed project, is required to adhere to appropriate building and fire code requirements that would be incorporated into project construction. The Plan area is exceptionally well-served by libraries, and the LMSAP includes the creation of new parks and open spaces, and improved access to the regional parks system. No mitigation measures or SCAs were required regarding public services or recreation.

Project Analysis

Public Services and Parks and Recreation (Criteria 12a and 12b)

The City of Oakland Police Department and Fire Department would adjust service capacity as needed and the City is responsible for coordinating service provisions to adjust to the expected increase in demand for these services. New development, including the proposed project, is required to adhere to appropriate building and fire code requirements that would be incorporated into project construction. The proposed project would be subject to plan review by the Oakland Fire Department to ensure proper life safety standards and compliance with the California State Fire Code, and adequate emergency response especially for onsite access, exits, and any necessary special equipment to assist firefighters on-site.

The LMSAP EIR determined that schools within the Plan area are currently over-enrolled by 380 students; however, impacts related to the provision of school services and capacity would be less than significant. If development under the Plan generates more students than the closest schools have a capacity for, these students could be accommodated by existing charter schools in the area, and/or schools outside the Plan area, which do have excess capacity. The Plan area is exceptionally well-served by libraries and there would be a less-than-significant impact to library services as a result of the increase in population under the Plan.

The City of Oakland's open space standards require new residential development in the Plan area, including the proposed project, to provide usable open space for project residents. The proposed project would provide 25,153 square feet of on-site open space for use by residents in the form of roof decks and terraces and would meet the City's open space requirements. The proposed project would also complete off-site landscaping improvements to the adjacent City park, which is being developed under the Station Area Plan and as part of the East 12th Street Reconstruction Project. The park would be a passive open green space consisting mostly of native plantings of groundcover, shrubs and trees.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and the Previous CEQA Documents, the proposed project would not result in any new or more severe significant impacts related to public services and parks and recreation services than those identified in the LMSAP EIR and the Previous CEQA Documents. The LMSAP EIR did not identify any mitigation measures related to public services, and none would be required for the proposed project. In addition, no SCAs would apply.

13. Transportation and Circulation

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit, specifically:			
Traffic Load and Capacity Thresholds			
a. At a study, signalized intersection which is located outside the Downtown area and that does not provide direct access to Downtown , the project would cause the motor vehicle level of service (LOS) to degrade to worse than LOS D (i.e., LOS E or F) and cause the total intersection average vehicle delay to increase by four (4) or more seconds;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. At a study, signalized intersection which is located within the Downtown area or that provides direct access to Downtown , the project would cause the motor vehicle LOS to degrade to worse than LOS E (i.e., LOS F) and cause the total intersection average vehicle delay to increase by four (4) or more seconds;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. At a study, signalized intersection outside the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. At a study, signalized intersection outside the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the overall volume-to-capacity ("V/C") ratio to increase 0.03 or more or (b) the critical movement V/C ratio to increase 0.05 or more;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. At a study, unsignalized intersection the project would add ten (10) or more vehicles to the critical movement and after project completion satisfy the California Manual on Uniform Traffic Control Devices (MUTCD) peak hour volume traffic signal warrant;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
g. For a roadway segment of the Congestion Management Program (CMP) Network, the project would cause (a) the LOS to degrade from LOS E or better to LOS F or (b) the V/C ratio to increase 0.03 or more for a roadway segment that would operate at LOS F without the project; or	☒	☐	☐
h. Cause congestion of regional significance on a roadway segment on the Metropolitan Transportation System (MTS) evaluated per the requirements of the Land Use Analysis Program of the CMP.	☒	☐	☐

Previous CEQA Documents Findings

The Previous CEQA documents considered for this analysis identified significant and unavoidable impacts regarding intersection and/or roadway segment operations. Various mitigation measures and City of Oakland SCAs are identified in the Program EIRs (except in the 1998 LUTE EIR, which does not identify SCAs). Other transportation/circulation impacts identified in each of the Previous CEQA documents are reduced to less-than-significant levels with adherence to the City of Oakland SCAs or mitigation measures.

The 1998 LUTE EIR identified significant unavoidable impacts regarding degradation of the level of service (LOS) for several roadway segments citywide. A mitigation measure was identified for one Downtown intersection to reduce the intersection operations to less than significant. The 1998 LUTE EIR did not identify any impacts at the intersections that are affected by the proposed project.

Both the Redevelopment Plan EIR and the Housing Element EIR identified significant unavoidable effects to roadway segment operations, as well as railroad crossing safety, after the implementation of identified mitigation measures. Neither of these Program EIRs identified any impacts at the intersections that are affected by the proposed project.

LMSAP Findings

The LMSAP EIR evaluated the potential impacts of the LMSAP on transportation, circulation, and parking conditions, including transit services, and pedestrian and bicycle facilities. The LMSAP EIR evaluated 45 intersections and 10 freeway segments within the vicinity of the LMSAP (including within the City of Alameda) for potential LOS impacts.

Under Existing Plus Project conditions, impacts to a total of seven intersections were identified during either or both peak hours. Impacts to three of these intersections would be reduced to less-than-significant levels with implementation of the recommended mitigation measures. However, impacts to the 1st Avenue/International Boulevard, Oak Street/10th Street, Oak Street/6th Street, and Jackson Street/5th Street intersections would be significant and unavoidable. Under Existing Plus Project conditions, impacts to the I-880 freeway segment between Oak Street and 5th Street would be significant and unavoidable. In addition, under Existing Plus Project conditions, impacts related to

pedestrian circulation at the Constitution Way/Marina Village Parkway and Constitution Way/Atlantic Avenue intersections would be significant and unavoidable because these intersections are located in the City of Alameda and the City of Oakland does not have the authority to construct recommended improvements.

Under Interim 2020 Plus Project conditions, significant unavoidable impacts were identified at a total of three intersections, including the Jackson Street/6th Street; Brush Street/12th Street; Oak Street/6th Street; and Oak Street/5th Street.

Under Cumulative 2035 Plus Project conditions, significant unavoidable impacts were identified at a total of 14 intersections, including: Grand Avenue/Broadway; Madison Street/14th Street; Madison Street/11th Street; Madison Street/10th Street; Oak Street/10th Street; Harrison Street/8th Street; Jackson Street/8th Street; Oak Street/8th Street; Jackson Street/7th Street; Oak Street/7th Street; 5th Avenue/7th Street/8th Street; Jackson Street/6th Street; Oak Street/ 6th Street; and Oak Street/5th Street. In addition, under Cumulative 2035 Plus Project conditions impacts to the segment of Oak Street between 2nd Street and Embarcadero would also be significant and unavoidable.

Standard Conditions of Approval related to transportation and circulation are required to be implemented for projects developed under the LMSAP.

Project Analysis

Impacts to the Circulation System (Criteria 13a through 13h)

A focused Transportation Assessment¹⁵ was prepared for the proposed project to evaluate potential impacts associated with traffic and circulation (see Appendix C). The analysis evaluated the project's consistency with the LMSAP EIR, assessed the proposed access and circulation plan for potential safety impacts, and evaluated project impacts at two intersections that were not analyzed in the LMSAP EIR. The discussion below summarizes the project's potential impacts related to transportation and circulation. As summarized below, the proposed project would not conflict with any applicable measures of effectiveness for the performance of the circulation system; conflict with an applicable congestion management program; or substantially increase hazards due to a design feature. In addition, similar to the analysis presented in the LMSAP EIR, development of the proposed project would result in less-than-significant impacts related to construction-period traffic and circulation, changes to air traffic patterns, and inadequate emergency access. Standard Conditions of Approval related to transportation and circulation identified in the LMSAP EIR would also be required for the proposed project.

The LMSAP EIR identified up to 1,024 daily vehicle trips, including 55 AM peak hour trips and 78 PM peak hour trips, associated with development of the project site. Trip generation for the proposed project was calculated using the same methodology developed for the LMSAP EIR. As shown in Table 1 in Appendix C, the proposed project is estimated to generate 809 daily vehicle trips, with 60 trips occurring during the AM peak hour and 65 trips occurring during the PM peak hour. While the proposed project would generate five additional AM peak hour trips than analyzed in the LMSAP

¹⁵ Fehr & Peers, 2016. Lakehouse Commons Project -- Transportation Assessment. May 24.

EIR, the proposed project includes uses consistent with the assumptions in the LMSAP EIR. Furthermore, since the approval of the LMSAP, five developments, including the proposed project, have been proposed and are in various stages of the planning approval process. The five developments combined would generate about 5,614 daily trips, 303 AM peak hour, and 494 PM peak hour trips. The combined trip generation is less than the total trip generation evaluated in the LMSAP EIR. The total cumulative development contemplated and approved within the LMSAP EIR is a substantially larger amount than that which is currently proposed and under consideration within the LMSAP area. As such, the proposed project would not result in additional impacts on traffic operations at the intersections analyzed in the LMSAP EIR. Refer to Table 2 in the Transportation Assessment (Appendix C) for additional information.

The proposed project would add more than 20 peak hour trips to two intersections that were not evaluated in the LMSAP EIR. Therefore, operations at the following two intersections were evaluated under Existing and Cumulative 2035 conditions for the proposed project:

- Lake Merritt Boulevard/East 12th Street
- East 12th Street/2nd Avenue

Potential impacts associated with intersection operations under Existing Plus Project and Cumulative Plus Project conditions, site circulation and safety, bicycle access and parking, pedestrian access and circulation, transit access, and vehicle parking are described in this subsection. As described below, the proposed project would not result in any new or more significant impacts related to traffic or transportation than those identified in the LMSAP EIR.

Existing and Existing Plus Project Conditions. Traffic data for Existing conditions was collected for the two study area intersections from 7:00 a.m. to 9:00 a.m. (AM peak) and from 4:00 p.m. to 6:00 p.m. (PM peak) on September 16, 2014. As shown in Table 1, below, both of the study area intersections currently operate at an acceptable LOS B during both the AM and PM peak hours and would continue to operate at LOS B under Existing Plus Project conditions; therefore, the project would not result in a significant impact at these study area intersections during Existing Plus Project conditions.

Table 1: Intersection LOS Summary – Existing and Existing Plus Project Conditions

Intersection	Traffic Control ^a	Peak Hour	Existing Conditions		Existing Plus Project Conditions		Significant Impact?
			Delay ^b (seconds)	LOS	Delay ^b (seconds)	LOS	
Lake Merritt Boulevard/East 12 th Street	Signal	AM	13.3	B	13.6	B	No
		PM	11.7	B	12.2	B	No
East 12 th Street/2 nd Avenue	Signal	AM	9.8	A	10.6	B	No
		PM	10.7	B	11.1	B	No

Bold indicates intersections operating at an unacceptable level. All intersection located in Downtown or on arterials that provide direct access to Downtown where LOS E (not LOS D) is the threshold.

^a Signal = intersection is controlled by a traffic signal

^b For signalized intersection, average intersection delay and LOS based on the 2010 HCM method is shown.

Source: Fehr & Peers, 2016.

Cumulative 2035 and Cumulative 2035 Plus Project Conditions. Cumulative 2035 conditions are based on the most recent Alameda County Transportation Commission (ACTC) Model, which uses

land use data consistent with the Association of Bay Area Governments (ABAG) Projections 2009. The 2035 Plus Project volumes are forecast by adding the project traffic to the 2035 No Project traffic volumes.

Cumulative 2035 conditions assume that the East Bay Bus Rapid Transit (BRT) Project would be completed. Adjacent to the project, BRT would operate along southbound East 12th Street, and convert the two southbound mixed-flow lanes to one bus-only lane and one mixed-flow lane. The BRT Project would also prohibit left-turns on East 12th Street at 2nd Avenue.

Table 2, below summarizes intersection LOS calculations for Cumulative 2035 and 2035 Plus Project conditions. Both study intersections would operate at LOS C or better during both AM and PM peak hours under Cumulative 2035 with and without project conditions. Therefore, the project would not result in a significant impact at either of these intersections.

Table 2: Intersection LOS Summary – 2035 Conditions

Intersection	Traffic Control ^a	Peak Hour	2035 No Project Conditions		2035 Plus Project Conditions		Significant Impact?
			Delay ^b (seconds)	LOS	Delay ^b (seconds)	LOS	
Lake Merritt Boulevard/East 12 th Street	Signal	AM	16.6	B	17.0	B	No
		PM	19.3	B	20.0	C	No
East 12 th Street/2 nd Avenue	Signal	AM	10.1	B	10.8	B	No
		PM	15.4	B	16.4	B	No

Bold indicates intersections operating at an unacceptable level. All intersection located in Downtown or on arterials that provide direct access to Downtown where LOS E (not LOS D) is the threshold.

^a Signal = intersection is controlled by a traffic signal

^b For signalized intersection, average intersection delay and LOS based on the 2010 HCM method is shown.

Source: Fehr & Peers, 2016.

Vehicle Access and Circulation. The project would provide a four-level parking garage (two below grade, two above grade) which would be accessed through a full-access gated driveway on 2nd Avenue approximately 70 feet west of East 12th Street. The garage would accommodate at least 250 parking spaces through a combination of regular and tandem parking spaces.

Considering the proximity of the driveway on 2nd Avenue to East 12th Street, motorists exiting the garage may not have adequate sight distance of vehicles turning from East 12th Street onto Second Avenue. In addition, based on preliminary review of the site plan, motorists exiting the garage may not have adequate sight distance of pedestrians on the adjacent sidewalk.

Recommendation TRA-1: Although not required to address an impact under CEQA, the following should be considered as part of the final design for the project to improve vehicle access and circulation:

- To ensure adequate sight distance for vehicles exiting the garage, prohibit on-street parking along the project frontage on 2nd Avenue between the project driveway and East 12th Street and within 20 feet of the west side of the driveway.
- Redesign the project driveway on 2nd Avenue to provide adequate sight distance between motorists exiting the driveway and pedestrians on the sidewalk. If on-street parking is prohibited adjacent to the project site on 2nd Avenue, one potential design may be to widen

the sidewalk along the project frontage and install planter wells adjacent to the project driveway to move pedestrians away from the driveway, ensure adequate sight distance, and maintain sidewalk width.

As described above, the driveway for the proposed project would be on 2nd Avenue, about 70 feet west of East 12th Street. Based on the analysis above under the level of service analysis, the 95th percentile queues on eastbound 2nd Avenue at East 12th Street are expected to spill back beyond the project driveway during both AM and PM peak hours. However, these queues would clear at the end of each signal cycle and allow vehicles to turn into and out of the driveway.

Given the above, the proposed project would not result in any new or more significant impacts related to vehicle access and circulation than those identified in the LMSAP EIR.

Bicycle Access and Bicycle Parking. Chapter 17.117 of the Oakland Municipal Code requires long-term and short-term bicycle parking for new buildings. Long-term bicycle parking includes lockers or locked enclosures and short-term bicycle parking includes bicycle racks. The Code requires one long-term space for every four multi-family dwelling units and one short-term space for every 20 multi-family dwelling units. The Code requires the minimum level of bicycle parking, two long and short-term spaces, for the commercial component of the project.

The project is required to provide 93 long-term and 20 short-term parking spaces. The site plan shows long-term bicycle parking on Levels 1 and 2, but does not provide the amount of parking spaces. In addition, the site plan does not identify short-term bicycle parking. The long-term bicycle parking on the first level can be accessed through the Lobby on Lake Merritt Boulevard or the garage. Both long-term bicycle-parking areas on the second level of the garage can be accessed by elevators/stairs or biking through the garage. Using stairs or elevators to access bicycle parking on the second level may be inconvenient for bicyclists, and riding through the garage may result in potential conflicts between motorists and bicyclists.

Recommendation TRA-2: Although not required to address an impact under CEQA, the following should be considered as part of the final design for the project:

- Consider relocating the long-term bicycle parking from the second level to a more convenient location on the ground level.
- Identify location and amount of short-term bicycle parking, consistent with the City of Oakland Bicycle Parking Ordinance. Short-term bicycle parking should be near the entrances to the commercial and both residential components of the project.
- Ensure that the identified bike rooms accommodate at least 93 long-term bicycle parking spaces

Given the above, the proposed project would not result in any new or more significant impacts related to bicycle access and circulation than those identified in the LMSAP.

Pedestrian Access and Circulation. Each building would be accessed through a separate lobby that includes elevators and stairwells that connect to the residential levels and the garage. The 26-level north building would be accessed from the corner of Lake Merritt Boulevard/12th Street intersection.

The north building also includes four townhomes that can be directly accessed on Lake Merritt Boulevard. The eight-level south building would be accessed on 12th Street just north of 2nd Avenue.

The sidewalks along the project frontage were recently constructed as part of the 12th Street Bridge Reconstruction Project and the two signalized intersections adjacent to the project at Lake Merritt Boulevard/East 12th Street and East 12th Street/2nd Avenue provide striped crosswalks with countdown pedestrian signal heads, adequate crossing time, and directional curb ramps adjacent to the project site. The project would not alter the existing 12-foot sidewalk along East 12th Street and 10-foot sidewalk along 2nd Avenue. In addition, the proposed building would also have a 10-foot setback along East 12th Street.

Given the above, the proposed project would not result in any new or more significant impacts related to pedestrian access and circulation than those identified in the LMSAP EIR.

Transit Access. Transit service providers in the project vicinity include Bay Area Rapid Transit (BART) and AC Transit. BART provides regional rail service throughout the East Bay and across the Bay. The nearest BART station to project site is the Lake Merritt BART Station, about 0.5 miles west. The proposed project would not modify access between the project site and the BART Station.

AC Transit is the primary bus service provider in the City of Oakland. AC Transit operates the following routes in the vicinity of the project:

- Routes 1 and 1R operate along International Boulevard with the nearest stop at 2nd Avenue, about 350 feet east of the project site.
- Routes 11 and 62 operate along 10th Street with the nearest stop at 2nd Avenue, about 600 feet west of the project site.
- Routes 14, 18, 26, and 40 operate on Lake Merritt Boulevard with the nearest stop between International Boulevard and East 15th Street, about 600 feet east of the project site.

AC Transit is currently designing the East Bay Bus Rapid Transit (BRT) Project along the International Boulevard corridor, which would replace Routes 1 and 1R. The project would generally dedicate one travel lane in each direction to bus operations only, in order to provide a quicker and more reliable bus service. Adjacent to the project, BRT would operate along southbound East 12th Street, and convert the two southbound mixed-flow lanes to one bus-only lane and one mixed-flow lane. The BRT project would continue to maintain the existing Class 2 bicycle lanes and parking along East 12th Street adjacent to the project site.

The nearest BRT stop to the project site would be on southbound East 12th Street, just south of 2nd Avenue. The corresponding northbound stop would be on International Boulevard just south of 2nd Avenue, about 350 feet east of the project site. Both stops can be accessed from the project site by crossing at protected signalized intersections.

No changes to the other bus routes operating in the vicinity of the project are planned and the proposed project would not modify or prohibit access to or between the project site and these bus stops.

Given the above, the proposed project would not result in any new or more significant impacts related to transit access than those identified in the LMSAP EIR.

Parking. The proposed project would provide 330 parking spaces to serve the proposed development. The project would be required to comply with City regulations that apply to the provision of parking spaces to serve new development. The provision of parking is not considered to be an impact under CEQA.

Conclusion

The proposed project would not result in significant impacts to the project study intersections, either under the Existing Plus Project conditions or the Cumulative 2040 Plus Project conditions. Based on an examination of the analysis, findings and conclusions of the LMSAP EIR and Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the LMSAP EIR or the Previous CEQA Documents, nor would it result in new significant impacts related to transportation and circulation that were not identified in the LMSAP EIR or the Previous CEQA Documents.

Additionally, pedestrian, bicycle, transit, emergency access, and design and incompatible use impacts associated with the proposed project would be less than significant and consistent with those identified in the LMSAP EIR. The proposed project would not result in any other transportation-related significant impacts.

Further, implementation of SCA 68, SCA 69, SCA 70, and SCA 71 would be applicable to the proposed project and would ensure that transportation and circulation-related impacts associated with the proposed project would be less than significant. No mitigation measures are required. The project applicant would implement recommended measures identified in the transportation analysis completed for the proposed project that address vehicular access and safety, bicycle parking supply and access and pedestrian circulation and safety.

14. Utilities and Service Systems

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board;</p> <p>Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects;</p> <p>Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects;</p>	☒	☐	☐
<p>b. Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects;</p>	☒	☐	☐
<p>c. Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects;</p> <p>Violate applicable federal, state, and local statutes and regulations related to solid waste;</p>	☒	☐	☐
<p>d. Violate applicable federal, state and local statutes and regulations relating to energy standards; or</p> <p>Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects.</p>	☒	☐	☐

Previous CEQA Documents Findings

The Redevelopment Plan EIR found less-than-significant impacts related to water, wastewater, or stormwater facilities, solid waste, and energy finding no mitigation measures were warranted but adhering to certain City of Oakland SCAs. The 1998 LUTE EIR identified significant effects regarding these topics and identified mitigation measures that reduced the effects to less than significant.

LMSAP Findings

The LMSAP EIR identified less-than-significant impacts to utilities and service systems, with the incorporation of City of Oakland SCAs in certain instances where new infrastructure would be required to be constructed. The LMSAP EIR determined that the capacity of existing service systems would meet increased service demand of development analyzed for the LMSAP; wastewater demand would not exceed wastewater treatment requirements or capacity, surface water runoff would not exceed the capacity of the storm drain system, water demand would not exceed available water supplies, and solid waste generated would not exceed landfill capacity.

Project Analysis

Water, Wastewater, Stormwater, Solid Waste Services and Energy (Criteria 14a through 14c)

The capacity of existing service systems – wastewater, stormwater, water, solid waste, sewer, landfill and energy- were all determined to meet increased service demand as a result of development under the LMSAP. No new infrastructure would be required to be constructed to accommodate increased service demand. In the cases in which it is deemed necessary, SCA-75 requires that draft project plans be submitted to the City's Building Services and Public Works Agency to demonstrate that all proposed utilities would be underground. SCA-74 requires the proposed project to submit a Construction & Demolition (C&D) Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency. The WRRP must specify the methods by which the project would divert C&D debris waste from landfill disposal in accordance with current City requirements.

The proposed project would result in less-than-significant impacts related to energy standards and use, and would comply with CALGreen regulations and be required to achieve at least a 15 percent reduction in energy usage when compared to Title 24. The proposed project would also be required to undergo review by PG&E. In addition, City of Oakland SCAs pertaining to compliance with the green building ordinance would require construction projects to incorporate energy-conserving design measures, which would ensure the proposed project's impacts on energy would remain less than significant.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the 2014 LMSAP EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the LMSAP EIR or Previous CEQA Documents, nor would it result in new significant impacts related to utilities and service systems that were not identified in the LMSAP EIR or the Previous CEQA Documents. The LMSAP EIR did not identify any mitigation measures related to utilities and service systems, and none would be required for the proposed project. Implementation of SCA-68, SCA-69, SCA-70, SCA-71, SCA-74, SCA-75, SCA-77, and SCA-79, as well as compliance with Title 24 and CALGreen requirements would ensure that impacts to utilities and services would be less than significant.

VII. REFERENCES

(All references cited below are available at the Oakland Bureau of Planning, Agency, 250 Frank Ogawa Plaza, Suite 3330, Oakland, California, unless specified otherwise.)

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City of Oakland, City of Oakland Planning Code. CEQA: Planning and Zoning. Available online at: www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak032032.pdf. February 2014.

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Rowan William Davies & Irwin, Inc., *Lakehouse Commons Oakland, CA Sun/Shadow Study*. April 28, 2016.

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ATTACHMENT A
Standard Conditions of Approval and
Mitigation Monitoring and Reporting Program

This Standard Conditions of Approval (“SCAs”) and Mitigation Monitoring and Reporting Program (“SCAMMRP”) is based on the CEQA Analysis prepared for the Lakehouse Commons Project.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists mitigation measures recommended in the 2014 LMSAP EIR that apply to the proposed project. The SCAMMRP also lists other SCAs that apply to the proposed project, most of which were identified in the LMSAP EIR and some of which have been subsequently updated or otherwise modified by the City. Specifically, on July 22, 2015, the City of Oakland released a revised set of all City of Oakland SCAs, which largely still include SCAs adopted by the City in 2008, along with supplemental, modified, and new SCAs. The SCAs are measures that would minimize potential adverse effects that could result from implementation of the proposed project, to ensure the conditions are implemented and monitored. The revised set of the City of Oakland SCAs includes new, modified, and reorganized SCAs; however, none of the revisions diminish or negate the ability of the SCAs considered “environmental protection measures” to minimize potential adverse environmental effects. As such, the SCAs identified in the SCAMMRP reflect the current SCAs only. Although the SCA numbers listed below may not correspond to the SCA numbers in the 2014 LMSAP EIR, all of the environmental topics and potential effects addressed by the SCAs in the LMSAP EIR are included in this SCAMMRP (as applicable to the Lakehouse Commons Project). This SCAMMRP also identifies the mitigation monitoring requirements for each mitigation measure and SCA.

This CEQA Analysis is also based on the analysis in the following Program EIRs that apply to the Lakehouse Commons Project: Oakland's 1998 General Plan Land Use and Transportation Element (LUTE) EIR (1998 LUTE EIR), the 2010 General Plan Housing Element EIR (Housing Element EIR) and 2014 Addendum, and the 2011 Central District Urban Renewal Plan Amendments EIR (Redevelopment Plan EIR). None of the mitigation measures or SCAs from these Program EIRs are included in this SCAMMRP because they, or an updated or equally effective mitigation measure or SCA, is identified in the 2014 LMSAP EIR, its addenda, or in this CEQA Analysis for the Lakehouse Commons Project.

To the extent that there is any inconsistency between any mitigation measures and/or SCAs, the more restrictive conditions shall govern; to the extent any mitigation measure and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

The first column of the SCAMMRP table identifies the mitigation measure or SCA applicable to that topic in the CEQA Analysis. While a mitigation measure or SCA can apply to more than one topic, it is listed in its entirety only under its primary topic (as indicated in the mitigation or SCA designator). The SCAs are numbered to specifically apply to the Lakehouse Commons Project and this CEQA Analysis; however, the SCAs as presented in the City's Standard Conditions of Approval and

Uniformly Applied Development Standards documents are included in parenthesis for cross-reference purposes.

The second column identifies the monitoring schedule or timing applicable to the project. The third column names the party responsible for monitoring the required action for the project. The project sponsor is responsible for compliance with any recommendations identified in City-approved technical reports all applicable mitigation measures adopted, and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Bureau or Planning, Zoning Inspections Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Aesthetics, Shadow and Wind		
SCA-16 Graffiti Control		
<u>Requirement:</u>		
<p>e. 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:</p> <ul style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <p>f. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:</p> <ul style="list-style-type: none"> 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). 		
<u>When Required:</u> Ongoing		
<u>Initial Approval:</u> N/A		
<u>Monitoring/Inspection:</u> Bureau of Building		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>SCA-17 Landscape Plan</p> <p>a. Landscape Plan Required</p> <p><u>Requirement:</u> The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> N/A</p> <p>b. Landscape Installation</p> <p><u>Requirement:</u> The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p><u>When Required:</u> Prior to building permit final <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>c. Landscape Maintenance</p> <p><u>Requirement:</u> All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p> <p><u>When Required:</u> Ongoing <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-18 Lighting</p> <p><u>Requirement:</u> 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.</p> <p><u>When Required:</u> Prior to building permit final <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality		
SCA-19 Construction-Related Air Pollution Controls (Dust and Equipment Emissions)		
<p>Requirement: The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:</p> <p>[BASIC CONTROLS (apply to ALL construction sites)]</p> <ul style="list-style-type: none"> 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. <p>[ENHANCED CONTROLS: All "Basic" controls listed above, plus the following controls if the project involves:</p> <ul style="list-style-type: none"> 1) 14 or more single-family dwelling units; 2) 240 or more multi-family units; Nonresidential uses that exceed the applicable screening size listed in the Bay Area Air Quality Management District's CEQA Guidelines; Demolition permit; Simultaneous occurrence of more than two construction phases (e.g., grading and building construction occurring simultaneously); 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>Extensive site preparation (i.e., the construction site is four acres or more in size) or</p> <p>Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export).</p> <p>k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p> <p>l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind-blown dust. Wind breaks must have a maximum 50 percent air porosity.</p> <p>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.</p> <p>r. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.</p> <p>s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>t. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.</p> <p>v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>x. Off-road heavy diesel engines shall meet the California Air Resources Board's most recent certification standard.</p> <p>y. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</p> <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>The following condition applies to all projects that meet all of the following</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>Criteria:</p> <p>The project involves any of the following sensitive land uses:</p> <ul style="list-style-type: none"> i. Residential uses (new dwelling units) or ii. New or expanded schools, day care centers, parks, nursing homes, or medical facilities; and <p>b. The project is located within 1,000' (or other distance as specified below) of one or more of the following sources of air pollution:</p> <ul style="list-style-type: none"> i. Freeway; ii. Roadway with significant traffic (at least 10,000 vehicles/day); iii. Rail lines (except BART) with over 30 trains per day; iv. Distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating Transportation Refrigeration Units (TRU) per day, or where the TRU unit operations exceed 300 hours per week; v. Major rail or truck yard (such as the Union Pacific railyard adjacent to the Port of Oakland); vi. Ferry terminal; vii. Stationary pollutant source requiring a permit from BAAQMD (such as a diesel generator); viii. Within 0.5 miles of the Port of Oakland or Oakland Airport; ix. Within 300 feet of a gas station; or x. Within 300 feet of a dry cleaner with a machine using PFCs (or within 500 feet of a dry cleaner with two or more machines using PFCs) and <p>c. The project exceeds the health risk screening criteria after a screening analysis is conducted in accordance with the Bay Area Air Quality Management (BAAQMD) CEQA Guidelines.</p> <p>SCA-20 Exposure to Air Pollution (Toxic Air Contaminants)</p> <p>a. <i>Health Risk Reduction Measures</i></p> <p>Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:</p> <ul style="list-style-type: none"> i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. <p>- or -</p> <ul style="list-style-type: none"> ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>documentation submitted to the City:</p> <ul style="list-style-type: none"> • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 [insert MERV-16 for projects located in the West Oakland Specific Plan area] or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. • Sensitive receptors shall be located on the upper floors of buildings, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). • Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. • Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> ○ Installing electrical hook-ups for diesel trucks at loading docks. ○ Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. ○ Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. ○ Prohibiting trucks from idling for more than two minutes. ○ Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>b. Maintenance of Health Risk Reduction Measures</p> <p>Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p> <p>When Required: Ongoing Initial Approval: N/A Monitoring/Inspection: Bureau of Building</p>		
Biological Resources		
<p>SCA-25 Bird Collision Reduction Measures</p> <p>Requirement: The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include all of the following:</p> <ol style="list-style-type: none"> i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights. ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. iii. Monopole structures or antennas shall not include guy wires. iv. Avoid the use of mirrors in landscape design. v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below. vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following: <ul style="list-style-type: none"> • Use opaque glass in window panes instead of reflective glass. • Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. • Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans. 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> • Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides. • Install opaque window film or window film with a pattern/design which also adheres to the "two-by-four" rule for coverage. <p>vii. Reduce light pollution. Examples include the following:</p> <ul style="list-style-type: none"> • Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30). • Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise. • Reduce perimeter lighting whenever possible. • Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass. • Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration. <p>viii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:</p> <ul style="list-style-type: none"> • Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws. • Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials. • Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day. • Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs. • Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible. <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-26 Tree Removal During Bird Breeding Season</p> <p><u>Requirement:</u> To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p> <p><u>When Required:</u> Prior to removal of trees <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-26 Tree Removal During Bird Breeding Season</p> <p><u>Requirement:</u> To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p> <p><u>When Required:</u> Prior to removal of trees <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-27 Tree Permit</p> <p>a. Tree Permit Required</p> <p><u>Requirement:</u> Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>b. Tree Protection During Construction</p> <p><u>Requirement:</u> Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p> <ol style="list-style-type: none"> i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. 		

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<p>ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.</p> <p>iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</p> <p>iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p> <p><u>When Required:</u> During construction <u>Initial Approval:</u> Public Works Department, Tree Division <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>c. Tree Replacement Plantings</p> <p><u>Requirement:</u> Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:</p> <p>i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.</p> <p>ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia</p>		

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<p>californica (California Bay Laurel), or other tree species acceptable to the Tree Division.</p> <p>iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.</p> <p>iv. Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> • For Sequoia sempervirens, three hundred fifteen (315) square feet per tree; • For other species listed, seven hundred (700) square feet per tree. <p>v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.</p> <p>When Required: Prior to building permit final Initial Approval: Public Works Department, Tree Division Monitoring/Inspection: Bureau of Building</p>		
Cultural Resources		
<p>SCA-29 Archaeological and Paleontological Resources - Discovery During Construction</p> <p>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.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project.</p>		

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<p>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.</p> <p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p> <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-31 Human Remains - Discovery During Construction</p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p> <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
Geology, Soils and Geohazards		
<p>SCA-33 Construction-Related Permit(s)</p> <p><u>Requirement:</u> 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.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p>		

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<p>SCA-34 Soils Report</p> <p>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.</p> <p>When Required: Prior to approval of construction-related permit</p> <p>Initial Approval: Bureau of Building</p> <p>Monitoring/Inspection: Bureau of Building</p>		
Greenhouse Gas Emissions		
<p>SCA-38 Greenhouse Gas (GHG) Reduction Plan</p> <p><i>a. Greenhouse Gas (GHG) Reduction Plan Required</i></p> <p>Requirement: The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan.</p> <p>The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below [INCLUDE THIS LANGUAGE IF SCENARIO A OR B] at least one of the Bay Area Quality Management District (BAAQMD's) CEQA Thresholds of Significance (0.1100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population) [INCLUDE THIS LANGUAGE IF SCENARIO C] the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (0.0000 metric tons of CO₂e per year) [INCLUDE THIS LANGUAGE IF SCENARIO B] and to reduce GHG emissions by 36 percent below the project's "adjusted" baseline GHG emissions (as explained below) to help achieve the City's goal of reducing GHG emissions. The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), (c) a comprehensive set of quantified additional GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.</p> <p>Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.</p> <p>The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below.</p>		

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<p>The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.</p> <p>As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.</p> <p>For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> N/A</p> <p>b. GHG Reduction Plan Implementation During Construction</p> <p><u>Requirement:</u> The project applicant shall implement the GHG Reduction Plan during construction of the project. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be implemented during construction. For physical GHG reduction measures to be incorporated into off-site projects, the project applicant shall obtain all necessary permits/ approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval. These off-site improvements shall be installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For GHG reduction measures involving the purchase of carbon credits, evidence of the payment/ purchase shall be submitted to the City for review and approval prior to completion of the project (or prior to completion of the project phase, for phased projects).</p> <p><u>When Required:</u> During construction <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>c. GHG Reduction Plan Implementation After Construction</p> <p><u>Requirement:</u> The project applicant shall implement the GHG Reduction Plan after construction of the project (or at the completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into the project or off-site projects, the measures shall be implemented on an indefinite and ongoing basis.</p> <p>The project applicant shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.</p>		

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<p>Annual Report. Implementation of the GHG reduction measures and related requirements shall be ensured through compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report ("Annual Report"), for review and approval by the City Planning Director or his/her designee. The Annual Report shall be submitted to an independent reviewer of the City's choosing, to be paid for by the project applicant. The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.</p> <p>The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Thresholds INCLUDE THIS LANGUAGE IF SCENARIO B1 AND GHG emissions are 36 percent below the project's adjusted baseline GHG emissions, as confirmed by the City through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below.</p> <p>Corrective Procedure. If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures ("Corrective GHG Action Plan"). The project applicant shall then implement the approved Corrective GHG Action Plan.</p> <p>If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed.</p> <p>The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the "adjusted" baseline.</p> <p>In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan.</p> <p>The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.</p>		

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<p>Timeline Discretion and Summary. The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.</p> <p><u>When Required:</u> Ongoing <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Planning</p>		
Hazards and Hazardous Materials		
<p>SCA-39 Hazardous Materials Related to Construction</p> <p>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:</p> <ol style="list-style-type: none"> Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; Avoid overtopping construction equipment fuel gas tanks; During routine maintenance of construction equipment, properly contain and remove grease and oils; Properly dispose of discarded containers of fuels and other chemicals; Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate. <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-40 Site Contamination</p> <p>a. <i>Environmental Site Assessment Required</i></p> <p>Requirement: The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Oakland Fire Department <u>Monitoring/Inspection:</u> Oakland Fire Department</p>		

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<p>b. Health and Safety Plan Required <u>Requirement:</u> The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan. <u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>c. Best Management Practices (BMPs) Required for Contaminated Sites <u>Requirement:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p> <ol style="list-style-type: none"> i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements. ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building. <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-41 Hazardous Materials Business Plan <u>Requirement:</u> The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b. The location of such hazardous materials. c. An emergency response plan including employee training information. d. A plan that describes the manner in which these materials are handled, transported, and disposed. <p><u>When Required:</u> Prior to building permit final <u>Initial Approval:</u> Oakland Fire Department <u>Monitoring/Inspection:</u> Oakland Fire Department</p>		

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Hydrology and Water Quality		
SCA-50 NPDES C.3 Stormwater Requirements for Regulated Projects		
a. Post-Construction Stormwater Management Plan Required		
<p>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:</p> <ol style="list-style-type: none"> i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff. <p>When Required: Prior to approval of construction-related permit Initial Approval: Bureau of Planning; Bureau of Building Monitoring/Inspection: Bureau of Building</p>		
b. Maintenance Agreement Required		
<p>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:</p> <ol style="list-style-type: none"> i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p> <p>When Required: Prior to building permit final Initial Approval: Bureau of Building Monitoring/Inspection: Bureau of Building</p>		

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<p>The following condition applies to all projects involving either of the following:</p> <p>a. Projects that create or replace at least 2,500 square feet, but less than 10,000 square feet, of new or existing impervious, except projects considered Regulated Projects under the NPDES C/S requirements (see other condition for NPDES C/S Regulated Projects); or</p> <p>b. Individual single-family home projects that create or replace at least 2,500 square feet of new or existing impervious.</p> <p>SCA-54 Creek Protection Plan</p> <p>a. Creek Protection Plan Required</p> <p>Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).</p> <p>When Required: Prior to approval of construction-related permit Initial Approval: Bureau of Planning Monitoring/Inspection: N/A</p> <p>b. Construction BMPs</p> <p>Requirement: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:</p> <ol style="list-style-type: none"> i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek. ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected. iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible. iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted. v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. 		

