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OAKLAND

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AGENDA REPORT

TO: Sabrina B. Landreth
CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Wood Street Development Area 1 Appeal **DATE:** August 17, 2015

City Administrator
Approval

Date 8/27/15

COUNCIL DISTRICT: # 3

RECOMMENDATION

Staff recommends the City Council conduct a public hearing and upon conclusion adopt:

A Resolution Denying The Appeal Filed By The Law Offices Of Wallace Doolittle, Representing California Waste Solutions (CWS), Of The Planning Commission's May 20, 2015 Approval Of A Preliminary/Final Development Plan, Design Review, And Vesting Tentative Parcel Map For A One-Lot Subdivision To Construct 47 New Townhouse-Style Residential Condominiums Located At A Vacant 2.11-Acre Site (A Portion Of Development Area 1 Of The Wood Street Zoning District) Bounded By The Pacific Cannery Lofts/Ironhorse Apartments To The East, 14th Street To The North, 11th Street To The South And Frontage Road To The West (Zoning Case No.: PLN15047-PUDF01-A01; VTPM10346).

OUTCOME

Adoption of the proposed resolution would uphold the decision of the May 20, 2015 Planning Commission to approve a 47-unit residential development at Development Area 1 of the Wood Street Project and deny the appeal filed by the Law Offices of Wallace Doolittle (representing California Waste Solutions (CWS)).

EXECUTIVE SUMMARY

On May 29, 2015, the Law Offices of Wallace Doolittle, representing California Waste Solutions (CWS), filed an appeal of the Planning Commission's approval of City Ventures' proposal to construct 47 new residential units on Parcel B of Development Area 1 on the grounds that the proposed project failed to comply with the required findings and standards under Section 17.101A D-WS - Review and Development Standards - of the Oakland Planning Code and that

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the project would have environmental impacts associated with the residential project's proximity to the existing CWS facility. The reasons stated by the appellant that the proposed project failed to comply with the required findings and standards of the Oakland Planning Code are not supported or substantiated by any hard evidence or technical studies. Staff therefore recommends that the Council deny the appeal and affirm the approval of the Planning Commission.

BACKGROUND/LEGISLATIVE HISTORY

Overall context and Wood Street Zoning District

The Wood Street Zoning District (WSZD) Project is a mixed-use redevelopment of under-utilized land around the 16th Street Train Station in West Oakland with the goal of creating an active, pedestrian-oriented urban community in West Oakland. The 29-acre Wood Street Development Project, involving five vesting tentative parcel maps, was approved by the City Council in June 2005. The plan area lies between 10th Street to the south, West Grand Avenue to the north, Wood Street to the east and 1-880 Frontage Road to the west.

The WSZD regulations include Land Use Regulations, Development Standards and Design Guidelines aimed at ensuring that individual developments will be visually and functionally integrated, and that collectively the project will be compatible with the existing neighborhood. For the purposes of appropriate regulations, the WSZD is divided into nine (9) Development Areas, each subject to specific regulations and to be developed within specific timelines by the respective owners. The WSZD project also approved a series of Vesting Tentative Parcel Maps (VTPM8551–8555) for all the parcels in the district, of which VTPM8551 was approved to create Parcels 1, 2, 3 and 4 for Development Areas 1 and 3.

Since the WSZD regulations were adopted, three main development projects have been completed for Development Areas 2 and 3. These include 1) the 163-unit Pacific Cannery Lofts (PCL) by Holliday Developments; 2) the 130-unit Zephyr Gate townhomes by Pulte Homes; and 3) the 99-unit Ironhorse rental apartments by Bridge Housing. In 2007 the Planning Commission approved the HFH Apartments project (a 301–unit apartment development) for Development Area 4, but it was not built and this area was revised to a 176-unit residential and commercial project, which was approved by the Planning Commission on August 6, 2014. On December 3, 2014, the Planning Commission approved another mixed-use (residential/commercial) development involving 235 residential units and 13,615 square-feet of flex commercial spaces to be completed in two phases for Development Area 8. Although staff is aware of at least two pre-application consultations with potential developers who are interested in some of the remaining development areas, the proposed 47 units at Parcel 2 of Development Area 1 is the latest official proposal (in addition to the above-listed entitlements) that the City has received towards further implementation of the Wood Street Project.

The WSZD Development Area 1 (Parcel 2) is one of four parcels approved as part of VTPM8551. Parcel 2 of Development Area 1 is a 2.11-acre vacant site bounded by the Pacific Cannery Lofts/Ironhorse Apartments to the east, 14th Street to the north, 11th Street to the south and Frontage Road to the west. Prominent uses and developments in the vicinity include the historic 16th Street Train Station, the Zephyr Gate townhouses, the Ironhorse housing development, the Pacific Cannery Lofts and a mixture of uses including the Bea's Hotel, the California Waste Solutions recycling facility, historic Victorian homes, warehouses, and construction/light industrial yards.

Current Property Description

On February 26, 2015, City Ventures filed an application for approval of a combined Preliminary and Final Development Plan, Design Review, and Vesting Tentative Parcel Map for a new 47-unit residential condominium development located at a vacant 2.11-acre site (Parcel 2, a portion of Development Area 1 of the Wood Street Zoning District) northwest and adjacent to the California Waste Solutions (CWS) facility.

The 1,650 square-foot three-bedroom units are proposed to be in three story structures with parking garages on the ground level. Front and rear yards provide useable open space for each of the residential units. Due to the linear and relatively narrow orientation of the subject lot the site plan features a series of five detached structures that contain groups of the townhouse-style condominium units. The new structures are organized along the western property line closer to Frontage Road. A driveway easement is located along the eastern property line adjacent to the Pacific Cannery Lofts (PCL) and the Iron-horse developments, which provides vehicular access to all the units as well as the PCL garage. The exterior materials and treatments include cement board and stucco. The designs incorporate various elements and detailing such as projecting/recessed planes. The proposed landscaping include trees, shrubs, ground cover, as well as hardscape such as decorative pavers, planters, and other features that enhance the visual quality, functionality, and experience of the open areas.

Planning Commission Action

The project was duly noticed, and after conducting a public hearing and taking testimony from interested parties on May 20, 2015, including the appellant, Wallace Doolittle on behalf of CWS, the Planning Commission (PC) modified the conditions of approval to restrict vehicular access on 11th Street from the subject site and approved the project.

The Planning Commission's decision was based on findings that the proposed project is substantially consistent with the applicable land use regulations and property development standards as specified in the Wood Street Zoning District (WSZD) for approving a Preliminary Development Plan (PDP) and Final Development Plan (FDP), and Regular Design Review for new construction. The Commissioners also expressed the desire to see CWS's planned relocation to the Oakland Army base occur soon.

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Environmental Review background and findings for this approval

An Environmental Impact Report (EIR) ER03-0023 was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "Previous CEQA Documents"). As the statute of limitations for challenges to the Previous CEQA Documents has long passed, those documents are legally valid. At this juncture, the only relevant issues for further CEQA review are whether the circumstances necessitating preparation of a subsequent or supplemental EIR are present.

The previous 2005 CEQA analysis factored in all pertinent issues including the siting of new developments, density, traffic, historic resources, hazardous materials, etc. and concluded that the Wood Street Project (including the proposed residential development at Development Area 1) was appropriate with the adopted conditions of approval and mitigations to reduce the identified impacts to less than significant levels. No further/additional CEQA review is required. As described in more detail in this report, none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. There is no 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 CEQA Documents were certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures, which were previously determined not to be feasible would in fact be feasible, or that are considerably different from those recommended in the Previous CEQA Documents and which would substantially reduce significant effects of the project, but the City declines to adopt them.

The issues raised in the appeal were fully evaluated in the EIR and related project approvals when the project was approved in 2005. The proximity of the residential project to the CWS facility was evaluated in the EIR along with potential impacts associated with adjacent sites including noise, truck traffic, air quality and pedestrian safety. There is no evidence that impacts associated with development of this parcel will have significant new or substantially more severe impacts than those analyzed in the EIR, nor is there evidence of changed circumstances that would result in significant impacts that were not previously analyzed. The EIR also addressed

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comments requesting that the project provide buffers between the CWS facility and residential development, as the appellant currently advocates for in the this appeal. Such buffers were determined not to be necessary to mitigate a significant environmental impact.

As a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15183; wherein projects consistent with a community plan, general plan or zoning are not subject to further environmental review.

ANALYSIS

Specific comments and evidence were submitted by CWS through their counsel, Mr. Wallace C. Doolittle at the May 20, 2015 public hearing and subsequently through the appeal documents. Each basis of appeal is stated below followed by staff's responses:

- 1.) ***Appellant's Comment:*** The industrial and residential uses in close proximity to one another are incompatible on their face.

Staff's Response: The 29-acre Wood Street Development Project, involving five vesting tentative parcel maps, which include the subject site was adopted by the City Council in June 2005 as a mixed-use redevelopment of under-utilized former industrial land around the 16th Street Train Station in West Oakland with the goal of creating an active, pedestrian-oriented urban community in West Oakland. The General Plan and Zoning of the Wood Street zoning currently supports residential uses and not industrial uses.

During the public review process for the Wood Street development, the City recognized that there were existing potentially incompatible uses in proximity and these would continue during the transition to a more mixed use, less industrial area. At that time CWS expressed concern about potential impacts. CWS was able to secure more distance between their operation and the Wood Street development in order to establish a barrier. In addition, a condition of approval was incorporated to require a disclosure to all new residents about the potential impacts from adjacent non-residential uses pertaining to noise, truck, dust, etc.

- 2.) ***Appellant's Comment:*** The proposed project would increase traffic in an area already plagued by traffic. CWS operates approximately 60 loaded trucks in their business that also traverse the neighborhood streets. This development would add 47 new residential units, presumably adding a minimum of 47 new vehicles to these already congested roadways. Furthermore there is insufficient parking capacity for the second vehicle and guest parking in the neighborhood. This issue was brought up at the May 20, 2015 hearing. The Commission responded by prohibiting the project from allowing 11th Street to become a "Through" street, which would indeed minimize some traffic in the area.

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However, the project itself, both the development of the land and subsequent residential property will add traffic to the area.

Staff's Response: An Environmental Impact Report (EIR) ER03-0023 was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "Previous CEQA Documents"). The Previous CEQA Documents studied and identified potential traffic impacts and adopted specific mitigation measures to sufficiently address those impacts. Among others, the Conditions of Approval for the proposed project require that the developer pay a fair-share contribution towards applicable mitigation measures (Details of these are discussed under "Key Issues and Impacts" of the May 20, 2015 PC staff report as well as this Council report).

The project proposes 94 off-street parking spaces where 52 total spaces are required. The additional 42 spaces should be sufficient for guest parking.

- 3.) **Appellant's Comment:** Further the proposed project would likely result in incineration emissions, odor, noise, and safety impacts caused by the developer. These issues although submitted to the Planning Commission were not addressed or remedied.

Staff's Response: As stated earlier, the Previous CEQA Documents considered all potential impacts including potential pre- and post-construction impacts and sufficiently addressed them. The proximity of the residential project to the CWS facility was evaluated in the EIR. There is no evidence that impacts associated with development of the subject site will have significant new or substantially more severe impacts than those analyzed in the EIR, nor is there evidence of changed circumstances that would result in significant impacts that were not previously analyzed. The EIR also addressed commenter's requests that the project provide buffers between the CWS facility and residential development. As previously noted, CWS was able to secure design elements and improved distance during the 2005 approvals to mitigate any of these impacts. The appeal merely offers unsubstantiated assertions regarding impacts that were previously evaluated in the Previous CEQA Documents. The proposed project is not expected to result in significant incineration emissions, odor, noise, and safety impacts. The standard conditions of approval attached to the May 20, 2015 Planning Commission staff report sufficiently addresses potential future impacts.