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<p>vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.</p> <p>vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.</p> <p>viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.</p> <p>ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.</p> <p>x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.</p> <p>xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.</p> <p>xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).</p> <p>xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> N/A</p> <p>c. Post-Construction BMPs</p> <p><u>Requirement:</u> The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> N/A</p>		

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<p>d. Creek Landscaping</p> <p>Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.</p> <p>Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.</p> <p>When Required: Prior to approval of construction-related permit Initial Approval: Bureau of Planning Monitoring/Inspection: N/A</p>		
<p>e. Creek Protection Plan Implementation</p> <p>Requirement: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.</p> <p>When Required: During construction; ongoing Initial Approval: N/A Monitoring/Inspection: Bureau of Building</p>		
Noise		
<p>SCA-58 Construction Days/Hours</p> <p>Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ol style="list-style-type: none"> 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. 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. No construction is allowed on Sunday or federal holidays. <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and</p>		

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<p>occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p> <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA 59 Construction Noise</p> <p><u>Requirement:</u> The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 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. 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. Applicant shall use temporary power poles instead of generators where feasible. 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. 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. <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-60 Extreme Construction Noise</p> <ol style="list-style-type: none"> Construction Noise Management Plan Required <p><u>Requirement:</u> 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:</p>		

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<p>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>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;</p> <p>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>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</p> <p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>b. Public Notification Required</p> <p><u>Requirement:</u> 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.</p> <p><u>When Required:</u> During construction <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-61 Project-Specific Construction Noise Reduction Measures</p> <p><u>Requirement:</u> The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts. The project applicant shall implement the approved Plan during construction.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-62 Construction Noise Complaints</p> <p><u>Requirement:</u> The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <p>a. Designation of an on-site construction complaint and enforcement manager for the project;</p> <p>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;</p> <p>c. Protocols for receiving, responding to, and tracking received complaints; and</p>		

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<p>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.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-63 Exposure to Community Noise</p> <p><u>Requirement:</u> The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ul style="list-style-type: none"> a. 45 dBA: Residential activities, civic activities, hotels b. 50 dBA: Administrative offices; group assembly activities c. 55 dBA: Commercial activities d. 65 dBA: Industrial activities <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-64 Operational Noise</p> <p><u>Requirement:</u> 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.</p> <p><u>When Required:</u> Ongoing <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
Transportation/Traffic		
<p>SCA-68 Construction Activity in the Public Right-of-Way</p> <p>a. Obstruction Permit Required</p> <p><u>Requirement:</u> 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.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>b. Traffic Control Plan Required</p> <p><u>Requirement:</u> 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</p>		

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<p>implement the approved Plan during construction.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Public Works Department, Transportation Services Division <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>c. Repair of City Streets</p> <p><u>Requirement:</u> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p> <p><u>When Required:</u> Prior to building permit final <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-69 Bicycle Parking</p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-70 Transportation Improvements</p> <p><u>Requirement:</u> The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, and pedestrian and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ol style="list-style-type: none"> a. 2070L Type Controller with cabinet accessory b. GPS communication (clock) c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required) 		

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<p>g. Mast arm poles, full activation (where applicable)</p> <p>h. Polara Push buttons (full activation)</p> <p>i. Bicycle detection (full activation)</p> <p>j. Pull boxes</p> <p>k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum</p> <p>l. Conduit replacement contingency</p> <p>m. Fiber switch</p> <p>n. PTZ camera (where applicable)</p> <p>o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor</p> <p>p. Signal timing plans for the signals in the coordination group</p> <p><u>When Required:</u> Prior to building permit final or as otherwise specified</p> <p><u>Initial Approval:</u> Bureau of Building; Public Works Department, Transportation Services Division</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-71 Transportation and Parking Demand Management</p> <p>a. Transportation and Parking Demand Management (TDM) Plan Required</p> <p><u>Requirement:</u> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <p>i. The goals of the TDM Plan shall be the following:</p> <ul style="list-style-type: none"> • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project. • 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. <p>ii. TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. • Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. • Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. 		

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<ul style="list-style-type: none"> • 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. <p>The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> N/A</p>		

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<p>b. TDM Implementation – Physical Improvements</p> <p><u>Requirement:</u> For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p><u>When Required:</u> Prior to building permit final</p> <p><u>Initial Approval:</u> Bureau of Building</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>c. TDM Implementation – Operational Strategies</p> <p><u>Requirement:</u> 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.</p> <p><u>When Required:</u> Ongoing</p> <p><u>Initial Approval:</u> Bureau of Planning</p> <p><u>Monitoring/Inspection:</u> Bureau of Planning</p>		
Utilities and Service Systems		
<p>SCA-74 Construction and Demolition Waste Reduction and Recycling</p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Public Works Department, Environmental Services Division</p> <p><u>Monitoring/Inspection:</u> Public Works Department, Environmental Services Division</p>		
<p>SCA-75 Underground Utilities</p> <p><u>Requirement:</u> 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</p>		

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<p>facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p> <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-76 Recycling Collection and Storage Space</p> <p><u>Requirement:</u> 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.</p> <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building</p>		
<p>SCA-77 Green Building Requirements</p> <p>a. Compliance with Green Building Requirements During Plan-Check</p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier 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. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> • CALGreen mandatory measures. • All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable 		

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<p>Hardship Exemption granted during the review of the Planning and Zoning permit.</p> <ul style="list-style-type: none"> • INSERT: Green building point level/certification requirement (See Green Building Summary Table for New Construction of Residential or Non-Residential projects that remove a Historic Resource (as defined by the Green Building Ordinance) the point level/certification requirement is 53 points for residential and LEED Gold for non-residential) 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. <p><u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> N/A</p> <p>b. Compliance with Green Building Requirements During Construction</p> <p><u>Requirement:</u> The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ol style="list-style-type: none"> 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. 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. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p><u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>c. Compliance with Green Building Requirements After Construction</p> <p><u>Requirement:</u> Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to INSERT: Build It Green or Green Building Certification Institute and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.</p> <p><u>When Required:</u> After project completion as specified <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>SCA-79 Sanitary Sewer System</p> <p><u>Requirement:</u> The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Public Works Department, Department of Engineering and Construction</p> <p><u>Monitoring/Inspection:</u> N/A</p>		
<p>SCA-80 Storm Drain System</p> <p><u>Requirement:</u> The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Bureau of Building</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>		

ATTACHMENT B
Criteria for Use of Addendum, Per CEQA Guidelines
Sections 15162, 15164 and 15168

Section 15164(a) of the California Environmental Quality Act (CEQA) Guidelines states that “a lead agency or responsible agency shall prepare an addendum to a previously certified EIR [Environmental Impact Report] if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15164(e) states that “a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR.”

As discussed in detail in Section III of this document, this CEQA Analysis document is considered an Addendum to the 2014 LMSAP EIR for the assessment of the project under Sections 15162 and 15164. The 1998 LUTE EIR, and for the housing components of the proposed project, the 2010 Housing Element EIR and 2014 Addendum are Program EIRs considered for this CEQA assessment of the project, pursuant to Section 15162 and 15164. The 2011 Redevelopment Plan EIR analysis is a Program EIR specifically considered for this assessment, pursuant to CEQA Guidelines Section 15168 and Section 15180.

A. PROJECT MODIFICATIONS

In November 2014, the Oakland Planning Commission certified the LMSAP EIR. The LMSAP EIR analyzed the LMSAP “development program,” which was the assumed future development for the Plan with up to 4,900 new housing units, 4,100 new jobs, 404,000 square feet of retail use, and 1.3 million square feet of office uses. The LMSAP EIR also presented detailed potential development assumptions for certain “Opportunity Sites,” which are properties considered “most likely to redevelop.” The project site is located on a vacant parcel at the southwest corner of East 12th Street and 2nd Avenue and is identified as Opportunity Site #44 in the LMSAP development program.

B. CONDITIONS FOR ADDENDUM

None of the following conditions for preparation of a subsequent EIR per Sections 15162(a) and 15168 apply to the proposed project:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

C. PROJECT CONSISTENCY WITH SECTIONS 15162 AND 15168 OF THE CEQA GUIDELINES

Since certification of the 2014 LMSAP EIR, no changes have occurred in the circumstances under which the proposed project would be implemented that would change the severity of the proposed project's physical impacts, as explained in the CEQA Checklist in Section VI of this document. No new information has emerged that would materially change the analyses or conclusions set forth in the LMSAP EIR.

Furthermore, as demonstrated in the CEQA Checklist, the proposed project would not result in any new significant environmental impacts, result in any substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the 2014 LMSAP EIR, nor render any mitigation measures or alternatives found not to be feasible, feasible. The effects of the proposed project would be substantially the same as those reported in the 2014 LMSAP EIR.

The analysis presented in this CEQA Checklist, combined with the prior 2014 LMSAP EIR analysis, demonstrates that the proposed project would not result in significant impacts that were not previously identified in the LMSAP EIR. The proposed project would not result in a substantial increase in the significance of impacts, nor would the proposed project contribute considerably to cumulative effects that were not already accounted for in the certified 2014 LMSAP EIR. Overall, the proposed project's impacts are similar to those identified and discussed in the 2014 LMSAP EIR, as described in the CEQA Checklist, and the findings reached in the LMSAP EIR are applicable.

ATTACHMENT C
Project Consistency with Community Plan or Zoning,
Per CEQA Guidelines Section 15183

Section 15183(a) of the California Environmental Quality Act (CEQA) Guidelines states that "...projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." As discussed in detail in Section III of this document, the analysis in the 2011 Redevelopment Plan EIR, the 1998 LUTE EIR and, for only the residential components of the proposed project, the 2010 Housing Element EIR and its 2014 Addendum, are considered the qualified planning level CEQA documents for exempting the project from further CEQA analysis, pursuant to CEQA Guidelines Section 15183, as discussed below.

A. PROPOSED PROJECT

The proposed project would be located in developed, urbanized Downtown Oakland. The proposed project would develop the vacant site with two distinct buildings with a continuous 4-level podium base, including an 8-story mid-rise residential building and a 26-story residential apartment tower. Combined, the two buildings would provide 361 residential units, 2,000 square feet of ground level commercial space and 330 parking spaces. The project site is currently vacant and utilized for construction staging and soil stockpiling.

B. PROJECT CONSISTENCY

As determined by the City of Oakland Bureau of Planning, the proposed land uses are permitted in the zoning district in which the project is located, and land uses envisioned for the project site in Downtown Oakland, as outlined below.

- The General Plan land use designation for the site is Urban Residential (RU-3). This designation applies to areas suitable for multi-unit, low-rise or mid-rise residential structures at somewhat higher densities than RU-2, and neighborhood businesses where appropriate in locations with good access to transportation and other services. The proposed residential mixed-use project would be consistent with this designation.
- The site is zoned Lake Merritt Station Area Plan District Mixed Residential Zone (D-LM-1). The proposed project would be consistent with the purposes of the D-LM-1 district, which is generally intended to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible commercial activities. The proposed project would develop the vacant site with ground-floor commercial retail space with upper level residential use.

Therefore, the proposed project is eligible for consideration of an exemption under California Public Resources Code Section 21083.3, and Section 15183 of the CEQA Guidelines.

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ATTACHMENT D

Infill Performance Standards, Per CEQA Guidelines Section 15183.3

California Environmental Quality Act (CEQA) Guidelines Section 15183.3(b) and CEQA Guidelines Appendix M establish eligibility requirements for projects to qualify as infill projects. Table D-1, below, shows how the proposed project satisfies each of the applicable requirements.

As discussed in detail in Section III of this document, the analysis in the 2011 Redevelopment Plan EIR, the 1998 LUTE EIR and, for only the residential components of the proposed project, the 2010 Housing Element EIR and its 2014 Addendum, are considered the Program EIRs for this assessment, pursuant to CEQA Guidelines Section 15183.3.

Table D-1: Project Infill Eligibility

CEQA Eligibility Criteria		Eligible?/Notes for Proposed Project
1.	Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])	Yes. The project site is currently vacant used for construction staging and soil stockpiling. However, the site is surrounded by urban uses including public, institutional, residential, and commercial uses, as described in Section IV, Project Description.
2.	Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:	—
	2a. Performance Standards Related to Project Design. All projects must implement all of the following:	—
	Renewable Energy. Non-Residential Projects. All nonresidential projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible. Residential Projects. Residential projects are also encouraged to include such on site renewable power generation.	Yes. The proposed project would comply with CALGreen regulations and be required to achieve at least a 15 percent reduction in energy usage when compared to Title 24. In addition, the proposed project would comply with the Green Building ordinance and requirements. The project applicant may consider, but is not required to provide, renewable power generation.

Table D-1: Project Infill Eligibility

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>Soil and Water Remediation. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.</p>	<p>A Phase I Environmental Site Assessment was prepared for the project site.¹⁶ The assessment revealed no evidence of recognized environmental conditions in connection with the property although a soil vapor survey and collection of near surface soil samples was recommended to identify whether the site's past use as a gasoline service station and roadway resulted in soil contamination. In addition, the property was not listed in any of the databases searched as part of the Phase I Report.</p>
<p>Residential Units Near High-Volume Roadways and Stationary Sources. If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution. If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>Yes. According to BAAQMD's conservative screening-level tool for Alameda County, there are three stationary TAC sources within 1,000 feet of the project site. As previously discussed, the proposed project is not located within the vicinity of a site that emits gaseous TACs. The LMSAP EIR also identified potential impacts associated with the installation of back-up generators (a source of TACs) and identified SCAs to reduce the potential effect to less than significant. The proposed project would not include a back-up generator that would emit TACs; therefore, this impact does not apply to the proposed project. The nearest "high-volume roadway" with 100,000 vehicles per day, as defined by Section II of CEQA Appendix M, is Interstate 880 (I-880). I-880 is approximately 0.4 miles south of the project site.</p>
<p>2b. Additional Performance Standards by Project Type. In addition to implementing all the features described in 2a above, the project must meet eligibility requirements provided below by project type.</p>	
<p>Residential. A residential project must meet one of the following: A. Projects achieving below average regional per capita vehicle miles traveled (VMT). A residential project is eligible if it is located in a "low vehicle travel area" within the region; B. Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor. A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit</p>	<p>Yes. The proposed project is eligible under Section (B). The proposed project site is served by multiple transit providers. Transit service providers in the project vicinity include Bay Area Rapid Transit (BART) and Alameda-Contra Costa (AC) Transit. The nearest BART station to the project site is the Lake Merritt BART Station, approximately 0.4 miles west of the project site. AC Transit operates bus lines multiple major bus routes on International Boulevard, approximately one block east of the project site.</p>

¹⁶ Adanta, Inc. 2014. *Phase I Environmental Site Assessment 12th Street West of 2nd Avenue Oakland, California*. September 1.

Table D-1: Project Infill Eligibility

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>corridor; or C. Low - Income Housing. A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	
<p>Commercial/Retail. A commercial/retail project must meet one of the following: A. Regional Location. A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a "low vehicle travel area"; or B. Proximity to Households. A project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.</p>	Not Applicable.
<p>Office Building. An office building project must meeting one of the following: A. Regional Location. Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; or B. Proximity to a Major Transit Stop. Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.</p>	Not Applicable.
<p>Schools. Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible. Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.</p>	Not Applicable.
<p>Transit. Transit stations, as defined in Section 15183.3(e)(1), are eligible.</p>	Not Applicable
<p>Small Walkable Community Projects. Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features in 2a above are eligible.</p>	Not Applicable

Table D-1: Project Infill Eligibility

	CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
3.	<p>Be 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, except as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p> <p>(b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; or</p> <p>(b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a "small walkable community project" in CEQA Guidelines §15183.3(f)(5). (CEQA Guidelines Section 15183.3[b][3])</p>	<p>Yes (see explanation below table)</p>

Note:

- a Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this section that apply to the predominant use shall govern the entire project.

EXPLANATION FOR ELIGIBILITY CRITERION 3 (FROM TABLE D-1 ABOVE)

The adopted Plan Bay Area (2014) serves as the sustainable communities strategy for the Bay Area, per Senate Bill 375. As defined by the Plan, Priority Development Areas (PDAs) are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. The Lakehouse Commons Project is located within the "Oakland Transit Oriented Development Corridors" PDA – which comprises the majority of the City of Oakland’s land area except the areas around the Macarthur Transit Village, Downtown Oakland and Colosseum. The proposed project is consistent with the City of Oakland General Plan and the Planning Code, as discussed in Attachment C and noted below.

- The General Plan land use designation for the site is Urban Residential (RU-3). This designation applies to areas suitable for multi-unit, low-rise or mid-rise residential structures at somewhat higher densities than RU-2, and neighborhood businesses where appropriate in locations with good access to transportation and other services. The proposed residential mixed-use project would be consistent with this designation.
- The site is zoned Lake Merritt Station Area Plan District Mixed Residential Zone (D-LM-1). The proposed project would be consistent with the purposes of the D-LM-1 district, which is generally intended to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible commercial activities. The proposed project would develop the vacant site with ground-floor commercial retail space with upper level residential use.



Attachment C

CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: September 11, 2019

To: Neil Gray, City of Oakland

FROM: Theresa Wallace, AICP, Principal

SUBJECT: Addendum to the California Environmental Quality Act (CEQA) Analysis for the Lakehouse Commons Project (Case No. PLN16128-ER01)

On May 27, 2016, LSA prepared the CEQA Analysis for the Lakehouse Commons Project, pursuant to California Resources Code Sections 21083.3, 21094.5.5, and 21166 and CEQA Guidelines Sections 15162, 15164, 15183, 15183.3, 15168, and 15180. The analysis evaluated the potential impacts associated with the development of the Lakehouse Commons Project, which included two distinct buildings with a continuous 4-level podium base, including an 8-story mid-rise residential building (South Commons Building) and a 26-story residential apartment tower (North Commons Building). The proposed project would provide a total of 361 residential units, 2,000 square feet of ground-level commercial space, and 330 parking spaces. The project site is located at the northwest corner of the East 12th Street and 2nd Avenue intersection (12th Street parcel) on Assessor's Parcel Number (APN) 019-0027-013-03 and is currently a vacant lot used for soil stockpiling and staging for nearby construction projects.

Based on an examination of the analysis, findings, and conclusions of the 2014 Lake Merritt Station Area Plan Environmental Impact Report (LMSAP EIR), as well as those of the City of Oakland's 1998 General Plan Land Use and Transportation Element EIR (LUTE EIR), the 2010 General Plan Housing Element EIR and 2014 Addendum (Housing Element EIR), and the 2011 Central District Urban Renewal Plan Amendments EIR (or "Redevelopment Plan EIR"), it was determined that the potential environmental impacts associated with the Lakehouse Commons Project were adequately analyzed and covered in the planning-level LMSAP EIR and other Previous CEQA Documents. Therefore, no further review or analysis under CEQA was required and an Addendum to the LMSAP EIR and Community Plan Exemption were approved by the City of Oakland as Lead Agency for environmental review.

Since that time, the planning approvals for the proposed project have expired and are being reconsidered by the Oakland City Council. No changes to the project evaluated in the May 27, 2016 CEQA Analysis are proposed. As further discussed below, pursuant to CEQA Guidelines Section 15162, no additional environmental review is necessary for approval of the proposed project.

COMPARISON TO THE CONDITIONS LISTED IN CEQA GUIDELINES SECTION 15162

This Addendum is prepared pursuant to CEQA Guidelines Section 15164(b) which states: "An addendum to an... [environmental document] may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for preparation of a subsequent... [environmental document] have occurred" Section 15162 specifies that "no subsequent... [environmental document] shall be prepared for that project unless the lead agency determines ... one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous ... [environmental document] due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous... [environmental document] due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous... [environmental document] was certified as complete was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous... [environmental document];
 - b. Significant effects previously examined will be substantially more severe than shown in the previous... [environmental document];
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous... [environmental document] would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

The following discussion summarizes the reasons that additional environmental review pursuant to CEQA Guidelines Section 15162 is not required to evaluate the environmental effects of the proposed project, as its potential effects were adequately evaluated in the 2016 CEQA Analysis.

Substantial Changes

There are no changes to the proposed project evaluated in the 2016 CEQA Analysis and the project evaluated in that analysis would not result in new significant impacts beyond those identified in the LMSAP EIR and Previous CEQA Documents.

Substantial Changes in Circumstances

Conditions in and around the project site have not substantially changed since approval of the proposed project and compared to the analysis and findings of the LMSAP EIR and Previous CEQA Documents. Four development projects have been approved by the City since preparation of the Transportation Assessment prepared in support of the 2016 CEQA Analysis for the proposed project, including the: 1314 Franklin Street Mixed-Use Project, the 325 7th Street Project, the 0 Fallon Street Project, and the Oakland Civic Auditorium. As discussed in the updated Transportation Assessment included as an attachment to this memorandum, the combined trip generation is less than the total trip generation estimated in the LMSAP EIR. Likewise, inclusive of the proposed project, the total trips generated by the nine (previously five) developments currently proposed and under consideration within the Plan Area are substantially less than the total cumulative development approved within the Plan Area by the LMSAP EIR. Therefore, the proposed project would continue to add a minor amount of traffic to the circulation system and no new impacts beyond those identified in the LMSAP EIR would result.

In addition, because the number of project vehicle trips would be within the scope of the analysis of the LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis, no new significant impacts related to mobile sources emissions for air quality, greenhouse gases, or energy would result. Likewise, no new noise impacts associated with increased vehicle traffic would result.

Since approval of the 2016 CEQA Analysis, regulatory thresholds and requirements related to transportation and air quality have been revised/updated. In addition, the CEQA Guidelines were updated in 2019 and the City of Oakland has modified its significance thresholds and Standard Conditions of Approval. These key changes are discussed below.

VMТ Analysis

On September 21, 2016, the City of Oakland's Planning Commission directed staff to update the City of Oakland's CEQA Thresholds of Significance Guidelines related to transportation impacts in order to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The Planning Commission direction aligns with draft proposed guidance from the Governor's Office of Planning and Research and the City's approach to transportation impact analysis, with adopted plans and policies related to transportation, which promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Consistent with the Planning Commission direction and the Senate Bill 743 requirements, the City of Oakland published the revised TIRG on April 14, 2017 to guide the evaluation of the transportation impacts associated with land use development projects.

Given this updated guidance, a vehicle miles traveled analysis was prepared for the proposed project. The analysis is included in the updated Transportation Assessment provided as an attachment to this document. As demonstrated in the analysis, the proposed project satisfies the Low-VMТ Area (#2) and the Near Transit Stations (#3) criteria and is therefore presumed to have a less-than-significant impact on VMТ.

BAAQMD Clean Air Plan and Guidelines

Based on the Bay Area Air Quality Management District (BAAQMD) attainment status and ambient air quality monitoring data, ambient air quality in the vicinity of the project site has remained unchanged since approval of the 2016 CEQA Analysis. However, the BAAQMD has made two key regulatory changes since the 2016 CEQA Analysis was approved. The updated Clean Air Plan was adopted in April 2017 and revised BAAQMD CEQA Guidelines were adopted in May 2017.

Consistency with the Clean Air Plan can be determined if a project does the following: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan. As demonstrated in the updated Transportation Assessment, development associated with the proposed project is within the amount of growth evaluated within the LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis and the proposed project would not substantially increase VMT. Therefore, the project would not hinder the goals or implementation of any of the control measures from the Clean Air Plan.

In addition, because the level of development proposed for the site is within the broader development assumptions analyzed in the LMSAP EIR, construction and operation period emissions impacts would be consistent with the findings of the LMSAP EIR and would not exceed the emissions thresholds identified in the BAAQMD CEQA Guidelines.

City of Oakland Standard Conditions of Approval

Mitigation measures and SCAs identified in the 2014 LMSAP EIR and 2016 CEQA Analysis that would apply to the Lakehouse Commons Project are listed in Attachment A to the 2016 CEQA Analysis, which is incorporated by reference. Because the SCAs are mandatory City requirements, it is assumed that they will be imposed and implemented, which the project sponsor has agreed to do or ensure as part of the proposed project. If the CEQA Analysis or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected.

Most of the SCAs that are identified for the Lakehouse Commons Project were also identified in the 2014 LMSAP EIR or the Previous CEQA Documents. Since certification of the LMSAP EIR and the 2016 CEQA Analysis, the City of Oakland has revised its SCAs, and the most current SCAs are identified in the City's Staff Report for the project's planning approvals. All mitigation measures identified in the LMSAP EIR that would apply to the proposed project are also identified in the City's Staff Report.

New Information

As demonstrated in the discussion above, no new information of substantial importance, which was not known or could not have been known when the 2016 CEQA Analysis was adopted, has been identified which shows that the proposed project would be expected to result in: 1) new significant environmental effects not identified in the LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis; 2) substantially more severe environmental effects than shown in the LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis; 3) mitigation measures or alternatives previously determined to be infeasible would in fact be feasible and would substantially reduce one

or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or 4) mitigation measures or alternatives which are considerably different from those analyzed in the previous LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. In addition, the proposed project would require no new mitigation measures, because no new or substantially more severe impacts are expected beyond those identified in the 2016 CEQA Analysis.

Attachment: May 27, 2016 Lakehouse Commons CEQA Analysis



MEMORANDUM

Date: September 11, 2019 (updated from May 24, 2016 to provide VMT Assessment and Update the LMSAP Cumulative Project List)

To: Theresa Wallace, LSA

From: Sam Tabibnia

Subject: **Lakehouse Commons Project – Transportation Assessment**

OK16-0103

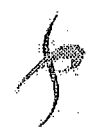
This memorandum summarizes the focused transportation impact analysis that Fehr & Peers conducted for the proposed Lakehouse Commons development in the City of Oakland. Fehr & Peers reviewed the proposed project for consistency with the assumptions contained in the Lake Merritt Station Area Plan (LMSAP) EIR for the site, evaluated project impact on vehicle miles traveled (VMT), and assessed the project site plan for potential impacts on safety, and evaluated project impacts at two intersections that were not analyzed in the LMSAP Draft EIR.

Our analysis assumptions and findings are detailed below.

PROJECT DESCRIPTION

Based on a site plan dated April 15, 2016, the proposed project would consist of a 26-level north building providing 270 multi-family dwelling units and 2,100 square feet of retail, and an eight-level south building providing 91 multi-family dwelling units. The project, which would provide a total of 361 dwelling units, is along the west side of East 12th Street between Lake Merritt Boulevard and Second Avenue in Oakland. The project site is currently vacant. **Figure 1** shows the project site location.

The project would provide a four-level parking garage which would accommodate at least 250 parking spaces for both buildings. The garage would be accessed through a full-access gated driveway on Second Avenue approximately 70 feet west of East 12th Street.



VMT SCREENING

On September 21, 2016, the City of Oakland's Planning Commission directed staff to update the City of Oakland's California Environmental Quality Act (CEQA) Thresholds of Significance Guidelines related to transportation impacts in order to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The Planning Commission direction aligns with draft proposed guidance from the Governor's Office of Planning and Research and the City's approach to transportation impact analysis, with adopted plans and policies related to transportation, which promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Consistent with the Planning Commission direction and the Senate Bill 743 requirements, the City of Oakland published the revised TIRG on April 14, 2017 to guide the evaluation of the transportation impacts associated with land use development projects.

Many factors affect travel behavior, including density of development, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development that is located at a great distance from other land uses, in areas with poor access to non-single occupancy vehicle travel modes generate more vehicle travel compared to development located in urban areas, where a higher density of development, a mix of land uses, and non-single occupancy vehicle travel options are available.

Given these travel behavior factors, most of Oakland has lower VMT per capita and VMT per worker ratios than the nine-county San Francisco Bay Area region. Further, within the City of Oakland, some neighborhoods may have lower VMT ratios than others.

VMT Estimate

Neighborhoods within Oakland are expressed geographically in transportation analysis zones, or TAZs, which are used in transportation planning models for transportation analysis and other planning purposes. The Metropolitan Transportation Commission (MTC) Travel Model includes 116 TAZs within Oakland that vary in size from a few city blocks in the downtown core, to multiple blocks in outer neighborhoods, to even larger geographic areas in lower-density neighborhoods.



The MTC Travel Model is a model that assigns all predicted trips within, across, or to/from the nine-county San Francisco Bay Area region onto the roadway network and the transit system by mode (single-driver and carpool vehicle, biking, walking, or transit) and transit carrier (bus, rail) for a particular scenario.

The travel behavior from MTC Travel Model is modeled based on the following inputs:

- Socioeconomic data developed by the Association of Bay Area Governments (ABAG)
- Population data created using the 2000 US Census and modified using the open source PopSyn software
- Zonal accessibility measurements for destinations of interest
- Travel characteristics and vehicle ownership rates derived from the 2000 Bay Area Travel Survey (BATS)
- Observed vehicle counts and transit boardings

The daily VMT output from the MTC Travel Model for residential and office uses comes from a tour-based analysis. The tour-based analysis examines the entire chain of trips over the course of a day, not just trips to and from the project site. In this way, all of the VMT for an individual resident or employee is included; not just trips into and out of the person's home or workplace. For example, a resident leaves her apartment in the morning, stops for coffee, and then goes to the office. In the afternoon she heads out to lunch, and then returns to the office, with a stop at the drycleaners on the way. After work, she goes to the gym to work out, and then joins some friends at a restaurant for dinner before returning home. All the stops and trips within her day form her "tour." The tour-based approach would add up the total number of miles driven over the course of her tour and assign it as her daily VMT.

Based on the MTC Travel Model, the regional average daily VMT per capita is 15.0 under 2020 conditions and 13.8 under 2040 conditions.

Thresholds of Significance for VMT

According to the City of Oakland TIRG, the following are thresholds of significance related to substantial additional VMT:

- For residential projects, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15 percent.



- For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per worker minus 15 percent.
- For retail projects, a project would cause substantial additional VMT if it results in a net increase in total VMT.

Screening Criteria

VMT impacts would be less than significant for a project if any of the identified screening criteria outlined below are met:

1. Small Projects: The project generates fewer than 100 vehicle trips per day
2. Low-VMT Areas: The project meets map-based screening criteria by being located in an area that exhibits below threshold VMT, or 15 percent or more below the regional average
1. Near Transit Stations: The project is located in a Transit Priority Area or within a one-half mile of a Major Transit Corridor or Stop¹ and satisfies the following:
 - Has a Floor Area Ratio (FAR) of more than 0.75,
 - includes less parking for use by residents, customers, or employees of the project than other typical nearby uses, or less than required by the City (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site),
 - and is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the MTC).

Impact Analysis

The proposed project satisfies all three criteria as described below.

Criterion #1: Small Projects

The project is estimated to generate about 809 trips per day (see Table 2 on page X), which is more than 100 vehicle trips per day and therefore does not satisfy criterion #1.

¹ "Major transit stop" is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.



Criterion #2: Low-VMT Area

Table 1 shows the estimated 2020 and 2040 VMT per capita for TAZ 947, the TAZ in which the project is located, as well as the applicable VMT thresholds of 15 percent below the regional average. As shown in Table 1, the 2020 and 2040 estimated average daily VMT per capita in the project TAZ is less than the regional averages minus 15 percent. Therefore, the project satisfies criterion #2.

TABLE 1 LAKEHOUSE COMMONS DAILY VEHICLE MILES TRAVELED SUMMARY						
Land Use	Bay Area				TAZ 947	
	2020		2040		2020	2040
	Regional Average	Regional Average minus 15%	Regional Average	Regional Average minus 15%		
Residential (VMT per capita) ¹	15.0	12.8	13.8	11.7	9.2	8.3
1. MTC Model results at analytics.mtc.ca.gov/foswiki/Main/PlanBayAreaVmtPerCapita and accessed in September 2019. Source: Fehr & Peers, 2019.						

Criterion #3: Near Transit Stations

The project would be located about 0.5 miles from the Lake Merritt BART station, and within 0.2 miles of frequent bus service along International Boulevard (Route 1, with 10-minute peak headways), and Lake Merritt Boulevard (Routes 40 with 12-minute peak headways).

The project satisfies criterion #3 because it would also meet the following three conditions for this criterion:

- The proposed project would have a FAR greater than 0.75.
- The Project would include up to 249 parking spaces for the project residents, which corresponds to about 0.69 parking spaces per unit. Per the City of Oakland Municipal Code Section 17.116.060 for the D-LM-1 zone, the project is required to provide between minimum of zero and maximum of 1.25 parking spaces per dwelling unit. The proposed parking supply is within the supply range allowed by the Municipal Code. Therefore, the



project would not provide more parking than other typical nearby uses, nor would it provide more parking than required by the City Code.

- The project is located within the Downtown & Jack London Square Priority Development Area (PDA), as defined by Plan Bay Area, and is therefore consistent with the region's Sustainable Communities Strategy.

VMT Screening Conclusion

The proposed project satisfies the Low-VMT Area (#2) and the Near Transit Stations (#3) criteria and is therefore presumed to have a less-than-significant impact on VMT.

CONSISTENCY WITH LMSAP

The proposed project site is located within the LMSAP area and the LMSAP EIR included development at the project site (identified as Opportunity Site 44) as part of the project.

As noted in the LMSAP EIR, the Development Program represents the reasonably foreseeable development expected to occur in the next 20 to 25 years in the Plan area. The Specific Plan and the EIR intend to provide flexibility in the location, amount, and type of development. Thus, as long as the trip generation for the overall Plan area remains below the levels estimated in the EIR, the traffic impact analysis presented in the EIR continues to remain valid.

Fehr & Peers also estimated the trip generation for the proposed project using the trip generation methodology developed for LMSAP EIR. As summarized in **Table 2**, the proposed project is estimated to generate 809 daily, 60 AM peak hour, and 65 PM peak hour vehicle trips.

Since the approval of the LMSAP EIR, nine developments, including this project, have been proposed and are in some stage of the City's approval process at this time. **Table 3** summarizes the trip generation for these nine developments. The nine developments combined would generate about 12,510 daily trips, 795 AM peak hour, and 1,353 PM peak hour trips. The combined trip generation is less than the total trip generation estimated in the LMSAP EIR. Likewise, inclusive of the proposed project, the nine developments currently proposed and under consideration within the Plan Area is substantially less than the total cumulative development approved within Plan Area by the LMSAP EIR.

Since the uses proposed by the project are consistent with the assumptions in LMSAP EIR and the proposed project would generate fewer automobile trips than assumed in LMSAP EIR, the proposed



project would not result in additional impacts on traffic operations at the intersections analyzed in the LMSAP EIR.

**TABLE 2
 LAKEHOUSE COMMONS
 TRIP GENERATION SUMMARY**

Land Use	Units ¹	ITE Code	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Residential	361 DU	222 ²	1,516	27	81	108	77	49	126
Mode Split Reduction ³			-843	-15	-45	-60	-43	-27	-70
Net Trips After Mode Split Reduction			673	12	36	48	34	22	56
Restaurant	2.1 KSF	932 ⁴	267	13	10	23	13	8	21
Mode Split Reduction ⁵			-107	-5	-4	-9	-5	-3	-8
Net Trips After Mode Split Reduction			160	8	6	14	8	5	13
Pass-by Reduction ⁶			-24	-1	-1	-2	-2	-2	-4
Net Trips After Pass-by Reduction			136	7	5	12	6	3	9
Net New Project Trips ⁷			809	19	41	60	40	25	65

1. DU = Dwelling Units, KSF = 1,000 square feet.
 2. ITE Trip Generation (9th Edition) land use category 222 (High-Rise Apartment):
 Daily: T = 4.2 * X
 AM Peak Hour: T = 0.30 * X (25% in, 75% out)
 PM Peak Hour: T = 0.35 * X (61% in, 39% out)
 3. Per LMSAP DEIR, mode split reduction of 55.6% for residential uses based on the 2009 summary of commute patterns in the Lake Merritt Station Planning Area.
 4. ITE Trip Generation (9th Edition) land use category 932 (High-Turnover (Sit-Down) Restaurant):
 Daily: T = 127.15*(X)
 AM Peak Hour: T = 10.81*(X) (55% in, 45% out)
 PM Peak Hour: T = 9.85*(X) (60% in, 40% out)
 5. Per LMSAP DEIR, mode split reduction of 40% for daily and PM peak hour trips and 41% for AM peak hour trips based on the results of the 2000 Bay Area Travel Survey for retail trips of areas within one-half mile of a BART station in Alameda County.
 6. Per LMSAP DEIR, Pass-by reduction of 15% for daily and AM peak hour trips and 34% for PM peak hour trips based on ITE Trip Generation Handbook, Second Edition.
 7. The LMSAP EIR also accounted for the internal trips within each opportunity site. Considering the small size of the commercial component of the project, this analysis conservatively does not account for internal trips between the residential and commercial components of the project.
- Source: Fehr & Peers, 2016.



**TABLE 3
 TRIP GENERATION FOR DEVELOPMENT PROJECTS WITHIN THE LMSAP AREA**

Project Name	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
378 11th Street (Hampton Inn) ¹	580	26	18	44	23	23	46
250 14th Street ²	738	11	41	52	43	25	68
226 13th Street ³	1,285	19	64	83	72	46	118
301/385 12th Street (W12) ⁴	2,202	-16	80	64	127	71	198
1314 Franklin Street ⁵	3,070	69	173	242	170	94	264
325 7th Street ⁶	1,198	36	59	95	58	35	93
0 Fallon Street ⁷	180	3	8	11	9	5	14
Oakland Civic Auditorium ⁸	2,450	99	45	144	377	101	487
Lakehouse Commons ⁹	809	19	41	60	40	25	65
Total Projects trips	12,512	266	529	795	668	919	1,344
LMSAP Estimated Trip Generation	26,837	1,370	725	2,095	996	1,399	2,395
Percent Complete	47%	19%	73%	38%	92%	30%	56%

1. Source: 378 11th Street, Oakland, CA letter (June 17, 2015)
 2. Source: 14th and Alice Residential Project – Transportation Assessment (January 7, 2016)
 3. Source: 226 13th Street Project – Transportation Assessment (March 18, 2016)
 4. Source: 12th and Webster Street Residential Project – Transportation Assessment (March 25, 2016)
 5. Source: 1314 Franklin Street Mixed-Use Project CEQA Analysis (March 2017)
 6. Source: Modified 325 7th Street Project CEQA Analysis (July 2017)
 7. Estimated assuming that the project would consist of 58 residential units.
 8. Source: Oakland Civic Auditorium Rehabilitation Project CEQA Checklist (February 2019). Trip generation assumes a typical event with 1,275 attendees at the Calvin Simmons Theatre.
 9. See Table 2

Source: Fehr & Peers, 2019.

The LMSAP Draft EIR identified the following 29 significant impacts at transportation facilities serving the Plan Area:

- TRAN-1 – Lake Merritt Boulevard/11th Street, Existing Plus Project, Less than Significant with mitigation
- TRAN-2 – 1st Avenue/International Boulevard, Existing Plus Project, Significant and Unavoidable
- TRAN-3 – Madison Street/10th Street, Existing Plus Project, Less than Significant with mitigation
- TRAN-4 – Oak Street/10th Street, Existing Plus Project, Significant and Unavoidable
- TRAN-5 – Jackson Street/7th Street, Existing Plus Project, Less than Significant with mitigation



- TRAN-6 – Oak Street/6th Street, Existing Plus Project, Significant and Unavoidable
- TRAN-7 – Jackson Street/5th Street, Existing Plus Project, Significant and Unavoidable
- TRAN-8 – I-880 – Oak Street to 5th Avenue, Existing Plus Project, Significant and Unavoidable
- TRAN-9 – Brush Street/12th Street, 2020 Plus Project, Significant and Unavoidable
- TRAN-10 – Jackson Street/6th Street, 2020 Plus Project, Significant and Unavoidable
- TRAN-11 – Oak Street/6th Street, 2020 Plus Project, Significant and Unavoidable
- TRAN-12 – Oak Street/5th Street, 2020 Plus Project, Significant and Unavoidable
- TRAN-13 – Grand Avenue/Broadway, 2035 Plus Project, Less than Significant with mitigation
- TRAN-14 – Madison Street/14th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-15 – Madison Street/11th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-16 – Madison Street/10th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-17 – Oak Street/10th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-18 – Harrison Street/8th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-19 – Jackson Street/8th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-20 – Oak Street/8th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-21 – Jackson Street/7th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-22 – Oak Street/7th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-23 – 5th Avenue/7th Street/8th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-24 – Jackson Street/6th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-25 – Oak Street/6th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-26 – Oak Street/5th Street, 2035 Plus Project, Significant and Unavoidable
- TRAN-27 – Oak Street – 2nd Street to Embarcadero - 2035 Plus Project, Significant and Unavoidable
- TRAN-28 – Constitution Way/Marina Village Parkway - Existing Plus Project, Significant and Unavoidable
- TRAN-29 – Constitution Way/Atlantic Avenue - Existing Plus Project, Significant and Unavoidable

The proposed project would add minor amounts of traffic to each of these 29 impacted locations, and therefore contributes to each of these previously disclosed impacts and would be required to implement the previously approved mitigation measures. The City of Oakland has recently adopted a Transportation Impact Fee program, so the Project Sponsor has the option to pay the applicable fee in lieu and/or pay their fair share contribution (to be negotiated between the City of Oakland and Project Sponsor) to mitigate their share of the need for traffic improvements at these locations.



SITE PLAN REVIEW

An evaluation of access and circulation for all travel modes, based on the site plan dated April 15, 2016, is summarized below.

Vehicle Access and Circulation

The project would provide a four-level parking garage (two below grade, two above grade) which would be accessed through a full-access gated driveway on Second Avenue approximately 70 feet west of East 12th Street. The garage would accommodate at least 250 parking spaces through a combination of regular and tandem parking spaces.

Considering the proximity of the driveway on Second Avenue to East 12th Street, motorists exiting the garage may not have adequate sight distance of vehicles turning from East 12th Street onto Second Avenue. In addition, based on preliminary review of the site plan, motorists exiting the garage may not have adequate sight distance of pedestrians on the adjacent sidewalk.

Recommendation 1: While not required to address a CEQA impact, the following should be considered as part of the final design for the project:

- To ensure adequate sight distance for vehicles, prohibit on-street parking along project frontage on Second Avenue between the project driveway and East 12th Street and within 20 feet on the west side of the driveway.
- Redesign project driveway on Second Avenue to provide adequate sight distance between motorists exiting the driveway and pedestrians on the sidewalk (Since the recommendation above would prohibit on-street parking adjacent to the project site on Second Avenue, one potential design may be to widen the sidewalk along project frontage and install planter wells adjacent to the project driveway to move pedestrians away from the driveway and ensure adequate sight distance and maintain sidewalk width).

Bicycle Access and Bicycle Parking

Chapter 17.117 of the Oakland Municipal Code requires long-term and short-term bicycle parking for new buildings. Long-term bicycle parking includes lockers or locked enclosures and short-term bicycle parking includes bicycle racks. The Code requires one long-term space for every four multi-



family dwelling units and one short-term space for every 20 multi-family dwelling units. Code requires the minimum level of bicycle parking, two long and short-term spaces, for the commercial component of the project.

Table 4 summarizes the bicycle parking requirement for the project. The project is required to provide 93 long-term and 20 short-term parking spaces. The site plan shows long-term bicycle parking in three separate facilities on Levels 1 and 2, but does not identify the number of parking spaces. In addition, the site plan does not identify the locations for short-term bicycle parking. The long-term bicycle parking on the first level can be accessed through the Lobby on Lake Merritt Boulevard or the garage. Both long-term bicycle-parking on the second level of the garage can be accessed by elevators/stairs or biking through the garage. Using stairs or elevators to access bicycle parking on the second level maybe inconvenient for bicyclists, and riding through the garage may result in potential conflicts between motorists and bicyclists.

TABLE 4 BICYCLE PARKING REQUIREMENTS					
Land Use	Size ¹	Long-Term		Short-Term	
		Spaces per Unit	Spaces	Spaces per Unit	Spaces
Apartments	361 DU	1:4 DU	91	1:20 DU	18
Commercial	2.1 KSF	Min.	2	Min.	2
Total Required Bicycle Spaces			93		20
Total Bicycle Parking Provided			N/A ³		N/A ³
Bicycle Parking Surplus/Deficit			-93		-20
1. DU = dwelling unit; KSF = 1,000 square feet 2. Based on Oakland Municipal Code Sections 17.117.090 and 17.117.110 3. Project site plan does not identify the amount of long-term bicycle parking or the location and amount of short-term bicycle parking.					
Source: Fehr & Peers, 2016					

Recommendation 2: While not required to address a CEQA impact, the following should be considered as part of the final design for the project:

- Consider relocating the long-term bicycle parking from the second level to a more convenient location on the ground level.



- As required by the City of Oakland Standard Condition of Approval (SCA) #77 (Bicycle Parking), identify location and amount of short-term bicycle parking, consistent with the City of Oakland Bicycle Parking Ordinance. Short-term bicycle parking should be near the entrances to the commercial and both residential components of the project.
- As required by the City of Oakland SCA #77 (Bicycle Parking), ensure that the identified bike rooms accommodate at least 93 long-term bicycle parking spaces

Pedestrian Access and Circulation

Each building would be accessed through a separate lobby that includes elevators and stairwells that connect to the residential levels and the garage. The 26-level north building would be accessed from the corner of Lake Merritt Boulevard/12th Street intersection. The north building also includes four townhomes that can be directly accessed on Lake Merritt Boulevard. The eight-level south building would be accessed on 12th Street just north of Second Avenue.

The sidewalks along the project frontage were recently constructed as part of the 12th Street Bridge Reconstruction Project and the two signalized intersections adjacent to the project at Lake Merritt Boulevard/East 12th Street and East 12th Street/2nd Avenue provide striped crosswalks with countdown pedestrian signal heads, adequate crossing time, and directional curb ramps adjacent to the project site. The project would not alter the existing 12-foot sidewalk along East 12th Street and 10-foot sidewalk along Second Avenue.

Transit Access

Transit service providers in the project vicinity include Bay Area Rapid Transit (BART) and AC Transit.

BART provides regional rail service throughout the East Bay and across the Bay. The nearest BART station to project site is the Lake Merritt BART Station, about 0.5 miles west. The proposed project would not modify access between the project site and the BART Station.

AC Transit is the primary bus service provider in the City of Oakland. AC Transit operates the following routes in the vicinity of the project:

- Routes 1 and 1R operate along International Boulevard with the nearest stop at Second Avenue, about 350 feet east of the project site.



- Routes 11 and 62 operate along 10th Street with the nearest stop at Second Avenue, about 600 feet west of the project site.
- Routes 14, 18, 26, and 40 operate on Lake Merritt Boulevard with the nearest stop between International Boulevard and East 15th Street, about 600 feet east of the project site.

AC Transit is currently designing the East Bay Bus Rapid Transit (BRT) Project along the International Boulevard corridor, which would replace Routes 1 and 1R. The project would generally dedicate one travel lane in each direction to bus operations only in order to provide a quicker and more reliable bus service. Adjacent to the project, BRT would operate along southbound East 12th Street, and convert the two southbound mixed-flow lanes to one bus-only lane and one mixed-flow lane. The BRT project would continue to maintain the existing Class 2 bicycle lanes and parking along East 12th Street adjacent to the project site.

The nearest BRT stop to the project site would be on southbound East 12th Street, just south of Second Avenue. The corresponding northbound stop would be on International Boulevard just south of Second Avenue, about 350 feet east of the project site. Both stops can be accessed from the project site by crossing at protected signalized intersections.

No changes to the other bus routes operating in the vicinity of the project are planned and access between these bus stops and the proposed project would not modify access between the project site and these bus stops.

TRANSPORTATION DEMAND MANAGEMENT

Since the proposed project would generate more than 50 net new PM peak hour trips, The City's Standard Condition of Approval (SCA), which requires the preparation of a Transportation Demand Management (TDM) plan as described below, is applicable.

SCA 71 - 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.

- 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 AM or PM peak hour vehicle trips: 10 percent VTR*
 - *Projects generating 100 or more net new AM or PM 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

b. TDM Implementation – Physical Improvements

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

When Required: Prior to building permit final



Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. TDM Implementation – Operational Strategies

Requirement: For projects that generate 100 or more net new AM or PM 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

FOCUSED TRAFFIC IMPACT ANALYSIS

This section discusses the impacts of the proposed project on traffic operations under Existing and 2035 conditions on two study intersections that were not analyzed in LMSAP EIR.

Trip Distribution and Assignment

The trip distribution and assignment process estimates how the vehicle trips generated by a project site would distribute across the roadway network. **Figure 2** shows the trip distribution for the project, which is based on the trip distribution documented in the LMSAP EIR, modified to account for the project location.

Trips generated by the proposed project, as shown in Table 2, were assigned to the roadway network according to the trip distribution shown on Figure 2. **Figure 3** shows the resulting trip assignment by roadway segment for the PM peak hour because the PM peak hour has the highest project trip generation.

As shown on Figure 3, the proposed project would add more than 20 peak hour trips to the following two intersections that were not analyzed in the LMSAP EIR:



1. Lake Merritt Boulevard/East 12th Street
2. East 12th Street/2nd Avenue

Therefore, this section assesses potential impacts at these two intersections.

Existing Traffic Conditions

Traffic data, consisting of automobile turning movement, as well as pedestrian and bicycle counts, were collected on clear days, while area schools were in normal session. The traffic data collection was conducted from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM on September 16, 2014. These time periods were selected because trips generated by the proposed project, in combination with background traffic, are expected to represent typical worst traffic conditions.

Figure 4 presents existing intersection lane configurations, traffic control devices, and peak hour traffic volumes. Based on the volumes and roadway configurations presented in Figure 4, Fehr & Peers calculated the Level of Service (LOS)² at the study intersections using the 2010 *Highway Capacity Manual* (HCM) methodologies.

Table 5 summarizes the existing intersection analysis results. The technical appendix provides the detailed LOS calculation sheets. Both intersections currently operate at LOS B during both AM and PM peak hours.

Existing Plus Project Conditions

Figure 4 shows traffic volumes under Existing Plus Project conditions, which consist of Existing Conditions traffic volumes plus added traffic volumes generated by the project.

Table 5 summarizes the intersection operations results for the Existing Plus Project conditions. Both study intersections would continue to operate at LOS B during both AM and PM peak hours. Therefore, the project would not result in a significant impact at either of these intersections.

² The operations of roadway facilities are typically described with the term level of service (LOS), a qualitative description of traffic flow based on factors such as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, which reflects free-flow conditions where there is very little interaction between vehicles, to LOS F, where the vehicle demand exceeds the capacity and high levels of vehicle delay result. LOS E represents "at-capacity" operations. When traffic volumes exceed the intersection capacity, stop-and-go conditions result and a vehicle may wait through multiple signal cycles before passing through the intersection; these operations are designated as LOS F.



**TABLE 5
 INTERSECTION LOS SUMMARY
 EXISTING AND EXISTING PLUS PROJECT CONDITIONS**

Intersection	Traffic Control ¹	Peak Hour	Existing Conditions		Existing Plus Project Conditions		Significant Impact?
			Delay ² (seconds)	LOS	Delay ² (seconds)	LOS	
1. Lake Merritt Boulevard/ East 12th Street	Signal	AM	13.3	B	13.6	B	No
		PM	11.7	B	12.2	B	No
2. East 12th Street/ Second Avenue	Signal	AM	9.8	A	10.6	B	No
		PM	10.7	B	11.1	B	No

Bold indicates intersections operating at an unacceptable level. All intersection located in Downtown or on arterials that provide direct access to Downtown where LOS E (not LOS D) is the threshold.

1. Signal = intersection is controlled by a traffic signal
 2. For signalized intersections, average intersection delay and LOS based on the 2010 HCM method is shown.
 Source: Fehr & Peers, 2016.

2035 Intersection Analysis

2035 conditions at the two study intersections are described below.

Traffic Forecasts

This analysis uses the same methodology used to forecast year 2035 traffic volumes for LMSAP EIR to forecast 2035 No Project volumes at the two study intersections. Consistent with the LMSAP EIR, the forecasts are based on the ACTC Model (released in June 2011), which uses land use data consistent with Association of Bay Area Government (ABAG) *Projection 2009*. The 2035 Plus Project volumes are forecast by adding the project traffic to the 2035 No Project traffic volumes. **Figure 4** shows the traffic volumes for the 2035 No Project and 2035 Plus Project scenarios.

2035 Roadway Network

The 2035 No Project and the 2035 Plus Project conditions assume the completion of the proposed BRT project along East 12th Street. As previously described, the BRT project would convert one-mixed flow lane along southbound East 12th Street to bus-only operations. The BRT Project would also prohibit left-turns on East 12th Street at Second Avenue.



2035 Intersection Operations

Table 6 summarizes intersection LOS calculations for 2035 No Project and 2035 Plus Project conditions. Both study intersections would operate at LOS C or better during both AM and PM peak hours under 2035 No Project and 2035 Plus Project conditions. Therefore, the project would not result in a significant impact at either of these intersections.

Project Driveway Operations

As previously described, the driveway for the proposed project would be on Second Avenue, about 70 feet west of East 12th Street. Based on the completed analysis, the 95th percentile queues on eastbound Second Avenue at East 12th Street are expected to spill back beyond the project driveway during both AM and PM peak hours. However, these queues would clear at the end of each signal cycle and allow vehicles to turn into and out of the driveway.

TABLE 6 INTERSECTION LOS SUMMARY 2035 CONDITIONS							
Intersection	Traffic Control ¹	Peak Hour	2035 No Project Conditions		2035 Plus Project Conditions		Significant Impact?
			Delay ² (seconds)	LOS	Delay ² (seconds)	LOS	
1. Lake Merritt Boulevard/ East 12th Street	Signal	AM	16.6	B	17.0	B	No
		PM	19.3	B	20.0	C	No
2. East 12th Street/ Second Avenue	Signal	AM	10.1	B	10.8	B	No
		PM	15.4	B	16.4	B	No

Bold indicates intersections operating at an unacceptable level. All intersection located in Downtown or on arterials that provide direct access to Downtown where LOS E (not LOS D) is the threshold.

1. Signal = intersection is controlled by a traffic signal
 2. For signalized intersections, average intersection delay and LOS based on the 2010 HCM method is shown.
 Source: Fehr & Peers, 2016.

Please contact us with questions or comments.

Attachments:

Figures:

- Figure 1 Project Site and Study Intersections
- Figure 2 Project Trip Distribution



Figure 3 Project Trip Assignment

Figure 4 Intersection Configurations and Peak Hour Volumes

Appendix:

LOS Calculations



01/15/2012 11:00:45

LEGEND



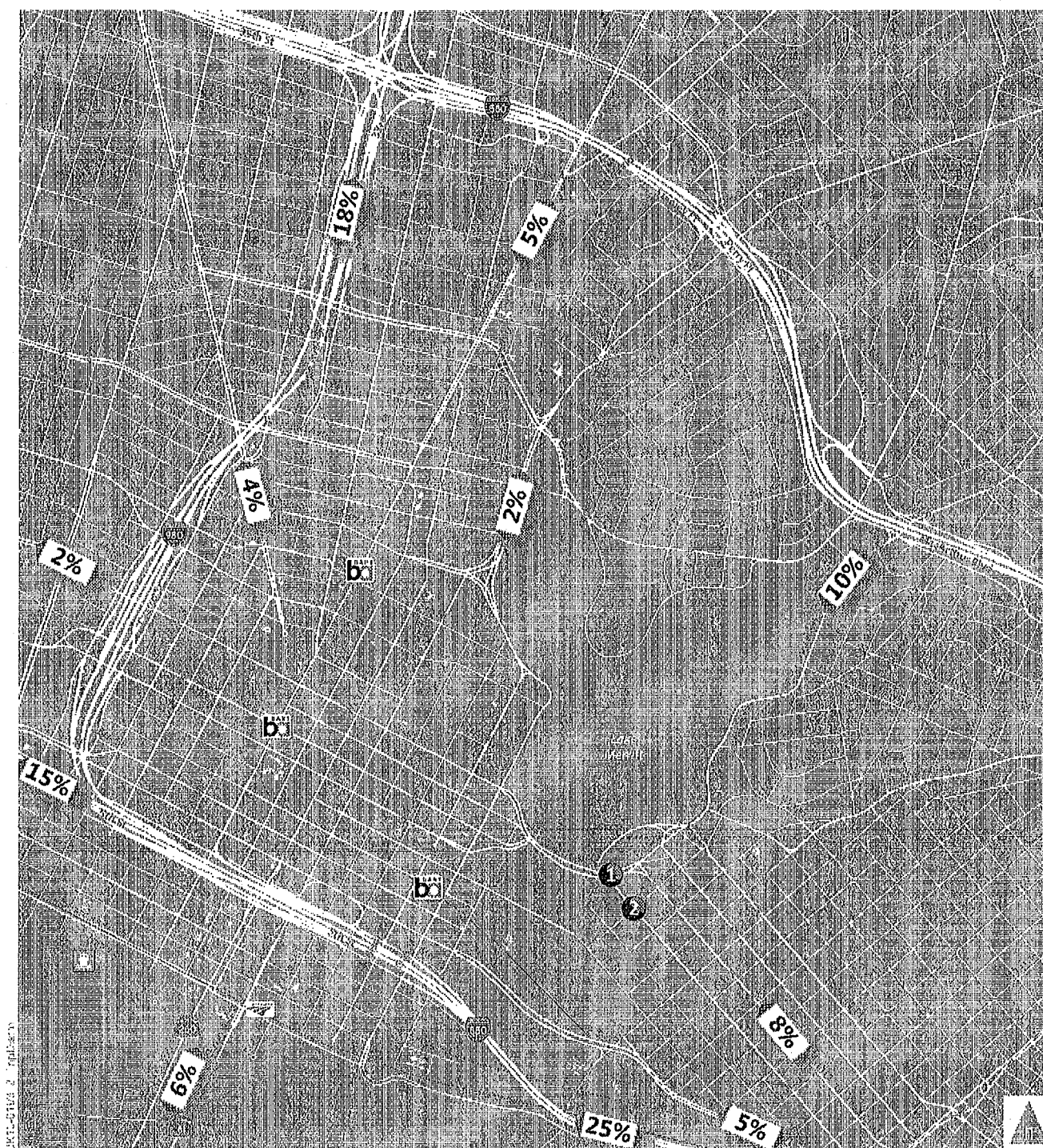
Study Intersection



Project Site



Figure 1
 Project Site and Study Intersections



LEGEND



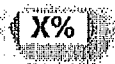
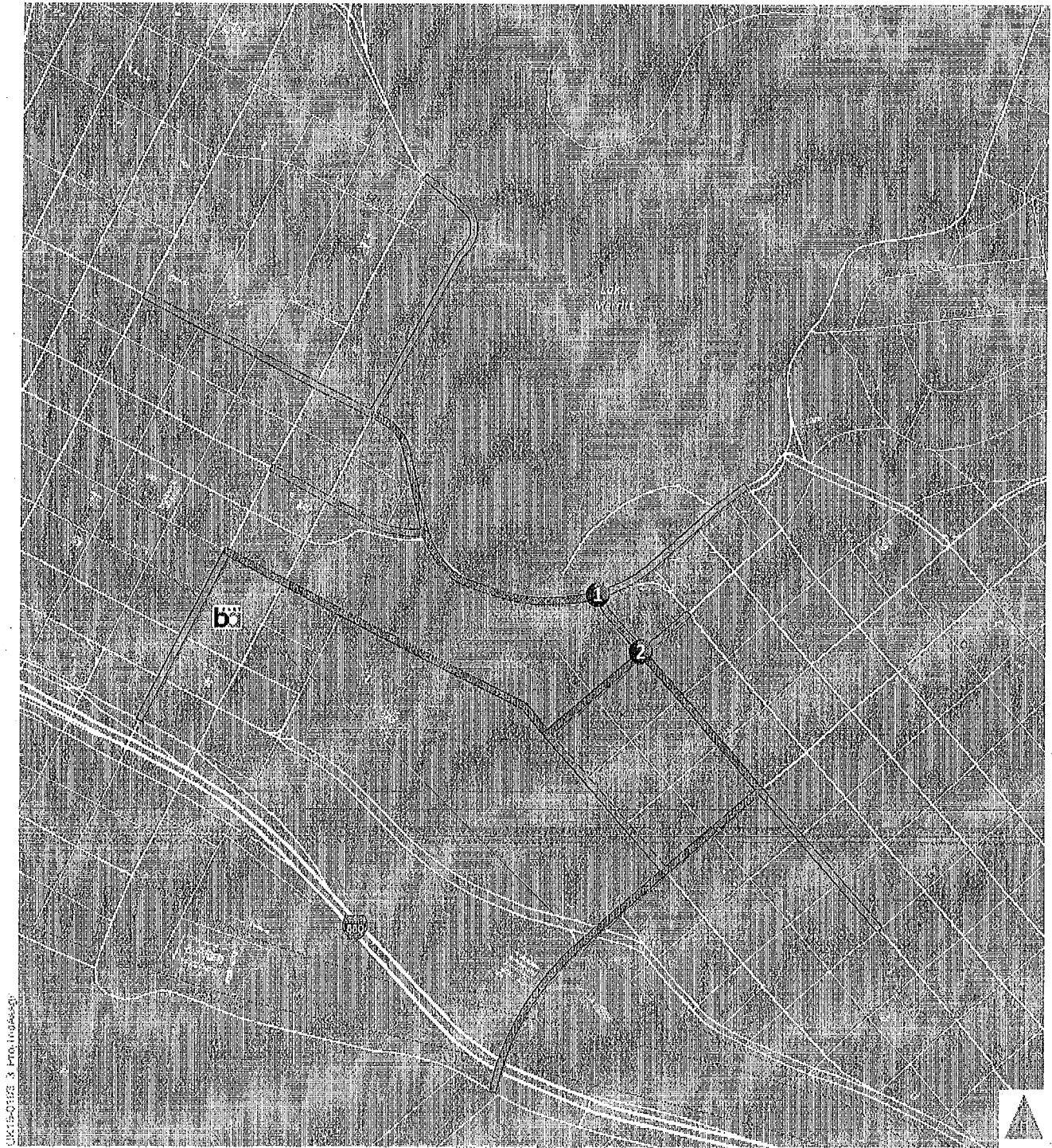
-  Study Intersection
-  Project Site
-  Project Trip Distribution






Figure 2
Project Trip Distribution




C:\115-0112 3 Proj. Ingress

LEGEND

Project Trips

-  Greater than 20
-  Between 10 and 20
-  Between 5 and 10

 Study Intersection


 Project Site

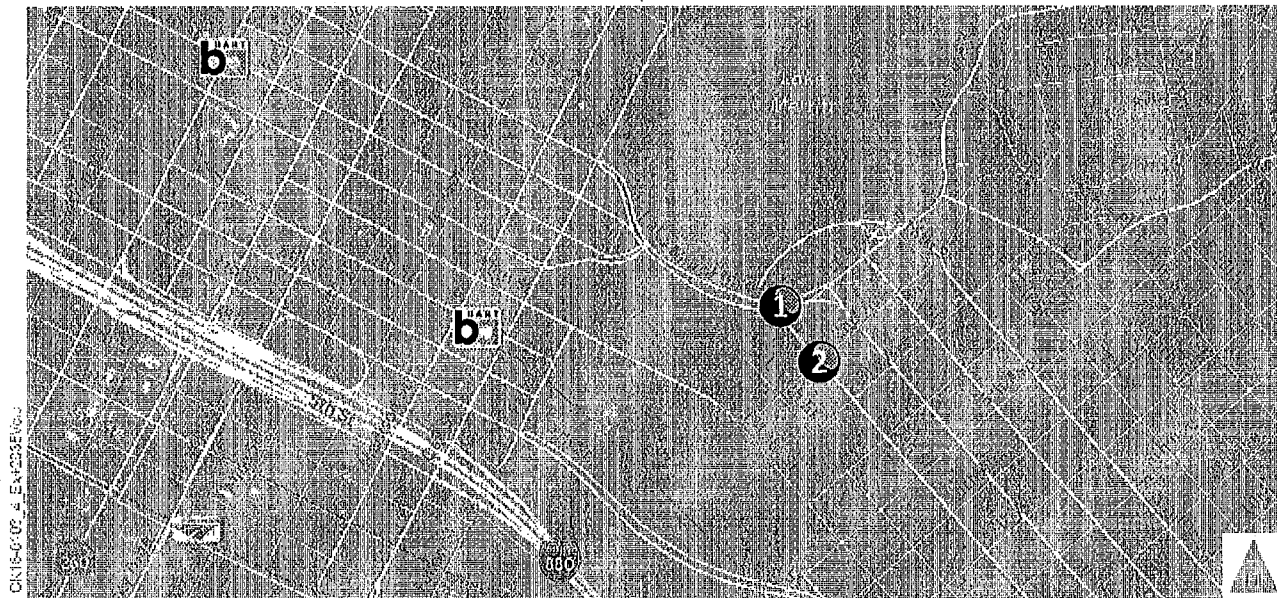
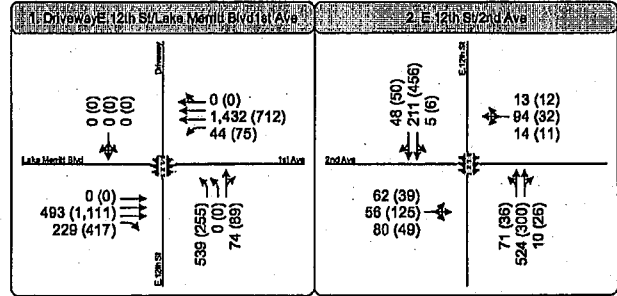
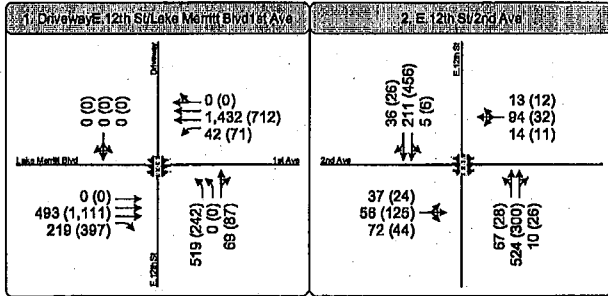


Figure 3

Project Trip Assignment

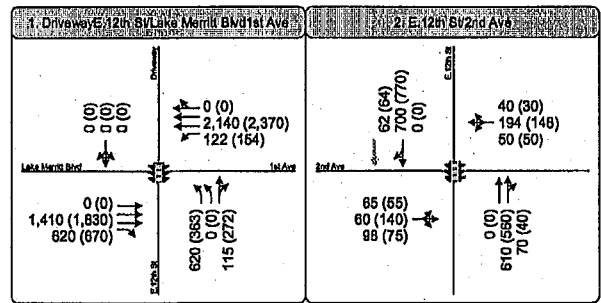
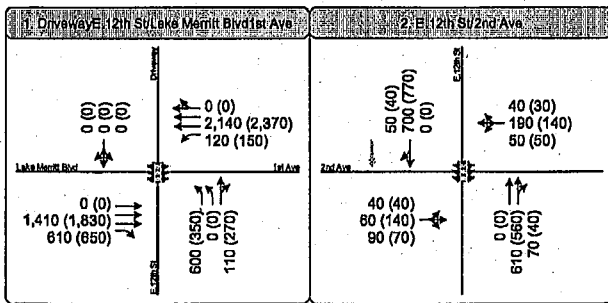
EXISTING (2014)

EXISTING PLUS PROJECT (2014)



2035 NO PROJECT

2035 PLUS PROJECT



LEGEND

- XX (YY) AM (PM) Peak Hour Traffic Volume
- Traffic Signal
- Mixed Flow Lane
- Bus Only Lane
- Study Intersection
- Project Site



Figure 4

Intersection Configuration and Peak Hour Volumes

Appendix A
LOS Calculations

HCM 2010 Signalized Intersection Summary
 1: E.12th St/Driveway & Lake Merritt Blvd/1st Ave

Lake Merritt CEQA Project
 Existing AM NP

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↑↑↑		↑	↓	↑↑↑		↑↑	↑			↑↓	
Volume (veh/h)	0	493	219	42	1432	0	519	0	69	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		0.98	1.00		1.00	0.97		0.97	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	0	1863	1863	1863	1863	0	1863	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	0	493	128	42	1432	0	519	0	16	0	0	0
Adj No. of Lanes	0	3	1	1	3	0	2	1	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	0	2	2	2	2	0	2	2	2	2	2	2
Cap, veh/h	0	3009	922	64	3363	0	923	0	351	0	424	0
Arrive On Green	0.00	0.59	0.59	0.04	0.66	0.00	0.23	0.00	0.23	0.00	0.00	0.00
Sat Flow, veh/h	0	5253	1558	1774	5253	0	3351	0	1542	0	1863	0
Grp Volume(v), veh/h	0	493	128	42	1432	0	519	0	16	0	0	0
Grp Sat Flow(s), veh/h/ln	0	1695	1558	1774	1695	0	1675	0	1542	0	1863	0
Q Serve(g_s), s	0.0	3.9	3.3	2.1	12.0	0.0	12.7	0.0	0.7	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	3.9	3.3	2.1	12.0	0.0	12.7	0.0	0.7	0.0	0.0	0.0
Prop In Lane	0.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	0	3009	922	64	3363	0	923	0	351	0	424	0
V/C Ratio(X)	0.00	0.16	0.14	0.66	0.43	0.00	0.56	0.00	0.05	0.00	0.00	0.00
Avail Cap(c_a), veh/h	0	3009	922	138	3363	0	1240	0	497	0	600	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00	0.98	0.00	0.98	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	8.3	8.2	42.8	7.2	0.0	31.8	0.0	27.1	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.1	0.3	4.2	0.4	0.0	0.2	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wtlt BackOfQ(-26165%), veh/h	0.0	1.9	1.5	1.1	5.7	0.0	5.9	0.0	0.3	0.0	0.0	0.0
LnGrp Delay(d), s/veh	0.0	8.4	8.5	47.0	7.6	0.0	32.0	0.0	27.1	0.0	0.0	0.0
LnGrp LOS		A	A	D	A		C		C			
Approach Vol, veh/h	621			1474			535			0		
Approach Delay, s/veh	8.4			8.7			31.8			0.0		
Approach LOS	A			A			C					
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	6.3	58.3		25.5		64.5		25.5				
Change Period (Y+Rc), s	3.0	5.0		5.0		5.0		5.0				
Max Green Setting(Gmax), s	7.0	41.0		29.0		51.0		29.0				
Max Q Clear Time (g_c+I1), s	4.1	5.9		0.0		14.0		14.7				
Green Ext Time (p_c), s	0.0	4.1		0.0		4.1		0.1				
Intersection Summary												
HCM 2010 Ctrl Delay				13.3								
HCM 2010 LOS				B								

HCM 2010 Signalized Intersection Summary
2: E.12th St & 2nd Ave

Lake Merritt CEQA Project
Existing AM NP

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔			↔			↕			↕		
Volume (veh/h)	37	56	72	14	94	13	67	524	10	5	211	36
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Q ₀) veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.90		0.85	0.90		0.84	0.98		0.94	0.99		0.94
Parking(Bus_Adj)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/in	1900	1863	1900	1900	1863	1900	1900	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	37	56	35	14	94	7	67	524	9	5	211	27
Adj No. of Lanes	0	1	0	0	1	0	0	2	0	0	2	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	104	142	73	62	272	19	287	2174	37	65	2223	278
Arrive On Green	0.18	0.18	0.18	0.18	0.18	0.18	0.74	0.74	0.74	1.00	1.00	1.00
Sat Flow, veh/h	301	812	419	101	1554	107	323	2953	51	32	3020	377
Grp Volume(v), veh/h	128	0	0	115	0	0	300	0	300	128	0	115
Grp Sat Flow(s) veh/h/in	1531	0	0	1762	0	0	1645	0	1683	1826	0	1603
Q Serve(g_s), s	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.1	0.0	0.0	0.0
Cycle Q Clear(g_c), s	6.3	0.0	0.0	5.0	0.0	0.0	4.6	0.0	5.1	0.0	0.0	0.0
Prop In Lane	0.29		0.27	0.12		0.06	0.22		0.03	0.04		0.24
Lane Grp Cap(c), veh/h	320	0	0	353	0	0	1259	0	1239	1386	0	1180
V/C Ratio(X)	0.40	0.00	0.00	0.33	0.00	0.00	0.24	0.00	0.24	0.09	0.00	0.10
Avail Cap(c_a), veh/h	501	0	0	566	0	0	1259	0	1239	1386	0	1180
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00	2.00
Upstream Filter(f)	1.00	0.00	0.00	1.00	0.00	0.00	1.00	0.00	1.00	0.98	0.00	0.98
Uniform Delay (d), s/veh	33.2	0.0	0.0	32.7	0.0	0.0	3.7	0.0	3.8	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.3	0.0	0.0	0.2	0.0	0.0	0.4	0.0	0.5	0.1	0.0	0.2
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wile Back Of Q (26165%) veh/in	2.9	0.0	0.0	2.5	0.0	0.0	2.5	0.0	2.5	0.0	0.0	0.1
LnGrp Delay(d), s/veh	33.5	0.0	0.0	32.9	0.0	0.0	4.2	0.0	4.3	0.1	0.0	0.2
LnGrp LOS	C			C			A		A	A		A
Approach Vol, veh/h	128			115			600			243		
Approach Delay, s/veh	33.5			32.9			4.2			0.1		
Approach LOS	C			C			A			A		
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	2		4		6		8					
Phs Duration (G+Y+Rc), s	70.2		19.8		70.2		19.8					
Change Period (Y+Rc), s	4.0		4.0		4.0		4.0					
Max Green Setting (Gmax), s	55.0		27.0		55.0		27.0					
Max Q Clear Time (g_c+I), s	2.0		7.0		7.1		8.3					
Green Ext Time (p_c), s	1.1		0.3		1.1		0.3					
Intersection Summary												
HCM 2010 Ctrl Delay				9.8								
HCM 2010 LOS				A								

HCM 2010 Signalized Intersection Summary
 1: E.12th St/Driveway & Lake Merritt Blvd/1st Ave