- 4.) **Appellant's Comment:** Finally, the environmental impacts of such development were not properly addressed by the Oakland City Planning Commission. CWS is obviously concerned regarding the development of the property adjacent to its facilities and all associated environmental impacts as it could and would affect their business. The environmental impacts could be eliminated if the developers would refrain from developing residential structures adjacent to its facilities.

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Staff's Response: The subject site is zoned for only residential and some limited civic uses. The CWS facility, which is expected to move to the Oakland Army base, is the non-conforming use in this setting. The environmental review for the Wood Street Project and fully analyzed the potential environmental impacts of the Wood Street Project including the proposed 47-unit townhouse development. The recently-adopted West Oakland Specific Plan also factored the Wood Street Project into its analyses. These previous CEQA analyses identified some potentially significant environmental impacts and where necessary, adopted specific mitigation measures to address those impacts. The EIR also addressed assertions that a buffer should be provided between CWS and residential development. It was determined at the time of the 2005 approvals that such a buffer was not necessary to mitigate a significant environmental effect some factual details of the environmental analyses are as follows:

Residential Use/Density – The Wood Street Project involved rezoning the site from industrial to mixed residential and commercial uses. Analyses performed for the project included population growth, job creation, transportation, soil screening for contaminants, biological resources, historic evaluation of the 16th Street train Station concluded that that mixed use including residential are appropriate for the project area. A cumulative growth analysis performed by Hausrath Economics Group looked at future households, employment and population. The final densities prescribed in the Wood Street Zoning District (WSZD) were based on these analyses and recommendations. Based on these studies and WSZD prescribed densities, the subject site would allow a minimum of 46 units and a maximum of 82 units. Therefore, the proposed 47 residential units is significantly less than the maximum allowed residential density.

Traffic – The previous CEQA analysis performed by Dowling Associates for the Wood Street Project examined roadway impacts of the project including impacts on the regional transportation system using the Alameda County Congestion Management Agency (ACCMA) Countrywide Travel Demand Model. The analyses determined that significant impacts would exist if the addition of project-related traffic resulted in a Level of Service (LOS) value worse than E on a scale of A to F. LOS A indicates little if any delay and LOS F indicates significant delay. The study found that under 2025 cumulative conditions with the project, one link (southbound I-88 north of the I-980) would change in terms of level of service (i.e. from C to D), but all other analysis roadways would continue to operate at LOS E or better (i.e. no roadway reaches LOS F with the project).

With regard to transit corridors, the study found that the project is located within the service areas of AC Transit and BART. The study found that while the area was well served by BART, it was poorly served by AC Transit. The study, however, noted that future growth and development within the project area would provide nominal increase in ridership on AC Transit buses and would be a less than significant impact. The study stated:

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“There is limited service provided by AC Transit in the project area and buses during peak hour have sufficient capacity to accommodate this nominal increase in bus trips. Therefore, the project is not expected to require a change of the transit service standard of 15-30 minute bus frequencies.”

The study projected that the residential component of the project would increase demand at the West Oakland BART station by approximately 3.7 percent and would not require a change in the current BART headway of 4.5 minutes during peak hours. However, the increased ridership could have an impact at the turnstile gates during the peak hours and so Conditions of Approval were added to the project to mitigate that impact by funding one additional turnstile gate at the West Oakland BART station.

Incineration Emissions, Odor, Noise, Safety impacts - The proposed project is purely residential (47 townhouse units) and does not involve any manufacturing or commercial activities that would generate incineration emissions, odor, noise, or pose any negative safety impacts on the CWS recycling facility. The standard condition of approval attached to the project adequately addresses all potential impacts.

Compliance with Applicable Regulations

The overarching basis for the appeal of the Law Offices of Wallace Doolittle, representing CWS, is that the proposed project failed to comply with the required findings and standards under Section 17.101A DW-S Review and Development Standards of the Oakland Planning Code.

Staff reproduces below, a summary of applicable findings and standards demonstrating that the project complies with the applicable standards of the Wood Street Zoning District pursuant to Section 17.101A DW-S of the Planning Code.

General Plan Analysis

The subject site is located in the Urban Residential land use classification according to the City of Oakland General Plan Land Use and Transportation Element (LUTE). According to the LUTE, 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.” Furthermore, the primary future uses in this classification are residential. The proposed 47 residential development is consistent with the General Plan in that it is located within the Wood Street Development Project Area with easy access to major arterial streets such as West Grand Avenue and has good access to public transit such as BART and AC Transit.

The proposed project is consistent in all significant respects with the following General Plan objectives and policies:

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- *Objective N3, Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community.* The project will provide the Oakland community with 47 new dwelling units.
- *Policy N3.1, Facilitating Housing Construction: Facilitating the construction of housing units should be considered a high priority for the City of Oakland.* The City of Oakland's Planning and Zoning Department has streamlined its systems in order to facilitate the construction of new homes by assisting developers to navigate the permitting process smoothly and in a timely manner.
- *Policy N3.2, Encouraging Infill Development: In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City Oakland.* The project is proposed for a site located in an urban area of West Oakland. The new development will be an infill development for the currently vacant site.
- *Policy N6.2, Increased Home Ownership: Housing developments that increase home ownership opportunities for households of all incomes are desirable.* The project will provide home ownership opportunities for 47 new households. The developer intends to build these units as condominiums, which will create homeownership opportunities and make the units more affordable for purchasing.

Zoning Analysis

The WSZD regulations include Land Use Regulations, Development Standards and Design Guidelines aimed at ensuring that individual developments will be visually and functionally integrated with each other as well as collectively compatible with the existing neighborhood.

The WSZD requires both a Preliminary and a Final Development Plan that shows such details as streets, location of details of structures, uses, estimated population, landscaping features, phasing plan, public and private infrastructure, etc. for each development area.

Preliminary and Final Development Plan (Wood Street Zoning District)

The Preliminary Development Plan (PDP) and Final Development Plan (FDP) in the context of the Wood Street Zoning District are unique and although similar in concept to a Planned Unit Development (PUD), it is different in format and review criteria from the PUD process in the Planning Code. The procedure for Design Review for PDP/FDP in the WSZD follows the schedule outlined in Section 17.136.060 of the Planning Code, but not the criteria. The WSZD limits Design Review to a determination of whether or not the proposed design is in substantial compliance with the design guidelines specified in WSZD regulations (see **Attachment B** May 20, 2015 PC staff report).

Land Use Regulations

Development Area 1 of the WSZD requires a minimum residential density of one unit per 2,000 sq. ft. of lot area and a maximum density of one unit per 1535.22 sq. ft. of lot area which translates into a minimum of 46 and a maximum of 59.9 units for the 2.11 acre project site. The proposed 47 units are therefore consistent with the Development Area 1 prescribed density. The proposed 47 residential units (Permanent Residential Activities) is a permitted use in Development Area 1 of the WSZD.

In order to approve the project, the WSZD regulations require the Planning Commission to make written findings that the Preliminary and Final Development Plan for the project is in substantial conformance with the Wood Street Zoning District Regulations - Design Review criteria (See Findings in May 20, 2015 Staff Report) and the WSZD development standards (See *Attachment B* of May 20, 2015 Planning Commission staff report). The project also involves VTPM 10346, which is a revision to the previously approved VTPM8551 in order to construct the proposed 47 units as condominiums at Parcel 2.

Table 1: Project Consistency with Required Development Standards

	Required	Proposed
Max. Residential Density		
1. Min land area/dwelling unit	1,535.22 sq. ft.	1,955.57 sq. ft.
2. Max. dwelling unit/acre	28.4 DU/A	22.27 DU/A
3. Max number of units	59.9 (82 for all Dev. Area 1)	47
Min. Residential Density	1 unit /2000sf of site area (22 DU/A)	47DU/2.11A =22.27 DU/A
Max. FAR	N/A	N/A
Max. Height	65 ft.(some exceptions apply)	35 ft.
Min. Street setbacks		
-Wood Street	10ft.	N/A.
-12 th Street	0	N/A
-Frontage Road	0	0 to 13'-6"
-14 th Street	0	N/A
-Public Access Areas	0	N/A
Min. Interior setbacks	5 ft.	5 ft.
Min. useable open space	100 sq. ft./unit)	240 sq. ft./unit
Reqd. off-street parking- - Residential	1.1 space/DU	2 spaces/DU

Key Issues and Impacts

Overall, the proposed site plan and design for the proposed project is successful and consistent with the Wood Street development plan's goal of creating an active, pedestrian-oriented urban

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community in West Oakland. The proposed townhouse-style/row-house structures will be built as condominium units and appropriate for this linear strip of land in the Wood Street development area. The key issues and impacts are discussed below:

- ***Density/Setbacks***

The 47-unit project complies with the minimum of 46 and the maximum of 59.9 units for the 2.11 acre project site. The proposed structures will comply with all the required setbacks along Frontage Road and the remaining property lines.

- ***Automobile Parking***

The project provides at least one off-street parking space for all the residential units within an enclosed garage and an additional parking space within the driveway, which translates into two off-street parking spaces for each dwelling unit and a total of 94 spaces for the entire development.

- ***Site Plan and Building Design***

The site plan presents an urban medium-density type development that responds to the context of urbanized development in the vicinity. The units are proposed in a series of five detached three-story structures with contemporary design styles to blend-in with the recent developments in the Wood Street District. The exterior materials and treatments include cement board and stucco. The designs incorporate various elements and detailing such as projecting/recessed frames to achieve a well-composed building volume that is proportionally scaled to fit the site.

- ***Usable Open Space***

The WSZD requires 100 square feet of usable open space per dwelling unit. The project provides an average of 240 square feet of private open space per unit. The project incorporates landscaping (softscape and hardscape) to enhance the open areas to achieve a net reduction of peak flow stormwater run-off.

- ***Landscaping***

The project incorporates various landscaping elements to achieve an attractive street and front yard ambience. The proposed landscaping include trees, shrubs, ground cover, as well as hardscape such as decorative pavers, planters and other sculptural features that enhance the visual quality, functionality, and experience of the open areas.

- ***Project Phasing***

The project construction is projected to commence in early 2016 and be completed by early 2017. At this juncture no phasing is proposed for the project. In the event the applicant decides to complete it in phases, staff recommends that the Planning Commission allow the flexibility for that to happen.

- ***Historic 16th Street Train Station***

The project site is located two city blocks away from the historic 16th Street train station. The development is not expected to change the significance of, or have any negative impacts on the train station. Instead, the project involves improvements at a neighboring vacant site and expected to bring more residents to the area, generate more pedestrian activity, spur economic development in the area and serve as a catalyst for similar developments in the area and contribute to the subsequent rehabilitation of the train station building.

- ***CEQA Analysis***

As described in the “Environmental Determination” section, above, the proposed project was fully analyzed as part of the Wood Street Project and all pertinent environmental issues were reviewed and addressed. EIP Associates analyzed the Wood Street Project, which includes the subject site in the Wood Street Project Environmental Impact Report EIR certified on March 16, 2005. The EIR examined each of the relevant CEQA topics to ascertain potential impacts. The study identified some potential impacts and adopted a number of mitigations and conditions of approval to address relevant impacts. Further, the EIR prepared for the West Oakland Specific Plan (WOSP), and certified on July 29, 2014 covered the entire Wood Street Project area. Thus, the City can rely on the previous CEQA documents.

- ***Traffic Mitigation and Fair Share Contributions***

As part of mitigation measures for the Wood Street Project, certain traffic mitigation measures were identified to study and improve specific intersections. The project shall be required to comply with the Traffic Mitigations and Fair Share contributions as per the mitigation measures associated with VTPM8551 (Parcel 2) and ER03-0023 for the Wood Street project with details as follows:

For VTPM8551 COA's 25, 26, 27, and 28, the applicant would be required to pay the Fair Share contribution identified in Eric Angstadt's letter of May 29, 2009 prior to issuance of building permit (See ***Attachment B*** of May 20, PC staff report).