5/2/2016

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑↑	↑	↓	↑↑↑		↑↑	↑			↑↓	
Volume (veh/h)	0	1111	397	71	712	0	242	0	87	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj (A_pbT)	1.00		0.99	1.00		1.00	0.97		0.97	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	0	1863	1863	1863	1863	0	1863	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	0	1111	276	71	712	0	242	0	12	0	0	0
Adj No. of Lanes	0	3	1	1	3	0	2	1	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	0	2	2	2	2	0	2	2	2	2	2	2
Cap, veh/h	0	3507	1080	91	3906	0	604	0	218	0	263	0
Arrive On Green	0.00	0.69	0.69	0.05	0.77	0.00	0.14	0.00	0.14	0.00	0.00	0.00
Sat Flow, veh/h	0	5253	1566	1774	5253	0	3354	0	1543	0	1863	0
Grp Volume (v), veh/h	0	1111	276	71	712	0	242	0	12	0	0	0
Grp Sat Flow (s), veh/h/ln	0	1695	1566	1774	1695	0	1677	0	1543	0	1863	0
Q Serve (g_s), s	0.0	9.5	7.3	4.4	4.2	0.0	7.3	0.0	0.7	0.0	0.0	0.0
Cycle Q Clear (g_c), s	0.0	9.5	7.3	4.4	4.2	0.0	7.3	0.0	0.7	0.0	0.0	0.0
Prop In Lane	0.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap (c), veh/h	0	3507	1080	91	3906	0	604	0	218	0	263	0
V/C Ratio (X)	0.00	0.32	0.26	0.78	0.18	0.00	0.40	0.00	0.06	0.00	0.00	0.00
Avail Cap (c_a), veh/h	0	3507	1080	113	3906	0	1015	0	407	0	491	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter (I)	0.00	1.00	1.00	1.00	1.00	0.00	0.99	0.00	0.99	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	6.8	6.4	51.6	3.4	0.0	43.7	0.0	40.9	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.2	0.6	19.0	0.1	0.0	0.2	0.0	0.0	0.0	0.0	0.0
Initial Q Delay (d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back of Q (25-65%), veh/ln	0.0	4.5	3.3	2.8	1.9	0.0	3.4	0.0	0.3	0.0	0.0	0.0
LnGrp Delay (d), s/veh	0.0	7.0	7.0	70.5	3.5	0.0	43.9	0.0	40.9	0.0	0.0	0.0
LnGrp LOS		A	A	E	A		D		D			
Approach Vol, veh/h		1387			783			254			0	
Approach Delay, s/veh		7.0			9.6			43.8			0.0	
Approach LOS		A			A			D				
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	8.6	80.9		20.5		89.6		20.5				
Change Period (Y+Rc), s	3.0	5.0		5.0		5.0		5.0				
Max Green Setting (Gmax), s	7.0	61.0		29.0		71.0		29.0				
Max Q Clear Time (g_c+1), s	6.4	11.5		0.0		6.2		9.3				
Green Ext Time (p_c), s	0.0	3.6		0.0		3.6		0.0				
Intersection Summary												
HCM 2010 Ctrl Delay	11.7											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
 2: E.12th St & 2nd Ave

5/2/2016

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔			↔			↕			↕		
Volume (veh/h)	24	125	44	11	32	12	28	300	26	8	456	26
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Q ₀), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.94		0.91	0.96		0.92	0.99		0.96	0.99		0.95
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1863	1900	1900	1863	1900	1900	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	24	125	33	11	32	2	28	300	23	6	456	24
Adj No. of Lanes	0	1	0	0	1	0	0	2	0	0	2	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	57	184	45	79	199	11	209	2216	171	46	2591	135
Arrive On Green	0.15	0.15	0.15	0.15	0.15	0.15	0.78	0.78	0.78	1.00	1.00	1.00
Sat Flow, veh/h	140	1261	310	261	1366	78	219	2835	219	16	3318	173
Grp Volume(v), veh/h	182	0	0	45	0	0	179	0	172	256	0	230
Grp Sat Flow(s), veh/h/ln	1710	0	0	1702	0	0	1629	0	1644	1850	0	1655
Q Serve(g_s), s	5.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.8	0.0	0.0	0.0
Cycle Q Clear(g_c), s	11.1	0.0	0.0	2.4	0.0	0.0	2.5	0.0	2.8	0.0	0.0	0.0
Prop In Lane	0.13		0.18	0.24		0.04	0.16		0.13	0.02		0.10
Lane Grp Cap(d), veh/h	287	0	0	289	0	0	1311	0	1285	1479	0	1293
V/C Ratio(X)	0.64	0.00	0.00	0.16	0.00	0.00	0.14	0.00	0.13	0.17	0.00	0.18
Avail Cap(c_a), veh/h	514	0	0	508	0	0	1311	0	1285	1479	0	1293
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00	2.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	0.00	0.00	1.00	0.00	1.00	0.93	0.00	0.93
Uniform Delay (d), s/veh	44.8	0.0	0.0	41.1	0.0	0.0	2.9	0.0	2.9	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.9	0.0	0.0	0.1	0.0	0.0	0.2	0.0	0.2	0.2	0.0	0.3
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wtlt Back Or Q (-26165%), veh/ln	5.3	0.0	0.0	1.2	0.0	0.0	1.4	0.0	1.3	0.1	0.0	0.1
LnGrp Delay(d), s/veh	45.6	0.0	0.0	41.2	0.0	0.0	3.1	0.0	3.2	0.2	0.0	0.3
LnGrp LOS	D			D			A		A	A		A
Approach Vol, veh/h	182				45				351		486	
Approach Delay, s/veh	45.6				41.2				3.1		0.3	
Approach LOS	D				D				A		A	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	2		4		6		8					
Phs Duration (G+Y+Rc), s	90.0		20.0		90.0		20.0					
Change Period (Y+Rc), s	4.0		4.0		4.0		4.0					
Max Green Setting (Gmax), s	71.0		31.0		71.0		31.0					
Max Q Clear Time (g_c+I1), s	2.0		4.4		4.8		13.1					
Green Ext Time (p_c), s	11		0.3		11		0.3					
Intersection Summary												
HCM 2010 Ctrl Delay	10.7											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
1: E.12th St/Driveway & Lake Merritt Blvd/1st Ave

Lake Merritt CEQA Project
Existing AM WP

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑↑	↑	↑	↑↑↑		↑↑	↑			↑↓	
Traffic Volume (veh/h)	0	493	229	44	1432	0	539	0	74	0	0	0
Future Volume (veh/h)	0	493	229	44	1432	0	539	0	74	0	0	0
Number	6	2	12	1	6	16	3	8	18	7	4	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Red-Bike Adj(A_pbtl)	1.00		0.98	1.00		1.00	0.97		0.97	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	0	1863	1863	1863	1863	0	1863	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	0	493	133	44	1432	0	539	0	18	0	0	0
Adj No. of Lanes	0	3	1	1	3	0	2	1	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	0	2	2	2	2	0	2	2	2	2	2	2
Cap, veh/h	0	2987	915	66	3345	0	935	0	356	0	431	0
Arrive On Green	0.00	0.59	0.59	0.04	0.66	0.00	0.23	0.00	0.23	0.00	0.00	0.00
Sat Flow, veh/h	0	5253	1557	1774	5253	0	3352	0	1542	0	1863	0
Grp Volume(v), veh/h	0	493	133	44	1432	0	539	0	74	0	0	0
Grp Sat Flow(s), veh/h/ln	0	1695	1557	1774	1695	0	1676	0	1542	0	1863	0
Q Serve(g_s), s	0.0	4.0	3.5	2.2	12.1	0.0	13.3	0.0	0.8	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	4.0	3.5	2.2	12.1	0.0	13.3	0.0	0.8	0.0	0.0	0.0
Prop'n Lane	0.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	0	2987	915	66	3345	0	935	0	356	0	431	0
V/C Ratio(X)	0.00	0.17	0.15	0.67	0.43	0.00	0.68	0.00	0.05	0.00	0.00	0.00
Avail Cap(c_a), veh/h	0	2987	915	138	3345	0	1240	0	497	0	600	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00	0.97	0.00	0.97	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	8.5	8.4	42.8	7.3	0.0	31.7	0.0	26.9	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.1	0.3	4.3	0.4	0.0	0.2	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	1.9	1.6	1.2	5.7	0.0	6.2	0.0	0.4	0.0	0.0	0.0
LnGrp Delay(d),s/veh	0.0	8.6	8.7	47.1	7.7	0.0	31.9	0.0	26.9	0.0	0.0	0.0
LnGrp LOS		A	A	D	A		C		C			
Approach Vol, veh/h		626			1476			557				0
Approach Delay, s/veh		8.6			8.9			31.7				0.0
Approach LOS		A			A			C				
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	6.3	57.9		25.8		64.2		25.8				
Change Period (Y+Rc), s	3.0	5.0		5.0		5.0		5.0				
Max Green Setting (Gmax), s	7.0	41.0		29.0		51.0		29.0				
Max Q Clear Time (g_c+1), s	4.2	6.0		0.0		14.1		15.3				
Green Ext Time (p_c), s	0.0	4.1		0.0		4.1		0.1				
Intersection Summary												
HCM 2010 Ctrl Delay	13.6											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
 2: E.12th St & 2nd Ave

Lake Merritt CEQA Project
 Existing AM WP



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↕			↕			↕			↕		
Traffic Volume (veh/h)	62	56	80	14	94	13	71	524	10	5	211	48
Future Volume (veh/h)	62	56	80	14	94	13	71	524	10	5	211	48
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.90		0.86	0.92		0.85	0.98		0.94	0.99		0.94
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1863	1900	1900	1863	1900	1900	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	62	56	48	14	94	7	71	524	9	5	211	36
Adj No. of Lanes	0	1	0	0	1	0	0	2	0	0	2	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	135	116	80	63	289	20	296	2119	36	63	2102	348
Arrive On Green	0.19	0.19	0.19	0.19	0.19	0.19	0.73	0.73	0.73	1.00	1.00	1.00
Sat Flow, veh/h	433	627	431	99	1558	107	340	2921	50	29	2897	479
Grp Volume(v), veh/h	166	0	0	115	0	0	301	0	303	134	0	118
Grp Sat Flow(s), veh/h/ln	1491	0	0	1764	0	0	1628	0	1683	1829	0	1577
Q Serve(g_s), s	3.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.4	0.0	0.0	0.0
Cycle Q Clear(g_c), s	8.6	0.0	0.0	4.9	0.0	0.0	4.8	0.0	5.4	0.0	0.0	0.0
Prop In Lane	0.37		0.29	0.12		0.06	0.24		0.03	0.04		0.30
Lane Grp Cap(c), veh/h	331	0	0	372	0	0	1231	0	1221	1368	0	1145
V/C Ratio(X)	0.50	0.00	0.00	0.31	0.00	0.00	0.24	0.00	0.25	0.10	0.00	0.10
Avail Cap(c_a), veh/h	492	0	0	567	0	0	1231	0	1221	1368	0	1145
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00	2.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	0.00	0.00	1.00	0.00	1.00	0.98	0.00	0.98
Uniform Delay (d), s/veh	33.2	0.0	0.0	31.9	0.0	0.0	4.0	0.0	4.1	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.4	0.0	0.0	0.2	0.0	0.0	0.5	0.0	0.5	0.1	0.0	0.2
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%), veh/ln	8.8	0.0	0.0	2.5	0.0	0.0	2.6	0.0	2.6	0.1	0.0	0.1
LnGrp Delay(d), s/veh	33.6	0.0	0.0	32.0	0.0	0.0	4.5	0.0	4.6	0.1	0.0	0.2
LnGrp LOS	C			C			A		A	A		A
Approach Vol, veh/h	166			115			604			252		
Approach Delay, s/veh	33.6			32.0			4.6			0.2		
Approach LOS	C			C			A			A		
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	2		4		6		8					
Phs Duration (G+Y+Rc), s	69.3		20.7		69.3		20.7					
Change Period (Y+Rc), s	4.0		4.0		4.0		4.0					
Max Green Setting (Gmax), s	55.0		27.0		55.0		27.0					
Max Q Clear Time (g_c+1), s	2.0		6.9		7.4		10.6					
Green Ext Time (p_c), s	1.1		0.4		1.1		0.4					
Intersection Summary												
HCM 2010 Ctrl Delay	10.6											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
 1: E.12th St/Driveway & Lake Merritt Blvd/1st Ave

Lake Merritt CEQA Project
 Existing PM WP

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑↑	↑	↑	↑↑↑		↑↑	↑			↑↓	
Traffic Volume (veh/h)	0	1111	417	75	712	0	255	0	89	0	0	0
Future Volume (veh/h)	0	1111	417	75	712	0	255	0	89	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Red-Bike Adj(A_pbT)	1.00		0.99	1.00		1.00	0.97		0.97	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	0	1863	1863	1863	1863	0	1863	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	0	1111	289	75	712	0	255	0	12	0	0	0
Adj No. of Lanes	0	3	1	1	3	0	2	1	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	0	2	2	2	2	0	2	2	2	2	2	2
Cap, veh/h	0	3481	1072	96	3893	0	612	0	222	0	267	0
Arrive On Green	0.00	0.68	0.68	0.05	0.77	0.00	0.14	0.00	0.14	0.00	0.00	0.00
Sat Flow, veh/h	0	5253	1566	1774	5253	0	3355	0	1544	0	1863	0
Grp Volume(v), veh/h	0	1111	289	75	712	0	255	0	12	0	0	0
Grp Sat Flow(s), veh/h/ln	0	1695	1566	1774	1695	0	1678	0	1544	0	1863	0
Q Serve(g_s), s	0.0	9.7	7.9	4.6	4.2	0.0	7.7	0.0	0.7	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	9.7	7.9	4.6	4.2	0.0	7.7	0.0	0.7	0.0	0.0	0.0
Prop In Lane	0.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	0	3481	1072	96	3893	0	612	0	222	0	267	0
V/C Ratio(X)	0.00	0.32	0.27	0.78	0.18	0.00	0.42	0.00	0.05	0.00	0.00	0.00
Avail Cap(c_a), veh/h	0	3481	1072	113	3893	0	1015	0	407	0	491	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00	0.99	0.00	0.99	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	7.0	6.7	51.4	3.5	0.0	43.7	0.0	40.7	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.2	0.6	21.5	0.1	0.0	0.2	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%), veh/ln	0.0	4.6	3.6	2.8	1.9	0.0	3.6	0.0	0.3	0.0	0.0	0.0
LnGrp Delay(d), s/veh	0.0	7.3	7.3	72.9	3.6	0.0	43.8	0.0	40.7	0.0	0.0	0.0
LnGrp LOS		A	A	E	A		D		D			
Approach Vol, veh/h		1400			787			267			0	
Approach Delay, s/veh		7.3			10.2			43.7			0.0	
Approach LOS		A			B			D				
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	8.9	80.3		20.8		89.2		20.8				
Change Period (Y+Rc), s	3.0	5.0		5.0		5.0		5.0				
Max Green Setting (Gmax), s	7.0	61.0		29.0		71.0		29.0				
Max Q Clear Time (g_c+1), s	6.6	11.7		0.0		6.2		9.7				
Green Ext Time (p_c), s	0.0	3.6		0.0		3.6		0.0				
Intersection Summary												
HCM 2010 Ctrl Delay	12.2											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
 2: E.12th St & 2nd Ave

Lake Merritt CEQA Project
 Existing PM WP



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔			↔			↕			↕		
Traffic Volume (veh/h)	39	125	49	11	32	12	36	300	26	6	456	50
Future Volume (veh/h)	39	125	49	11	32	12	36	300	26	6	456	50
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped/Bike Adj(A_pbT)	0.94		0.92	0.97		0.92	0.99		0.96	0.99		0.95
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow (veh/h/ln)	1900	1863	1900	1900	1863	1900	1900	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	39	125	37	11	32	2	36	300	23	6	456	45
Adj No. of Lanes	0	1	0	0	1	0	0	2	0	0	2	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	75	174	47	80	205	11	253	2099	163	45	2437	237
Arrive On Green	0.15	0.15	0.15	0.15	0.15	0.15	0.77	0.77	0.77	1.00	1.00	1.00
Sat Flow, veh/h	233	1131	308	258	1331	74	276	2715	212	15	3152	307
Grp Volume(v), veh/h	201	0	0	45	0	0	180	0	179	269	0	238
Grp Sat Flow(s), veh/h/ln1672	0	0	1662	0	0	1557	0	1646	1851	0	1623	0
Q Serve(g_s), s	8.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	12.6	0.0	0.0	2.3	0.0	0.0	2.7	0.0	3.0	0.0	0.0	0.0
Prop In Lane	0.19		0.18	0.24		0.04	0.20		0.13	0.02		0.19
Lane Grp Cap(c), veh/h	297	0	0	297	0	0	1243	0	1272	1464	0	1255
V/C Ratio(X)	0.68	0.00	0.00	0.15	0.00	0.00	0.14	0.00	0.14	0.18	0.00	0.19
Avail Cap(c_a), veh/h	506	0	0	503	0	0	1243	0	1272	1464	0	1255
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00	2.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	0.00	0.00	1.00	0.00	1.00	0.92	0.00	0.92
Uniform Delay (d), s/veh	44.6	0.0	0.0	40.3	0.0	0.0	3.1	0.0	3.2	0.0	0.0	0.0
Incr Delay (d2), s/veh	1.0	0.0	0.0	0.1	0.0	0.0	0.2	0.0	0.2	0.3	0.0	0.3
Initial Q Delay (d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%), veh/ln	5.9	0.0	0.0	1.2	0.0	0.0	1.4	0.0	1.4	0.1	0.0	0.1
LnGrp Delay(d), s/veh	45.6	0.0	0.0	40.4	0.0	0.0	3.4	0.0	3.4	0.3	0.0	0.3
LnGrp LOS	D			D			A		A	A		A
Approach Vol, veh/h	201			45			359			507		
Approach Delay, s/veh	45.6			40.4			3.4			0.3		
Approach LOS	D			D			A			A		
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	2		4		6		8					
Phs Duration (G+Y+Rc), s	89.0		21.0		89.0		21.0					
Change Period (Y+Rc), s	4.0		4.0		4.0		4.0					
Max Green Setting (Gmax), s	71.0		31.0		71.0		31.0					
Max Q Clear Time (g_c+I), s	21.0		4.3		5.0		14.6					
Green Ext Time (p_c), s	1.1		0.3		1.1		0.3					
Intersection Summary												
HCM 2010 Ctrl Delay	11.1											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
 1: E.12th St/Driveway & Lake Merritt Blvd/1st Ave

Lake Merritt CEQA Project
 2035 AM NP

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑↑	↑	↑	↑↑↑		↑↑	↑			↑↓	
Volume (veh/h)	0	1410	610	120	2140	0	600	0	110	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Q _b), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A _{pbT})	1.00		0.97	1.00		1.00	0.98		0.98	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	0	1863	1863	1863	1863	0	1863	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	0	1410	363	120	2140	0	600	0	28	0	0	0
Adj No. of Lanes	0	3	1	1	3	0	2	1	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	0	2	2	2	2	0	2	2	2	2	2	2
Cap, veh/h	0	2725	823	138	3290	0	972	0	374	0	451	0
Arrive On Green	0.00	0.54	0.54	0.08	0.65	0.00	0.24	0.00	0.24	0.00	0.00	0.00
Sat Flow, veh/h	0	5253	1536	1774	5253	0	3356	0	1544	0	1863	0
Grp Volume(v), veh/h	0	1410	363	120	2140	0	600	0	28	0	0	0
Grp Sat Flow(s), veh/h/ln	0	1695	1536	1774	1695	0	1678	0	1544	0	1863	0
Q Serve(g_s), s	0.0	16.0	12.9	6.0	23.1	0.0	14.9	0.0	1.3	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	16.0	12.9	6.0	23.1	0.0	14.9	0.0	1.3	0.0	0.0	0.0
Prop In Lane	0.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	0	2725	823	138	3290	0	972	0	374	0	451	0
VC Ratio(X)	0.00	0.52	0.44	0.87	0.65	0.00	0.62	0.00	0.07	0.00	0.00	0.00
Avail Cap(c _a), veh/h	0	2725	823	138	3290	0	1241	0	498	0	600	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00	0.97	0.00	0.97	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	13.4	12.7	41.0	9.7	0.0	31.5	0.0	26.3	0.0	0.0	0.0
Incl Delay (d ₂), s/veh	0.0	0.7	1.7	39.5	1.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back of Q(-26.65%), veh/ln	0.0	7.6	5.8	4.4	11.0	0.0	6.9	0.0	0.5	0.0	0.0	0.0
LnGrp Delay(d), s/veh	0.0	14.1	14.4	80.6	10.7	0.0	31.7	0.0	26.4	0.0	0.0	0.0
LnGrp LOS		B	B	F	B		C		C			
Approach Vol, veh/h		1773			2260			628			0	
Approach Delay, s/veh		14.2			14.4			31.6			0.0	
Approach LOS		B			B			C				
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	10.0	53.2		26.8		63.2		26.8				
Change Period (Y+Rc), s	3.0	5.0		5.0		5.0		5.0				
Max Green Setting (G _{max}), s	7.0	41.0		29.0		51.0		29.0				
Max Q Clear Time (g_c+I1), s	8.0	18.0		0.0		25.1		16.9				
Green Ext Time (p_c), s	0.0	10.0		0.0		10.4		0.1				
Intersection Summary												
HCM 2010 Ctrl Delay	16.6											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
2: E.12th St & 2nd Ave

Lake Merritt CEQA Project
2035 AM NP

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↑↑			↑	
Volume (veh/h)	40	60	90	50	190	40	0	610	70	0	700	50
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Q ₀) veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.95		0.79	0.87		0.87	1.00		0.96	1.00		0.94
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1863	1900	1900	1863	1900	0	1863	1900	0	1863	1900
Adj Flow Rate, veh/h	40	60	49	50	190	32	0	610	63	0	700	48
Adj No. of Lanes	0	1	0	0	1	0	0	2	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh. %	2	2	2	2	2	2	0	2	2	0	2	2
Cap, veh/h	107	146	99	93	260	41	0	2271	234	0	1209	83
Arrive On Green	0.21	0.21	0.21	0.21	0.21	0.21	0.00	0.70	0.70	0.00	1.00	1.00
Sat Flow, veh/h	272	706	479	221	1257	197	0	3316	332	0	1716	118
Grp Volume(v), veh/h	149	0	0	272	0	0	0	334	339	0	0	748
Grp Sat Flow(s), veh/h/ln	1457	0	0	1676	0	0	0	1770	1786	0	0	1834
Q Serve(g_s), s	0.0	0.0	0.0	5.9	0.0	0.0	0.0	6.2	6.2	0.0	0.0	0.0
Cycle Q Clear(g_c), s	7.6	0.0	0.0	13.6	0.0	0.0	0.0	6.2	6.2	0.0	0.0	0.0
Prop In Lane	0.27		0.33	0.18		0.12	0.00		0.19	0.00		0.06
Lane Grp Cap(c), veh/h	352	0	0	393	0	0	0	1247	1258	0	0	1292
V/C Ratio(X)	0.42	0.00	0.00	0.69	0.00	0.00	0.00	0.27	0.27	0.00	0.00	0.58
Avail Cap(c_a), veh/h	480	0	0	543	0	0	0	1247	1258	0	0	1292
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00
Upstream Filter(l)	1.00	0.00	0.00	1.00	0.00	0.00	0.00	1.00	1.00	0.00	0.00	0.71
Uniform Delay (d), s/veh	31.3	0.0	0.0	33.5	0.0	0.0	0.0	4.8	4.8	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.3	0.0	0.0	0.8	0.0	0.0	0.0	0.5	0.5	0.0	0.0	1.3
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(-26165%), veh/ln	3.3	0.0	0.0	6.4	0.0	0.0	0.0	3.2	3.2	0.0	0.0	0.5
LnGrp Delay(d), s/veh	31.6	0.0	0.0	34.4	0.0	0.0	0.0	5.4	5.4	0.0	0.0	1.3
LnGrp LOS	C			C				A	A			A
Approach Vol, veh/h		149			272			673				748
Approach Delay, s/veh		31.6			34.4			6.4				1.3
Approach LOS		C			C			A				A
Timer	1	2	3	4	5	6	7	8				
Assigned Phs		2		4		6		8				
Phs Duration (G+Y+Rc), s		67.4		22.6		67.4		22.6				
Change Period (Y+Rc), s		4.0		4.0		4.0		4.0				
Max Green Setting (Gmax), s		55.0		27.0		55.0		27.0				
Max Q Clear Time (g_c+1), s		2.0		15.6		8.2		9.6				
Green Ext Time (p_c), s		2.0		0.6		2.0		0.6				
Intersection Summary												
HCM 2010 Ctrl Delay	10.1											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
 1: E.12th St/Driveway & Lake Merritt Blvd/1st Ave

Lake Merritt CEQA Project
 2035 NP PM

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑↑	↑	↵	↑↑↑		↵↵	↑			↑	↵↵
Volume (veh/h)	0	1830	660	150	2370	0	350	0	270	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Q ₀), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj (A _{pbT})	1.00		0.98	1.00		1.00	0.98		0.98	1.00		1.00
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	0	1863	1863	1863	1863	0	1863	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	0	1830	501	150	2370	0	350	0	168	0	0	0
Adj No. of Lanes	0	3	1	1	3	0	2	1	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	0	2	2	2	2	0	2	2	2	2	2	2
Cap, veh/h	0	3317	1013	113	3779	0	690	0	257	0	309	0
Arrive On Green	0.00	0.65	0.65	0.06	0.74	0.00	0.17	0.00	0.17	0.00	0.00	0.00
Sat Flow, veh/h	0	6263	1553	1774	6263	0	3367	0	1549	0	1863	0
Grp Volume (v), veh/h	0	1830	501	150	2370	0	350	0	168	0	0	0
Grp Sat Flow (s), veh/h/ln	0	1695	1553	1774	1695	0	1684	0	1549	0	1863	0
Q Serve (g_s), s	0.0	21.5	18.2	7.0	24.7	0.0	10.6	0.0	11.2	0.0	0.0	0.0
Cycle Q Clear (g_c), s	0.0	21.5	18.2	7.0	24.7	0.0	10.6	0.0	11.2	0.0	0.0	0.0
Prop In Lane	0.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap (c), veh/h	0	3317	1013	113	3779	0	690	0	257	0	309	0
VC Ratio (X)	0.00	0.55	0.49	1.33	0.63	0.00	0.51	0.00	0.65	0.00	0.00	0.00
Aval Cap (c_a), veh/h	0	3317	1013	113	3779	0	1019	0	408	0	491	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter (I)	0.00	1.00	1.00	1.00	1.00	0.00	0.98	0.00	0.98	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	10.4	9.8	51.5	6.8	0.0	42.7	0.0	42.9	0.0	0.0	0.0
Inc Delay (d ₂), s/veh	0.0	0.7	1.7	196.4	0.8	0.0	0.2	0.0	1.0	0.0	0.0	0.0
Initial Q Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wle BackOfQ (25-165%), veh/ln	0.0	10.2	8.3	9.6	11.7	0.0	5.0	0.0	4.8	0.0	0.0	0.0
LnGrp Delay (d), s/veh	0.0	11.1	11.5	247.9	7.6	0.0	42.9	0.0	43.9	0.0	0.0	0.0
LnGrp LOS		B	B	F	A		D		D			
Approach Vol, veh/h		2331			2520			518				0
Approach Delay, s/veh		11.2			21.9			43.2				0.0
Approach LOS		B			C			D				
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	10.0	76.7		23.3		86.7		23.3				
Change Period (Y+Rc), s	3.0	5.0		5.0		5.0		5.0				
Max Green Setting (G _{max}), s	7.0	61.0		29.0		71.0		29.0				
Max Q Clear Time (g_c+l1), s	9.0	23.5		0.0		26.7		13.2				
Green Ext Time (p_e), s	0.0	16.1		0.0		17.0		0.2				
Intersection Summary												
HCM 2010 Ctrl Delay			19.3									
HCM 2010 LOS			B									

HCM 2010 Signalized Intersection Summary
2: E.12th St & 2nd Ave

Lake Merritt CEQA Project
2035 NP PM

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔			↑↑			↔	
Volume (veh/h)	40	140	70	50	140	30	0	560	40	0	770	40
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Q ₀) veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.97		0.87	0.96		0.93	1.00		0.96	1.00		0.95
Parking Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1863	1900	1900	1863	1900	0	1863	1900	0	1863	1900
Adj Flow Rate, veh/h	40	140	55	50	140	24	0	560	37	0	770	39
Adj No. of Lanes	0	1	0	0	1	0	0	2	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	2	2	2	2	2	2	0	2	2	0	2	2
Cap, veh/h	71	177	64	84	188	29	0	2532	167	0	1321	67
Arrive On Green	0.17	0.17	0.17	0.17	0.17	0.17	0.00	0.75	0.75	0.00	0.75	0.75
Sat Flow, veh/h	189	1020	369	249	1053	164	0	3453	222	0	1753	89
Grp Volume(v), veh/h	235	0	0	214	0	0	0	294	303	0	0	809
Grp Sat Flow(s), veh/h/ln	1578	0	0	1467	0	0	0	1770	1812	0	0	1842
Q Serve(g_s), s	0.1	0.0	0.0	0.0	0.0	0.0	0.0	5.4	5.4	0.0	0.0	21.2
Cycle Q Clear(g_c), s	15.9	0.0	0.0	15.8	0.0	0.0	0.0	5.4	5.4	0.0	0.0	21.2
Prop In Lane	0.17		0.23	0.23		0.11	0.00		0.12	0.00		0.05
Lane Grp Cap(c), veh/h	312	0	0	295	0	0	0	1334	1366	0	0	1388
V/C Ratio(X)	0.75	0.00	0.00	0.73	0.00	0.00	0.00	0.22	0.22	0.00	0.00	0.58
Avail Cap(c_a), veh/h	483	0	0	466	0	0	0	1334	1366	0	0	1388
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	0.00	0.00	0.00	1.00	1.00	0.00	0.00	0.60
Uniform Delay (d), s/veh	43.9	0.0	0.0	43.6	0.0	0.0	0.0	4.0	4.0	0.0	0.0	6.0
Inc Delay (d2), s/veh	1.4	0.0	0.0	1.3	0.0	0.0	0.0	0.4	0.4	0.0	0.0	1.1
Initial Q Delay (d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Wle BackOfQ (26165%) veh/ln	7.0	0.0	0.0	6.4	0.0	0.0	0.0	2.8	2.8	0.0	0.0	11.0
LnGrp Delay(d), s/veh	45.3	0.0	0.0	44.8	0.0	0.0	0.0	4.4	4.4	0.0	0.0	7.0
LnGrp LOS	D			D				A	A			A
Approach Vol, veh/h		235			214			597				809
Approach Delay, s/veh		45.3			44.8			4.4				7.0
Approach LOS		D			D			A				A
Timer	1	2	3	4	5	6	7	8				
Assigned Phs		2		4		6		8				
Phs Duration (G+Y+Rc), s		86.9		23.1		86.9		23.1				
Change Period (Y+Rc), s		4.0		4.0		4.0		4.0				
Max Green Setting (Gmax), s		71.0		31.0		71.0		31.0				
Max Q Clear Time (g_c+I1), s		23.2		17.8		7.4		17.9				
Green Ext Time (p_c), s		2.0		0.6		2.0		0.6				
Intersection Summary												
HCM 2010 Ctrl Delay			15.4									
HCM 2010 LOS				B								

HCM 2010 Signalized Intersection Summary
 1: E.12th St/Driveway & Lake Merritt Blvd/1st Ave

Lake Merritt CEQA Project
 2035 AM WP

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑↑	↑	↑	↑↑↑		↑↑	↑			↑	↑
Traffic Volume (veh/h)	0	1410	620	122	2140	0	620	0	115	0	0	0
Future Volume (veh/h)	0	1410	620	122	2140	0	620	0	115	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	14
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Red Bike Adj(A_pbT)	1.00		0.97	1.00		1.00	0.98		0.98	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	0	1863	1863	1863	1863	0	1863	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	0	1410	365	122	2140	0	620	0	30	0	0	0
Adj No. of Lanes	0	3	1	1	3	0	2	1	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	0	2	2	2	2	0	2	2	2	2	2	2
Cap, veh/h	0	2707	817	138	3272	0	984	0	379	0	457	0
Arrive On Green	0.00	0.53	0.53	0.08	0.64	0.00	0.25	0.00	0.25	0.00	0.00	0.00
Sat Flow, veh/h	0	5253	1536	1774	5253	0	3358	0	1545	0	1863	0
Grp Volume(v), veh/h	0	1410	365	122	2140	0	620	0	30	0	0	0
Grp Sat Flow(s), veh/h/ln	0	1695	1536	1774	1695	0	1679	0	1545	0	1863	0
Q Serve(g_s), s	0.0	16.1	13.1	6.1	23.3	0.0	15.4	0.0	1.3	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	16.1	13.1	6.1	23.3	0.0	15.4	0.0	1.3	0.0	0.0	0.0
Prop In Lane	0.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	0	2707	817	138	3272	0	984	0	379	0	457	0
V/C Ratio(X)	0.00	0.52	0.45	0.88	0.65	0.00	0.63	0.00	0.08	0.00	0.00	0.00
Avail Cap(c_a), veh/h	0	2707	817	138	3272	0	1242	0	498	0	600	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00	0.97	0.00	0.97	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	19.6	12.9	41.1	9.9	0.0	31.4	0.0	26.1	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.7	1.8	43.0	1.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%), veh/ln	0.0	7.6	5.9	4.7	11.0	0.0	7.2	0.0	0.6	0.0	0.0	0.0
LnGrp Delay(d), s/veh	0.0	14.3	14.7	84.1	10.9	0.0	31.7	0.0	26.2	0.0	0.0	0.0
LnGrp LOS		B	B	F	B		C		C			
Approach Vol, veh/h		1775			2262			650			0	
Approach Delay, s/veh		14.4			14.9			31.4			0.0	
Approach LOS		B			B			C				
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	10.0	52.9		27.1		62.9		27.1				
Change Period (Y+Rc), s	3.0	5.0		5.0		5.0		5.0				
Max Green Setting (Gmax), s	7.0	41.0		29.0		51.0		29.0				
Max Q Clear Time (d_c+1), s	6.1	18.1		0.0		25.3		17.4				
Green Ext Time (p_c), s	0.0	10.0		0.0		10.4		0.1				
Intersection Summary												
HCM 2010 Ctrl Delay	17.0											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
2: E.12th St & 2nd Ave

Lake Merritt CEQA Project
2035 AM WP



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔			↔			↑↑			↑		
Traffic Volume (veh/h)	65	60	98	50	194	40	0	610	70	0	700	62
Future Volume (veh/h)	65	60	98	50	194	40	0	610	70	0	700	62
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.95		0.79	0.89		0.87	1.00		0.96	1.00		0.94
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1863	1900	1900	1863	1900	0	1863	1900	0	1863	1900
Adj Flow Rate, veh/h	65	60	62	50	194	33	0	610	63	0	700	59
Adj No. of Lanes	0	1	0	0	1	0	0	2	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	2	2	2	2	2	2	0	2	2	0	2	2
Cap, veh/h	127	111	91	92	261	41	0	2264	233	0	1184	100
Arrive On Green	0.21	0.21	0.21	0.21	0.21	0.21	0.00	0.70	0.70	0.00	1.00	1.00
Sat Flow, veh/h	348	531	436	215	1251	198	0	3316	332	0	1686	142
Grp Volume (V), veh/h	187	0	0	277	0	0	0	334	339	0	0	759
Grp Sat Flow(s), veh/h/ln	1316	0	0	1664	0	0	0	1770	1786	0	0	1828
Q Serve (d_s), s	0.0	0.0	0.0	2.4	0.0	0.0	0.0	6.2	6.3	0.0	0.0	0.0
Cycle Q Clear (g_c), s	11.6	0.0	0.0	14.0	0.0	0.0	0.0	6.2	6.3	0.0	0.0	0.0
Prop In Lane	0.35		0.33	0.18		0.12	0.00		0.19	0.00		0.08
Lane Grp Cap(c), veh/h	329	0	0	395	0	0	0	1243	1254	0	0	1284
V/C Ratio(X)	0.57	0.00	0.00	0.70	0.00	0.00	0.00	0.27	0.27	0.00	0.00	0.59
Avail Cap(c_a), veh/h	449	0	0	541	0	0	0	1243	1254	0	0	1284
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00
Upstream Filter(I)	1.00	0.00	0.00	1.00	0.00	0.00	0.00	1.00	1.00	0.00	0.00	0.70
Uniform Delay (d), s/veh	32.4	0.0	0.0	33.6	0.0	0.0	0.0	4.9	4.9	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.6	0.0	0.0	1.1	0.0	0.0	0.0	0.5	0.5	0.0	0.0	1.4
Initial Q Delay (d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%), veh/ln	3	0.0	0.0	6.7	0.0	0.0	0.0	3.2	3.2	0.0	0.0	0.5
LnGrp Delay(d), s/veh	33.0	0.0	0.0	34.7	0.0	0.0	0.0	5.4	5.4	0.0	0.0	1.4
LnGrp LOS	C			C				A	A			A
Approach Vol, veh/h	187			277			673			759		
Approach Delay, s/veh	33.0			34.7			5.4			1.4		
Approach LOS	C			C			A			A		
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	2		4		6		8					
Phs Duration (G+Y+Rc), s	67.2		22.8		67.2		22.8					
Change Period (Y+Rc), s	4.0		4.0		4.0		4.0					
Max Green Setting (Gmax), s	55.0		27.0		55.0		27.0					
Max Q Clear Time (g_c+1), s	2.0		16.0		8.3		13.6					
Green Ext Time (p_c), s	2.0		0.6		2.0		0.7					
Intersection Summary												
HCM 2010 Ctrl Delay	10.8											
HCM 2010 LOS	B											

HCM 2010 Signalized Intersection Summary
 1: E.12th St/Driveway & Lake Merritt Blvd/1st Ave

Lake Merritt CEQA Project
 2035 PM WP

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Movement												
Lane Configurations		↑↑↑	↑	↑	↑↑↑		↑↑	↑			↑↓	
Traffic Volume (veh/h)	0	1830	670	154	2370	0	363	0	272	0	0	0
Future Volume (veh/h)	0	1830	670	154	2370	0	363	0	272	0	0	0
Number	5	2	12	1	6	16	3	8	18	7	4	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Red Bike Adj (A_pbT)	1.00		0.98	1.00		1.00	0.98		0.98	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	0	1863	1863	1863	1863	0	1863	1863	1900	1900	1863	1900
Adj Flow Rate, veh/h	0	1830	514	154	2370	0	363	0	171	0	0	0
Adj No. of Lanes	0	3	1	1	3	0	2	1	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	0	2	2	2	2	0	2	2	2	2	2	2
Cap, veh/h	0	3310	1011	113	3772	0	694	0	259	0	312	0
Arrive On Green	0.00	0.65	0.65	0.06	0.74	0.00	0.17	0.00	0.17	0.00	0.00	0.00
Sat Flow, veh/h	0	5253	1553	1774	5253	0	3368	0	1549	0	1863	0
Grp Volume (V), veh/h	0	1830	514	154	2370	0	363	0	171	0	0	0
Grp Sat Flow(s), veh/h/ln	0	1695	1553	1774	1695	0	1684	0	1549	0	1863	0
Q Serve (g_s), s	0.0	21.6	19.0	7.0	24.8	0.0	11.1	0.0	11.4	0.0	0.0	0.0
Cycle Q Clear (g_c), s	0.0	21.6	19.0	7.0	24.8	0.0	11.1	0.0	11.4	0.0	0.0	0.0
Prop In Lane	0.00		1.00	1.00		0.00	1.00		1.00	0.00		0.00
Lane Grp Cap(c), veh/h	0	3310	1011	113	3772	0	694	0	259	0	312	0
V/C Ratio(X)	0.00	0.55	0.51	1.36	0.63	0.00	0.52	0.00	0.66	0.00	0.00	0.00
Avail Cap(c_a), veh/h	0	3310	1011	113	3772	0	1019	0	408	0	491	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	0.00	1.00	1.00	1.00	1.00	0.00	0.98	0.00	0.98	0.00	0.00	0.00
Uniform Delay (d), s/veh	0.0	10.5	10.0	51.5	6.9	0.0	42.7	0.0	42.9	0.0	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.7	1.8	210.4	0.8	0.0	0.2	0.0	1.0	0.0	0.0	0.0
Initial Q Delay (d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back Of Q (50%), veh/ln	0.0	10.2	8.7	10.0	11.7	0.0	5.2	0.0	4.9	0.0	0.0	0.0
LnGrp Delay (d), s/veh	0.0	11.1	11.8	261.9	7.7	0.0	43.0	0.0	43.9	0.0	0.0	0.0
LnGrp LOS		B	B	F	A		D		D			
Approach Vol, veh/h		2344			2524			534			0	
Approach Delay, s/veh		11.3			23.2			43.3			0.0	
Approach LOS		B			C			D				
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	10.0	76.6		23.4		86.6		23.4				
Change Period (Y+Rc), s	3.0	5.0		5.0		5.0		5.0				
Max Green Setting (Gmax), s	7.0	61.0		29.0		71.0		29.0				
Max Q Clear Time (g_c+1), s	9.0	23.6		0.0		26.8		13.4				
Green Ext Time (p_c), s	0.0	16.1		0.0		17.0		0.2				
Intersection Summary												
HCM 2010 Ctrl Delay	20.0											
HCM 2010 LOS	C											

HCM 2010 Signalized Intersection Summary
 2: E.12th St & 2nd Ave

Lake Merritt CEQA Project
 2035 PM WP



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↕			↕			↑↕			↑		
Traffic Volume (veh/h)	55	140	75	50	148	30	0	560	40	0	770	64
Future Volume (veh/h)	55	140	75	50	148	30	0	560	40	0	770	64
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped/Bike Adj (A_pbT)	0.98		0.86	0.98		0.93	1.00		0.96	1.00		0.95
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1900	1863	1900	1900	1863	1900	0	1863	1900	0	1863	1900
Adj Flow Rate, veh/h	55	140	61	50	148	24	0	560	37	0	770	62
Adj No. of Lanes	0	1	0	0	1	0	0	2	0	0	1	0
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Percent Heavy Veh, %	2	2	2	2	2	2	0	2	2	0	2	2
Cap, veh/h	87	171	68	85	204	30	0	2476	163	0	1248	101
Arrive On Green	0.19	0.19	0.19	0.19	0.19	0.19	0.00	0.74	0.74	0.00	0.74	0.74
Sat Flow, veh/h	246	900	358	236	1069	158	0	3453	222	0	1694	136
Grp Volume (v), veh/h	256	0	0	222	0	0	0	294	303	0	0	832
Grp Sat Flow (s), veh/h/ln	1504	0	0	1463	0	0	0	1770	1812	0	0	1831
Q Serve (g_s), s	2.5	0.0	0.0	0.0	0.0	0.0	0.0	5.8	5.8	0.0	0.0	24.1
Cycle Q Clear (g_c), s	18.4	0.0	0.0	15.9	0.0	0.0	0.0	5.8	5.8	0.0	0.0	24.1
Prop In Lane	0.21		0.24	0.23		0.11	0.00		0.12	0.00		0.07
Lane Grp Cap (c), veh/h	326	0	0	319	0	0	0	1304	1335	0	0	1349
V/C Ratio (X)	0.79	0.00	0.00	0.70	0.00	0.00	0.00	0.23	0.23	0.00	0.00	0.62
Avail Cap (c_a), veh/h	468	0	0	465	0	0	0	1304	1335	0	0	1349
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter (I)	1.00	0.00	0.00	1.00	0.00	0.00	0.00	1.00	1.00	0.00	0.00	0.57
Uniform Delay (d), s/veh	46.2	0.0	0.0	41.9	0.0	0.0	0.0	4.6	4.6	0.0	0.0	7.0
Incr Delay (d2), s/veh	3.3	0.0	0.0	1.0	0.0	0.0	0.0	0.4	0.4	0.0	0.0	1.2
Initial Q Delay (d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile Back Of Q (50%), veh/ln	9	0.0	0.0	6.5	0.0	0.0	0.0	2.9	3.0	0.0	0.0	12.5
Ln Grp Delay (d), s/veh	46.5	0.0	0.0	43.0	0.0	0.0	0.0	5.0	5.0	0.0	0.0	8.2
Ln Grp LOS	D			D				A	A			A
Approach Vol, veh/h	256				222				597		832	
Approach Delay, s/veh	46.5				43.0				5.0		8.2	
Approach LOS	D				D				A		A	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	2		4		6		8					
Phs Duration (G+Y+Rc), s	85.1		24.9		85.1		24.9					
Change Period (Y+Rc), s	4.0		4.0		4.0		4.0					
Max Green Setting (Gmax), s	71.0		31.0		71.0		31.0					
Max Q Clear Time (g_c+I), s	26.1		17.9		7.8		20.4					
Green Ext Time (p_c), s	2.0		0.6		2.0		0.6					
Intersection Summary												
HCM 2010 Ctrl Delay	16.4											
HCM 2010 LOS	B											

(Continued)

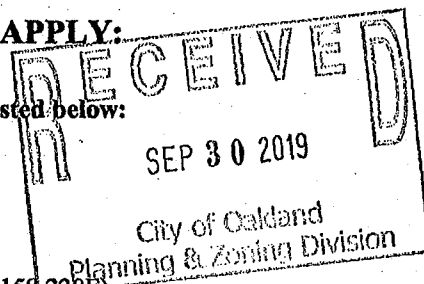
OF THE CITY PLANNING COMMISSION (APPEALABLE TO COUNCIL)

Granting an application to: OR Denying an application to:

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) September 2019 Planning Commission Approval of 101 E 12th Street and all prior review steps leading up to approval.



FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

The appeal is based on the following: *(Attach additional sheets as needed.)*

Appellant appeals the September 2019 Planning Commission Approval of 101 E 12th Street and all prior review steps leading up to approval. The decision(s) was /were made with error and abuse of discretion, and are contrary to law. The project does not conform to the requirements of the original request(s) for proposals, is contrary to the area plan(s) and other city planning documents, should not qualify for a finding of exemption from CEQA or the Surplus Public Lands Act. The decisions were made in violation of city charter, policies, state law, and in violation of constitutional and international human rights laws. Please see attached letter with more detail.

Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.*

Please see attached letter with more detail.

(Continued on reverse)



**CITY OF OAKLAND
APPEAL FORM
FOR DECISION TO PLANNING COMMISSION, CITY
COUNCIL OR HEARING OFFICER**

PROJECT INFORMATION

Case No. of Appealed Project: PLN19-215; 101 E 12th St ; APN 0019-0027-014

Project Address of Appealed Project: 01 E 12th St

Assigned Case Planner/City Staff: Neil Gray Planner IV

APPELLANT INFORMATION:

Printed Name: Dunya Alwan, Ryder Diaz, and the East 12th Coalition, through Attorney R Michael Flynn Phone Number: 510 893 3226

Mailing Address: c/o Flynn Law Office PO Box 70973 Alternate Contact Number: 510 866 4981

City/Zip Code Oakland CA 94612

Representing: Attorney Flynn Representing Eastlake Residents Dunya Alwan, Ryder Diaz, and the E. 12th Coalition, and other residents and concerned community members.

Email: michael@flo-law.com

An appeal is hereby submitted on:

AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application on an Administrative Decision
- Denying an application for an Administrative Decision
- Administrative Determination or Interpretation by the Zoning Administrator
- Other (please specify) September 2019 Planning Commission Approval of 101 E 12th Street

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- Determination of General Plan Conformity (OPC Sec. 17.01.080)
- Design Review (OPC Sec. 17.136.080)
- Small Project Design Review (OPC Sec. 17.136.130)
- Minor Conditional Use Permit (OPC Sec. 17.134.060)
- Minor Variance (OPC Sec. 17.148.060)
- Tentative Parcel Map (OMC Section 16.304.100)
- Certain Environmental Determinations (OPC Sec. 17.158.220)
- Creek Protection Permit (OMC Sec. 13.16.450)
- Creek Determination (OMC Sec. 13.16.460)
- City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- Hearing Officer's revocation/impose or amend conditions (OPC Secs. 17.152.150 &/or 17.156.160)
- Other (please specify) September 2019 Planning Commission Approval of 101 E 12th Street and all prior review steps leading up to approval.

(continued on reverse)

(Continued)

September 2019

*Signature of Appellant or Representative of
Appealing Organization*

Date

.....
Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:
.....

R. Michael Flynn
Attorney at Law
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Mail To: P.O. Box 70973
Oakland, CA 94612

(510) 893-3226 Tel
(866) 728-7879 Fax
Michael@flo-law.com
www.flo-law.com



30 September 2019
Via First Class U.S. Mail and Fax

Neil Gray, Planner IV
Planning and Building Department
Bureau of Planning
250 Frank H. Ogawa Plus, Suite 2114
Oakland CA 94612
Fax (510) 238-6538

RE: Appeal Case File No. PLN19-215; 101 E. 12, Street AP: 019-0027-014; and neighboring stormwater treatment basin (no address or APN or stormwater basin)

Dear Neil Gray, Planning and Building Department, and the Bureau of Planning:

The Flynn Law Office is writing on behalf of the East 12th Coalition to appeal the decision issued by the Planning Commission on 18 September 2019.

The Appellants and Supporters, and Communities Represented

The East 12th Coalition is a diverse group of community-based neighborhood, faith, non-profit, and labor organizations and area residents. The Coalition seeks to ensure that the surplus public land parcel at East 12th Street maximizes affordable housing opportunities and community benefits for Oakland residents.

In a city with a 47% increase in homelessness in the past year, it's the City's responsibility to respond to this housing crisis by providing the maximum amount of affordable housing on public lands. There are currently a number of houseless people camping on the East 12th Street parcel. If development moves forward, they will suffer irreparable harm, as they will be displaced and have nowhere else to reside. The City should ensure the project is 100% affordable housing to help address the housing crisis in Oakland.

Introduction

We appeal the aforementioned decision on the following grounds: 1.) the decision is not supported by substantial evidence 2.) the decision constitutes error, and 3) the decision is an abuse of discretion. For the same reasons, as further explained below, the project as approved violates the Surplus Lands Act and the California Environmental Quality Act (CEQA), without adopting the

mitigation measures identified in this appeal and the record, does not legitimately qualify for an exemption from a full Environmental Impact Report.

The Planning Commission did not provide a sufficient showing that the approval is in the public's interest given the applicant's continuous failures to secure all the necessary permits within the requisite time, and failure to secure a timely extension. Thus, approval constitutes an abuse of discretion by the Commission. The Planning Commission did not make a finding that the applicant had extraordinary and valid reasons for failing to meet the requisite timeline such that they overcome the harm caused to the community by those failures. Since the project was originally approved at the June 15, 2016 Planning Commission meeting, the Commission has already granted one extension to June 22, 2019. However, the applicant did not apply for an extension by that deadline, demonstrating a willful disregard for both the Commission and the community's time and an inability to meet their own commitments and obligations.

The E.12th Street Parcel is a precious piece of public land and must be used to serve the public good. The Planning Commission's decision is not supported by the evidence on the record because, the design is substantially different than what was put before the Commission when the project was originally approved. For example, the 2016 and 2019 staff reports included many references to a publicly accessible "cultural space". The community benefits of this space were repeatedly cited by staff as a significant to the design and a reason the project should be approved. However, when questioned by the commissioners, a representative from UrbanCore admitted that the "cultural space" had been removed from the design and replaced with a lobby. This is a significant change from the original design and should at a minimum trigger a new staff review and round of community meetings to discuss this reduction in community benefits and in actual fact require UrbanCore/EBALDC to resubmit their design in a new RFP process.

Since its airing, this project has met with deep and consistent engagement from the community. Area residents have not only pushed for the City to comply with the Surplus Lands Act (SLA), they held a community charette to develop a needs and desires assessment for the site, and they designed a development that is reflective of community feedback. Instead of engaging with these demands, UrbanCore and EBALDC offered a "cultural space" in the development to address their assumptions of community access desires and in order to have the project approved. Then, once approved, they reworked their design, still replete with private amenities, while the only public uses of the building have vanished. It was only at the September 18th Planning Commission meeting in the guise of a re-approval process and under questioning from the Commissioners did UrbanCore and EBALDC admit to the re-design of their new project. Planning Commissioner Hegde noted this on several occasions, stating that the proposal before the Commission for an extension "appears to be a new project". Community members who spoke at the Commission meeting all shared their opposition to the project.

The application doesn't comply with the conditional use permits requirements, review requirements, and permit requirements because it fails to accomplish the goals of the SLA, is inconsistent with the community need of affordable, healthy, and accessible housing as required by the SLA. Furthermore, there has not been adequate analysis under the California Environmental Quality Act (CEQA).

The Project Is Not in the Public Interest

The City of Oakland has offered UrbanCore, and later their partner EBALDC, a series of sweetheart deals to develop 253 market rate units with only 90 "affordable" units and some accessible spaces for the community. On 18 September 2019, UrbanCore went before the Planning Commission to get

a re-approval for their newly designed development. The community turned out asking the Commissioners to delay their decision due to the following factors:

- UrbanCore and EBALDC returned to the Planning Commission with expired approvals and a design that is substantially different than the originally approved project. Their new design submission has been stripped of all publicly accessible spaces. Notably a “cultural space” “which would seat approximately 230 people to accommodate the scale of performances and events envisioned by EBALDC” and a café are absent. What was touted as assets for our community is now a “lobby gallery” for the buildings’ residents. The removal of these public resources on prized public lands was done without any community consultation and we reject them. This project removes the last vestiges of community benefits from the site, which the community has demonstrated on numerous occasions is not what we are entitled to on Oakland’s public land.
- Years have elapsed since the original approval and conditions at Lake Merritt have changed. Residents deserve to hear from and discuss with the developers how these changes will be considered before the project moves forward.
- In December 2018, UrbanCore returned the City of Oakland to request, and was approved, for a \$2.35 million-dollar loan. Recently, UrbanCore defaulted on a debt to the City of San Francisco amount for a housing development in the Fillmore and settling for an undisclosed amount. In addition, in 1999 Michael Johnson’s then company, Em Johnson Interest Inc., partnered to build the 78-home Palm Villas. “On three occasions over the next several years, Johnson and his partner returned to the agency to plead for more financial help, threatening to stop the construction. The city’s redevelopment agency not only forgave the \$3.3 million loan but granted another \$3 million in public funds to keep the project afloat.” In 2005, “A city audit ... shows that the developers charged the city for more than \$110,000 for luxury cars and a vacation time-share, along with \$15,000 for political donations”. This begs the question of what will happen to the project if the developer, that has a history of being in arrears on similar projects, is insolvent?
- In December 2018, the City Council passed a Public Lands Policy requiring 100% affordable housing to be built on public lands like the East 12th Street parcel. The State of California's Surplus Land Act also requires the parcel be used for affordable housing. UrbanCore’s application doesn’t comply with the conditional use permits requirements, review requirements, and permit requirements because it fails to accomplish the goals of the SLA, is inconsistent with the community need of affordable, healthy, and accessible housing as required by the SLA. Additionally, the City of Oakland has surpassed its market rate construction goals by 203%, while only 19% of new construction is affordable. We do not need more market rate units on the East 12th Street Parcel especially when the number of Oakland residents no longer able to afford stable housing is skyrocketing.

Despite overwhelming community concerns, and even though UrbanCore and EBALDC’s latest design is significantly different from the plans previously submitted to the Commission, the Planning Commission abused their discretion and approved the new design.

Failure to Meet Community Needs and Divergence From Previously Approved Project

The project doesn’t provide any access to the public and fails to provide the important community need that the project was intended to accomplish.

Critically, the September 18th, 2019 application (Case File Number PLN19-215) includes community benefits, specifically a café and cultural space, which representatives from UrbanCore and EBALDC verbally confirmed are no longer present in the project. City staff repeatedly referenced these benefits in their 2019 staff report as reasons the project should be approved. Below are some examples of the September 18th, 2019 application and staff report describing a project that *no longer exists*:

“The northern building would be a 26-story apartment tower with 270 market rate dwelling units, a 327 square-foot cafe, and a cultural space.” (Page 3)

“The area between the Channel Park Arts, Educational, and Cultural Center and the waterfront should be developed as a walkable urban residential district, incorporating commercial development and open space as appropriate to take advantage of the cultural and recreational amenities provided by the center and the channel to the estuary, and easy transportation by BART.” (Page 6–7)

“The proposed cultural space in the central commons will be a significant amenity for the neighborhood and the nearby school.” (Page 7)

“The proposal includes an active cultural space in the central commons and a cafe on the edge of E. 12th Street.” (Page 8)

“The ground floor commons will build upon existing cultural amenities in the nearby high school, Oakland Museum of California, and the Main Branch of the Oakland Public Library.” (Page 15)

“The proposal will protect the value of investments in the area by providing an attractive café and cultural space to the neighborhood.” (Page 16)

“As designed, the central commons would seat approximately 230 people, which is large enough to accommodate the scale of performances and events envisioned by EBALDC, which will be managing the space and affordable housing units.” (Page 18)

The East 12th Coalition continues to contest that UrbanCore has not had any genuine community engagement throughout the design process to evolve the project and community benefits to ensure that public land is used for public good. Since its inception, the community has opposed this development with affordable housing that sits in the shadow of a luxury tower that blocks its lake views. UrbanCore’s new design is no exception as the community learned at the September 2019 Planning Commission meeting that all public access from the previous design and promised amenities had been struck by the developer. The new project flaunts tiers of privatized lounges, a business center, decks, seating areas, a fire pit and barbeques and pool areas that front the lake, all of which are on public land in view of the community and 100% inaccessible to the public. Despite these overwhelming community concerns, and even though UrbanCore's latest plans are significantly different from the plans previously submitted to the Planning Commission, they approved the new design.

Conflicts of Interest Made the Prior City Council Vote approving the Project (2015) Invalid, such that the Planning Commission Approval should never have happened.

We are informed based on reliable sources that Lynnette Gibson McElhaney's husband Clarence McElhaney's was working for UrbanCore at the time she voted to approve the East 12th development project. Abel Guillen received campaign contributions from UrbanCore at the same time that UrbanCore was applying for the development project.

The common law prohibition on conflicts of interest in contract (See *City of Oakland v. California Const. Co.* (1940) 15 Cal.2d 573, 576.), codified at Government Cod § 1090, covers city council members like Councilmember Abel Guillen (*Thomas v. Call* (1985) 38 Cal.3d 633; *City Council v. McKinley* (1978) 80 Cal.Ap.3d 204. Although campaign contributions are not necessarily financial interests under section 1090 (See *Break Zone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1231), a campaign contribution is a financial interest if it can be shown that the contribution was made in anticipation of, or as a result of, a decision in which the recipient of the financial interest had a vote. *Hub City Solid Waste Services, Inc. v. City of Compton* (2010) 186 Cal. App. 4th 1114 (finding that the specific facts presented gave "rise to the inference that the campaign contributions [at issue]constituted prohibited financial interests" under section 1090); See page 65 of Conflicts of Interest, California Attorney General (2010).

To the extent that Lynnete Gibson McElhaney proceeded to vote for approval of UrbanCore's project despite that her spouse and herself were to benefit make the vote invalid. Below is a list of McElhaney's conflicts of interest and sources of information.

1. Accepted \$450 from Attorney Representing Site Developer; Later Voted in Favor of DDA With Developer (2013-2015)

In March 2013 and March 2014, Gibson McElhaney accepted \$450 from Zachary Wasserman, an attorney at Wendel Rosen Black & Dean LLP that represented Urban Core. Specifically, Wasserman gave Gibson McElhaney \$200 in March 2013 and an additional \$250 in March 2014. In February 2015, Wasserman was identified as representing Urban Core, the developer of the 12th Street parcel. The following table details Wasserman's contributions:

3/11/2013
Zack Wasserman
Wendel Rosen Black & Dean LLP
\$200

3/17/2014
Zack Wasserman
Wendel Rosen Black & Dean LLP
\$250

Total
\$450

In June 2013, less than four months after accepting \$200 from Wasserman, Gibson McElhaney voted in favor of an exclusive negotiating agreement with Urban Core to develop the East 12th Street Parcel.

In April 2015, Gibson McElhaney voted in favor of a development agreement with Urban Core.

2. Failed to Disclose that Her Husband Was Paid by Urban Core to Conduct Survey of the Property (2014)

According to the East Bay Express, Clarence McElhaney was hired by Urban Core through the engineering firm KCP & Associates to conduct a survey of the 12th Street property. KCP was paid \$4,000 by Urban Core to conduct the survey in 2014. Gibson McElhaney did not disclose that her husband had been hired by Urban Core while she and the city were involved in negotiating a development agreement with Urban Core, nor did she recuse herself.

In April 2015, Gibson McElhaney voted in favor of a development agreement with Urban Core.

3. Later Accepted \$1,000 from Wasserman into her Legal Defense Fund; Five Months Later Voted in Favor of Loaning Urban Core \$2.35 Million to Complete 12th Street Development (2017-2018)

In June 2017 and August 2018, Gibson McElhaney accepted an additional \$1,000 from Wasserman, who gave her two \$500 contributions. Less than four months later, on December 11, 2018, Gibson McElhaney voted to loan Urban Core \$2.35 million to help it complete its market-rate housing project on the 12th street parcel.

PLEASE NOTE: We do not know if Wasserman was still representing Urban Core when he made the contributions to McElhaney's defense fund.

Data sources for McElhaney Conflicts of Interest:

- City of Oakland Public Ethics Commission, Advanced Search for Transaction Data: Lynette Gibson McElhaney," <https://public.netfile.com/pub2/Search.aspx>
- *East Bay Express*, "Breaking News: Oakland City Attorney Said Luxury Deal is Illegal," 7/6/2015
- *East Bay Express*, "Vote by Oakland Council President McElhaney Preceded Husband's Substantial Contract for UrbanCore Project. Was It a Conflict?" 7/15/2016
- *City of Oakland*, City Council Meeting Minutes, 4/14/2015

To the extent that Abel Guillen received financial contributions from persons or entities seeking to benefit from luxury apartment development proposal that was a matter he was to vote on, he should have recused himself, or at least put on record the apparent conflict.

Here, the City Councilmembers Lynnette Gibson McElhaney and Abel Guillen's lack of compliance with ethical requirements is apparent based on (1) lack of transparency in not acknowledging the contributions when they voted in favor of the UrbanCore's project while McElhaney's husband worked for UrbanCore and Guillen had received donations to his campaign from UrbanCore, (2) failure to avoid bias by not recusing themselves, and (3) by voting in favor of selling city land to the developers who donated to them (Guillen) or were employing their spouse (McElhaney). Without their votes, City Council would not have been able to approve the project.

Environmental Justice and CEQA Noncompliance

As a sensitive ecological estuary area Lake Merritt and the public land surrounding it are precious public resources that should be made available to all Oaklanders without discrimination based on their race, skin color, or related socioeconomic factors. Oakland's housing crisis has disproportionately affected people of color, women, the elderly, disabled, and especially African Americans.

The project should not qualify for any exemption from CEQA review, because the extensive project is adjoining to a sensitive estuary habitat, and there are significant environmental justice impacts. The City's CEQA analysis done in 2015 relied on an earlier, different version of the project, and improperly applied exemptions based on local area plans and infill. Because there is substantial evidence that significant changes in the new project, and better, feasible mitigation measures available, under 14 CCR § 15162.

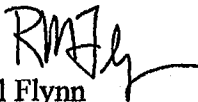
Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects ..." (Pub. Res. Code, § 21002.) Human beings are an integral part of the "environment." An agency is required to find that a "project may have a 'significant effect on the environment'" if, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]" (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines, 2 § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].)

Here, the Coalition has identified important mitigation measures that should be adopted before this project can be approved. Without the community space promised by the cultural space, and without 100% affordable housing, the project will have an unjust environmental impact on low income residents of color, women, elderly, disabled, and other Oaklanders who are already disproportionately impacted by the housing crisis.

Conclusion

The Planning Commission's approval of the 101 East 12th Street project was done in error, was an abuse of discretion, was contrary to binding city planning documents, violates CEQA's environmental justice policies, and is overall contrary to the public interest. This is the City of Oakland's opportunity to change course, and take immediate action to meet the basic needs for housing of its long term vulnerable residents.

Sincerely,



R. Michael Flynn
Flynn Law Office

Evidence / Attachments:

Lonke, Katie, (December 1, 2015) *3 Reasonable Questions About EBALDC's Segregated Housing Proposal*. E 12th Oakland.

Swan, Rachel, (May 4, 2015), *Contention over Oakland condo tower: urban boon or land grab?* The San Francisco Chronicle.

Public Advocates, (June 15, 2016), *RE: Proposed Public Lands Policy*,

The East 12th Coalition, (2016) *A People's Proposal*, Endorse the E12th People's Proposal.

Bond Graham, Darwin and Lempres, Daniel, (December 13, 2018), Oakland Loans Housing Developer UrbanCore \$2.35 Million for Market-Rate Housing Project, Meanwhile, San Francisco is Suing UrbanCore over an unpaid \$5.5. million loan. East Bay Express.

Gray, Neil, City of Oakland, (September 19, 2019) *Approval Re: Case File No. PLN19-215; 101 E. 12, Street AP: 019-0027-014*.

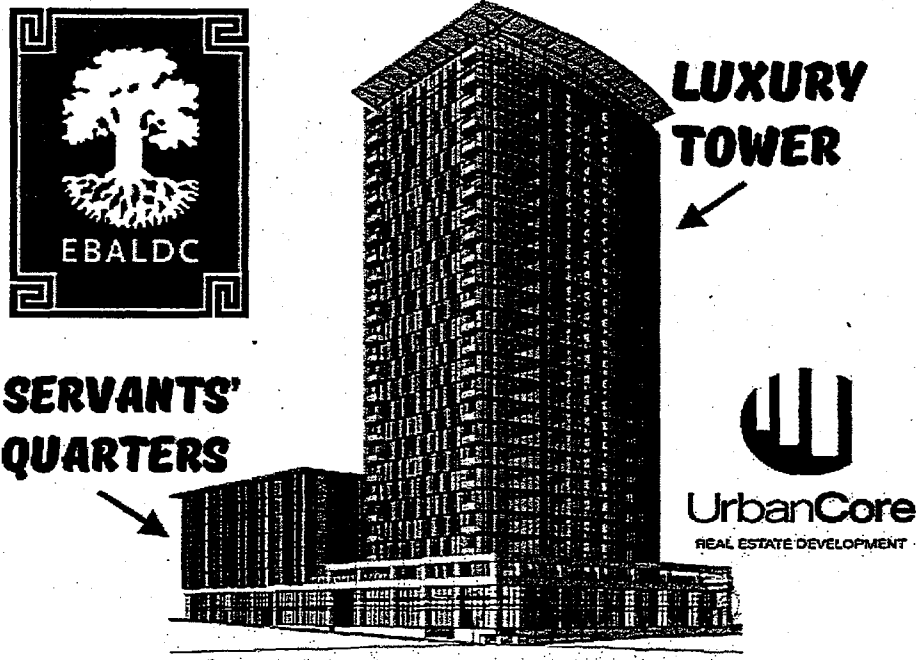
Tadayon, Ali (September 25, 2019) *Oakland housing development re-approval despite criticism*. Bay Area News Group.

E12th Oakland

Public Land for Public Good

3 Reasonable Questions About EBALDC's Segregated Housing Proposal

🕒 December 1, 2015 📁 Scandal, Updates 👤 Katie Loncke



In case you missed it,

all the public pressure to #SaveE12th from a luxury condo tower appears to have pushed our opponents to a new low.

Proposing SEGREGATED HOUSING.

Oakland Students Make Guerilla Art for E12th — And It's Amazing

🕒 November 25, 2015 📅 Events 👤 admin

The battle for the heart and soul of Oakland continues, and a powerful new force has entered the fray.

11th-grade students from the Social Justice pathway at Coliseum College Prep Academy created original art in support of the People's Proposal for E12th — and against a luxury condo tower that would worsen the gentrification and racist displacement already plaguing Oakland.

The students unveiled their work and spoke about its themes on Friday, November 20th, in a guerilla art exhibit — the murals posted directly on the fence surrounding the E12th parcel — that has garnered media attention.

The newest phase of protest over the land was the "guerilla art" exhibited by students from Coliseum College Prep. The art makes statements about gentrification and displacement in Oakland as the rental market heats up. The art underscores the East 12th parcel's place in the debate over gentrification, and as an example of the public outcry for the city

E12th Coalition Joins Forces with SAHA Housing Developer

🕒 November 6, 2015 📁 Updates 👤 admin

FOR IMMEDIATE RELEASE 11/05/15

CONTACT: Amy Vanderwarker, (510) 504-8413

Leading Affordable Housing Developer and Community Group Announce Partnership for E 12th Proposal

SAHA and E 12th Wishlist Design Team Join Forces To Propose 100% Affordable Housing Development On Public Land

Oakland CA – Today, Satellite Affordable Housing Associates (SAHA) and the E 12th Wishlist Design Team announced a new partnership to advance a community-led, 100 percent affordable housing development on the E 12th parcel. The proposed project is the result of an extensive community engagement process led by the E 12th Wishlist Design Team and other community groups in the area.


🕒 October 12, 2015 📁 Uncategorized 👤 admin

Public Land for Public Good

Compare the People's Proposal with UrbanCore's bid for a luxury tower + segregated cube of affordable units. It reflects a very real trend increasingly polarizing Bay Area residents into hyper-wealthy professional echelons on the one hand, and service, retail, and low-wage workers on the other.

Chapter 1: The Fight

Background

 pray for the land banner

In the midst of a horrendous rent spike in Oakland, California, one precious piece of public land called the East 12th Parcel seemed doomed.

The City Council, forging an illegal deal, had promised E12th to a developer eager to build high-rise luxury condos at market rate: \$3,200 per month.

The original proposed high-rise luxury condo tower

This of course would be out of reach for most Black and Brown Oakland families, presently being swept inland (or out of Oakland altogether) by the Bay Area tech wave of gentrification. Condos in the neighborhood would also likely usher in more policing and surveillance: protecting the fancy new tower from anyone too dark-skinned, too poor, or otherwise suspicious.

E12th was just another casualty of class war, sucked up by the City's trickle-down approach to a massive housing crisis. **Defeat seemed imminent.**

Then the unthinkable happened.

1. Pressuring Politicians — From meetings to petitions and phone blasts, EastLake neighbors kept the pressure on elected officials.

2. Rowdy Interruptions — Black, POC, Queer&Trans POC, and white ally groups, versed in direct action for racial justice, contributed blockade techniques at key moments.

3. The Condo Deal Was Illegal — According to California's Surplus Lands Act, when selling off public land the city is supposed to offer it first for affordable housing.

4. Media Exposure — Journalists played an enormous role in exposing the nefarious nature of the deal: from an astroturf deceit misleading Asian seniors, to the City Council's choice to ignore legal counsel from their own City Attorney.

5. Community Engagement — Knocking on doors, flyer-ing at the grocery store, collaborating with Vietnamese progressive student organizers to reach out to Vietnamese community in the E12th neighborhood: unlike City Council members, we truly cared what the community had to say.


Turning Point

As the scandal continued to explode in East Bay and San Francisco press, the City was finally forced to reopen a bidding process for the E12th parcel.

The E12th Coalition had achieved a miracle: blocking a done deal of gentrification that would have tarnished the Oakland landscape forever.


But did we have the stamina and know-how to offer an alternative vision?

Chapter 2: Community Design

 e12th design tent

The E12th Wish List forum brought together over 200 Oakland community members to work with real architects and designers (majority people-of-color) to develop a People's vision for E12th.

Learn about the process — and outcome.

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Read the People's Proposal for E12th

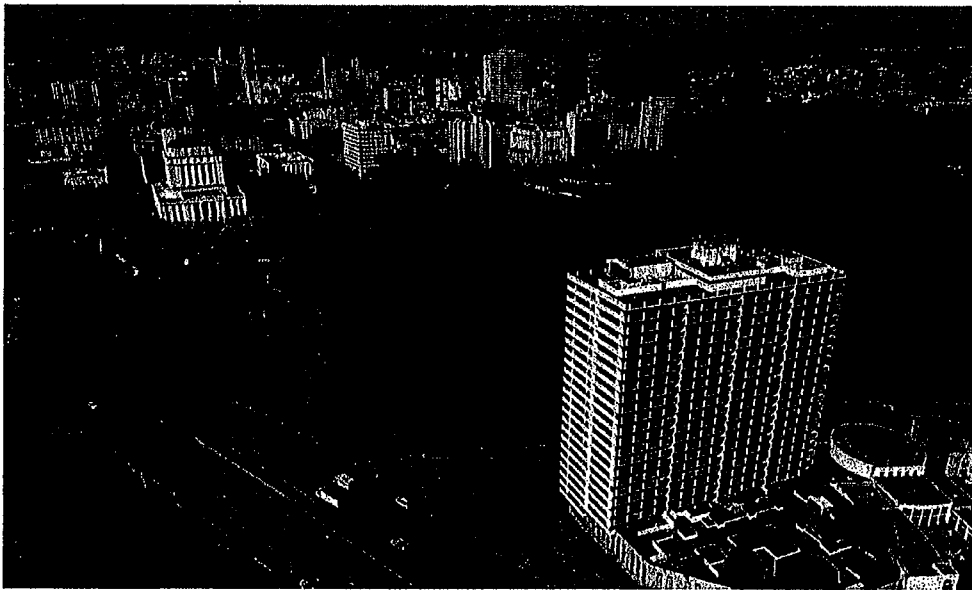
Chapter 3: Join the Fight

Like us on Facebook to get the latest on the E12th fight!

Business

Oakland housing development re-approved despite criticism

Activists want the land to be offered only to affordable housing developers



Lake Merritt and downtown Oakland are seen from this drone view on East 12th between First and Second Avenues in Oakland, Calif., on Wednesday, Feb. 21, 2018. (Jane Tyska/Bay Area News Group)

By **ALI TADAYON** | atadayon@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: September 25, 2019 at 6:03 am | UPDATED: September 26, 2019 at 4:00 am

OAKLAND — Developers will have more time to shore up funds for a 360-unit, two-tower development on city-owned land southeast of Lake Merritt that has been opposed for years by activists who say the site should only be used for affordable housing.

The city's Planning Commission unanimously reapproved the project Sept. 18. The commission had approved the project on a vacant one-acre lot on East 12th Street and Second Avenue by Dewey Academy in 2016, with a two-year deadline to break ground, but the developer, UrbanCore Development, still had not secured all the funding needed for the project. After the approval expired, developers had to reapply.

The delay is a result of the project costing substantially more than the developers expected. Rising construction costs and the city's requirement that the project use only union labor has driven up the project's cost by around 20 to 30 percent, to about \$300 million, said Michael Johnson, president of UrbanCore Development.

UrbanCore is developing one of the two towers, which will include 252 market-rate apartments and 18 subsidized for moderate-income households. The other will contain 90 apartments affordable to low-income tenants and will be developed by East Bay Asian Local Development Corporation, or EBALDC.

During the meeting, Johnson said although UrbanCore and EBALDC have separate "capital stacks," the two are dependent on each other; both are not fully funded. Some of the tax credits and bonds pertain to both towers.

The cost increase has caused the developers to refine and re-engineer the plans in order to save money. It also means they have to look for additional funds to pay for the housing.

Developers hope to break ground by June or July of next year and have people move in by late 2022.

The project has been a point of controversy for years. The parcel was created in 2013 when East 12th Street was realigned. Soon after, UrbanCore purchased the parcel for \$5.1 million to build a single tower with market-rate apartments, but the sale was scrapped in 2015 after its legality was questioned. The state's Surplus Land Act requires low- and moderate-income housing developments to be given priority for public land sales.