VTPM8551 COA's 29 and 30, which addresses BART ridership and fare gate capacity are no longer CEQA thresholds. However, they are required as mitigation for traffic impacts. Staff recommends that the applicant collaborate with the other Wood Street Project sponsors to re-engage discussions with BART to see if they have completed and implemented methods to address capacity impacts on BART for new developments.

For VTPM8551 COA 76, the applicant in collaboration with the other Wood Street Project sponsors shall re-engage discussions with AC Transit to see if service on the 26 line can be returned to 15 minute headways, and as development of the Wood Street Zoning District

progresses to the north, in coordination with AC Transit, locate an additional AC Transit stop proximate to the new uses.

One of the Conditions of Approval for some of the Wood Street Project sites (excluding the subject site) required the implementation of a Public or Private Shuttle Service between the Project Area and the West Oakland BART Station. From 2007 to 2009, the Wood Project Sponsors engaged in a study of this topic, soliciting a number of bids for private shuttle service, surveying residents and future residents about their potential utilization of such service, and engaging in discussions with AC Transit and BART. As a result of this study, the Project Sponsors elected not to utilize a private shuttle, for the following reasons:

- AC Transit opposed the private shuttle service, which they believed would negatively impact their ridership.
 - In surveys conducted at the time, incoming homeowners expressed very low levels of support for a private shuttle, a strong indicator that the shuttle was unlikely to be "used sufficiently to result in a substantial reduction in private vehicle use by Project residents and occupants".
 - In consultation with AC Transit, the Project Sponsors provided a new stop on the 26 line at 12th and Wood.
 - In response to anticipated new peak hour utilization, AC Transit agreed to reduce peak hour headways at the new stop to 15 minutes, with a five minute travel time to the West Oakland BART Station.
 - Condition 76 explicitly allows latitude on the parts of both the Project Sponsors and the Planning Director to implement the best solution to facilitate use of transit and reduce private vehicle use. Due to more recent budget cutbacks and ridership analysis, headways at the local stop have increased during peak hours to 18 - 20 minutes, although travel time to the West Oakland BART station remains five minutes.
- ***City Engineer's Report***
Section 3.20 and 3.40 of the WSZD regulations require that the City Engineer review the plans and determine whether the submittal is complete. The PDP/FDP plans were circulated for review and comment to the Oakland Public Works, Building Services, and Fire Prevention Services and all departments have reviewed and cleared the project for approval subject to the conditions of approval. (See Conditions of Approval attached to the May 20th PC staff report as ***Attachment B***).

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Conclusion

The Planning Commission and City Staff determined that the proposed new residential development involving 47 residential units is an appropriate development for the WSZD of West Oakland. The project is consistent with the development standards of the WSZD land use regulations of the Oakland Planning Code. The project would not result in new or more severe environmental impacts beyond those identified in the Wood Street EIR and therefore no subsequent or supplemental environmental review is warranted. The site plan, building designs, layout, heights, materials, colors, open areas, and landscaping all combine as a cohesive whole that is appropriate for the subject site. This project will serve as a catalyst for further development within the Wood Street Project area and eventually lead to the rehabilitation and reuse of the 16th Street Train Station and Plaza.

The reasons stated by the Law Offices of Wallace Doolittle, representing CWS that the proposed project failed to comply with the required findings and standards under Section 17.101A DW-S Review and Development Standards of the Oakland Planning Code is not supported or substantiated by any documented evidence or technical studies. Rather, the May 20th Planning Commission Staff Report, the previous CEQA documents, and the details of the proposed project clearly show that the proposed project complies with the Urban Residential General Plan and the Wood Street Zoning District. Staff therefore recommends that the City Council deny CWS's appeal and affirm the approval of the Planning Commission.

POLICY ALTERNATIVES

<i>Alternative #1</i>	Approve CWS's appeal and overturn the Planning Commission's approval of the project. Staff would need to return to the City Council with Findings for denial of the proposed project.
<i>Pros</i>	None Identified
<i>Cons</i>	The Wood Street Project would not be fully implemented and the 16 th Street Train Station would continue to be in disrepair.
<i>Reason for not recommending</i>	The proposed project was duly analyzed as part of the larger Wood Street Project and forms a vital part of the area development. The project is anticipated to contribute to the revitalization of the 16 th Street Train Station and surrounding area. Without it, the Wood Street Project will remain only a concept on paper and the site is likely to continue to remain underdeveloped.

<i>Alternative #2</i>	Add additional conditions of approval to the project.
<i>Pros</i>	This may allow any new information that was not available at the time of project review and approval to be addressed.
<i>Cons</i>	Additional conditions may encumber the project and make it

	unviable for the developer.
<i>Reason for not recommending</i>	No new information warranting additional conditions of approval has been presented by the appellant. The previous CEQA analysis and the standard conditions of approval adequately address all pertinent potential project impacts.

PUBLIC OUTREACH/INTEREST

The applicant has conducted community meetings and received support from most of the residents in the area. The project was also duly notice prior to the May 20, 2015 Planning Commission hearing.

COORDINATION

Coordination has occurred between the Bureau of Planning, the City Attorney’s office, and the Controller’ Bureau.

COST SUMMARY/IMPLICATIONS

There is no cost to the City for this project. The project is a 100 percent developer-funded project.

SUSTAINABLE OPPORTUNITIES

Economic: The affirmation of the Planning Commission’s approval will contribute to City’s goal of increasing housing stock in Oakland.

Environmental: The project has already been evaluated under the Previous CEQA documents and all potential impacts have been sufficiently addressed.

Social Equity: This project will serve as a catalyst for further development within the Wood Street Project area, the development of the Wood Street Project and this part of West Oakland will result in the revitalization of a nearly vacant 29 acre parcel, including the rehabilitation and reuse of the 16th Street Train Station and Plaza. The historic train station building has importance to the African –American community and the plaza will be accessible to the public.

CEQA

As discussed above, an EIR (ER03-0023) was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "previous CEQA documents"). The previous CEQA analysis factored in all pertinent issues including the siting of new developments, density, traffic, historic resources, hazardous materials, etc. and concluded that the Wood Street Project (including the proposed residential development at Development Area 1) was appropriate with the adopted conditions of approval and mitigations to reduce the identified impacts to less than significant levels. No further/additional CEQA review is required. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

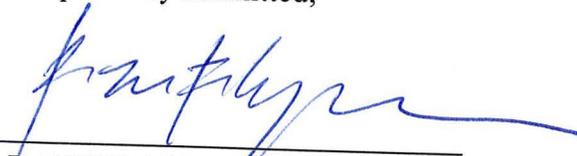
1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. There is no 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 CEQA Documents were certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures that were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents and which would substantially reduce significant effects of the project, but the City declines to adopt them.

As a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15183, projects consistent with a community plan, general plan, or zoning.

Item: _____
City Council
September 8, 2015

For questions regarding this report, please contact Maurice Brenyah-Addow, Planner III, at (510) 238-6342.

Respectfully submitted,



RACHEL FLYNN, AIA
Director, Planning and Building Department

Reviewed by: DARIN RANELLETTI
Deputy Director, Planning and Building
Department

Prepared by:
Maurice Brenyah-Addow, Planner III
Bureau of Planning

Attachments (2):

- Attachment A* Appeal Documents
- Attachment B* May 20, 2015 Planning Commission Staff report

Item: _____
City Council
September 8, 2015



**CITY OF OAKLAND
 APPEAL FORM
 FOR DECISION TO PLANNING COMMISSION, CITY
 COUNCIL OR HEARING OFFICER**

PROJECT INFORMATION

Case No. of Appealed Project: PLN15-047-PUDF-01 (VTPM10346)
 Project Address of Appealed Project: 610th Street (Parcel 12) Wood Street Development Area 1
 Assigned Case Planner/City Staff: Maura Benjamin-Adlow

APPELLANT INFORMATION:

Printed Name: Law Office of Wallace Dean Phone Number: 510 66-0000
 Mailing Address: 1200 B Street, Ste 220 Alternate Contact Number: _____
 City/Zip Code: Hayward, CA 94541 Representing: California Waste Solutions, Inc.
 Email: dean@llaw.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) _____

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) _____

(continued on reverse)

A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY 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) Approval of project PL N15-047-PUDF-01 (NTPM163+6)

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.)*

PLEASE SEE ATTACHED WRITTEN APPEAL AND SUPPORTING EVIDENCE

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.)*

(Continued)

Roopa Krishna

Signature of Appellant or Representative of
Appealing Organization

5/28/15

Date

.....
Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:
.....

City of Oakland
Attachment to Appeal Form for Decision to Planning Commission,
City Council or Hearing Officer

According to Oakland Planning Code Section 17.136.090, a written appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by evidence on the record. In the present case, the Oakland Planning Commission's decision was not supported by evidence on the record and therefore is subject to the instant appeal and should be overturned.

In the Staff Report regarding Case File Number: PLN15-047-PUDF-01(VTPM10346), the Planning Commission indicated that the proposal met the required findings and standards under Section 17.101A DW-S Review and Development Standards of the Oakland Planning Code; however, the evidence on record shows otherwise. The Staff Report indicated that the "layout, design and size of the proposed project are appropriate for the location and compatible with the surrounding area, which has a variety of land uses and building types." (Staff Report, pg. 13) This, however, is contrary to the comments and evidence submitted by California Waste Solutions, Inc., (hereinafter referred to as "CWS") by their counsel, Mr. Wallace C. Doolittle at the May 20, 2015 public hearing.

The proposed project is incompatible with the surrounding area in a number of ways. First, the industrial and residential uses in close proximity to one another are incompatible on their face. Second, the proposed project would increase traffic in an area already plagued by traffic. CWS operates approximately sixty loaded trucks in their business that also traverse the neighborhood streets. This development would add 47 new residential units, presumably adding a minimum of 47 new vehicles to these already congested roadways. Furthermore, there is insufficient parking capacity for the second vehicle and guest parking in the neighborhood. This

issue was brought up at the May 20, 2015 hearing. The Commission responded by prohibiting the project from allowing 11th Street to become a “through” street, which would indeed minimize some traffic in the area. However, the project itself, both the development of the land and the subsequent residential property will add traffic to the area.

Further, the proposed project would likely result in incineration emissions, odor, noise and safety impacts caused by the developer. These issues, although submitted to the Planning Commission, were not addressed or remedied. Finally, the environmental impacts of such development were not properly addressed by the Oakland City Planning Commission. CWS is obviously concerned regarding the development of the property adjacent to its facilities and all associated environmental impacts as it could and would affect their business. The environmental impact could be eliminated if the developers would refrain from developing residential structures adjacent to its facilities.

Although the Oakland Planning Commission took some measures to mitigate the impact of the proposed development, it did not make a decision that was supported by the evidence presented to it. The development of the proposed property will cause a significant environmental impact and further increase traffic in an already congested area. CWS urges the Oakland City Counsel to re-evaluate this project based on these factors.

LAW OFFICES OF
WALLACE C. DOOLITTLE

580 California Street, 12th Floor, San Francisco, CA 94104 (415) 568-2249 Fax (415) 634-1303
1260 B Street, Suite 220, Hayward, CA 94541 (510) 888-0600 Fax (510) 888-0606

May 20, 2015

Chris Pattillo
Zoning and Planning Commission of Oakland
250 Frank H Ogawa Plaza
Oakland, CA 94612

Received at
Planning Commission
Hearing Date 5-20-15
Case # PLN150047-PUDF01
Item # 4

**Re: Objections to Agenda Item 4, 0 10th Street (Parcel 2- Wood Street
Development Area 1- 2.1 Acre site bounded by the Pacific Cannery
Lofts and Ironhorse Apartments to the east, 14th Street to the north,
11th Street to the south and Frontage Road to the West)**

Mr. Pattillo and Members of the Oakland City Planning Commission,

My name is Wallace Doolittle. I am an attorney, representing California Waste Solutions, Inc. On behalf of my client, I would like to address the following concerns regarding the proposal to construct a 47-unit residential condominium at 0 10th Street in Oakland.