After UrbanCore partnered with EBALDC to develop a mixed-income project, the city gave them the go-ahead for the site. The city also fronted \$2.35 million

Activists have maintained that Oakland should have offered the land to developers for entirely affordable housing, since the city is behind in its low-income housing goal, and affordable housing developers often are unable to compete with market-rate developers to purchase private land.

Activists urged the Planning Commission not to approve the project, saying that if the developers weren't able to get the money by now, they doubt it would ever happen.

"It's really our desire to see affordable housing on the site, and we're worried that UrbanCore can't pull that off," said Dunya Alwan, an organizer with Eastlake United for Justice, a neighborhood group opposing the project.

Johnson, via email, said developers have most of the money needed to fund the project, and are working on securing the rest of the funding over the next three months. It's being paid for with a combination of financing through the federal Department of Housing, tax-exempt bonds, low-income tax credits, state funding and private equity.

He told planning commissioners that having 30 percent of the units be subsidized in a development like this is "unprecedented." Activists at the meeting responded that while that might be commendable for other projects, the bar should be higher for a project on city-owned land.

Planning Commissioner Jahmese Myres, said it was because of the activists' pressure that there is any affordable housing in the project at all.

"This project when it came to us many years ago was zero percent affordable housing," Myers said. "It was because community groups organized and pushed and demanded that there be affordable housing on public land that we even have the number of units that we have here."

The design has been updated to include a shared lobby and for the two towers, which would include commercial space and an art gallery. The previous plan called for a "cultural space" which included a performance center which the public could access with more than 100 seats.

All of the amenities that end up going into the shared lobby will be accessible by all the tenants.

Planning commissioners, at the meeting, justified the re-approval since the project had not significantly changed since they first signed off on it, and saw the expiration as an oversight. Planning Commissioner Jonathan Fearn said it

“Typically what we do with extensions is say ‘Have you made good faith efforts to move the project along?’ and I think (the developers) have proven that they have,” Fearn said at the meeting.

The decision can be appealed to the City Council by Oct. 2.

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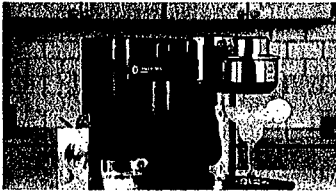
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Tags: Housing, Regional



Ali Tadayon Ali Tadayon is an award-winning

San Francisco Chronicle

LOCAL // BAY AREA & STATE

Contention over Oakland condo tower: urban boon or land grab?

Rachel Swan_May 4, 2015



Johnson has worked on publicly funded projects in Oakland and the surrounding areas for decades, building hundreds of affordable housing units and forging political connections in the process, including with council members Larry Reid and Lynette Gibson McElhaney.

In 2003, Johnson partnered with Richmond Neighborhood Housing Services, which at that time was run by McElhaney, to rehabilitate the public housing complex in Richmond's Easter Hill neighborhood. McElhaney is now the councilwoman representing West Oakland and remains the pro bono director of Neighborhood Housing Services, though she has not been on the payroll since her election in 2014.

In 2011, Johnson joined forces with Reid and the Oakland Economic Development Corporation to build the Coliseum Transit Village, a mixed-use development adjacent to the Coliseum BART Station that has yet to break ground.

Yet, while Johnson has established himself as a do-gooder who brings much-needed infrastructure to blighted areas, his publicly funded projects have had troubling instances of far exceeding their planned costs and costing taxpayers millions.

In 1999 his company, Em Johnson Interest Inc., partnered with another local firm, Baines & Robertson Inc., to build the 78-home Palm Villas redevelopment project in Reid's East Oakland district. Oakland's Redevelopment Agency granted land and demolition worth \$2.8 million, then loaned the developers \$3.3 million. Construction began in 2000, and the developers assured the agency that the loan plus private funding they'd raised would be sufficient. But on three occasions over the next several years, Johnson and his partner returned to the agency to plead for more financial help, threatening to stop the construction. The city's redevelopment agency not only forgave the \$3.3 million loan but granted another \$3 million in public funds to keep the project afloat.

In the end, the 78 affordable homes ended up costing a total of \$23.8 million to build, according to a 2005 city report — more than \$300,000 for each of the small properties in East Oakland.

A city audit from that time shows that the developers charged the city for more than \$110,000 for luxury cars and a vacation time-share, along with \$15,000 for political donations. City officials rejected those expenses, and Johnson recently denied any knowledge of them; Baines & Robertson principal Michael Baines declined to comment.

Reid deemed Palm Villas a vital addition to his district.

"It turned out to be a great project," Reid said recently. "It provided home ownership to people who hadn't had those opportunities."

But Palm Villas isn't the only example of Johnson's projects exceeding their anticipated costs. His revitalization of San Francisco's Fillmore Heritage Center — which included 80 condos, a nonprofit jazz museum and the San Francisco iteration of Yoshi's jazz club — also began with good intentions, but ended with Johnson defaulting on his loan payments to the city. He currently owes \$1.6 million, he said. Yoshi's was burdened with millions of dollars in construction debt before it opened, and its owners wound up filing for bankruptcy in 2012. A replacement club, the Addition, shuttered in January.

"The business model didn't really work," Johnson said, adding, however, that Yoshi's produced some fantastic concerts and helped turn around the Fillmore retail corridor, even though it never landed in the black.

He's confident that the Lake Merritt tower — now christened Lake House — will reap much better results. The sale will put millions into Oakland's general fund, he pointed out at a Planning Commission meeting in April, adding that the high rise would also produce local jobs, generate property tax revenue and put UrbanCore on the hook for land improvements around Lake Merritt.

Members of the Planning Commission found that argument persuasive, and voted 3-1 to approve the tower. Oakland Redevelopment Program Manager Patrick Lane said in an interview later that city officials have no reason to fret over Johnson's spotty track record because no public funds are on the line this time. Lane also noted that UrbanCore's capital partner, United Dominion Realty Trust, is "a large national company with lots of assets," which means it can absorb any cost overruns.

On April 14, Councilman Abel Guillen, who represents the Lake Merritt district, asked his colleagues on the council's Community and Economic Development Committee to consider reappraising the parcel, out of concern that the \$5.1 million price was too low. McElhaney and Reid rejected that idea, saying it was unfair to the developer, that it would take too long for Oakland to hire a new appraiser, and that such overly onerous processes would discourage other developers from investing in Oakland.

The committee voted unanimously to move the deal forward, and the council seems poised to follow suit, given that it comprises the same elected officials.

Oakland struggles

Oakland's once-sterile downtown strip is now home to a number of swanky restaurants and even a few tech companies.

But in many senses, the city still struggles.

"I've heard how difficult it is to get investment in this community — it hurts my feelings," McElhaney said when Johnson's East 12th Street parcel went before the Economic Development Committee.

Oakland has seen few market-rate developments break ground since the downturn, largely because investors didn't want to take a chance on the hard-luck city, said Rachel Flynn, director of Oakland's Planning and Building Department. As a result, new arrivals compete with longtime residents for the existing housing stock.

"When demand exceeds supply, then owners can increase prices," Flynn said. Residents with less disposable income get outbid, and wind up moving to cheaper outlying areas.

That dynamic has created anxiety in the Eastlake, a traditionally working-class neighborhood that has become increasingly desirable to newcomers.

"We've seen the different housing pressures on our community," said Mari Rose Taruc, an Eastlake resident and co-founder of East Lake United for Justice, which is fighting Johnson's plans for the tower. "We've seen rents increase. ... We've seen neighbors get pushed out."

Signs of change

Taruc urged the city to back out of its deal with UrbanCore and save the East 12th Street parcel for affordable housing. But Flynn and others point out that affordable housing already accounts for the majority of new development in Oakland.

Eastlake residents worry that a new highrise will come with the loss of something sacred. Taruc, who has lived in the neighborhood for 17 years, said she already sees signs of change all around her: Fewer kids are hanging out on the street; fewer Chinese elders are on their stoops playing mah-jongg; what was once an immigrant district is becoming an enclave for white professionals, she said.

A new condo tower will further disrupt the neighborhood character, Taruc insisted. But Johnson demurred.

"The flip side is that if you have no project, you have no money to contribute to an affordable housing (fund) or to make improvements around the lake," he said.

Rachel Swan is a San Francisco Chronicle staff writer. E-mail: rswan@sfgchronicle.com

Twitter: @rachel



June 15, 2016

Oakland City Council
Community Economic Development Committee
1 Frank Ogawa Plaza
Oakland, CA 94612

Re: Proposed Public Lands Policy

Dear Councilmembers Reid, Campbell Washington, Gibson McElhaney, and Kaplan:

Public Advocates, the Public Interest Law Project, and Siegel & Yee write on behalf of the following Oakland-based organizations:

ACCE Action, Asian Pacific Environmental Network (APEN), Block by Block Organizing Network, Causa Justa :: Just Cause, Communities for a Better Environment (CBE), Community Rejuvenation Project, East 12th Coalition, East Bay Alliance for a Sustainable Economy (EBASE), Eastlake United for Justice, Greenlining Institute, League of Conservation Voters of the East Bay, Movement Generation Justice & Ecology Project, Movement Strategy Center, Oakland Rising, Oakland Tenants Union (OTU), Oakland WORKS, People of Color Sustainable Housing Network, Post Salon Community Assembly, #SupportMalonga Coalition, Sustainable Economies Law Center (SELC), Urban Habitat, Urban Peace Movement, VietUnity, and Wellstone Democratic Renewal Club.

Many of these organizations are currently leading a Week of Action to demand stronger renter protections and more resources for affordable housing.

We urge you to reject the current public lands policy proposals and to instead work with the community to develop an effective policy that genuinely prioritizes public land for public good. The City should go well beyond the baseline requirements of the state Surplus Land Act to maximize deeply affordable housing on city-owned land.

One of the most important assets the City has to ensure that existing low-income residents can afford to stay in Oakland is its own land. In the debate about the East 12th Street parcel, the community was clear that, in addition to a legal obligation, the City has a moral obligation to prioritize public land for affordable housing for the lowest-income residents.

Therefore, any public lands policy must, *at a minimum*, fully comply with the Surplus Land Act.¹ However, the recommended changes to the Oakland Municipal Code in the May 25th staff report to the Community Economic Development (CED) Committee, as well as existing Municipal

¹ Cal. Gov. Code sections 54220 *et seq.*

Code provisions, conflict with the Surplus Land Act in a number of significant ways, including those described below.

1. The Surplus Land Act does not distinguish between “property for development” and “surplus property”

The Municipal Code continues to distinguish between the “sale of city-owned real property, generally” (Article II) and the “sale or lease of city-owned real property for development” (Article IV).

However, no such distinction exists in the Surplus Land Act. Rather, the Act covers all dispositions of public land that is “no longer necessary for the agency’s use.”² If the City is disposing of City-owned land for development, then the land clearly is no longer necessary to the City’s use and is therefore surplus land.

2. The Surplus Land Act does not give the City discretion to determine a site’s suitability for affordable housing or other uses

The proposed revisions to the Municipal Code would allow the City Administrator to “evaluate and make a recommendation to the City Council concerning the suitability of the property for development for affordable housing relative to its suitability for other uses, including commercial uses, market rate residential use, mixed-income residential use, or mixed-use.”³ Then, if “the City Council determines that the property is most suitable for development for uses other than affordable housing, the NODO shall be sent to developers seeking written proposals for projects with those uses.”⁴

Yet the Surplus Land Act is clear: “Any local agency disposing of surplus land shall send, prior to disposing of that property, a written offer to sell or lease the property ... for the purpose of developing low- and moderate-income housing” to, among others, “housing sponsors,” including affordable housing developers.⁵ Developers may independently determine that a particular site is not suitable for affordable housing development, but it is not a determination that the City may make.

Moreover, the City is not permitted to “prohibit or discriminate against any residential development” because it is affordable, rather than market-rate.⁶

3. The Surplus Land Act requires a competitive process

The proposed changes would require a NODO only “for the development of 20 residential units or more....”⁷ In addition, the Municipal Code currently allows the City Administrator to “elect

² *Id.* at § 54221(b).

³ Redline version of Municipal Code § 2.42.170.B.

⁴ *Id.* at § 2.42.170.B.3.

⁵ Cal. Gov. Code § 54222(a).

⁶ *Id.* at § 65008(b).

⁷ Redline version of Municipal Code § 2.42.170.B.

to waive the competitive NODO process and negotiate a disposition transaction with a selected developer....”⁸

However, the Act contemplates a competitive process that may not be waived. Specifically, for any sale or lease of surplus land, the Act requires that the City notify housing sponsors and “give first priority to the entity that agrees to” set aside at least 25 percent of the units as affordable to lower-income households.⁹ If the City receives more than one such proposal, as it did with East 12th Street, it must “give priority to the entity that proposes to provide the greatest number of units ... at the deepest level of affordability.”¹⁰

Moreover, the Surplus Land Act does not specify a minimum number of residential units before a development is subject to this process.

4. The Surplus Land Act has a minimum inclusionary requirement for *lower-income households*

Staff proposes to amend the Municipal Code to require that any project that includes residential units must set aside at least 15 percent of the units for households that *average* 80 percent of Area Median Income (AMI).¹¹ This would allow moderate-income units to count towards the set-aside.

However, the Surplus Land Act is clear that at least 15 percent of the units must be affordable *only* to lower-income households,¹² or those earning below 80 percent of AMI – and only if the City “does not agree to price and terms” with a priority entity that would provide a greater percentage of affordable housing.¹³

Given the scope of the housing crisis that is forcing low-income people of color out of Oakland, 15 percent is not nearly enough to meet the needs of low-income Oakland residents. The City should require much more and do everything it can to achieve 100 percent deeply affordable housing on public land.

5. The Surplus Land Act does not allow payments in-lieu or waivers of the inclusionary requirement

Staff’s proposal would allow projects with 200 or fewer units to make in-lieu payments rather than meet the 15 percent requirement.¹⁴ Moreover, staff propose to allow “a full or partial waiver” of the 15 percent requirement based on “a finding or determination that the requirements would render the project infeasible, or that the project will provide an equivalent or greater value of other community benefits in lieu of affordable housing.”¹⁵

⁸ *Id.*

⁹ *Id.* at §§ 54227 and 54222.5.

¹⁰ *Id.* at § 54227.

¹¹ Redline version of Municipal Code § 2.42.190.B.

¹² Cal. Gov. Code § 54233.

¹³ *Id.*

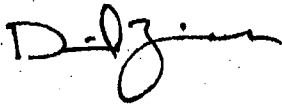
¹⁴ Redline version of Municipal Code § 2.42.190.B.

¹⁵ *Id.* at § 2.42.190.B.

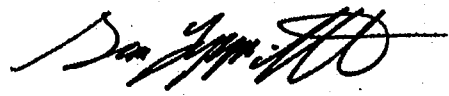
However, the Surplus Land Act requires that any development of at least 10 residential units provide the inclusionary units on site.¹⁶ Waivers and in-lieu fees are not permitted for any projects, regardless of size.

Public land is a crucial tool for combatting displacement and ensuring that Oakland remains diverse and inclusive. The Surplus Land Act describes a baseline set of requirements for cities that dispose of their land. To address the crisis facing low-income residents, particularly residents of color, the City of Oakland should *exceed* the state requirements. Instead, the staff proposals fall very short.

Sincerely yours,



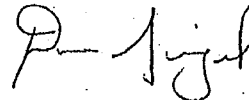
David Zisser
Public Advocates



Sam Tepperman-Gelfant
Public Advocates



Michael Rawson
The Public Interest Law Project



Dan Siegel
Siegel & Yee

To: Councilmember Larry Reid, Chair (lreid@oaklandnet.com)
Councilmember Annie Campbell Washington (acampbellwashington@oaklandnet.com)
Councilmember Lynette Gibson McElhaney (lmcelhaney@oaklandnet.com)
Councilmember Rebecca Kaplan (rkaplan@oaklandnet.com)

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¹⁶ Cal. Gov. Code § 54233.

Endorse The E12th People's Proposal

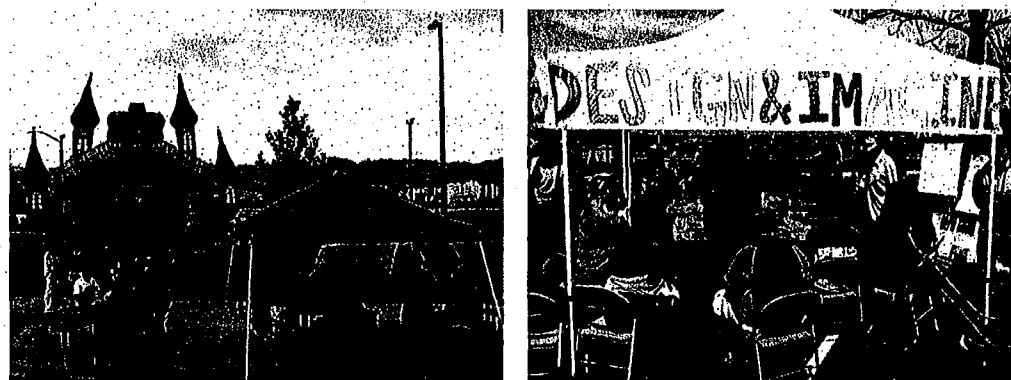
A People's Proposal

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Introduction

The Eastlake neighborhood is a vibrant community that represents Oakland's economic and racial diversity. It is home to long-time cultural institutions and local small businesses like Intertribal Friendship House, Suigetsukan Dojo, Champa Garden, Rockin' Crawfish, and La Estrellita Restaurant and Bar. Additionally, it is one of the last affordable neighborhoods surrounding Lake Merritt.



<http://proposal.e12thoakland.org/wp-content/uploads/2015/03/visioning.png>

Median incomes in the area are \$38,363 for a family of four. More than 75 percent of Eastlake residents are renters, and more than 75 percent are low or very-low income. Oakland is experiencing an alarming rise in rent and home sale prices and as a result, long-time low-income residents and the people who have lived in Oakland are now ranked the nation's fifth most expensive rental market. According to the Housing Equity Roadmap, published in 2015:

Endorse The Earth People's Proposal

- From 2000 to 2010, Oakland's African American population decreased by 24 percent;
- The number of children declined by 16.7 percent between 2000 and 2010, and Oakland Unified School District has lost more than 10,000 students in the last decade.
- The median income for African American, Latino, and Asian households in Oakland has declined since 2000. Citywide, White households had nearly double the median household income of any other racial or ethnic group, and Oakland was recently ranked as having the seventh-highest income inequality among cities in the nation
- The majority of current Oakland residents could not afford to rent or purchase homes at the current prices in their neighborhoods. As the RoadMap says: "The housing affordability gap has impacted Oakland's diversity, which is an explicit value in the city's mission statement. When we lose our long-time residents who have been the heart and memory of our neighborhoods and city, part of the soul of Oakland is lost."

The E 12th Wishlist Design Team / SAHA proposal has been crafted to blend seamlessly with and augment the Eastlake neighborhood's incredible diversity, while showing what visionary, community-led leadership can look like in the face of a housing crisis. It is an invitation, rather than a rebuttal, to the community.

The E 12th Wishlist Design Team / SAHA proposal maximizes the public use of public land, and helps the City of Oakland meet the recommendations outlined by the Housing Equity Roadmap for prioritizing public lands for affordable housing.

The enclosed proposal is an effort to uplift the character and longtime residents of the Eastlake neighborhood, while promoting development that meets expressed community needs without exacerbating displacement. It was created through an authentic community engagement process and complies with state Surplus Lands Act.

The E 12th Wishlist Design Team / SAHA proposal can be a win-win partnership between the City and residents, establish the City's leadership in creating innovative new affordable housing developments, and set the tone for future developments on public land throughout the City of Oakland.



(http://proposal.e12thoakland.org/wp-content/uploads/2015/03/11888126_413594772179425_3531688977732686802_n.jpg)



Background

Endorse The E12th People's Proposal

Oakland's Surplus Lands Act and Measure DD

The E12th St parcel qualifies as "surplus land" under the state's Surplus Lands Act. Written in the 1970's and updated in 2014, the state law declares that due to housing site shortages for individuals and families with low and moderate incomes, surplus land owned by public agencies should be made available for affordable housing.

The Surplus Lands Act includes the following provisions, among others, that the E12th St parcel is subject to:

- the local agency must offer the land to affordable housing developers first;
- the local agency must give first priority too and enter into good faith negotiations with developers that make 25 percent of total units available to lower income households;
- any development must have a minimum of 15 percent of any development be accessible to lower income households.

In addition to being publicly-owned surplus land, the E12th parcel was originally created through public investments. In 2002, Oakland voters passed Measure DD. The park bond measure produced \$198 million in tax payer revenue. These monies funded a massive renovation of areas around Lake Merritt, including the consolidation of the E12th St roadways from twelve lanes into six lanes. The consolidation created the E12th Street parcel.

The E 12th Wishlist Design Team / SAHA proposal is unique because it maximizes the uses of Oakland's precious public lands. There is growing recognition that public lands represent unique opportunities to ensure affordable housing is built, especially at a time when prices are skyrocketing. In San Francisco, voters just passed Proposition K, which prioritizes using public land for affordable housing.

The E 12th Wishlist Design Team / SAHA proposal also help the City of Oakland meet the recommendations outlined by the Housing Equity Roadmap for prioritizing public lands for affordable housing. The RoadMap recommends that Oakland "provide...consideration to affordable housing developers of all vacant and under-utilized city land that is being sold."



(<http://proposal.e12thoakland.org/wp-content/uploads/2015/03/background.png>)

Community-Driven Planning and Design

At the heart of the E 12th Wishlist Design Team / SAHA proposal is a deep community engagement process that informed the design. Prior to its development, residents in the area outreached to hundreds of community members to gather feedback, utilizing multiple languages. In addition, on Sunday, August 23, 2015, the E12th Wishlist People's Planning Forum brought an estimated 200 residents from across Oakland to design and build a community vision for development on the 12th Street Remainder Property. Attendees were given the opportunity to imagine what they would like to see on the site. Forum organizers gathered input on key questions regarding housing needs, affordability, and security as well as area residents' desires for community, commercial and green/ open spaces. The data collected was analyzed and distilled into a list of community design principles and specific design features that are incorporated in this proposal.

The depth of community engagement and support for the proposal is reflected by the number of endorsements; 25 community groups and hundreds of residents across Oakland have officially endorsed the E 12th Wishlist Design Team / SAHA proposal.

A People's proposal is truly a community-led vision for development on the E 12th parcel. The E12th Wishlist proposal is the culmination of months of organizing, direct action, advocacy, legal analysis, and civic participation from thousands of residents across Oakland, who came together to raise deep concerns about the previous proposal for the E12th parcel. Since January 2015, residents repeatedly expressed their desire for the City of Oakland to halt the proposed luxury highrise development, open up an authentic community engagement process, and prioritize affordable housing on the site. The E12th Coalition that emerged from this

months-long campaign—and envisioned and implemented this design—includes concerned residents, neighbors, community-based organizations, labor, affordable housing advocates, and public health representatives to make this beautiful community vision a reality.

Endorse The E12th People's Proposal



Endorsing Organizations and Faith-based Leaders

18 Million Rising

ACCE

APEN

Beans & Rice Collective

California Nurses Association

Causa Justa :: Just Cause

Communities United for Restorative Youth Justice

Critical Resistance

East Bay Asian Youth Center

East Bay Solidarity Network

Filipino Advocates for Justice

Greenlining

Movement Generation

Oakland Community Land Trust

Oakland Education Association

Oakland SOL

People of Color Sustainable Housing Network

Planting Justice

PODER

Public Advocates

Urban Habitat

Urban Strategies Council

WishList Design Principles and Goals

The E 12th Wish List Design Team distilled the diverse data developed at the forum into the following Design Principles & Goals, which is the guide for our proposal and design

EMPOWER residents to participate in shaping our community.

RESPOND to the needs and desires of the community where the site is located.

Endorse The E12th People's Proposal

CREATE a visionary project that provides an innovative approach for developing affordable housing that can be used as a model for community based planning processes for the future generations.

KNIT together the proposed design with the local neighborhood fabric and its existing cultural institutions, education facilities, and natural environs.

ENSURE that the proposed design prioritizes the needs and desires of the neighborhood's longstanding community of multi-lingual, multi-ethnic, and majority low-income residents as well as the neighborhood's small businesses.

BUILD at a density and scale that is appropriate to the existing fabric of the neighborhood.

FACILITATE flexibility in community and commercial spaces to be responsive to community needs over time.

GENERATE economic opportunities for low income and historically marginalized communities.

ENLIVEN the streetscape by making it inviting to pedestrians with opportunities for 'pop-up' and semi-fixed activities and uses in adaptable spaces.

CONNECT the community to the edges of the estuary and lakefront in restful and interactive ways.

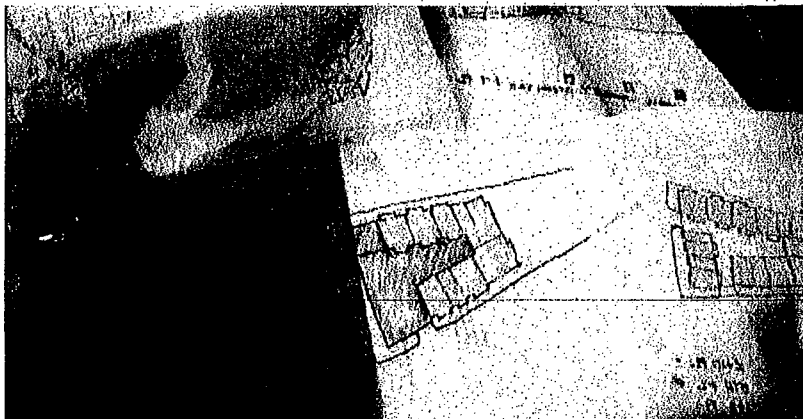
RECOGNIZE that the number of deeply affordable housing units needed locally and nationally will not be met with small scale projects, containing only a few units in each. For this reason, the maximum number of housing units at the very deepest levels of affordability is needed.

DEMONSTRATE that affordable homes are beautiful, inviting, and accessible to residents and set a precedent within affordable housing movement.

APPRECIATE the East 12th St. Parcel as the sole site with a potential to develop deeply affordable homes that can front directly on the lake.

SECURE the East 12th Street Parcel as public land ensured for public good.

ASSERT that governments support community-centered best practices for affordable housing development.



(<http://proposal.e12thoakland.org/wp->

content/uploads/2015/10/wishlistprinciples.png)

Design: Perspective Rendering

DESIGN CONCEPT: Creating community and neighborhood connections

The proposal is conceived as an invitation to the community. We have designed a state of the art, contemporary, mid-rise, maximum density housing unit, which blends into the neighborhood and reflects the values of the broader E 12th community: accessible, inviting, and open.

The design facilitates residents of the E 12th building and residents of the broader E 12th community uniting on the Eastside of Lake Merritt. Through its semi-public courtyard, glass bridge, and public park lands, it builds a unique and beautiful relationship between the newly restored estuary, parcel parks, and residential areas. It creates a continuum of engagement, enhancing the link between Lake Merritt and the residential areas.

Maximizing Affordability and Creating a Mixed Income Project

The design maximizes affordable housing and occupancy density. It has 133 units, with 289 bedrooms capable of housing up to 710 people. We have developed an innovative design that has deep levels of affordability, while also including a range of income levels. The design includes:

- 80 units available for residents at 30% AMI
- 26 units available for residents at 50% AMI
- 8 units available for residents at 60% AMI
- 8 units available for residents at 80% AMI
- 10 units available for residents at 100% AMI

Community Benefits

The most significant benefit of our proposal is the creation of housing for low and moderate income people. 87 percent of units are available to low-income residents, and 13 percent are available to moderate income residents.

Another community benefit is the creation of family housing. Over 75 percent of the units could house families in 2 and 3 bedroom units.

Another community benefit is the inclusion of significant publicly accessible open space. The design includes a community garden, a playground and active open space, all of which are very important for individual and community health and well-being.

COMMUNITY ENTERPRISE AND JOB CREATION

By including community and commercial space on the first floor, the design promotes economic opportunity for Oakland residents.

SAHA: A TRACK RECORD OF SUCCESS

The E 12th Wishlist Design Team proposal has an experienced developer who can bring the project to fruition. SAHA has over 40 years of experiencing, having developed developed 60 projects, including the new Lakeside Senior Apartments just blocks away from the E 12th site. The newly designed building is home to 91 very low income and homeless seniors.

Selected Design Features

GREEN SPACES & LANDSCAPING

The surrounding areas are envisioned as relaxing, beautiful and revitalizing open spaces. The landscape design includes:

- A Street buffer – A row of street trees along Lake Merritt Boulevard buffers the street as well as a mounded landform to buffer the site from the busy street intersection. Planting is trees and California natives, grasses.
- Productive landscape – community garden space for gardening and food production. The structured community gardens are flanked by orchard trees.
- Plaza – the hardscape plaza areas are inviting outdoor gathering spaces for communities and families. Plazas connect and correspond to indoor building functions and provide spaces for changing uses and needs, such as community events, small market vendors, and resident gatherings. Planting areas with seating walls and benches in the plaza create more intimate gathering spaces.

GROUND FLOOR

A central feature of the first floor of the building is a sheltered courtyard, which opens onto the parcel's park. The park flows directly into the renovated Lake Merritt open spaces. This unique feature provides resident opportunities for outdoor engagement. Simultaneously, it creates a critical connection between the inhabitants and the surrounding community. Pedestrians and the public can flow seamlessly between the Lake, the parks on the parcel, and the neighborhood. Instead of being a wall lining the shores of the Lake, the building is a permeable installation that facilitates community engagement on a range of levels. The ground floor also includes:

- Space for community business opportunities
- Community-oriented spaces
- Resident amenities, such as shared community spaces, Sunday community building.
- Housing.

Endorse The Earth People's Proposal

Adhering to the design principles developed during the outreach phase, the commercial and community spaces will have opportunities for community decision-making in how they are used.

UPPER FLOORS

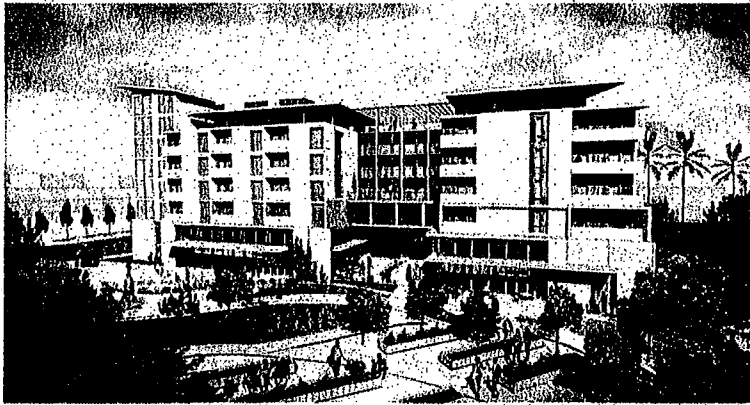
The upper floors are largely devoted to housing. The proposal achieves a maximum occupancy density and total bedroom count. The design emphasizes family housing, reflected in multi-bedroom units. Each apartment also has an outdoor space, continuing the effort to engage residents in their surroundings.

A bridge, partly glass enclosed, connects the two wings of the building. It provides an overlook to the Lake and courtyard. The bridge is a gateway between the public lands and courtyard. It is yet another feature that invites connections across places, and creating a visual marker for the flow of space and people connecting the neighborhood, the courtyard, the park, and the Lake. The glass becomes progressively more open to the elements as it moves up the floors. Finishing off the walkway is a rooftop garden that allows residents to maximize the building space, the outdoor feature, and enjoy the beautiful surroundings.

PARKING

Parking for cars, car share vehicles, bicycles, and is underground along with a charging station for electric vehicles.

Click images for larger view.



(<http://proposal.e12thoakland.org/wp->

content/uploads/2015/10/E12-Rendering-Sky-copy.jpeg)

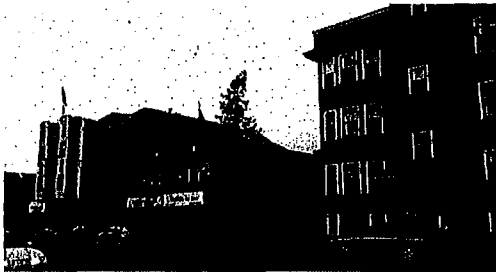
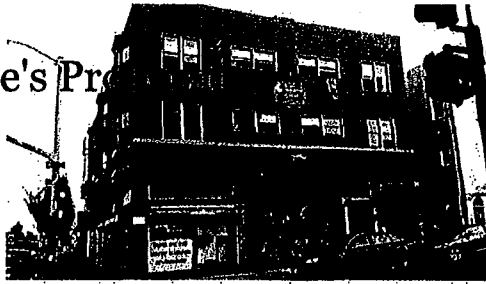
Site Context

Neighborhood Context

Oakland's Eastlake neighborhood embodies all that is beautiful in our city. The area is extremely racially and ethnically diverse. Victorians stand side by side with large apartment complexes, creating a range of housing stock. When a person walks up International Boulevard or E 12th St, they see Asian community members shopping at bustling local supermarkets. The line at Mi Rancho taco truck snakes into the street, while neighbors gather for Warriors games at La Estrellita. Low-income seniors in the newly constructed, 100 percent affordable Lakeside Senior Apartments walk to the lake. Locally owned businesses like Akat Café, Woody's Café, and Sulgetskan Dojo provide places for people to come together.

Residents fill the many community spaces, whether it is in the churches like Regeneration, in meetings and cultural events at the Native American community center Intertribal Friendship House, or participating in ceremonies at the Buddhist shrines installed on median strips throughout the area. As a result of taxpayers Measure DD investments and the City of Oakland's hard work, the new Lake Merritt amphitheater and pedestrian bridge create even more, beautiful opportunities for neighbors to enjoy the lake and public parks.

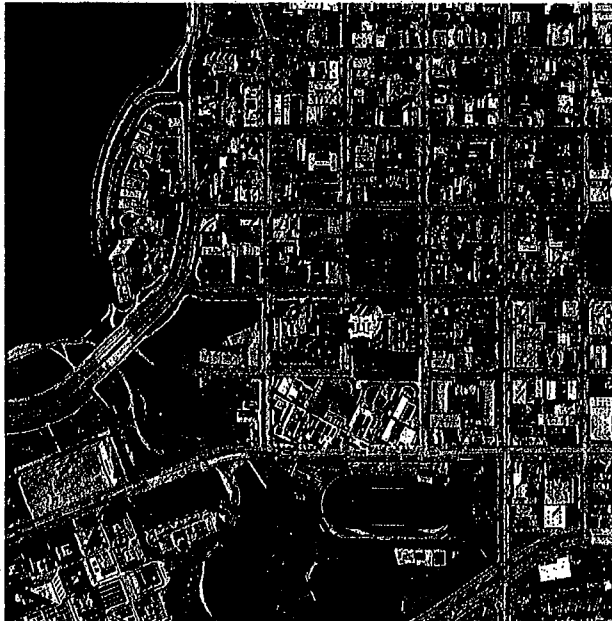
Endorse The E12th People's Project



(<http://proposal.e12thoakland.org/wp-content/uploads/2015/03/neighborhoodcontext.png>)

Project Site

(<http://proposal.e12thoakland.org/wp-content/uploads/2015/10/E12WL-Context-Map-ver3-rotated.jpg>) The E12th Street Parcel sits at the edge of Lake Merritt and the estuary. The site is actually composed of two parts, one buildable parcel and the other part of the Lake Merritt open space. The buildable parcel starts at the intersection of E12th Street and 1st Avenue and extends to 2nd Avenue. On its the western edge is the open space of roughly equal size that leads to the estuary. The southern edge of the parcel abuts Dewey High School. Across the estuary is the Kaiser Auditorium and Laney Collage. The E12th Street parcel marks the most visible entry point to the Eastlake District from the western part of the city. This is a diverse, vibrant district marked by a variety of uses and buildings sitting side by side. There are single family houses, small and large apartment buildings, and commercial structures for retail, light industry and community services



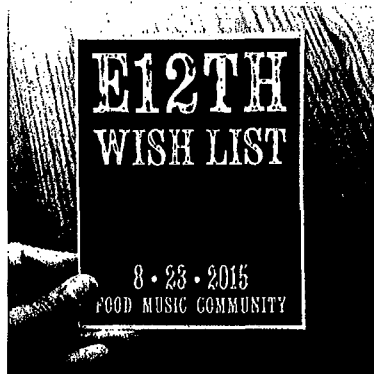
Endorse The E12th People's Proposal E12TH & SAHA Partnership

In October, 2015, Satellite Affordable Housing Associates (SAHA) and the E 12th Wishlist Design Team announced a new partnership to advance a community-led, 100 percent affordable housing development on the E 12th parcel. The proposed project is the result of an extensive community engagement process led by the E 12th Wishlist Design Team and other community groups in the area.

"The design process led by the E12th Wishlist Team is inspiring and brings us back to what drew us to community development and affordable housing in the first place. The proposal is truly a reflection of community desires for the E 12th parcel, and we are thrilled to be able to bring our 40 plus years of experience creating over 60 affordable housing developments to help make this vision a reality," said Eve Stewart of SAHA.

Wishlist Methodology

Central to the methodology of our proposal development was a process to capture the needs and desires of the Eastlake community, including its long-term low income, residents of color. The strategy for gathering community input and data for the 12th Street Remainder Property to develop a community-driven proposal culminated in a community visioning event entitled "E12th Wishlist: A People's Planning Forum."



(<http://proposal.e12thoakland.org/wp-content/uploads/2015/10/e12thwishlistfiler.jpg>) Leading up to this event, our data collection and outreach included collaborating with relevant community-based organizations and groups to engage residents and gather qualitative data. These strategies sought to authentically engage community members in an inclusionary and equitable way so that they could self-determine the vision and future development of their neighborhood.