California Waste Solutions, Inc.'s recycling facility is located directly across from the street from the area proposed for residential construction. CWS is an essential component of the City of Oakland's program to comply with the requirements of AB939. It processes almost 150,000 tons per year in the State of California. CWS is proud of its important accomplishments in this vital field. It pioneered single stream recycling, a technique which is now widely employed by other facilities. It has won a small business award from the City of Oakland and the WRAP award from the California Integrated Waste Management Board. CWS operates its facility in two shifts between 6:00 a.m. and 9:00 p.m. daily. One hundred and fifty employees are involved. The operation includes the arrival of approximately sixty loaded trucks and departure of twenty-five unloaded trucks in each twenty-four hour period.

The proposed project will result in significant environmental impacts associated with the construction of proposed residential development in close geographic proximity to the existing CWS facility operations. The development of this property would result in incineration emissions, odor, noise, traffic, and safety impacts caused by the developer. In addition, the project layout is problematic. The project layout does not provide sufficient open space and/or a buffer separating proposed housing units from existing industrial facilities.

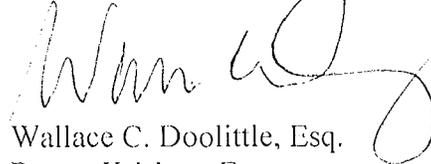
I would like to stress that these environmental impacts could be eliminated if the developers would refrain from developing residential structures adjacent to CWS facilities. That goal could be accomplished by providing a buffer area around the CWS plant or by making sure that residential uses were avoided next to the facility.

CWS, further, has concerns on behalf of the community regarding the easement that will be created by this residential development. Currently, there is no access to 11th Street from the Frontage Road. However, by developing this site, 11th Street will become a "through" street, allowing vehicles to gain access to 11th Street from the Frontage Road. As the community and commission are well aware, this area is already extremely congested with traffic. Developing this "through" street will only exacerbate the issue by allowing vehicles from non-residents from outside of the neighborhood to use these residential communities as another avenue to complete their commute. The Planning Commission should seriously consider this increase in the flow of traffic in their decision to approve the proposed development plan.

I urge the Planning Commission and the members of the community here today to seriously re-consider approving this project based on these factors and re-evaluate the many environmental impacts of building this structure. Thank you for your consideration.

Very truly yours,

LAW OFFICES OF WALLACE C. DOOLITTLE

A handwritten signature in black ink, appearing to read 'Wallace C. Doolittle', written over the typed name.

Wallace C. Doolittle, Esq.

Roopa Krishna, Esq.

Attorneys for California Waste Solutions, Inc.

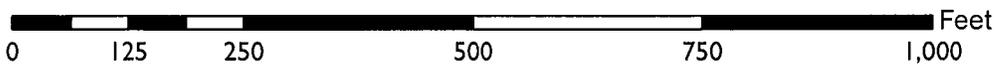
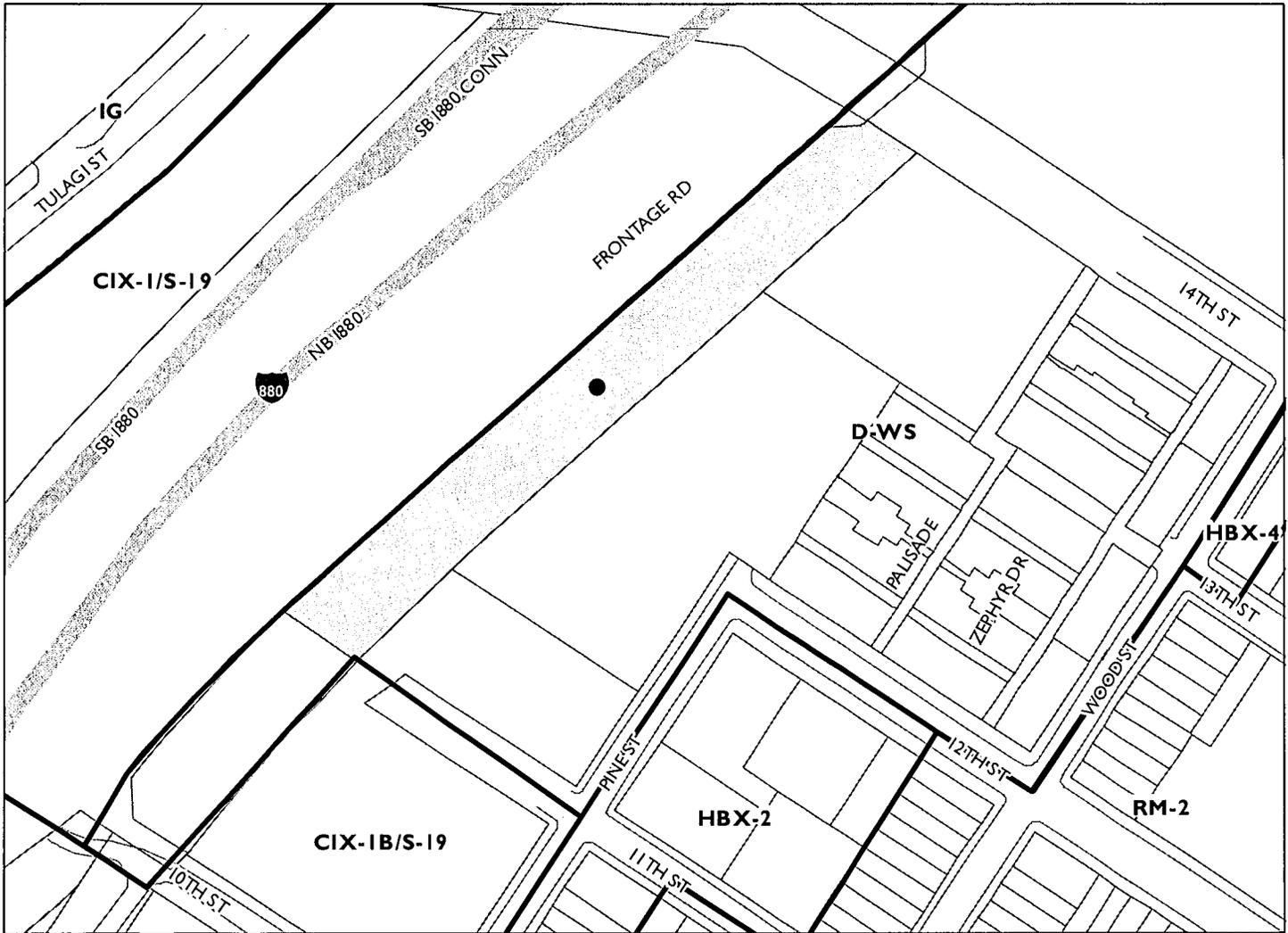
Location:	0 10th Street (Parcel 2- Wood Street Development Area 1 – 2.11-Acre site bounded by the Pacific Cannery Lofts /Ironhorse Apartments to the east, 14th Street to the north, 11th Street to the south and Frontage Road to the west) (See map on reverse)
Assessors Parcel Number:	006-0029-007-00
Proposal:	To construct a new 47-unit townhouse-style residential condominium development.
Owner:	Build West Oakland, LLC
Applicant:	City Ventures – Molly Maybrun (510)846-6540
Case File Number:	PLN15-047-PUDF01(TPM10346)
Planning Permits Required:	Preliminary and Final Development Plan; Design Review for construction of 47 new townhouse-style residential condominiums; Vesting Tentative Tract Map for a one-lot subdivision to create 47 new townhouse-style residential condominium units
General Plan:	Urban Residential
Zoning:	D-WS Wood Street Zoning District – Development Area 1
Environmental Determination:	State CEQA Guidelines: The project relies on previous EIR (ER03-0023) for Wood Street certified on March 16, 2005 and the West Oakland Specific Plan (WOSP) EIR certified on July 29, 2014, and Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
Service Delivery District:	1
City Council District:	3
Status:	Pending
Action to be Taken:	Decision on application based on staff report
Staff Recommendation:	Approval subject to conditions
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com

SUMMARY

City Ventures is requesting approval of a combined Preliminary and Final Development Plan, Design Review for a new 47-unit townhouse-style residential condominium development. The project is proposed to be constructed on a vacant 2.11-acre site bounded by the Pacific Cannery Lofts/Ironhorse Apartments to the east, 14th Street to the north, 11th Street to the south and Frontage Road to the west which is designated as Development Area 1 in the Wood Street Zoning District (WSZD).

The proposed project is substantially consistent with the applicable land use regulations and property development standards as specified in the WSZD for approving a Preliminary Development Plan

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN150047-PUDF01

Applicant: City Ventures - Molly Maybrun

Address: 0 10th Street (Wood Street Development Area I -
2.1 acre site bounded by Pacific Cannery Lofts and
Ironhorse Apartments to east, 14th Street to north,
11th Street to south and Frontage Road to west

Zone: D-WS

(PDP) and Final Development Plan (FDP), and Regular Design Review for new construction subject to the attached conditions of approval (See “Findings” and “Conditions of Approval” sections of this report for details).

Staff believes that the project will complement the Wood Street neighborhood’s goal of creating an active, pedestrian-oriented urban community in West Oakland and therefore recommend that the Commission confirm the environmental determination and approve the Preliminary and Final Development Plans, and Design Review application for the proposed project subject to the attached Conditions of Approval.

BACKGROUND

The Wood Street Zoning District (WSZD) Project is a mixed-use redevelopment of under-utilized land around the 16th Street Train Station in West Oakland with the goal of creating an active, pedestrian-oriented urban community in West Oakland. The 29-acre Wood Street Development Project, involving five vesting tentative parcel maps, was approved by the City Council in June 2005. The plan area lies between 10th Street to the south, West Grand Avenue to the north, Wood Street to the east and 1-880 Frontage Road to the west.

The WSZD regulations include Land Use Regulations, Development Standards and Design Guidelines aimed at ensuring that individual developments will be visually and functionally integrated, and that collectively the project will be compatible with the existing neighborhood. For the purposes of appropriate regulations, the WSZD is divided into nine (9) Development Areas, each subject to specific regulations and to be developed within specific timelines by the respective owners. The WSZD project also approved a series of Vesting Tentative Maps (VTPM8551–8555) for all the parcels in the district of which VTPM8551 was approved to create Parcels 1, 2, 3 and 4 for Development Areas 1 and 3.

Since the WSZD regulations were adopted, three main development projects have been completed for Development Areas 2 and 3. These include 1.) the 163-unit Pacific Cannery Lofts (PCL) by Holliday Developments; 2.) the 130-unit Zephyr Gate townhomes by Pulte Homes; and 3.) the 99-unit Ironhorse rental apartments by Bridge Housing. In 2007 the Planning Commission approved the HFH Apartments project (a 301–unit apartment development) for Development Area 4 but it was not built and this area was recently revised to a 176-unit residential and commercial project which was approved by the Planning Commission on August 6, 2014. On December 3, 2014, the Planning Commission approved another new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases for Development Area 8. Although staff is aware of a couple pre-application consultations with potential developers who are interested in some of the remaining development areas, the proposed 47 units at Parcel 2 of Development Area 1 is the latest official proposal (in addition to the above-listed entitlements) that the City has received towards implementation of aspects of the Wood Street Project.

PROPERTY DESCRIPTION

The WSZD Development Area 1 (Parcel 2) is one of four parcels approved as part of Vesting Tentative Parcel Map 8551. Parcel 2 of Development Area 1 is a 2.11-acre vacant site bounded by the Pacific Cannery Lofts/Ironhorse Apartments to the east, 14th Street to the north, 11th Street to the south and Frontage Road to the west. Prominent uses and developments in the vicinity include the historic 16th Street Train Station, the Zephyr Gate townhouses, the Ironhorse housing development, the Pacific Cannery Lofts and a mixture of uses including the Bea's Hotel, the California Waste Solutions recycling facility, historic Victorian homes, warehouses, and construction/light industrial yards.

PROJECT DESCRIPTION

The proposed project involves the construction of a new 47-unit townhouse-style residential condominium development. The approximately 1,650 square-foot average sized 3 bedroom units will be three stories of residential occupancy with ground level parking garages. Front and rear yards will provide useable open space for each of the residential units. Due to the linear and relatively narrow orientation of the subject lot the site plan features a series of five detached structures which contain batches of the townhouse-style condominium units. The new structures are organized along the western property line closer to Frontage Road. A driveway easement is located along the eastern property line adjacent to the Pacific Cannery Lofts (PCL) and the Iron-horse developments and provides vehicular access to all the units at the subject site as well as the PCL garage.

The exterior materials and treatments include cement board and stucco. The designs incorporate various elements and detailing such as projecting/recessed planes. The proposed landscaping includes trees, shrubs, ground cover, as well as hardscape such as decorative pavers, planters and other features that enhance the visual quality, functionality, and experience of the open areas.

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report (EIR) ER03-0023 was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "Previous CEQA Documents"). No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. No further/additional CEQA review is required. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;

2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. There is no 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 CEQA Documents were certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents and which would substantially reduce significant effects of the project, but the City declines to adopt them.

As a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15183, projects consistent with a community plan, general plan or zoning.

GENERAL PLAN ANALYSIS

The subject site is located in the Urban Residential land use classification according to the City of Oakland General Plan Land Use and Transportation Element (LUTE). According to the LUTE, 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.” Furthermore, the primary future uses in this classification is residential. The proposed 47 residential development is consistent with the general plan in that it is located within the Wood Street Development Project Area with easy access to major arterial streets such as West Grand Avenue and has good access to public transit such as Bart and AC Transit.

The proposed project is consistent in all significant respects with the following General Plan objectives and policies:

- *Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community.* The project will provide the Oakland community with 47 new dwelling units.
- *Policy N3.1, Facilitating Housing Construction: Facilitating the construction of housing units should be considered a high priority for the City of Oakland.* The City of Oakland’s Planning and Zoning Department has streamlined its systems in order to facilitate the construction of new homes by assisting developers to navigate the permitting process smoothly and in a timely manner.
- *Policy N3.2, Encouraging Infill Development: In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City Oakland.* The project is proposed for a site located in an urban area of West Oakland. The new development will be an infill development for the currently vacant site.

- *Policy N6.2, Increased Home Ownership: Housing developments that increase home ownership opportunities for households of all incomes are desirable.* The project will provide home ownership opportunities for 47 new households. The developer intends to build these units as condominiums which will create homeownership opportunities and make the units more affordable for purchasing.

ZONING ANALYSIS

The WSZD regulations include Land Use Regulations, Development Standards and Design Guidelines aimed at ensuring that individual developments will be visually and functionally integrated with each other as well as collectively compatible with the existing neighborhood.

The WSZD requires both a Preliminary and a Final Development Plan which shows such details as streets, location of details of structures, uses, estimated population, landscaping features, phasing plan, public and private infrastructure, etc. for each development area.

Preliminary and Final Development Plan (Wood Street Zoning District)

The Preliminary Development Plan (PDP) and Final Development Plan (FDP) in the context of the Wood Street Zoning District are unique and although similar in concept to a Planned Unit Development (PUD), it is different in format and review criteria from the PUD process in the Planning Code. The procedure for Design Review for PDP/FDP in the WSZD follow the schedule outlined in Section 17.136.060 of the Planning Code, but not the criteria. The WSZD limits Design Review to a determination of whether or not the proposed design is in substantial compliance with the design guidelines specified in WSZD regulations. (See findings and attachment "B" for checklist).

Land Use Regulations

Development Area 1 of the WSZD requires a minimum residential density of 1 unit per 2,000 sq. ft. of lot area and a maximum density of 1 unit per 1532.22 sq. ft. of lot area which translates into a minimum of 46 and a maximum of 59.8 units for the 2.11 acre project site. The proposed 47 units are therefore consistent with the Development Area 1 prescribed density. The proposed 47 residential units (Permanent Residential Activities) is a permitted use in Development Area 1 of the WSZD.

In order to approve the project, the WSZD regulations require the Planning Commission to make written findings that the Preliminary and Final Development Plan for the project is in substantial conformance with the Wood Street Zoning District Regulations - Design Review criteria (See Findings) and the WSZD development standards (See attachment B). The project also involves VTPM 10346 which is a revision to the previously approved VTPM8551 in order to construct the proposed 47 units as condominiums at Parcel 2.

Project Consistency with Required Development Standards

Table 5.10.1	Required	Proposed
Max. Residential Density		
1. Min land area/dwelling unit	1,535.22 sq. ft.	1,955.57 sq. ft.
2. Max. dwelling unit/acre	28.4 DU/A	22.27 DU/A
3. Max number of units	82	47
Min. Residential Density	1 unit /2000sf of site area (22 DU/A)	47DU/2.11A =22.27 DU/A
Max. FAR	N/A	N/A
Max. Height	65 ft. (some exceptions apply)	35 ft.
Min. Street setbacks		
-Wood Street	10ft.	N/A.
-12 th Street	0	N/A
-Frontage Road	0	0 to 13'-6"
-14 th Street	0	N/A
-Public Access Areas	0	N/A
Min. Interior setbacks	5 ft.	5 ft.
Min. useable open space	100 sq. ft./unit)	240 sq. ft./unit
Reqd. off-street parking- - Residential	1.1 space/DU	2 spaces/DU

KEY ISSUES AND IMPACTS

Overall, the proposed site plan and design for the proposed project is successful and consistent with the Wood Street development plan’s goal of creating an active, pedestrian-oriented urban community in West Oakland. The proposed townhouse-style/row-house structures will be built as condominium units and appropriate for this linear strip of land in the Wood Street development area. The key issues and impacts are discussed below:

Density/Setbacks

The 47-unit project complies with the minimum of 46 and the maximum of 59.8 units for the 2.11 acre project site. The proposed structures will comply with all the required setbacks along Frontage road and the remaining property lines.

Automobile Parking

The project provides at least one off-street parking space for all the residential units within an enclosed garage and an additional parking space within the driveway which translates into 2 off-street parking spaces for each dwelling unit and a total of 94 spaces for the entire development.

Site Plan and Building Design

The site plan presents an urban medium-density type development that responds to the context of urbanized development in the vicinity. The units are proposed in a series of five detached 3-story structures with contemporary design styles to blend-in with the recent developments in the Wood Street District. The exterior materials and treatments include cement board and stucco. The designs incorporate various elements and detailing such as projecting/recessed frames to achieve a well-composed building volume that is proportionally scaled to fit the site.

Useable Open Space

The WSZD requires 100 square feet of useable open space per dwelling unit. The project provides an average of 240 square feet of private open space per unit. The project incorporates landscaping (softscape and hardscape) to enhance the open areas to achieve a net reduction of peak flow stormwater run-off.

Landscaping

The project incorporates various landscaping elements to achieve an attractive street and front yard ambience. The proposed landscaping include trees, shrubs, ground cover, as well as hardscape such as decorative pavers, planters and other sculptural features that enhance the visual quality, functionality, and experience of the open areas.

Project Phasing

The project construction is projected to commence in early 2016 and completed by early 2017. At this juncture no phasing is proposed for the project but in the event the applicant decides to complete it in phases, staff recommends that the Planning Commission allowing the flexibility for that to happen.

Historic 16th Street Train Station

The project site is located two city blocks away from the historic 16th Street train station. The development is not expected to change the significance of, or have any negative impacts on the train station. Instead, the project involves improvements at a neighboring vacant site and expected to bring more residents to the area, generate more pedestrian activity, spur economic development in the area and serve as a catalyst for similar developments in the area and contribute to the subsequent rehabilitation of the train station building.

CEQA Analysis

As described in the “Environmental Determination” section, above, none of the circumstances necessitating further CEQA review are present. Thus, the City can rely on the Previous CEQA Documents.

Traffic Mitigation and fair Share Contributions

As part of mitigation measures for the Wood Street Project, certain traffic mitigation measures were identified to study and improve specific intersections. The project shall be required to comply with the Traffic Mitigations and Fair Share contributions as per the mitigation measures associated with VTPM8551 (Parcel 2) and ER03-0023 for the Wood Street project with details as follows:

- VTPM Condition 25 (Fair Share Contribution to Improvements at Frontage Road and W. Grand);
- VTPM Condition 26 (Fair Share of Modifications at the West Grand Avenue/Mandela Parkway Intersection);
- VTPM Condition 27 (Fair Share of Modifications at the 7th Street/Mandela Parkway Intersection);
- VTPM Condition 28 (Fair Share of Improvements at West Grand Avenue/Maritime Street and 3rd Street/Market Street Intersections): See Attachment “D” (letter of May 29, 2009 from Eric

Angstadt, establishing a Fair Share Payment of \$10,914 for COA's 25, 26, 27 and 28 for the "Central Station LLC" site);

VTPM 8551 (Parcel 2) Condition 76 (Public or Private Shuttle Service between the Project Area and the West Oakland BART Station): From 2007 to 2009, the Project Sponsors engaged in a study of this topic, soliciting a number of bids for private shuttle service, surveying residents and future residents about their potential utilization of such service, and engaging in discussions with AC Transit and BART. As a result of this study, the Project Sponsors elected not to utilize a private shuttle, for the following reasons:

- AC Transit opposed the private shuttle service, which they believed would negatively impact their ridership
- In surveys conducted at the time, incoming homeowners expressed very low levels of support for a private shuttle, a strong indicator that the shuttle was unlikely to be "used sufficiently to result in a substantial reduction in private vehicle use by Project residents and occupants"
- In consultation with AC Transit, the Project Sponsors provided a new stop on the 26 line at 12th and Wood
- In response to anticipated new peak hour utilization, AC Transit agreed to reduce peak hour headways at the new stop to 15 minutes, with a 5 minute travel time to the West Oakland BART station
- Condition 76 explicitly allows latitude on the parts of both the Project Sponsors and the Planning Director to implement the best solution to facilitate use of transit and reduce private vehicle use. Due to more recent budget cutbacks and ridership analysis, headways at the local stop have increased during peak hours to 18 - 20 minutes, although travel time to the West Oakland BART station remains 5 minutes.

For VTPM8551 COA's 25, 26, 27, and 28, the applicant would be required to pay the Fair Share contribution identified in Eric Angstadt's letter of May 29, 2009 prior to issuance of building permit (See Attachment D).

VTPM8551 COA's 29 and 30, which addresses BART ridership and fare gate capacity are no longer CEQA thresholds however they are required as mitigation for traffic impacts. Staff recommends that the applicant collaborate with the other Wood Street Project sponsors to re-engage discussions with BART to see if they have completed and implemented methods to address capacity impacts on BART for new developments.

For VTPM8551 COA 76, the applicant should collaborate with the other Wood Street Project sponsors to re-engage discussions with AC Transit to see if service on the 26 line can be returned to 15 minute headways, and as development of the Wood Street Zoning District progresses to the north, in coordination with AC Transit, locate an additional AC Transit stop proximate to the new uses.