We were very intentional about community outreach. We targeted key locations that would allow us to reach specific resident demographics of the Eastlake neighborhood. We conducted door knocking throughout the neighborhood, engaged customers at small businesses, and canvassed central community locations such as Lucky Supermarket and Walgreens on E18th Street, as well as Lake Merritt and Downtown Oakland Bart stations. During outreach, we advertised the community visioning event and asked residents their

ideas for housing, businesses and services, and community space.

We partnered with organizations whose work focuses on anti-gentrification in Oakland and who have connections with the communities that comprise the Eastlake area. East Bay Solidarity Network and other campaign volunteers met up every Saturday from July 25, 2015 through Saturday, August 22, 2015 from 12 PM to 3 PM. We also partnered with the many organizations that have endorsed the E12th campaign demands for affordable housing to publicize the event in broader community networks.



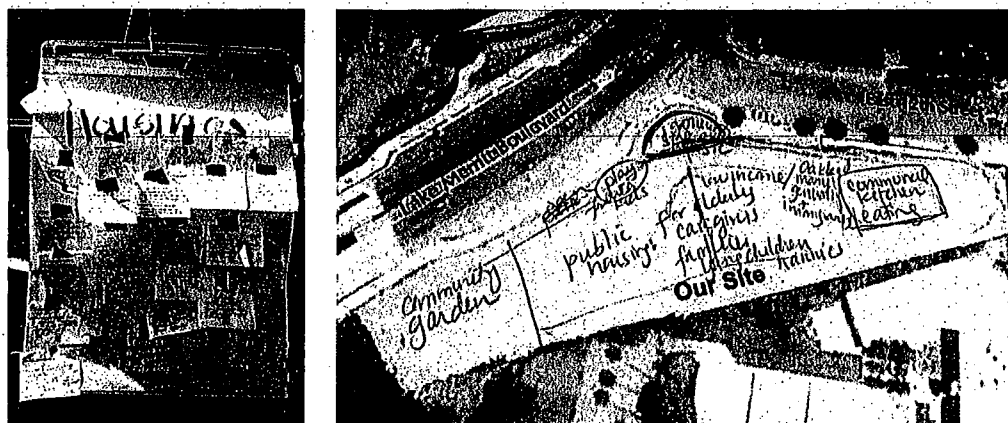
(<http://proposal.e12thoakland.org/wp-content/uploads/2015/10/wishlist1.png>)

The Eastlake neighborhood has a large population of Vietnamese residents, so we collaborated with a group of 20 Vietnamese volunteers from Hai Ba Trung School to conduct door knocking and canvassing in the San Antonio/Eastlake District. Bilingual outreach volunteers were vital in ensuring that we were equitable and inclusive of the various racial and ethnic identities of the Eastlake neighborhood. Our outreach enabled us to engage over 300 residents through the month-long process which led to over 200 attendees at the event.

In preparation for the community visioning event, we launched a social media campaign, using the hashtag #E12wishlist on Twitter, Instagram, and Facebook. Additionally, we used Facebook as a platform for people to share their desires for affordable housing in Oakland.

E12th Wishlist: A People's Planning Forum was held on Sunday, August 23rd from 1 to 5pm at the parking lot of the Henry J. Kaiser Center.

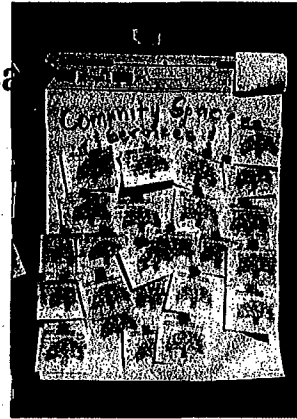
The location was chosen to highlight the privatization of the Henry J Kaiser Center, a historic public institution in close proximity to the E12th parcel. The idea for this community event emerged after the City of Oakland opened the parcel up to new development proposals. Members of the E12th coalition saw the need for a collective visioning process to identify the people of Oakland wanted for the parcel. Our goals for this event were 1) to enable residents to imagine and envision their needs and desires for the E12th parcel specifically and 2) to call attention to ongoing problems with gentrification in Oakland more broadly. We wanted to come out of the event with a clear sense of the wishes and ideas of local residents, so that these community priorities could be used to guide any future developments on the E 12th Street Remainder Property. The event was family friendly, consisting of free food for community members, performances by participants of Youth Radio, as well as play and art opportunities for children.



(<http://proposal.e12thoakland.org/wp-content/uploads/2015/10/wishlist2.png>)

Visioning tables where community members were able to contribute their ideas for the site were an essential element of the forum. Architects and planners facilitated vibrant discussions with residents who recorded their ideas and thoughts on feedback cards. They also led participants through a design exercise where people were able to draw their project ideas for the parcel that included elements of housing, business and services, community space, and open/green spaces.

This feedback, along with information gathered from the month of community outreach, shaped the guiding principles and the design included in this proposal. To follow is an overview of our findings from community residents followed by the design itself.



(<http://proposal.e12thoakland.org/wp-content/uploads/2015/10/wishlist3.png>)

Financials

Affordable Family Housing at E. 12th Street Parcel

Construction Uses

- \$ 1,012,500 Land / Acquisition
- \$ 41,962,593 Construction
- \$ 2,135,845 Architecture & Engineering
- \$ 200,000 Survey & Engineering
- \$ 337,500 Construction Interest & Fees.
- \$ - Permanent Financing
- \$ 50,000 Legal
- \$ - Reserves \$ 358,899 Reserves
- \$ 2,109,417 Other Costs
- \$ 85,000 Bond Financing Costs
- \$ 800,000 Developer Costs
- \$ 125,000 Syndication Costs
- \$ 48,817,855 Total Uses

Sources

- \$ - Perm Loan Tranche A
- \$ - Perm Loan Tranche B - Sec 8
- \$ 2,193,741 Federal Tax Credit Equity
- \$ 1,200,000 FHLB AHP
- \$ - Deferred Developer Fee
- \$ 5,000,000 Alameda County Boomerang
- \$ - GP / Sponsor Equity
- \$ - AHSC \$ 17,123,558 AHSC
- \$ - VHHP \$ 3,552,583 VHHP
- \$ 40,424,114 Construction Loan
Permanent

Uses

- \$ 1,012,500 Land / Acquisition
- \$ 46,112,593 Construction
- \$ 2,135,845 Architecture & Engineering
- \$ 200,000 Survey & Engineering

- \$ 1,975,500 Construction Interest & Fees

- ~~\$ 25,000~~ Permanent Financing

Endorse The E12th People's Proposal

- \$ 500,000 (66)
- \$ 2,124,417 Other Costs
- \$ 85,000 Bond Financing Costs
- \$ 2,550,000 Developer Costs
- \$ 215,000 Syndication Costs
- \$ 56,844,754 Total Uses

Sources

- \$ 4,601,684 Perm Loan Tranche A
- \$ 2,546,482 Perm Loan Tranche B – Sec 8
- \$ 21,937,406 Federal Tax Credit Equity
- \$ 1,200,000 FHLB AHP
- \$ 882,941 Deferred Developer Fee
- \$ 5,000,000 Alameda County Boomerang
- \$ 100 GP / Sponsor Equity

Sources of Funds

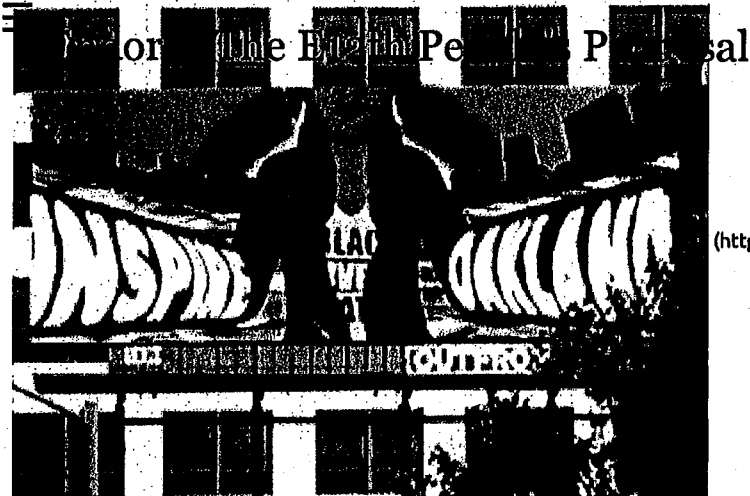
- Mortgage loan supported by tenant rents: **3,869,400**
- 2nd Mortgage loan supported by additional subsidy from OHA: **2,708,600**
- HOME funds: **1,900,000**
- "Boomerang" Funds – residual increment amounts from previous Redevelopment Areas: **1,500,000**
- State of California Affordable Housing and Sustainable Community Funding: **6,000,000**
- Federal Home Loan Bank Affordable Housing Program Grant: **980,000**
- Investor Equity- Low Income Housing Tax Credit Program: **28,986,000**
- Deferred developer fee: **98,000**

TOTAL Sources: 46,042,000

Development Costs

- Construction (including contingency): **36,560,000**
- Architecture/engineering: **1,580,000**
- Permits and fees: **2,250,000**
- Construction loan fees/costs/interest: **1,642,000**
- Capitalized Land Lease Payment: **510,000**
- Legal/ consulting/ tax credit syndication fees: **275,000**
- Other costs (furnishings, construction mgmt, taxes, insurance, title, etc.): **825,000**
- Reserves: **825,000**
- Developer Fee: **1,500,000**

TOTAL Costs: 46,042,000

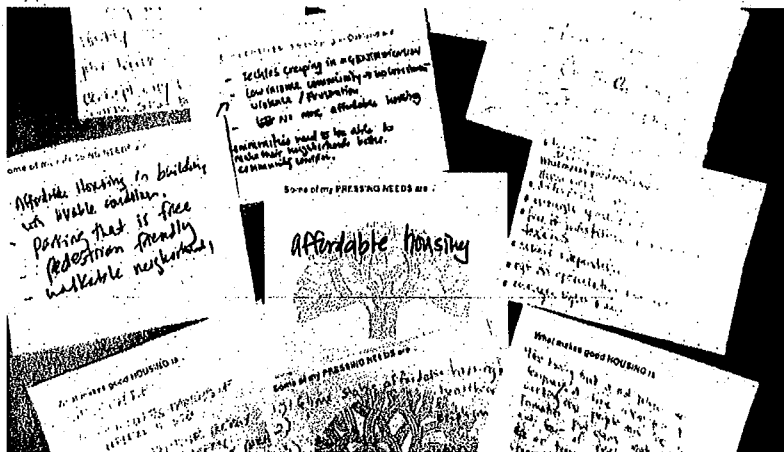


(<http://proposal.e12thoakland.org/wp->

content/uploads/2015/08/inspireoakland.png)

Wishlist Findings

The E12th Wishlist: A People's Planning Forum yielded rich feedback from community members that reflects their needs and desires. We were able to compile and analyze their ideas and visions regarding housing, community services, businesses, and community space for the E12th street parcel.



(http://proposal.e12thoakland.org/wp-content/uploads/2015/10/12036945_421391814733054_813392

Housing

Critical community priorities for housing includes affordable housing that serves:

- families
- the elderly
- people with disabilities
- intergenerational community

Community members were very clear about the need for housing that is affordable, clean, safe, and accessible to public transportation.

Endorse The E12th People's Proposal Community Services

- childcare
- youth center
- training/educational spaces

Other considerations for community services include:

- health clinic
- retreat center
- film screening space
- tool lending library
- cultural spaces
- non-profit spaces
- visual and performing art studio spaces

Community Spaces

The community also identified the need for spaces build connectivity and vibrancy in the neighborhood. The community's priority regarding community space include:

- parks
- gardens
- BBQ space
- multipurpose use
- recreation center/gym

Other considerations for community space include:

- pool, bike parking, community meeting spaces, gym, outdoor recreation, playgrounds

Commercial Spaces

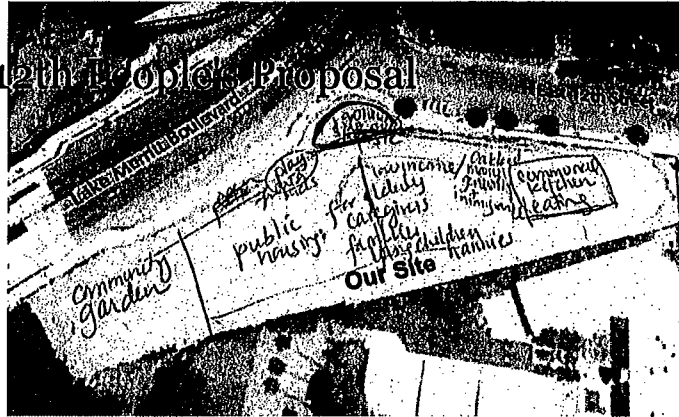
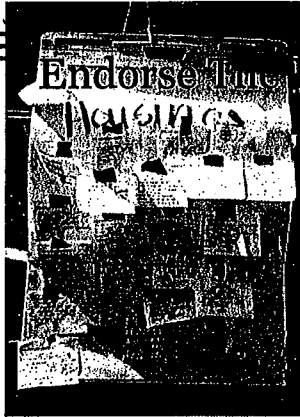
Community priorities included commercial and retail development that supports community wellbeing and interconnectedness such as:

- affordable groceries
- small scale restaurants
- bookstores
- cafes
- pharmacy
- small scale food vendors
- late night bakery

Other considerations for businesses include:

- Clothing/shoe stores
- Farmer's Market
- Laundromat/ Dry Cleaner
- Thrift stores

Community members highlighted the need for local, small businesses that are owned and managed by people of color.



(<http://proposal.e12thoakland.org/wp-content/uploads/2015/10/wishlist2.png>)

Open and Green Spaces

Community members were given site plans for the E12th parcel and asked to draw their ideal green/open space. Ideas for open/ green spaces emphasized social connectedness and included:

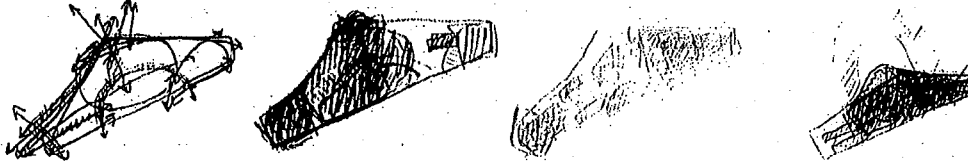
- courtyard w/seating
- playground
- community garden
- pool
- skatepark
- stage/performance space

Participants also expressed the need to be connected to the existing community:

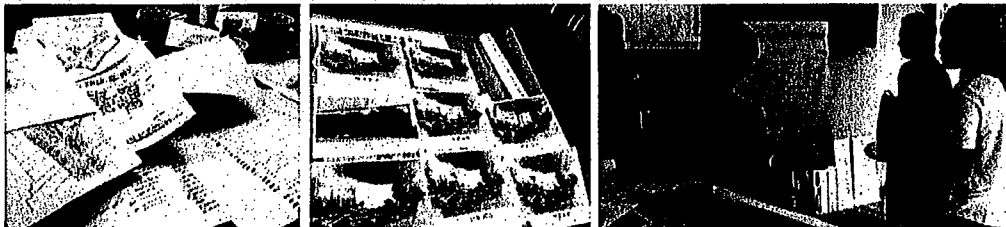
- establish relationship with Dewey High School
- bus shelter

Other considerations for open/green spaces include:

- bike parking
- grey water mechanism + water catchment
- trees
- well-lit paths



(<http://proposal.e12thoakland.org/wp-content/uploads/2015/03/drawings.png>)



(<http://proposal.e12thoakland.org/wp-content/uploads/2015/03/wishlistfindings.png>)

Over 30 plans and elevations were drawn and annotated by WishList participants. It was all documented and analyzed by the design team.

Spatial distribution studies for housing, community, and commercial spaces and for open and green spaces were generated from participant drawings.

The WishList drawings are consistent with written and verbal feedback prioritizing the following:

- community control
- affordability and accessibility
- flexible government use and building codes

Endorse The E12th People's Proposal



Historical and Legislative Contexts

First Peoples and the History of Stolen Land

Any discussion of land in Oakland should begin by acknowledging the area's original inhabitants. Ancient East Bay shell mounds suggest the earliest villages in the area were established about 4000 BC. Once an estuary, the Ohlone people fished, hunted and gathered food along the shores of what is now called Lake Merritt for centuries.

As with many Native Americans in California, colonialism resulted in widespread death, disease and displacement of the Ohlone people. By 1810, the land, including Lake Merritt, had been deeded to settlers.

Ohlone people continue to fight for rights to preserve and protect their culture and heritage in the land of their ancestors. From revitalizing language and tradition to claiming rights over shellmounds and other sacred sites, indigenous struggles are not artifacts of the past but critical to contemporary decisions around land use. To our knowledge the E12th parcel does not sit atop an Ohlone sacred sites or shellmound, but if such artifacts are found, they will be immediately returned as per state law.

"We believe that we have been here since the beginning of time and our creation stories tell us this. Oakland is traditionally called Huichin. Ohlone people continue to work and live and raise our children and grandchildren in what is now the City of Oakland." — *Corrina Gould, Chochenyo and Karkln Ohlone, Co-Founder, Indian People Organizing for Change*

Redlining and Reparations

The legacies of racially discriminatory housing in Oakland is also critical to keep in mind as the future of the E12th parcel is decided. Black residents in this area of Oakland have been historically denied the opportunity for stable homeownership and building equity through housing. According to the Federal Housing Administration's racially exclusionary classifications, the area of the E12th parcel fell in a designated red zone or "D grade" area. This designation discouraged mortgage lenders through the 1960's from making loans to its "undesirable populations."

The 2008 foreclosure crisis exacerbated these long-standing patterns of racial discrimination in housing. Foreclosures, fueled by predatory lending practices, resulted in a 40 percent drop in Oakland's total African American population between 1990 and 2011. The ongoing rising costs of housing in Oakland have also hit the Black community particularly hard, as noted earlier.

Creating affordable housing that prioritizes historic residents of the E12th neighborhood is a crucial element of redressing anti-black policies that have systematically siphoned wealth out of African American communities.

Oakland Organizes

(<http://proposal.e12thoakland.org/wp-content/uploads/2015/03/historical-context.png>)

Oakland is a reknown epicenter of political organizing and the nationwide movement for social justice, particularly among black and brown communities. One relevant example is the community organizing by West Oakland residents for equity and environmental justice following the Loma Prieta earthquake and the Cypress Freeway collapse. When the City of Oakland Redevelopment Agency constructed the freeway, it cut through West Oakland's long standing black neighborhood, dividing and polluting it.

After the quake, the community saw an opportunity in the freeway reconstruction to rebuild, united, and protect the health of area residents. They pushed back against the state transportation agency's plan to replace the freeway in its pre-quake location. As one frustrated West Oakland resident asked, "Why is the poor community always having to pay?"

Endorse The People's Proposal



Eventually, a coalition of West Oakland residents sued the agency. In the wake of the lawsuit, an advisory committee held and scores of meetings with community groups, city officials, and commuter groups were held to discuss the freeway's reconstruction. In 1998, the Cypress Freeway reconstruction was completed in alignment with the demands of community residents.

"We changed the course of transportation in West Oakland forever by planning, organizing, demanding, and shepherding the rerouting of the Cypress Freeway." — Paul Cobb, Citizens Emergency Relief Team

The E12th St parcel qualifies as "surplus land" under the state's Surplus Lands Act. Written in the 1970's and updated in 2014, the state law declares that due to

housing site shortages for individuals and families with low and moderate incomes, surplus land owned by public agencies should be made available for affordable housing.

The Surplus Lands Act includes the following provisions, among others, that the E12th St parcel is subject to:

1. the local agency must offer the land to affordable housing developers first;
2. the local agency must give first priority too and enter into good faith negotiations with developers that make 25 percent of total units available to lower income households;
3. any development must have a minimum of 15 percent of any development be accessible to lower income households.

In addition to being publicly-owned surplus land, the E12th parcel was originally created through public investments. In 2002, Oakland voters passed Measure DD. The park bond measure produced \$198 million in tax payer revenue. These monies funded a massive renovation of areas around Lake Merritt, which added park space, restored historic structures, and improved infrastructure. The largest project by far was the consolidation of the E12th St. roadways from twelve lanes into six lanes. The consolidation created the E12th Street parcel.

Acknowledgments and Contact Information

We thank all those involved in efforts to make communities more just, habitable, and wonderful.

We specifically thank those who worked to reopen the E 12th St. Parcel to new proposals including whistleblowers, journalists, activists, organizers, attorneys, speakers, media teams, artists, photographers, lobbyists, strategists, the bakers, cooks, techies, performers, mc's, neighbors and so many more who lent their ideas, creativity, and heart along the way.

The WishList Planning, Organizing, Demanding, and Shepherding team can be reached at: e12wishlist@gmail.com
(<mailto:e12wishlist@gmail.com>)

Submission date 9.14.15



(http://proposal.e12thoakland.org/wp-content/uploads/2015/10/10167983_372592166279686_6874754651912696507_n.jpg)

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

Sent via U.S. Mail and Electronic Mail

September 19, 2019

Michael Johnson
405 14th Street, Ste 800
Oakland, CA 94612

RE: Case File No. PLN19-215; 101 E. 12th Street; APN: 019-0027-014; and neighboring stormwater treatment basin (no address or APN for stormwater basin)

Dear Mr. Johnson,

The above application was **approved** at the City Planning Commission meeting (by a 7-0 vote) on September 19, 2019. The Commission's action is indicated below. This action becomes final ten (10) days after the date of the announcement of the decision unless an appeal to the City Council is filed by 4:00 pm on June 26, 2016.

1. **Adoption/approval of the CEQA Findings.**
2. **Approval of the Design Review, Conditional Use Permits, and Variances subject to the attached findings and conditions of approval, including the Standard Conditions of Approval.**

If you, or any interested party, seeks to challenge this decision, an appeal must be filed by no later than ten calendar (10) days from the announcement of the decision by **4:00 pm on September 30, 2019**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Neil Gray, Planner IV**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter.

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Neil Gray, Planner IV**. Pursuant to Section 15062(d) of the California Environmental Quality Act

FINDINGS FOR APPROVAL

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

Section 17.136.050 Regular design review criteria.

A. For Residential Facilities.

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

There are several multi-unit apartment buildings ranging from 2 to 23 stories in the neighborhood. These buildings have a variety of architectural styles: The 1200 Lakeshore Apartments, a 23-story residential building on the shore of Lake Merritt, has a post-modern style; the 18-story "Merritt on 3rd" residential building located southeast of the project site has a contemporary style; and the five-story Lakemount Apartment Building across 2nd Avenue from the project site has a traditional architectural style.

The E. 12th Street elevation of the southern building is articulated to a scale that relate to other buildings in the neighborhood. The proposed setback of the northern building from a two-story podium will also relate to smaller scale buildings in the neighborhood. The tall ground floor columns will relate the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library.

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

The proposal will protect views of the Lake, which is the neighborhood's most valuable natural asset. Further, improvement of the detention basin will improve the water quality of the lake and provide an attractive landscaped area. The ground floor commons will build upon existing cultural amenities in the nearby high school, Oakland Museum of California, and the Main Branch of the Oakland Public Library. A ground floor café will provide an important gathering place for the neighborhood. Finally, the development will provide residential units in a predominantly residential neighborhood.

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

There is no significant topography or landscape on the building site. The native plantings and large native trees in the passive open space area have been carefully chosen to be compatible with the lakeside environment and the existing bioswale.

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

There is a small upslope along East 12th Street that creates a separation between the grade and ground floor commercial space at the corner of East 12th Street and Lake Merritt Blvd. The design of the building takes advantage of this by creating an outdoor

FINDINGS

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 project fulfills this finding for the following reasons:

- *The relatively small tower footprint will minimize view and solar impacts on the lake from surrounding properties.*
- *The southern building is articulated with a corner feature and a bay to reduce the scale of the building. The podium and tower design of the proposal further reduces the perceived bulk of the development.*
- *As conditioned, the proposal will fund stormwater, sidewalk, and other improvements surrounding the development.*
- *A CEQA analysis contained in Attachment B demonstrates that the project, as conditioned, will not have significant impacts on the surrounding streets.*
- *The reduction in the size of the loading berths will not adversely affect the neighborhood because they will be of sufficient size to park a medium sized moving van.*
- *Improvement of the detention basin will improve the water quality of the Lake and provide an attractive open space area.*

- 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 open space and commons area on the podium will be conveniently accessed by residents and the development will be located near Lake Merritt recreational facilities. Bike and automobile parking will be conveniently located underground and visually buffered behind active spaces. Elevators to the dwelling units will also be conveniently accessed through the pedestrian entrance and two lobbies. The loading dock will be easily accessed adjacent to the entrance of the building

- 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 proposal will contribute high quality market rate and affordable residential units to a successful residential neighborhood. The proposed café and cultural space will be valuable amenities to the neighborhood.

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

See Design Review Findings, above.

FINDINGS

Many commercial facilities in high density residential zones have been constructed with a depth of 25 feet or less.

- E. 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.**

The element requiring the variance will not affect the exterior of the building and, therefore, conforms to the Regular Design Review Criteria.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

Table 17.101G.04 -- Note 10: Findings required for the granting of a Conditional Use Permit for Exceptions to Height/Bulk/Intensity Area Standards.

- A. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies;**

As described in the Lake Merritt Specific Plan Analysis section, above, a residential tower with a ground floor commercial use is consistent with policies in the plan and its accompanying Design Guidelines.

- B. The proposal will promote implementation of the Lake Merritt Station Area Plan;**

New construction that is consistent with the policies identified in (a) directly implements the intent of the Plan.

- C. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.**

As described in the Lake Merritt Specific Plan Analysis section, above, a residential development with a ground floor commercial use is consistent with the Plan's Design Guidelines. The building is not in a historic district and the design context of the surrounding area is a mix of varying styles and building heights.

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.

4. 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.

5. 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.

6. Blight/Nuisances

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

7. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including

CONDITIONS

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.

12. Construction Management Plan

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

13. Trash and Blight Removal

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.

c. Landscape Maintenance

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. 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

17. Public Art for Private Development

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

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

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

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

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

- d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

g) **Criteria Air Pollutant Reduction Measures**

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

h) **Construction Emissions Minimization Plan**

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

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

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rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

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

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

21. Exposure to Air Pollution (Toxic Air Contaminants)

a. *Health Risk Reduction Measures*

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

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

- or -

- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
 - Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
 - Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
 - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
 - The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and

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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

23. Bird Collision Reduction Measures

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

- i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.
- ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
- iii. Monopole structures or antennas shall not include guy wires.
- iv. Avoid the use of mirrors in landscape design.
- v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below.
- vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following:

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When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

24. 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

25. Human Remains – Discovery During Construction

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The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below at least one of the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO_{2e} per year or 4.6 metric tons of CO_{2e} per year per service population). The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), and additional GHG reduction measures available to further reduce GHG emissions, and (c) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.

Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.

The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below.

The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.

As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.

For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. GHG Reduction Plan Implementation During Construction

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review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures ("Corrective GHG Action Plan"). The project applicant shall then implement the approved Corrective GHG Action Plan.

If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed.

The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the "adjusted" baseline.

In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan.

The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.

Timeline Discretion and Summary. The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

29. 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;

shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

32. NPDES C.3 Stormwater Requirements for Regulated Projects

a. Post-Construction Stormwater Management Plan Required

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Maintenance Agreement Required

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

- i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any

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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

35. 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;

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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

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

c. Obstruction Permit Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

d. Traffic Control Plan Required

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

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

e. Repair of City Streets

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

39. 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

Improvement	Required by code or when...
Bus shelter	<ul style="list-style-type: none"> • A stop with no shelter is located within the project frontage, or • The project is located within 0.10 miles of a flag stop with 25 or more boardings per day
Concrete bus pad	<ul style="list-style-type: none"> • A bus stop is located along the project frontage and a concrete bus pad does not already exist
Curb extensions or bulb-outs	<ul style="list-style-type: none"> • Identified as an improvement within site analysis
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> • A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and • The project would generate 500 or more daily bicycle trips
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> • A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and • The project would generate 400 or more peak period transit trips
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> • Always required
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> • When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection
In-street bicycle corral	<ul style="list-style-type: none"> • A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.
Intersection improvements¹	<ul style="list-style-type: none"> • Identified as an improvement within site analysis

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

Improvement	Required by code or when...
<p>conduit for providing traffic signal interconnect</p>	<p>retail, or 100,000 sf. of commercial; and</p> <ul style="list-style-type: none"> • Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and • A major transit improvement is identified within operations analysis requiring traffic signal interconnect
<p>Unbundled parking</p>	<ul style="list-style-type: none"> • If proposed parking ratio exceeds 1:1.25 (residential)

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

- Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
- Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.
- Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
- Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively)

and any applicable streetscape plan.

- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
- Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution

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

When Required: Ongoing

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

41. Transportation Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

a. PEV-Ready Parking Spaces

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. PEV-Capable Parking Spaces

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

46. 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.
 - Green building point level/certification requirement per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check

CONDITIONS

48. 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

49. Water Efficient Landscape Ordinance (WELO)

Requirement: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

Prescriptive Measures: Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23):

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extract%20-%20Official%20CCR%20pages.pdf>

Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following

-
- a. Project Information:
 - i. Date,
 - ii. Applicant and property owner name,
 - iii. Project address,
 - iv. Total landscape area,
 - v. Project type (new, rehabilitated, cemetery, or home owner installed),
 - vi. Water supply type and water purveyor,
 - vii. Checklist of documents in the package, and
 - viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
 - b. Water Efficient Landscape Worksheet
 - i. Hydrozone Information Table
 - ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
 - c. Soil Management Report

Applicant Statement

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

Name of Project Applicant

Signature of Project Applicant

Date

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

City of Oakland - Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612
Contact: Nell Gray

FOR COUNTY CLERK USE ONLY

FILE NO: _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,280.75 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,168.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.**

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPE.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2018

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

News

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THURSDAY, DECEMBER 13, 2018

Oakland Loans Housing Developer UrbanCore \$2.35 Million for Market-Rate Housing Project

Meanwhile, San Francisco is suing UrbanCore over an unpaid \$5.5 million loan.

By Darwin BondGraham and Danlel Lempres

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Since 2015, Oakland's city council has been negotiating the sale of a valuable slice of city-owned property near Lake Merritt to the developer UrbanCore, which plans to build a market-rate apartment tower on part of the property. UrbanCore won the deal after competitive bidding, partly based on its assurance that it wouldn't require a public subsidy. But the project has missed a major deadline, and now, UrbanCore can't proceed without a loan from the city.



DARWIN BONDGRAHAM/FILE PHOTO
Michael Johnson.

At its meeting earlier this week (which ran into the early hours of Wednesday morning), the Oakland City Council ignored protests from skeptical members of the public and stood by the beleaguered developer by approving the \$2.35 million loan. The unusual public subsidy for a market-rate housing project — at a time when the city's market-rate development is red hot — also came with an extension to the project's timeline of nine months.

Oakland's new loan to UrbanCore, which is owned by businessman Michael Johnson, comes at the same time that the city of San Francisco is suing Johnson over an unpaid \$5.5 million loan of public funds for a real estate development in the Fillmore neighborhood.

"This is an absolute scam," complained Krishna Desai, an activist with the group Eastlake United for Justice, which has pushed for affordable housing on the E. 12th Street Remainder Parcel.

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Friday's Briefing: San Leandro's first dispensary is burglarized; New saloon-style fare gates coming to BART

Oakland A's can clinch a playoff spot tonight

Tuesday's Briefing: ALCO sheriff's deputy said he was following rules when recording prisoners; new tenants groups forming in the East Bay

Contra Costa County supervisors may ban polystyrene containers

Wednesday's Briefing: East Bay congressmembers on board with impeachment inquiry against Trump; Peralta District chooses new chancellor

Oakland cop, who accidentally shot himself, is charged with obstructing investigation

Monday's Briefing: Beloved 98-year-old Richmond Park Ranger suffers stroke; Fire warning for East Bay Hills

Oakland Museum makeover will open it up to Lake Merritt

Desai reminded councilmembers early Wednesday that competing proposals submitted in 2016 by other developers were rejected because city staff and councilmembers claimed they would have required greater levels of public subsidy. The other proposals were submitted by affordable housing developers, and the subsidies were for affordable housing, not market-rate housing.

At this week's meeting, Councilmember Rebecca Kaplan raised concerns about UrbanCore's record in San Francisco.

"It's been brought to my attention that there's ongoing litigation in San Francisco with this proposer regarding a similar loan term with San Francisco that's not been repaid, and I wanted to know whether you are aware of that, or concerned about that," Kaplan asked city staff.

"We are aware of that," Patrick Lane, the manager of the city's public-private development division, replied. "The issue there was a tenant that left the project and no longer was paying rent and they were no longer able to pay off the loan."

Lane said the tenant was Yoshi's restaurant and club, and that the project in Oakland is substantially different because it's a loan for a residential project, not a commercial venture. He added that UrbanCore's financial partners on the project are guaranteeing the loan.

According to the lawsuit filed by San Francisco's City Attorney Dennis Herrera in August, Johnson's other company, EM Johnson Interest, has never paid back the \$5.5 million loan from the city. The city loaned Johnson the money in 2005. By 2010, the city and Johnson attempted to create a "work-out plan" whereby Johnson would repay the loan, but according to Herrera's lawsuit, "Johnson failed to make all payments and perform all obligations[.]" In 2015, the city issued a notice of default against Johnson and demanded repayment, but again Johnson failed to pay.

According to Herrera, UrbanCore now owes San Francisco \$6.5 million for the unpaid loan plus interest.

Johnson filed a countersuit against the city in October alleging that it was San Francisco that actually breached the contract by interfering with the project and making it financially infeasible. According to Johnson, the city didn't allow him to recruit different tenants after Yoshi's closed its location there in 2012.

Oakland is already providing a loan to UrbanCore's partner, nonprofit developer East Bay Asian Local Development Corporation, to build an attached affordable housing mid-rise on the same East 12th Street site. Under the 2016 deal with the city, EBALDC is assembling financing for the affordable portion of the property.

Councilmember Abel Guillen said during Wednesday morning's

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BEST OF THE EAST BAY

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meeting that he supports the loan to UrbanCore. He said the overall project, including EBALDC's portion, includes 30 percent affordable housing out of the total 300 units, and that the city needs to add more housing of all types to address the housing shortage.

"We need to move on this project and no longer delay it," Gullen said.

Kaplan voted against the loan while Councilmember Noel Gallo abstained and Councilmember Desley Brooks, a strong supporter of UrbanCore, was absent.

Like UrbanCore, EBALDC has fallen behind schedule due to rapidly rising construction costs. Construction at the site, known as the E. 12th Street Remainder Parcel, was supposed to begin last month.

The new loan to UrbanCore is required to be repaid in two installments, one upon transfer of the land, and one upon refinancing of the property, which will occur within five years, Lane said during Tuesday's meeting.

Lane said he is confident the loan will be paid back because UrbanCore's financial backers include a major pension fund. "We'll have a payment guarantee from a sizable entity that has resources, so they're going to guarantee it with somebody with financial backing," Lane said. When asked who that entity will be, Lane said, "It will be somebody related to the developer, so it's somebody related to the Electricians National Union Pension Fund."

The E. 12th Street Remainder Parcel is valued at \$8 million. Under terms of the original 2016 deal, \$4.7 million was supposed to be paid by UrbanCore with the remaining \$3.3 million, representing the portion committed to affordable housing, paid by EBALDC with a loan from the city. Under the new terms of the deal, the city will extend a \$2.35 million loan to cover half of Urban Core's portion as well.

Both UrbanCore and EBALDC still need to locate more financing to meet construction costs, according to the city report.

UrbanCore and Michael Johnson declined comment for this report. EBALDC did not respond to press requests in time for publication.

« E-Bikes to Launch in the East... | Tuesday's Briefing: 1.1 Millio... »

COMMENTS

Showing 1-1 of 1

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Desley Brooks is a known corrupt agent of development. Her absence only makes the connection with Johnson and Rotten er..Urban Core more conspicuous. As an Oakland property tax payer - I am disgusted that my hard earned money is funding shady business.
-J. Asuna

report

Posted by John Asuna on 01/06/2019 at 5:03 PM

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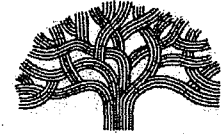
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CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

Sent via U.S. Mail and Electronic Mail

September 19, 2019

Michael Johnson
405 14th Street, Ste 800
Oakland, CA 94612

RE: Case File No. PLN19-215; 101 E. 12th Street; APN: 019-0027-014; and neighboring stormwater treatment basin (no address or APN for stormwater basin)

Dear Mr. Johnson,

The above application was **approved** at the City Planning Commission meeting (by a 7-0 vote) on September 19, 2019. The Commission's action is indicated below. This action becomes final ten (10) days after the date of the announcement of the decision unless an appeal to the City Council is filed by 4:00 pm on June 26, 2016.

- 1. Adoption/approval of the CEQA Findings.**
- 2. Approval of the Design Review, Conditional Use Permits, and Variances subject to the attached findings and conditions of approval, including the Standard Conditions of Approval.**

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the announcement of the decision by **4:00 pm on September 30, 2019**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Neil Gray, Planner IV**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter.