City Engineer's Report

Section 3.20 and 3.40 of the WSZD regulations require that the City Engineer review the plans and determine whether the submittal is complete. The PDP/FDP plans were circulated for review and comment to the Public Works agency, Building Services, and Fire Prevention Services and all departments have reviewed and cleared the project for approval subject to the conditions of approval. (See Conditions of Approval).

CONCLUSION:

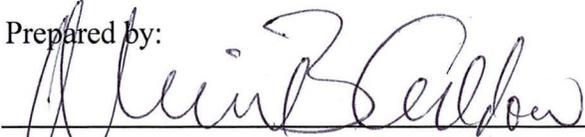
The proposed new residential development involving 47 residential units is an appropriate development for the WSZD of West Oakland. The project is consistent with the development standards of the WSZD land use regulations of the Oakland Planning Code. The project would not result in new or more severe environmental impacts beyond those identified in the Wood Street EIR and therefore no subsequent or supplemental environmental review is warranted. The site plan, building designs, layout, heights, materials, colors, open areas, and landscaping all combine as a cohesive whole that is appropriate for the subject site. Staff believes that this project will serve as a catalyst for further development within the Wood Street Project area and eventually lead to the rehabilitation and reuse of the 16th Street Train Station and Plaza.

RECOMMENDATIONS:

Based on the analysis contained in this report, the findings, and the conditions of approval attached to this report and elsewhere within the administrative record, staff believes that the proposed project is an appropriate development that will further the overall objectives of the WSZD and the Oakland General Plan, particularly related to new housing development. Thus, staff recommends that the Commission:

1. Affirm staff's CEQA determination; and
2. Approve the Preliminary/Final Development Plan, Design Review subject to the attached Findings and Conditions of Approval.

Prepared by:


MAURICE BRENYAH-ADDOW - Planner III

Approved:


SCOTT MILLER - Zoning Manager

Approved for forwarding to the
City Planning Commission



DARIN RANELLETTI – Deputy Director
Bureau of Planning

- ATTACHMENTS:**
- A. Project Plans
 - B. Project Conformance Checklist
 - C. VTPM8551 Relevant Conditions of Approval
 - D. Fair Share Contribution

FINDINGS FOR APPROVAL:

This proposal meets the required findings and standards under Section 17.101A DW-S Review and Development Standards of the Oakland Planning Code as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can be made are in normal type.

Findings for Approval of Preliminary development Plan/Final Development Plan

Approval of the PDP/FDP for the Development Area 8 Wood Street project is supported by the following findings: The project conformance with the Wood Street Zoning District is not limited to the findings identified below, but is also included in the previous analysis of this staff report , the Wood Street Development EIR, and the Wood Street Zoning District Development Standards Checklist prepared by Baran Studio (Attachment B, incorporated by reference into these findings) as well as elsewhere in the record of proceedings leading up to these approvals.

I. California Environmental Quality Act (CEQA) Findings

An Environmental Impact Report (EIR) ER03-0023 was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "Previous CEQA Documents"). No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. No further/additional CEQA review is required. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. There is no 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 CEQA Documents were certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents

and which would substantially reduce significant effects of the project, but the City declines to adopt them.

As a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15183, projects consistent with a community plan, general plan or zoning.

II. Findings for Approval of Preliminary Development Plan (Section 3.20) and Final Development Plan (Section 3.40)

The Planning Commission find that the Preliminary Development Plan (PDP) and final Development Plan (FDP) for the project is in substantial conformance with the Wood Street Zoning District.

- A. The PDP and FDP have been prepared by a professional design team consisting of a licensed architect (Baran Studios), registered civil engineer (Sandis), and professional landscape architect (Einwiller Kuehl Landscape Architecture).
- B. The layout, design and size of the proposed project are appropriate for the location and compatible with the surrounding area, which has a variety of land uses and building types.
- C. The proposed project is consistent with the applicable Wood Street Zoning District regulations and development standards relating to density, height, building frontage, useable open space, number of off-street parking spaces, location of garages, etc.
- D. The proposed project's substantial conformance to the Wood Street Zoning District regulations and development standards, including the manner in which various project features implement the stated intent behind certain regulations, is described fully in the Wood Street Zoning District Development Standards Checklist prepared by Baran Studio (Attachment B, incorporated by reference into these findings). The analysis contained in the Compliance Checklist is carried forward by the Planning Commission and made part of these findings.
- E. The utility and infrastructure plans meet the requirement of the Wood Street Zoning District.
- F. The public facilities financing plan for the proposed project has improvements to 14th Street being funded in cash by the applicant (Public Facilities Financing Letter provided). See condition 78 of Wood Street Project approval.

III. Findings for Final Design Review – Sections 3.50 and 6.00 of the Wood Street Zoning District Regulations

The Planning Commission finds that the project is substantially in compliance with the Section 6.00 Design Guidelines, of the Wood Street Zoning District.

General Guidelines

1. **Each development project shall by use of massing, articulation, materials and detail establish a coherent integrated architectural character that is consistent with each development project. All built aspects of the development project shall be considered as contributing to the architectural character of the development project, including but not limited to; site structures and furnishings, exterior lighting, paving and signage.**

The 3 story structures proposed to be constructed apply similar exterior materials and treatments such as cement board siding, stucco, projecting frames, etc. The design incorporates various architectural elements and detailing such as projections and recesses, varied rooflines, some

decks, etc. to achieve a series of distinct and well-composed building volumes that are proportionally scaled for the long narrow site. Together, the five main buildings, create a sequence of structures with landscaped front and rear yards that create visual interest while infilling a vacant long and narrow site.

2. Buildings are not restricted to any specific architectural style. Within the overall scope of the Wood Street Zoning District, a variety of architectural styles are encouraged as a means of enhancing the mixed-use character of the development project.

The proposed 3 story buildings are designed to have five detached batches of single family townhomes. The contemporary style of the design blends-in with the recent developments in the Wood Street District and other buildings in the neighborhood. The designs incorporate various elements and detailing to achieve a well-composed building volume that is proportionally scaled to fit the site. The proposed development will preserve the urban residential character of the neighborhood. The new residents will serve as potential new patrons to the local businesses.

Compliance with Guidelines:

- A. The Planning Commission finds that the project satisfies the design intent set forth in the Wood Street Zoning District Design guidelines. The proposed new project is well related to the completed developments (PCL, Zephyr Gate, Ironhorse), planned open spaces (16th Street Train Station Plaza), the planned development (remaining sites) within the Wood Street project and the adjacent uses.
- B. The proposed materials and textures will complement both the residential developments as well as the non-residential structures in the existing neighborhood. The use of multiple building materials and textures will provide some variety and differentiation while enhancing desirable neighborhood characteristics in the area.
- C. The architectural character, pedestrian connections, building massing, building articulation, parking garages, fenestration, exterior materials, colors, lighting, open spaces and landscaping are consistent with the Design Guidelines of the Wood Street Zoning District.

IV. Findings relating to Phasing of Development and processing of Final Maps

- A. The Planning Commission finds that it is in the best interest of the City to provide the flexibility for the developer to either commence construction in 2016 and complete the entire project at the same time or phase it out over a period of time as necessary.
- B. If the applicant decides to phase out the project over a period of time, the Planning Commission must determine that the phasing plan is appropriate, in the best interest of the City, and will result in the optimal development scenario of the proposed 47 residential project for Development Area 1.
- C. If the applicant decides to phase out the project over a period of time, the Planning Commission must determine that the phasing plan is consistent with VTPM8551.
- D. If the applicant decides to phase out the project over a period of time, the Planning Commission must determine and direct that in the future processing relating to VTPM8551, City staff take all actions necessary to implement this phasing plan, including without limitation, an administrative amendment/adjustment to the phasing plan as needed to extend it as needed.

V. Conditions of Approval for the proposed project including the Preliminary Development Plan, Final Development Plan, and Vesting Tentative Parcel Map 8551 – Section 1.30 Wood Street Zoning District

- 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 February 26, 2015.
- B. Each of the Conditions of Approval and Mitigation measures referenced in the Mitigation Monitoring Reporting Program relating to Vesting Tentative Parcel Map 8551 and incorporated herein by reference shall apply to the subject project site as specified in the conditions themselves.
- C. Public improvements shall be completed to the satisfaction of the City Engineer as set forth in the Subdivision Improvement Agreement.
- D. The project applicant has provided a letter to assure the city that all required public improvements including the 14th Street and Frontage Road adjacent to the subject site shall be completed as part of this development.
- E. Site improvement and building permit plans shall include information related to site design and security features that may include parking signs and lighting: retail business identification signs, lighting for project identification signs (and/or monument sign); functional security light; street lights and nighttime light.

Note:

The entire text of the Wood Street Zoning District regulations and associated documents including EIR, is available at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008410>

The entire text of the West Oakland Specific Plan and associated documents including EIR, is available at:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak047695.pdf>

CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **and/or staff report**, and the plans dated **February 26, 2015** and submitted on **February 26, 2015**, 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 required 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:
 - Preliminary and Final Development Plan; Design Review for construction of 47 new townhouse-style residential condominiums;
 - Vesting Tentative Tract Map for a one-lot subdivision to create 47 new townhouse-style residential condominium units.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar 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 **Subdivision Regulations and the Oakland Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with other Requirements

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

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

Ongoing

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

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

Ongoing

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

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

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

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

Prior to issuance of a building permit

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

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

13. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or

alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.

- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

14. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

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

15. 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.

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

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

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

- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

17. 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 shall include the following components:

- a) Install additional standard City of Oakland streetlights (**14th Street**).
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards and address path-of-travel within or around the proposed development such that wheelchairs access is provided at **14th Street**.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage (**14th Street**).
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards. (**14th Street and Frontage Road**).

18. 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. The applicant shall replace all street paving and sidewalk that will be damaged or compromised by construction activities. The project applicant shall calculate the proposed net sewer flow from the site and submit the calculation to the City. If the net proposed sewer discharge exceeds the capacity of the sub-basin, the applicant shall pay sewer mitigation fees. Mitigation measure will entail the following: a. Off-site sewer rehabilitation (infiltration/inflow reduction) project to offset the increase from the proposed project. B. analysis and improvement of the on-site local collection system to accommodate the proposed project. The applicant will be responsible for calculating the capacity of local sewer main (where the lateral discharges to the sewer main) by assuming that the main pipe is flowing at 30% full.

19. 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/ Mitigation Measures** compliance matrix that lists each

condition of approval **and/or mitigation measure**, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions **and/or mitigations**. 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.

20. 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 **and mitigation measures** related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval **and mitigation measures**.

21. 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 final 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

22. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)

Ongoing throughout demolition, grading, and/or construction

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

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not 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.
- 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.

23. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

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

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration

of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

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

24. 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.

25. 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.

26. 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:
 - a) 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.
 - b) Prohibition of Z-duct construction.

27. Operational Noise-General

Ongoing.

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

28. 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.

Major Project Cases:

- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces **14th Street**.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.
- l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

29. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. 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.

30. 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.

31. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current

standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

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

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

Ongoing

All mitigation measures identified in the **ER030023** are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as conditions of approval of the project. The Standard Conditions of Approval identified in the **ER030023** are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval 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. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. 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.

33. Pile Driving and Other Extreme Noise Generators

Ongoing throughout demolition, grading, and/or construction

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

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

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

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. Asbestos Removal in Soil

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

To minimize the release of naturally occurring asbestos in the soil during construction, the project applicant shall require the construction contractor to demonstrate compliance with Bay Area Air Quality Management District’s (BAAQMD) Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying and Surface Mining Operations (implementing CCR section 93105) for activities that disturb the soil, such as grading, etc.

Administrative (Prior to the start of work)

- a) Asbestos Dust Minimization Plan shall be submitted to BAAQMD and approved prior to engaging in the any construction or grading operation.
- b) The Asbestos Dust Minimization Plan provisions shall be implemented at the beginning and maintained throughout the duration of the construction or grading activity.

Dust Control Requirements

The Asbestos Dust Minimization Plan shall include one or more provisions to address the following topics:

- a) Control for traffic on on-site unpaved roads, parking lots, and staging areas shall include: limiting vehicle speed to less than 15 mph, and one or more of the following: watering every two hours of active operations or sufficiently often to keep area wetted; applying chemical dust suppressants to consistent with manufacturer's directions; maintaining gravel cover with a silt content less than 5% and asbestos content less than .25% as determined using the asbestos bulk test method; or any other measure as effective as those listed above.
- b) Control for earthmoving activities shall include one or more of the following: pre-wetting the ground to the depth of the anticipated cuts; suspending grading operations when wind speeds are high enough to result in dust emissions crossing the property line despite applicable of dust measures; application of water prior to any land clearing; or any other measure as effective.
- c) Storage piles shall be kept adequately wetted or covered with tarps when the material is not being added or removed.
- d) Storage piles must be stabilized when inactive for more than 7 days by implementing one or more of the following: adequately wetting the site, establishing and maintaining surface crusting material, chemical dust suppressant or stabilizer, covering with tarps or vegetative cover, installation of wind barriers of 50% porosity around three sides of the pile areas, or any measure as effective.
- e) Equipment must be washed down before moving from the property onto paved roadway.

Track-out prevention and control measures shall include:

- i. Removal of visible track-out on paved public road at any location where vehicles exit the work site using wet sweeping or High Efficiency Particulate Air (HEPA) filter equipped vacuum device at least one time per day.
- ii. Installation of one or more of the following track-out prevention devices: gravel pad, tire shaker, wheel wash system, not less than 50 feet of pavement extending from intersection with paved public road, or other measure as effective.
- f) Control for offsite-transport shall include the following: maintenance of trucks such that no spillage can occur from holes or openings in cargo compartments; loads are adequately wetted; and either covered with tarps or loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6" from the top and that at no point of the load extends above the top of the cargo compartment.

- g) Post project stabilization of disturbed surfaces shall occur using one or more of the following: establishing vegetative cover; placement of at least 3" of non-asbestos-containing material, paving, or other measure deemed sufficient to prevent 10 mph winds from causing visible emissions.

Administrative (After completion of work)

- a) If required by the BAAQMD's APCO, the plan must include an air-monitoring component which shall specify the following: type of air sampling device; siting of the device; sampling of the device; sampling duration and frequency; and analytical method.
- b) The plan shall state the frequency with which the information will be reported to BAAQMD.
- c) The owner/operator shall keep maintain the following records for at least 7 years following completion of the project: results of any required air monitoring; documentation for any geologic evaluation conducted for the purposes of obtaining an exemption; and results of any bulk sampling conducted by the owner/operator to document applicability done or at the request of APCO.

36. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites 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 start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences 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 CDFG, 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.

37. Tree Removal Permit

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

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must

secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

38. Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- d) Minimum planting areas must be available on site as follows:
 - i. For Sequoia sempervirens, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

39. Tree Protection During Construction

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

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

- a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree

Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

- b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

40. 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.

41. 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.

42. 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.

43. Erosion and Sedimentation Control Plan

Prior to any grading activities

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

Ongoing throughout grading and construction activities

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

44. Radon or Vapor Intrusion from Soil or Groundwater Sources

Ongoing

The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.

45. Fire Safety Phasing Plan

Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit

The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.

46. Hazardous Materials Business Plan

Prior to issuance of a business license

The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- 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.

47. Stormwater Pollution Prevention Plan (SWPPP)

Prior to and ongoing throughout demolition, grading, and/or construction activities

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

48. Post-Construction Stormwater Management Plan

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

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

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

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

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

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

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

49. 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:

- i. 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

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

50. Regulatory Permits and Authorizations

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

Prior to construction within the floodway or floodplain, the project applicant shall obtain all necessary regulatory permits and authorizations from the Alameda County Flood Control and Water Conservation District and shall comply with all conditions issued by that agency.

51. 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.

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

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.

- a) 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).
- b) Do not locate sensitive receptors near distribution center's entry and exit points.
- c) 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.
- d) 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.
- e) 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.
- f) Install indoor air quality monitoring units in buildings.
- g) 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 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.

53. Air Pollution Buffering for Private Open Space

Prior to approval of Final Development Plan for each stage

To the maximum extent practicable, private (individual and common) exterior open space, including playgrounds, patios, and decks, shall either be shielded from the stationary source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

54. Traffic Mitigation

Prior to issuance of a certificate of occupancy for the first unit

The project shall be required to comply with the Traffic Mitigations and Fair Share contributions to study and improved identified intersections as per the mitigation measures associated with VTPM8551 and ER03-0023 for the Wood Street project.

For VTPM8551 COA's 25, 26, 27, and 28, the applicant would be required to pay the Fair Share contribution identified in Eric Angstadt's letter of May 29, 2009 (See Attachment D) prior to issuance of building permit.

For VTPM8551 COA 76, the applicant in collaboration with the other Wood Street Project sponsors shall re-engage discussions with AC Transit to see if service on the 26 line can be returned to 15 minute headways, and as development of the Wood Street Zoning District progresses to the north, in coordination with AC Transit, locate an additional AC Transit stop proximate to the new uses.

55. Public Improvements – Vesting Tentative Parcel map 8551 (COA 78)

Ongoing

All public improvements shall be constructed in substantial conformance with the individual vesting tentative maps submitted by the project sponsors for each Development Area for the approval of the Wood Street Project. The project Sponsor for Development Area 1 shall construct all public improvements to 14th Street and Frontage Road adjacent to the project site, unless development has occurred on an adjacent parcel and the public improvements are already installed. Except as otherwise provided in this condition, the improvements referred to in this condition include complete street width, curb, gutter, sidewalk, and installation of utilities in accordance with the standards of the City of Oakland to the limits shown on VTPM8551. Sidewalks outside of the Wood Street Zoning District perimeter streets (i.e. outside the District) will get minor repairs only.

56. Conditions of approval associated with VTPM8551

Ongoing

All the relevant conditions of approval associated with VTPM8551 shall apply to PLN15-047-PUDF01 (VTPM10346) unless expressly modified by those associated with PLN15-047-PUDF01 .

57. Shared Access Easement

Ongoing

The project applicant shall prepare and execute a maintenance agreement between the subject site and all other relevant parties, including the Pacific Cannery Lofts, to ensure ongoing maintenance of the shared access easement located at the subject site.

58. Public Art for Private Development Condition of Approval

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

This project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). As a residential project, the public art contribution requirement is equivalent to one half percent (0.5%) of building development costs for the project. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art on the development site, payment of an in-lieu contribution to the City's established public 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.

59. 20-foot-wide secondary Fire Access from Frontage Road

Ongoing

The applicant shall obtain approval for Alternate Materials and Methods of Construction (OFC Sec.104.2.8) for the proposed 20-foot fire access turnaround subject to the following requirements:

- The 20-foot secondary fire access road is unobstructed at all times. (The swing doors shown on plan should be removed.);
- The automatic fire sprinkler system shall be designed to simultaneously discharge 8 most hydraulically-remote heads;
- Bollards, if installed, shall be removable, or allow unobstructed emergency vehicle access; and
- There shall be no parked vehicles on the required minimum 26-foot and 20-foot fire access roads. 'No Parking' signs shall be posted per City's Public Works Agency signage requirements.

APPROVED BY:

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

CONDITIONS OF APPROVAL

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on May 20, 2015. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____(date)

Signature of Contractor _____(date)



Wood Street Development Area 1a

Statement of Compliance with Wood Street Zoning District

February 26, 2014

Development Area 1 of the Wood Street Zoning District is located along the 880 Frontage Road between 10th Street to the south (which dead ends east of the District) and 14th Street to the north. This proposed project site, referred to Development Area 1a, consists of a 2.11-acre portion of Development Area 1 located between 11th and 14th Streets. The remainder of Development Area 1 (south of 11th Street) is not addressed by this proposal.

The following statement addresses, in a narrative format, the way in which the project proposed for Wood Street Zoning District **Development Area 1a** complies with the applicable Development Standards and Design Guidelines of the Wood Street Zoning District.

Pursuant to Section 3.50 of the WSZD regulations, "Design Review shall be limited to a determination of whether or not the proposed design is in substantial compliance with the design guidelines specified in these Wood Street Zoning Regulations."

Development Standards

5.20 Maximum Density & 5.21 Minimum Density

The density standards allow a maximum residential density of 28.4 dwelling units per acre (DU/A) and require a minimum density of 22 DU/A. The proposed project provides 22.27 DU/A, which is within the allowable range.

5.22 Floor Area Ratio

Not applicable. The proposed project does not include any Non-Residential Uses.

5.23 Maximum Height

The building heights as proposed vary, with typical parapet heights of approximately 35 ft. and projections which extend to up to 40 ft. All buildings are below the 65 ft. maximum height.

5.24 Minimum Setbacks

- Minimum Street Setbacks
 - There are no required street setbacks for DA-1.
- Minimum Interior Setbacks
 - The proposed project provides an 8 ft. minimum interior setback between the southernmost building and the property line. The other interior lot line is across the 'Pullman Way' access road and the buildings are set back 50 ft. from this property line. Both setbacks meet or exceed the 5 ft. standard and all other property lines face a public way.

5.30 Building Frontage

The project is located in the Frontage Road Overlay Zone, and exempt from the standards of this section.

5.31 Building Frontage at Corner Locations on Wood Street

The project is located in the Frontage Road Overlay Zone, and exempt from the standards of this section.

5.32 Street Front Entries

The project is located in the Frontage Road Overlay Zone, and exempt from the standards of this section.

5.33 Street Front Openings

The ground floor of the proposed project exceeds the minimum requirement that 25% of ground floor area shall consist of transparent openings, pedestrian entries, or a combination of the two for building frontages along street lines. Along the frontage road, each 17.5 ft. wide townhouse, with 186 sf of wall area, is provided on average a minimum of 52 sf of door and window area. This provides street front openings at 28% of wall area, which meets the minimum requirement.

5.34 Projections over the Street Line or Street Setback Line

Bay windows do not project over the street line or street setback line.

5.40 Usable Open Space for Residential Uses

The proposed project provides a mix of private and group open space. All open space areas included in the text below comply with the specific requirements of the WSZD and the referenced Planning Code. The proposed project includes 47 units, which require a minimum of 4,700 sf of public and private open space.

- 45 units include approximately 240 sf each of usable private open space at grade in a rear yard, for a total of 10,800 sf of usable private open space within yards.

- The proposed project provides 1,500 sf of usable group open space in one landscaped area between Building 1 and Building 2.

Overall, the project provides more than 12,300 sf of usable private and group open space, well in excess of the 4,700 sf required. Of this total, group open space 1,500 sf, again in excess of the required 1,410 sf.

5.41 Minimum Separation Between Opposite Walls on the Same Lot

The Wood Street Zoning District states that the intent behind the minimum separation between opposite walls on the same lot is to ensure that all occupied spaces have reasonable access to light and air.

The proposed project provides all double-aspect units, which have windows and operable openings on at least two sides. Windows facing Pullman Way are separated by more than 60' from existing adjacent buildings (Pacific Cannery Lofts and Ironhorse Apartments).

Where there is a break between townhome buildings, the typical double aspect end unit is provided a third wall for access to light and air, and the separation between opposite end walls is typically reduced to fewer than 30 ft. As these end units already possess 'reasonable access to light and air' as required by the Standard, the width of the separation is instead governed by considerations of site access, open space, building massing, and code required setbacks for unprotected openings. Similar conditions occur at Zephyr Gate, where interior end units facing Wood Street are separated by 10 ft.