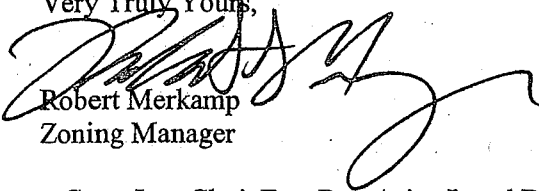
A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Neil Gray, Planner IV**. Pursuant to Section 15062(d) of the California Environmental Quality Act

Attachment C

(CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, Neil Gray at (510) 238-3878 or ngray@oaklandnet.com, however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,


Robert Merkamp
Zoning Manager

Cc: Iner Chui, East Bay Asian Local Development Corporation 1825 San Pablo Ave., Suite 200
Rebecca Wong rebeccawongsfbayarea@yahoo.com
Angelica Jongco angelica.jongco@gmail.com
Kiernan Rok kiernan.rok@gmail.com
Emily Wheeler emily.a.wheeler@gmail.com
Ravahn Samati ravahn.samati@gmail.com
Michael Esmailzadeh mikee1051@yahoo.com
Jennifer Miller <mailto:soyjenn@gmail.com>
Kiambo White kiambo@btcalameda.org
D Alwan dunyaalwan@gmail.com
Ryder Diaz ryder.diaz@gmail.com
Amit Shoham amit@tarantic.com

Attachments: Findings
Conditions of Approval, including Standard Conditions of Approvals

FINDINGS FOR APPROVAL

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

Section 17.136.050 Regular design review criteria.

A. For Residential Facilities.

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

There are several multi-unit apartment buildings ranging from 2 to 23 stories in the neighborhood. These buildings have a variety of architectural styles: The 1200 Lakeshore Apartments, a 23-story residential building on the shore of Lake Merritt, has a post-modern style; the 18-story "Merritt on 3rd" residential building located southeast of the project site has a contemporary style; and the five-story Lakemount Apartment Building across 2nd Avenue from the project site has a traditional architectural style.

The E. 12th Street elevation of the southern building is articulated to a scale that relate to other buildings in the neighborhood. The proposed setback of the northern building from a two-story podium will also relate to smaller scale buildings in the neighborhood. The tall ground floor columns will relate the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library.

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

The proposal will protect views of the Lake, which is the neighborhood's most valuable natural asset. Further, improvement of the detention basin will improve the water quality of the lake and provide an attractive landscaped area. The ground floor commons will build upon existing cultural amenities in the nearby high school, Oakland Museum of California, and the Main Branch of the Oakland Public Library. A ground floor café will provide an important gathering place for the neighborhood. Finally, the development will provide residential units in a predominantly residential neighborhood.

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

There is no significant topography or landscape on the building site. The native plantings and large native trees in the passive open space area have been carefully chosen to be compatible with the lakeside environment and the existing bioswale.

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

There is a small upslope along East 12th Street that creates a separation between the grade and ground floor commercial space at the corner of East 12th Street and Lake Merritt Blvd. The design of the building takes advantage of this by creating an outdoor

FINDINGS

seating area with a view of the Channel and an attractive entrance feature for the north commons.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

B. For Nonresidential Facilities and Signs.

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

A double height ceiling on the ground floor will create a successful café and cultural space environment. Significant window transparency, awnings, and transom windows will contribute to a visually pleasing ground floor design. The café will be conveniently situated near pedestrian activity.

The E. 12th Street and northern commercial façades are unified through double story columns and large window systems. The ground floor columns also relate the historic civic buildings on Lake Merritt Boulevard and 14th Street, such as the Kaiser Convention Center, Alameda County Courthouse, and the Main Branch of the Oakland Public Library.

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

The proposal will protect the value of investments in the area by providing an attractive café and cultural space to the neighborhood.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report

17.134.050 General Use Permit criteria.

- A. **That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or**

appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;

The project fulfills this finding for the following reasons:

- *The relatively small tower footprint will minimize view and solar impacts on the lake from surrounding properties.*
- *The southern building is articulated with a corner feature and a bay to reduce the scale of the building. The podium and tower design of the proposal further reduces the perceived bulk of the development.*
- *As conditioned, the proposal will fund stormwater, sidewalk, and other improvements surrounding the development.*
- *A CEQA analysis contained in Attachment B demonstrates that the project, as conditioned, will not have significant impacts on the surrounding streets.*
- *The reduction in the size of the loading berths will not adversely affect the neighborhood because they will be of sufficient size to park a medium sized moving van.*
- *Improvement of the detention basin will improve the water quality of the Lake and provide an attractive open space area.*

- 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 open space and commons area on the podium will be conveniently accessed by residents and the development will be located near Lake Merritt recreational facilities. Bike and automobile parking will be conveniently located underground and visually buffered behind active spaces. Elevators to the dwelling units will also be conveniently accessed through the pedestrian entrance and two lobbies. The loading dock will be easily accessed adjacent to the entrance of the building

- 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 proposal will contribute high quality market rate and affordable residential units to a successful residential neighborhood. The proposed café and cultural space will be valuable amenities to the neighborhood.

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

See Design Review Findings, above.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

17.148.050 Variance Findings required.

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

A variance is required because the proposed depth of the café space bay is approximately 25 feet and the cultural space would be 25 feet, while 50 feet is required. Approval of the variance would meet this finding because:

- *25 feet is sufficient depth for a café, which is the intended use for the commercial space;*
- *Space on the site is confined because of the location of the required parking behind the central commons and the relatively small, wedge shaped lot.*
- ~~*As designed, the central commons would seat approximately 230 people, which is large enough to accommodate the scale of performances and events envisioned by EBALDC, which will be managing the space and the affordable housing units. For performances, the seating would be on either side of a stage that would be located in the middle of the room.*~~ (Note: this text was deleted through a Planning Commission motion at their 9/18/19 meeting)

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

The basic intent of the applicable regulation is to create a viable and flexible storefront space. As discussed, the proposed depths are sufficient to accommodate the proposed uses and deeper spaces would preclude an effective parking design.

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

Increasing the storefront depth will adversely affect the livability of the area by reducing the number of parking spaces in the development.

- D. 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.**

FINDINGS

Many commercial facilities in high density residential zones have been constructed with a depth of 25 feet or less.

- E. 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.**

The element requiring the variance will not affect the exterior of the building and, therefore, conforms to the Regular Design Review Criteria.

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

The project conforms to the Lake Merritt Station Area Plan and the General Plan as described in the Lake Merritt Station Area Plan Analysis and the General Plan Analysis sections of this report.

Table 17.101G.04 -- Note 10: Findings required for the granting of a Conditional Use Permit for Exceptions to Height/Bulk/Intensity Area Standards.

- A. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies;**

As described in the Lake Merritt Specific Plan Analysis section, above, a residential tower with a ground floor commercial use is consistent with policies in the plan and its accompanying Design Guidelines.

- B. The proposal will promote implementation of the Lake Merritt Station Area Plan;**

New construction that is consistent with the policies identified in (a) directly implements the intent of the Plan.

- C. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.**

As described in the Lake Merritt Specific Plan Analysis section, above, a residential development with a ground floor commercial use is consistent with the Plan's Design Guidelines. The building is not in a historic district and the design context of the surrounding area is a mix of varying styles and building heights.

STANDARD CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans approved on 9/18/19, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: Approval of Conditional Use Permits, Variance, and Design Review for the construction of a Construction of two buildings over a two-story podium and off-site improvements to an existing stormwater treatment basin/park.

1. Effective Date, Expiration, Extensions and Extinguishment

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

2. Compliance with Other Requirements

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

3. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a

CONDITIONS

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.

4. 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.

5. 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.

6. Blight/Nuisances

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

7. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including

legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

8. 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.

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

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

10. Public Improvements

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

11. 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.

12. Construction Management Plan

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

13. Trash and Blight Removal

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.

- iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
- i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Landscape Plan

a. *Landscape Plan Required*

- Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. *Landscape Installation*

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. Landscape Maintenance

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. 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

17. Public Art for Private Development

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

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

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

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

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

18. Dust Controls – Construction Related

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

- a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e) All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Criteria Air Pollutant Controls - Construction Related

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

- a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).
- c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.

- d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

- g) Criteria Air Pollutant Reduction Measures

Requirement: The project applicant shall retain a qualified air quality consultant to identify criteria air pollutant reduction measures to reduce the project's average daily emissions below 54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀. Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.

- h) Construction Emissions Minimization Plan

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

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

20. Diesel Particulate Matter Controls-Construction Related**a. *Diesel Particulate Matter Reduction Measures***

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

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

-or-

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

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

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

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

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier

rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

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

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

21. Exposure to Air Pollution (Toxic Air Contaminants)

a. *Health Risk Reduction Measures*

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

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

- or -

- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
 - Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
 - Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
 - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
 - The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and

building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.

- Sensitive receptors shall be located on the upper floors of buildings, if feasible.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
- Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
- Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes.
 - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. Maintenance of Health Risk Reduction Measures

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

22. 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

23. Bird Collision Reduction Measures

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

- i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.
- ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
- iii. Monopole structures or antennas shall not include guy wires.
- iv. Avoid the use of mirrors in landscape design.
- v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below.
- vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following:

- Use opaque glass in window panes instead of reflective glass.
 - Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
 - Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
 - Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.
 - Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans.
 - Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
 - Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides.
 - Install opaque window film or window film with a pattern/design which also adheres to the “two-by-four” rule for coverage.
- vi. Reduce light pollution. Examples include the following:
- Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30).
 - Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise.
 - Reduce perimeter lighting whenever possible.
 - Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass.
 - Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration.
- vii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:
- Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws.
 - Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.
 - Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day.
 - Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs.
 - Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

24. 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

25. 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

26. 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

27. 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

28. Greenhouse Gas (GHG) Reduction Plan

a. Greenhouse Gas (GHG) Reduction Plan Required

Requirement: The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan.

The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below at least one of the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO_{2e} per year or 4.6 metric tons of CO_{2e} per year per service population). The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), and additional GHG reduction measures available to further reduce GHG emissions, and (c) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.

Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.

The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below.

The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.

As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.

For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. GHG Reduction Plan Implementation During Construction

Requirement: The project applicant shall implement the GHG Reduction Plan during construction of the project. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be implemented during construction. For physical GHG reduction measures to be incorporated into off-site projects, the project applicant shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval. These off-site improvements shall be installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For GHG reduction measures involving the purchase of carbon credits, evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the project (or prior to completion of the project phase, for phased projects).

When Required: During construction

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. *GHG Reduction Plan Implementation After Construction*

Requirement: The project applicant shall implement the GHG Reduction Plan after construction of the project (or at the completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into the project or off-site projects, the measures shall be implemented on an indefinite and ongoing basis.

The project applicant shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.

Annual Report. Implementation of the GHG reduction measures and related requirements shall be ensured through compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (“Annual Report”), for review and approval by the City Planning Director or his/her designee. The Annual Report shall be submitted to an independent reviewer of the City’s choosing, to be paid for by the project applicant.

The Annual Report shall summarize the project’s implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year’s Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.

The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Thresholds. Monitoring and reporting activities will continue at the City’s discretion, as discussed below.

Corrective Procedure. If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant shall prepare a report for City

review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (“Corrective GHG Action Plan”). The project applicant shall then implement the approved Corrective GHG Action Plan.

If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project’s approvals should be revoked, altered or additional conditions of approval imposed.

The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the “adjusted” baseline.

In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan.

The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.

Timeline Discretion and Summary. The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

29. Hazardous Materials Related to Construction

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

- a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

30. Erosion and Sedimentation Control Measures for Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

31. Erosion and Sedimentation Control Plan for Construction

a. Erosion and Sedimentation Control Plan Required

Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant

shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

32. NPDES C.3 Stormwater Requirements for Regulated Projects

a. Post-Construction Stormwater Management Plan Required

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Maintenance Agreement Required

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

- i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any

on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and

- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

33. 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

34. 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

35. 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;

CONDITIONS

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Public Notification Required

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

36. 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

37. 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

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

c. Obstruction Permit Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

d. Traffic Control Plan Required

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

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

e. Repair of City Streets

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

39. 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

40. Transportation and Parking Demand Management

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

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

- i. The goals of the TDM Plan shall be the following:
 - Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable.
 - Achieve the following project vehicle trip reductions (VTR):
 - Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR
 - Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR
 - Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
 - Enhance the City’s transportation system, consistent with City policies and programs.
- ii. The TDM Plan should include the following:
 - Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable.
 - Proposed TDM strategies to achieve VTR goals (see below).
- iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.
- iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project’s VTR.

Improvement	Required by code or when...
Bus boarding bulbs or islands	<ul style="list-style-type: none"> ◦ A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or ◦ A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb

Improvement	Required by code or when...
Bus shelter	<ul style="list-style-type: none"> ◦ A stop with no shelter is located within the project frontage, or ◦ The project is located within 0.10 miles of a flag stop with 25 or more boardings per day
Concrete bus pad	<ul style="list-style-type: none"> ◦ A bus stop is located along the project frontage and a concrete bus pad does not already exist
Curb extensions or bulb-outs	<ul style="list-style-type: none"> ◦ Identified as an improvement within site analysis
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> ◦ A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and ◦ The project would generate 500 or more daily bicycle trips
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> ◦ A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and ◦ The project would generate 400 or more peak period transit trips
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> ◦ Always required
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> ◦ When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection
In-street bicycle corral	<ul style="list-style-type: none"> ◦ A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.
Intersection improvements ¹	<ul style="list-style-type: none"> ◦ Identified as an improvement within site analysis

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

Improvement	Required by code or when...
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> ◦ Always required
No monthly permits and establish minimum price floor for public parking ²	<ul style="list-style-type: none"> ◦ If proposed parking ratio exceeds 1:1000 sf. (commercial)
Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> ◦ Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial)
Parking space reserved for car share	<ul style="list-style-type: none"> ◦ If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units.
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> ◦ Typically required
Pedestrian crossing improvements	<ul style="list-style-type: none"> ◦ Identified as an improvement within site analysis
Pedestrian-supportive signal changes ³	<ul style="list-style-type: none"> ◦ Identified as an improvement within operations analysis
Real-time transit information system	<ul style="list-style-type: none"> ◦ A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Relocating bus stops to far side	<ul style="list-style-type: none"> ◦ A project is located within 0.10 mile of any active bus stop that is currently near-side
Signal upgrades ⁴	<ul style="list-style-type: none"> ◦ Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and ◦ Project frontage abuts an intersection with signal infrastructure older than 15 years
Transit queue jumps	<ul style="list-style-type: none"> ◦ Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Trenching and placement of	<ul style="list-style-type: none"> ◦ Project size exceeds 100 units, 80,000 sf. of

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

³ Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate.

⁴ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

Improvement	Required by code or when...
<p>conduit for providing traffic signal interconnect</p>	<p>retail, or 100,000 sf. of commercial; and</p> <ul style="list-style-type: none"> ◦ Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and ◦ A major transit improvement is identified within operations analysis requiring traffic signal interconnect
<p>Unbundled parking</p>	<ul style="list-style-type: none"> ◦ If proposed parking ratio exceeds 1:1.25 (residential)

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

- Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
- Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.
- Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
- Installation of amenities such as lighting, street trees, and trash receptacles per the *Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines* (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively)

and any applicable streetscape plan.

- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
- Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution

to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).

- Guaranteed ride home program for employees, either through 511.org or through separate program.
- Pre-tax commuter benefits (commuter checks) for employees.
- Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or **flexible work hours involving individually determined work hours.**

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

When Required: Prior to approval of planning application.

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. TDM Implementation – Physical Improvements

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. TDM Implementation – Operational Strategies

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

When Required: Ongoing

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

41. Transportation Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

a. PEV-Ready Parking Spaces

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. PEV-Capable Parking Spaces

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. *ADA-Accessible Spaces*

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

43. Construction and Demolition Waste Reduction and Recycling

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

44. 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

45. Recycling Collection and Storage Space

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

46. 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.
 - Green building point level/certification requirement per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check

application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. 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

c. Compliance with Green Building Requirements After Construction

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

47. 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

48. 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

49. Water Efficient Landscape Ordinance (WELO)

Requirement: The project applicant shall comply with California’s Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California’s Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

Prescriptive Measures: Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see website below starting on page 23):

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf>

Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following

-
- a. **Project Information:**
 - i. Date,
 - ii. Applicant and property owner name,
 - iii. Project address,
 - iv. Total landscape area,
 - v. Project type (new, rehabilitated, cemetery, or home owner installed),
 - vi. Water supply type and water purveyor,
 - vii. Checklist of documents in the package, and
 - viii. Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”
 - b. **Water Efficient Landscape Worksheet**
 - i. Hydrozone Information Table
 - ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
 - c. **Soil Management Report**

- d. Landscape Design Plan
- e. Irrigation Design Plan, and
- f. Grading Plan

Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.

For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below.

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extract%20-%20Official%20CCR%20pages.pdf>

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

50. Employee Rights

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

PROJECT SPECIFIC CONDITION OF APPROVAL

51. Amenity Signs

Requirement: Plans shall be submitted for review and approval of the Zoning Manager showing durable and readable signs placed in the common lobby, a public place on the bottom floor of the midrise building, and in the elevator(s) in the midrise building stating that resident amenities in both buildings are available to all residents of the development. The sign shall include the available amenities and their location.

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Applicant Statement

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

Name of Project Applicant

Signature of Project Applicant

Date

City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
1106 Madison Street
Oakland, CA 94612

Project Title: Lakehouse Development Case No. PLN19215

Project Applicant: Michael Johnson

Project Location: 101 E. 12th Street

Project Description: Construction of 26-story residential tower and a five story residential building. Off-site improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site.

Exempt Status:

Statutory Exemptions

- Ministerial {Sec.15268}
- Feasibility/Planning Study {Sec.15262}
- Emergency Project {Sec.15269}
- Other: {Sec. _____}

Categorical Exemptions

- Existing Facilities {Sec.15301}
- Replacement or Reconstruction {Sec.15302}
- Small Structures {Sec.15303}
- Minor Alterations {Sec.15304}
- In-fill Development {Sec. 15332}
- General Rule {Sec.15061(b)(3)}

Other

- Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}
- _____ (Sec. _____)

Reasons why project is exempt: The anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014) and the project is consistent with the General Plan and Zoning.

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

Department/Contact Person:

Phone: 510-238-6283

Signature (Robert D. Merkamp for Ed Manasse, Environmental Review Officer)

Date: 9/19/19

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

City of Oakland - Bureau of Planning

250 Frank H. Ogawa Plaza, Suite 2114

Oakland, CA 94612

Contact: Neil Gray

FOR COUNTY CLERK USE ONLY

FILE NO: _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,280.75 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,168.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.**

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPE.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2018

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK



CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: October 10, 2019

To: Neil Gray, City of Oakland

FROM: Matthew Wiswell, Planner
Shanna Guiler, AICP, Associate

SUBJECT: Response to the Appeal Letter for the Lakehouse Commons Project (Case No. PLN16128-ER01) Regarding the Lake Merritt Channel

On May 27, 2016, LSA prepared the California Environmental Quality Act (CEQA) Analysis for the Lakehouse Commons Project (proposed project), pursuant to California Public Resources Code Sections 21083.3, 21094.5.5, and 21166 and CEQA Guidelines Sections 15162, 15164, 15183, 15183.3, 15168, and 15180. The analysis evaluated the potential impacts associated with the development of the proposed project, which included two distinct buildings with a continuous 4-level podium base, including an 8-story mid-rise residential building (South Commons Building) and a 26-story residential apartment tower (North Commons Building). The proposed project would provide a total of 361 residential units, 2,000 square feet of ground-level commercial space, and 330 parking spaces. The project site is located at the northwest corner of the East 12th Street and 2nd Avenue intersection (12th Street parcel) on Assessor's Parcel Number (APN) 019-0027-013-03 and is currently a vacant lot used for soil stockpiling and staging for nearby construction projects.

On September 11, 2019, LSA prepared an Addendum to the CEQA Analysis for the proposed project (First Addendum) as the planning approvals for the proposed project had expired and were being reconsidered by the City of Oakland. As noted in the First Addendum, which is attached, no changes to the project evaluated in the 2016 CEQA Analysis are proposed and conditions in and around the project site have not substantially changed since original approval of the proposed project and compared to the analysis and findings of the Lake Merritt Station Area Plan Environmental Impact Report (LMSAP EIR). On September 18, 2019, the proposed project was approved by the City of Oakland Planning Commission. On September 30, 2019, an appeal to the approval of the proposed project was filed that raised concerns, among other items, related to sensitive estuary habitats, including Lake Merritt and the Lake Merritt Channel.

As noted above, conditions in and around the project site have not substantially changed since approval of the proposed project. Additionally, no new regulatory thresholds or requirements related to biological resources have been adopted or implemented, and no new information of substantial importance, which was not known or could not have been known when the 2016 CEQA Analysis was adopted, has been identified.

Therefore, the Standard Conditions of Approval (SCAs) identified in the 2016 CEQA Analysis, and Mitigation Measures identified in the 2014 LMSAP EIR, related to biological resources would still be applicable. In particular, the proposed project would be required to comply with the City's Creek Protection Ordinance under SCA-54 and SCA-55 and Low Impact Development standards as required by SCA-48 through SCA-50.¹ Implementation of these SCAs would ensure that potential impacts associated with biological resources would be less than significant. Therefore, pursuant to CEQA Guidelines Section 15162, additional environmental review is not required to evaluate the environmental effects of the proposed project, as its potential effects were adequately evaluated in the 2016 CEQA Analysis and First Addendum.

Attachment: Addendum to the California Environmental Quality Act (CEQA) Analysis for the Lakehouse Commons Project (Case No. PLN16128-ER01)

¹ The City of Oakland's list of Standard Conditions of Approval has been updated since the preparation of the 2016 CEQA Analysis. Please refer to Attachment A to the 2016 CEQA Analysis, which lists mitigation measures and SCAs identified in the 2014 LMSAP EIR and 2016 CEQA Analysis that would apply to the proposed project, and for a detailed description of each SCA.

ATTACHMENT

**ADDENDUM TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
ANALYSIS FOR THE LAKEHOUSE COMMONS PROJECT
(CASE NO. PLN16128-ER01)**



CARLSBAD
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PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: September 11, 2019

To: Neil Gray, City of Oakland

FROM: Theresa Wallace, AICP, Principal

SUBJECT: Addendum to the California Environmental Quality Act (CEQA) Analysis for the Lakehouse Commons Project (Case No. PLN16128-ER01)

On May 27, 2016, LSA prepared the CEQA Analysis for the Lakehouse Commons Project, pursuant to California Public Resources Code Sections 21083.3, 21094.5.5, and 21166 and CEQA Guidelines Sections 15162, 15164, 15183, 15183.3, 15168, and 15180. The analysis evaluated the potential impacts associated with the development of the Lakehouse Commons Project, which included two distinct buildings with a continuous 4-level podium base, including an 8-story mid-rise residential building (South Commons Building) and a 26-story residential apartment tower (North Commons Building). The proposed project would provide a total of 361 residential units, 2,000 square feet of ground-level commercial space, and 330 parking spaces. The project site is located at the northwest corner of the East 12th Street and 2nd Avenue intersection (12th Street parcel) on Assessor's Parcel Number (APN) 019-0027-013-03 and is currently a vacant lot used for soil stockpiling and staging for nearby construction projects.

Based on an examination of the analysis, findings, and conclusions of the 2014 Lake Merritt Station Area Plan Environmental Impact Report (LMSAP EIR), as well as those of the City of Oakland's 1998 General Plan Land Use and Transportation Element EIR (LUTE EIR), the 2010 General Plan Housing Element EIR and 2014 Addendum (Housing Element EIR), and the 2011 Central District Urban Renewal Plan Amendments EIR (or "Redevelopment Plan EIR"), it was determined that the potential environmental impacts associated with the Lakehouse Commons Project were adequately analyzed and covered in the planning-level LMSAP EIR and other Previous CEQA Documents. Therefore, no further review or analysis under CEQA was required and an Addendum to the LMSAP EIR and Community Plan Exemption were approved by the City of Oakland as Lead Agency for environmental review.

Since that time, the planning approvals for the proposed project have expired and are being reconsidered by the Oakland City Council. No changes to the project evaluated in the May 27, 2016 CEQA Analysis are proposed. As further discussed below, pursuant to CEQA Guidelines Section 15162, no additional environmental review is necessary for approval of the proposed project.

COMPARISON TO THE CONDITIONS LISTED IN CEQA GUIDELINES SECTION 15162

This Addendum is prepared pursuant to CEQA Guidelines Section 15164(b) which states: "An addendum to an... [environmental document] may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for preparation of a subsequent... [environmental document] have occurred" Section 15162 specifies that "no subsequent... [environmental document] shall be prepared for that project unless the lead agency determines ... one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous ... [environmental document] due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous... [environmental document] due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous... [environmental document] was certified as complete was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous... [environmental document];
 - b. Significant effects previously examined will be substantially more severe than shown in the previous... [environmental document];
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous... [environmental document] would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

The following discussion summarizes the reasons that additional environmental review pursuant to CEQA Guidelines Section 15162 is not required to evaluate the environmental effects of the proposed project, as its potential effects were adequately evaluated in the 2016 CEQA Analysis.

Substantial Changes

There are no changes to the proposed project evaluated in the 2016 CEQA Analysis and the project evaluated in that analysis would not result in new significant impacts beyond those identified in the LMSAP EIR and Previous CEQA Documents.

Substantial Changes in Circumstances

Conditions in and around the project site have not substantially changed since approval of the proposed project and compared to the analysis and findings of the LMSAP EIR and Previous CEQA Documents. Four development projects have been approved by the City since preparation of the Transportation Assessment prepared in support of the 2016 CEQA Analysis for the proposed project, including the: 1314 Franklin Street Mixed-Use Project, the 325 7th Street Project, the 0 Fallon Street Project, and the Oakland Civic Auditorium. As discussed in the updated Transportation Assessment included as an attachment to this memorandum, the combined trip generation is less than the total trip generation estimated in the LMSAP EIR. Likewise, inclusive of the proposed project, the total trips generated by the nine (previously five) developments currently proposed and under consideration within the Plan Area are substantially less than the total cumulative development approved within the Plan Area by the LMSAP EIR. Therefore, the proposed project would continue to add a minor amount of traffic to the circulation system and no new impacts beyond those identified in the LMSAP EIR would result.

In addition, because the number of project vehicle trips would be within the scope of the analysis of the LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis, no new significant impacts related to mobile sources emissions for air quality, greenhouse gases, or energy would result. Likewise, no new noise impacts associated with increased vehicle traffic would result.

Since approval of the 2016 CEQA Analysis, regulatory thresholds and requirements related to transportation and air quality have been revised/updated. In addition, the CEQA Guidelines were updated in 2019 and the City of Oakland has modified its significance thresholds and Standard Conditions of Approval. These key changes are discussed below.

VMT Analysis

On September 21, 2016, the City of Oakland's Planning Commission directed staff to update the City of Oakland's CEQA Thresholds of Significance Guidelines related to transportation impacts in order to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The Planning Commission direction aligns with draft proposed guidance from the Governor's Office of Planning and Research and the City's approach to transportation impact analysis, with adopted plans and policies related to transportation, which promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Consistent with the Planning Commission direction and the Senate Bill 743 requirements, the City of Oakland published the revised TIRG on April 14, 2017 to guide the evaluation of the transportation impacts associated with land use development projects.

Given this updated guidance, a vehicle miles traveled analysis was prepared for the proposed project. The analysis is included in the updated Transportation Assessment provided as an attachment to this document. As demonstrated in the analysis, the proposed project satisfies the Low-VMT Area (#2) and the Near Transit Stations (#3) criteria and is therefore presumed to have a less-than-significant impact on VMT.

BAAQMD Clean Air Plan and Guidelines

Based on the Bay Area Air Quality Management District (BAAQMD) attainment status and ambient air quality monitoring data, ambient air quality in the vicinity of the project site has remained unchanged since approval of the 2016 CEQA Analysis. However, the BAAQMD has made two key regulatory changes since the 2016 CEQA Analysis was approved. The updated Clean Air Plan was adopted in April 2017 and revised BAAQMD CEQA Guidelines were adopted in May 2017.

Consistency with the Clean Air Plan can be determined if a project does the following: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan. As demonstrated in the updated Transportation Assessment, development associated with the proposed project is within the amount of growth evaluated within the LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis and the proposed project would not substantially increase VMT. Therefore, the project would not hinder the goals or implementation of any of the control measures from the Clean Air Plan.

In addition, because the level of development proposed for the site is within the broader development assumptions analyzed in the LMSAP EIR, construction and operation period emissions impacts would be consistent with the findings of the LMSAP EIR and would not exceed the emissions thresholds identified in the BAAQMD CEQA Guidelines.

City of Oakland Standard Conditions of Approval

Mitigation measures and SCAs identified in the 2014 LMSAP EIR and 2016 CEQA Analysis that would apply to the Lakehouse Commons Project are listed in Attachment A to the 2016 CEQA Analysis, which is incorporated by reference. Because the SCAs are mandatory City requirements, it is assumed that they will be imposed and implemented, which the project sponsor has agreed to do or ensure as part of the proposed project. If the CEQA Analysis or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected.

Most of the SCAs that are identified for the Lakehouse Commons Project were also identified in the 2014 LMSAP EIR or the Previous CEQA Documents. Since certification of the LMSAP EIR and the 2016 CEQA Analysis, the City of Oakland has revised its SCAs, and the most current SCAs are identified in the City's Staff Report for the project's planning approvals. All mitigation measures identified in the LMSAP EIR that would apply to the proposed project are also identified in the City's Staff Report.

New Information

As demonstrated in the discussion above, no new information of substantial importance, which was not known or could not have been known when the 2016 CEQA Analysis was adopted, has been identified which shows that the proposed project would be expected to result in: 1) new significant environmental effects not identified in the LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis; 2) substantially more severe environmental effects than shown in the LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis; 3) mitigation measures or alternatives previously determined to be infeasible would in fact be feasible and would substantially reduce one

or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or 4) mitigation measures or alternatives which are considerably different from those analyzed in the previous LMSAP EIR, the Previous CEQA Documents, and the 2016 CEQA Analysis would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. In addition, the proposed project would require no new mitigation measures, because no new or substantially more severe impacts are expected beyond those identified in the 2016 CEQA Analysis.

Attachment: May 27, 2016 Lakehouse Commons CEQA Analysis

To: Neil Gray, City of Oakland, Planning Department

From: Michael Johnson, UrbanCore Development, LLC

Date: October 6, 2019

Re: Community Outreach

This memo is in response to your request for us to summarize the Community Outreach for our proposed project. Our outreach efforts included the following:

1. **Community Meetings:** we held several community meetings over a period from 2015 to 2017 on two versions of the proposed project at the E. 12th Street property. The first meetings were held to provide a review of the original 298 unit project proposed at the site. These meetings were held at La Escuelita Elementary School during the evening hours, after inviting neighbors and property owners from mailing lists provided by the City of Oakland and the City Council Members Office for the surrounding area. This also included distribution of flyers to neighborhood businesses in the East Lake commercial district along E. 12th and E. 14th, and interacting with the Vietnamese, Chinese, Latino and African American Chamber of Commerce, as well as the Oakland Chamber. We also conducted a community meeting after being selected a second time by the City of Oakland and preparing an alternative plan for the site that included the 361 units in the two separate buildings over the podium, with a total of 108 affordable units. These meetings were attended by 50-100 people on each different occasion. During the meetings, we discussed the merits of each proposed project, including the benefits of additional affordable housing in the latest proposed project compared to the original project, along with the benefits of additional tax base for the city and the hundreds of construction jobs that would be created by the project. We did encounter a lot of discussion about why the City was not using the site for only affordable housing – a theme that was and continues to be discussed. Most of these meetings were coordinated with Council Member Abel Guillen's office, who assisted in the mailing of notices for the meetings. Additionally, CM Guillen and I conducted a separate meeting with members of East Lake United for Justice in the community, during which we debated the merits of the project vs the preference of the group's desire to have 100% affordable housing. We did not reach a consensus on how to satisfy all parties. We also discussed the community benefits that CM Guillen had negotiated with

us, that included \$300,000 for various community projects or programs. Another aspect of the project outreach included 3-4 meetings we have the Measure DD Committee and Parks & Recreation Committee to preview the project, gain input, and also review the specific plans for the City's open space adjacent to the project site that we will be improving and maintaining for the life of the building.

2. **Petitions:** over the period of 2015 – 2016 we reached out to residents of Oakland and the East Lake neighborhood with petitions to get people to sign in support of the project. During this period, we obtained over 500 signatures from residents, including approx. 200 from the Chinese and Vietnamese community. These signatures demonstrated there was consider support for the project and the program we were proposing for the E. 12th Street property.
3. **Letter Campaign:** over this same period, we reached out to members of the greater Oakland community. There were over 100 letters sent to members of the City Council, and the Mayor voicing their support for our project, and program to build market rate housing on this site to support the growth of the City's tax base.
4. **Elected Officials Interviews:** over this period, we reached out to Council Members, Planning Commissions, and other City Department officials, in addition to the Mayor and specifically the Council Member whose district the property is located, to gain input into the programming of our project. This included numerous meetings to review the requirements of the RFP issued by the City for this property, in an effort to gain input into the creation of our building program. The result of these meetings was responding with the eventual creation of the mixed-income project we are developing which includes 30% of the total 361 units or 108 affordable units, and also that the residents of the entire property would have access to the amenities being built within the market rate tower. The other major decision that resulted from these meetings was an agreement to do a Project Labor Agreement (PLA) for us to use 100% union subcontractors and workers on this project.

In conclusion, our development team has undertaken a comprehensive community outreach campaign over the last several years. Our goal was to reach as many people as possible to gain input into our project from their review of our program and design. We believe that we have accomplished that thru these efforts described above.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 OCT 24 PM 4:06

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION DENYING THE APPEAL BY DUNYA ALWAN, RYDER DIAZ, AND THE EAST 12TH COALITION THROUGH R. MICHAEL FLYNN (PLN19215-A01) AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE THE MAJOR CONDITIONAL USE PERMIT, MINOR VARIANCE, REGULAR DESIGN REVIEW PERMIT AND ENVIRONMENTAL DETERMINATION TO CONSTRUCT TWO RESIDENTIAL BUILDINGS WITH A GROUND FLOOR COMMERCIAL USE AT 101 EAST 12TH STREET

WHEREAS, Mr. Ronnie Turner filed an application on May 2, 2016, for a Conditional Use Permit, Variance, and Regular Design Review to construct two residential buildings with a ground floor commercial use at 101 East 12th Street, as case number PLN16128; and

WHEREAS, on June 15, 2016, the Planning Commission approved PLN16128 subject to the findings and conditions outlined in the staff report and additional conditions imposed by the Planning Commission, and also adopted the related California Environmental Quality Act (CEQA) analysis and findings in its environmental determination; and

WHEREAS, UrbanCore and EBALDC, filed an application on August 27, 2019, for a Conditional Use Permit, Minor Variance, and Regular Design Review Permit to construct two residential buildings with a ground floor commercial use at 101 East 12th Street, as case PLN19215 ("Project"); and

WHEREAS, the Project proposes to develop two residential buildings with 108 affordable units 252 market rate units on a City of Oakland ("City")-owned site created after the reconfiguration of East 12th Street adjacent to Lake Merritt; and

WHEREAS, on August 30, 2019, the Project was publicly noticed as required by the City's Planning Code; and

WHEREAS, on September 18, 2019, the Planning Commission approved the Project subject to the findings and conditions outlined in the staff report and additional conditions imposed by the Planning Commission, as well as the related CEQA analysis and findings in its environmental determination; and

WHEREAS, on October 30, 2019, a timely appeal of the Planning Commission's approval was filed by Dunya Alwan, Ryder Diaz, and The East 12th Coalition through R. Michael Flynn; and

WHEREAS, after giving due notice to the Appellant, the Applicant, and all interested parties, the Appeal came before the City Council at a duly noticed public hearing on November 5, 2019; and

WHEREAS, on a separate and independent basis, the anticipated environmental effects of the project have been adequately evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014); the Project is consistent with a Community Plan, General Plan or Zoning under Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning and the Project complies with Section 15183.3 of the State CEQA Guidelines: Streamlining for Infill Projects; further, the Project is Categorically Exempt under Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; and

WHEREAS, the City's CEQA analysis and findings for the Project were based on environmental consultant analysis of the proposal and an updated transportation analysis; and

WHEREAS, the Project will contain 108 affordable housing units and 252 market rate units, which will assist with alleviating the housing crisis in Oakland and the region; and

WHEREAS, the Project will be ideally located to minimize vehicle emissions because it is near a transportation hub, which includes a BART station, several AC Transit lines, and employment centers; now, therefore, be it

RESOLVED: That the City Council, having heard, considered, and weighed all the evidence in the record presented on behalf of all parties, and being fully informed of the application, the Planning Commission's decision, and the appeal, find that the appellant has not shown that the Planning Commission's approval of the Project and Environmental Determination was made in error, that there was an abuse of discretion by the Planning Commission or that the Planning Commission's decision was not supported by substantial evidence as outlined in the September 18, 2019 Staff Report to the Planning Commission, the approval findings and environmental determination, and the Agenda Report to City Council dated October 14, 2019, all of which are incorporated by reference as if fully set forth herein; and be it

FURTHER RESOLVED: That the City Council independently determines that the required findings can be satisfied to approve the Project, and furthermore, to adopt the Resolution to deny the appeal under PLN19215-A01 and uphold Planning Commission Decision on PLN19215; and be it

FURTHER RESOLVED: On a separate and independent basis, the anticipated environmental effects of the project have been adequately evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014); the Project is consistent with a Community Plan, General Plan or Zoning under

Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning and the Project complies with Section 15183.3 of the State CEQA Guidelines: Streamlining for Infill Projects; further, the Project is Categorically Exempt under Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; and

FURTHER RESOLVED: That per standard City practice, if litigation is filed challenging this decision, or any subsequent implementing actions, then the time period for obtaining necessary permits for construction or alteration and/or commencement of authorized activities stated in Condition of Approval #2 is automatically extended for the duration of the litigation; and be it

FURTHER RESOLVED: That the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California