5.50 Required Off-Street Parking

Residential Use

The proposed project provides 94 private spaces in enclosed garages and in a surface parking space for each unit. The development standard for residential uses is 1.1 parking spaces per dwelling unit, or 52 total spaces.

5.51 Dimensional Requirements for Off-Street Parking

All residential parking spaces are a minimum of 8 ft. by 17 ft. The garage and surface parking spaces for each home are provided in a tandem configuration, but every unit has one independent parking space.

5.52 Joint Use Parking

The proposed project does not utilize joint use parking.

5.53 Curb Cuts

Curb cuts at street lines are limited to one existing driveway at 14th Street providing shared access via a private road to existing, adjacent WSZD developments (Pacific Cannery Lofts and Ironhorse Apartments) and the new proposed townhomes. The access road will act as an extension of the DA-4 interior project street Pullman Way.

- This site entrance is 26 ft. wide, greater than the 24 ft. wide WSZD standard, due to the overriding requirements of the Fire Department. In all other aspects, the site driveways and curb cuts conform to the WSZD development standards.
- A second curb cut may be provided at the Frontage Road for emergency vehicle access ONLY, if required by the Fire Department.

5.54 Off-Street Loading Requirements

The Wood Street Zoning District states that the intent behind required off-street loading is to ensure that all development projects have adequate access to loading areas.

The proposed project is comprised of at-grade townhome-type condominiums with no common elevator or interior circulation as might otherwise be present in a larger podium or apartment-type building. Loading needs will consist primarily of infrequent “move-in/move-out” activities, which will be dispersed throughout the site and localized at the ingress/egress points to each individual unit. For this reason, there is no designated off-street loading within or adjacent to the site of the proposed project.

5.60 Location and Screening of Surface Parking

The proposed project provides half of its parking spaces within enclosed private garages and the other half in surface spaces in front each garage. This surface parking extends perpendicular from 14th Street. The surface spaces are grouped in pairs and screened from public rights of way by landscape elements between units and between the development and 14th Street.

5.61 Shade Trees at Surface Parking Lots

The proposed access road, Pullman Way, which includes pairs of surface parking spaces between unit entries, provides Shade Trees at the sidewalk adjacent to these parking spaces. The quantity, size, and installation of these Shade Trees exceed the requirements of this development standard.

5.62 and 5.63 Location and Screening of Tuck Under Parking and Parking Garages

The proposed project does not include tuck under parking or parking garages.

5.70 Limitations on Signs

All signage in the proposed project will meet the requirements of this development standard. The applicant will submit a complete signage package as a condition of approval prior to the issuance of a building permit.

5.80 16th Street Station and 16th Signal Tower & 5.90 16th Street Plaza

These development standards are not applicable to the proposed project.

Design Guidelines

6.20 Architectural Character

The proposed project both establishes a coherent and integrated architectural character where the five independent structures present a unified expression and language. This architectural character is unique to the 'mews' configuration, which will not exist elsewhere in the WSZD. The linked architectural character of the proposed project is also intended to work in partnership with the adjacent development of WSZD DA-4, which contains similar architecturally themed groupings of townhome buildings. This overall variation responds to site conditions, such as the impression of the buildings from the Frontage Road and assists in wayfinding and homeowner identification.

6.21 Pedestrian Connections

The only major building frontage for the proposed project is along the Frontage Road Overlay Zone, which is exempt from the guidelines of this section. The 14th Street building frontage provides the vehicular access and pedestrian entrances to the proposed project.

Security gates and fences at the pedestrian entrances and site access roads are not included in the proposed project.

6.23 Building Massing

The building massing of the proposed project is always no more than 3 stories in height, which is consistent in scale and massing to adjacent residential development projects in the WSZD and steps down from the three and four story residential buildings to the east. Each building is articulated to express separate volumes that both emphasize corner conditions and extend above the typical parapet height. This creates a 'varied silhouette by incorporating changes in massing at roof lines' at a building height which is well below the maximum height for this development zone.

6.24 Building Articulation

The proposed building facades exceed the prescriptive guidelines for building articulation. The architectural expression includes recesses and projections from the building plane, which vary between units and also between buildings. This strategy establishes vertical and horizontal rhythms along the pedestrian oriented access road and creates visual accents along the Frontage Road elevation.

6.25 Parking Garage Facades

The proposed project does not include a parking garage.

6.26 Balconies

The proposed project does not include balconies.

6.27 Awnings and Canopies

The proposed project is generally exempt from these guidelines and does not include commercial locations, awnings and canopies. Each townhouse pedestrian entry is recessed and protected from inclement weather, following the intent of this guideline.

6.30 Windows

The proportion and patterning of windows reflects and reinforces the character of the buildings. Window materials and construction details will conform to the requirements of this section. Security screens are not included in the proposed project.

6.31 Garage Doors

As the project does not include garages containing three or more parking spaces, the requirements of this section do not apply.

6.32 Service Access

All service doors for electrical equipment alcoves are designed as integral elements of the building, are perpendicular to the street line, and comply with the prescriptive requirements of the design guidelines.

6.33 Underground Utility Connections

All utility connections in the proposed project will be underground.

6.34 Screening of Equipment

Where exterior equipment occurs it will be screened in the following method.

- Electrical Transformers: adjoining planting will reach a sufficient height to screen the equipment within three years.
- Roof Mounted equipment will be obscured by the use of parapets and will not be visible from the street.

6.35 Mechanical Penetrations at Facades and Roofs

Mechanical penetrations which are visible on the street, such as appliance vents, will be coordinated and aligned with building features to present an organized appearance. The material finish of mechanical penetrations will match the adjacent surface.

6.36 Waste Handling Areas

The waste handling will be enclosed within each unit, including space for recycling.

6.40 Exterior Materials

All exterior building elements will be high quality durable materials. Primary materials include Cement Plaster and Cement Board. The proposed project does not include Sloped Roofs.

6.41 Exterior Color

The variations in building color are used to create a cohesive architectural expression and highlight articulations in form. Accent colors and materials are provided at unit entrances and where they enhance architectural expression.

6.42 Exterior Lighting

Exterior lighting of one foot-candle will be maintained along all designated paths of travel between dwelling units, buildings, site entrances, public streets, and open spaces. The applicant will submit a complete site lighting design as a condition of approval prior to the issuance of a building permit.

6.50 Signage and Graphics

Signage will be coordinated with the design and character of the proposed project following the guidelines of this section. The applicant will submit a complete signage package as a condition of approval prior to the issuance of a building permit.

6.60 Planting Areas

The way the proposed project meets the requirements of this guideline is addressed by the sub-points below.

Section 6.61 Planting Areas General Guidelines

Planting areas have been designed to be attractive year round through provision of a variety of textures and seasonal color. Planting has been utilized to emphasize both pedestrian and vehicular entries and to screen service areas. Planting has also been designed to improve appearance and usability of outdoor space.

The landscape design for DA-1a creates a pleasant interior streetscape, generously landscaped unit entrances, private backyards and a flexible community social space. The different areas have characteristics that address the scale of the home, the neighborhood, and the natural world.

Planting is mindful of best contemporary practices for storm water management, safety, and the importance of street life. The project is designed to be a good neighbor and in particular the planting does not interfere with the site lines or movement of motorists, pedestrians.

There are no required building setback, and required setback landscaped areas, within the proposed project area.

The Interior Streetscape is composed of trees and foundation plantings. Street trees have been selected for long term performance as well as character.

Section 6.63 Pot Sizes

All pots have a minimum soil depth of 18”.

Section 6.64 Selection of Plant Material

Plants for the project have been selected for both functional performance and aesthetics. The majority of plants for the project are Mediterranean or low water, easily maintained, and durable. Plant material has been selected for texture, color, and seasonal change and has been composed to showcase the existing and proposed architecture and open space. Microclimates and solar aspect inform plant selection as do anticipated maintenance practices. Plants selected include both deciduous and evergreen species.

Plant sizes at time of planting are at a minimum as follows:

- a. Deciduous shade trees: 2 inch caliper

- b. Ornamental trees: 1.5 inch caliper
- c. Evergreen trees: 2 inch caliper
- d. Multi-stem ornamental trees: 6-8 feet height
- e. Shrubs: 5 gallon container
- f. Vines: 1 gallon container
- g. Ground Covers and perennials: 2 ¼ inch pots

Section 6.65 Irrigation

The irrigation is designed around a weather based controller and uses water efficient strategies such as: the majority of the project irrigation is drip with bubblers for trees, sufficient coverage without overspray, and ease of maintenance. In a limited number of areas spray irrigation is used for turf or specialty plantings and is limited to an 8'-0" distance from pavement edges.

Section 6.66 Maintenance of Planted Areas

All landscape will be maintained in accordance with the standards set forth in Section 17.124.020 of the Planning Code.

24. Recordation of Mitigation Monitoring and Reporting Program and Conditions of Approval.

Prior to issuance of first demolition, grading or building permit.

The Project Sponsor shall execute and record with the Alameda County Recorder's Office a copy of the MMRP and Conditions of Approval for the project, on a form approved by the Planning and Zoning Division. Proof of recordation shall be provided to the Planning and Zoning Division.

FAIR SHARE IMPROVEMENTS

25. West Grand Avenue/Frontage Road Intersection.

Prior to issuance of the first building permit.

The Project Sponsor shall fund, on a fair share basis, the following improvements at the intersection of West Grand Avenue/frontage road:

- Revise the northbound frontage road lanes to provide:
 - one left-turn lane
 - one combination left-through lane
 - one through lane
 - one right-turn lane with overlap signal phasing (green arrow)
- Revise the southbound I-80 East Ramp lanes to provide:
 - one left-turn lane
 - one combination left-through lane
 - one through lane
 - one right-turn lane with overlap signal phasing (green arrow)
- Revise the eastbound West Grand Avenue lanes to provide:
 - one left-turn lane
 - one through lane
 - one combination through-right lane
- Revise the westbound West Grand Avenue lanes to provide:
 - one left-turn lane
 - two through lanes
 - one right-turn lane

The estimated amount of the Project Sponsor's contribution is \$1.596 million. Final determination of the Project Sponsor's contribution shall be based on a reasonable formula of the expected growth in traffic at the intersection. This formula shall be devised at the sole and complete discretion of the City of Oakland, and final cost estimates shall include right-of-way costs and all project support costs including design and engineering, construction oversight, preparation of plans and specifications, and detailed project cost estimates. The measured

growth in traffic is based on the traffic analysis in the EIR and the City has no obligation to fund any required improvements in the future. [WS MM TR-9.1]

26. West Grand Avenue/Mandela Parkway Intersection

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall contribute its fair share of modifications at the West Grand Avenue/Mandela Parkway intersection estimated at \$180,000 (in combination with condition of approval #27, including design and engineering, construction oversight, preparation of plans and specifications and detailed project costs estimates.) The modifications at the intersection shall include providing protected left-turn signal phasing (left-turn green arrows) for the West Grand Avenue approaches to the intersection. [WS MM TR-9.2]

27. 7th Street/Mandela Parkway Intersection.

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall contribute its fair share of modifications at the 7th Street/Mandela Parkway intersection estimated at \$180,000 (in combination with condition of approval #26, including design and engineering, construction oversight, preparation of plans and specifications and detailed project costs estimates). The modifications at the intersection shall include adding a northbound lane on the 3rd Street extension to provide one left-turn lane, one combination through-right turn lane, and protected left-turn signal phasing (left-turn green arrows) for all four approaches to the intersection. [WS MM TR-9.3]

28. West Grand Avenue/Maritime Street and 3rd Street/Market Street Intersections.

Prior to issuance of the first certificate of building occupancy.

As part of the cumulative growth of the OARB Area Redevelopment Plan, the Project Sponsor shall pay an amount equal to its fair share, estimated at \$180,000, as determined by the OARB Area Redevelopment Plan EIR, 2002, of future improvements at West Grand Avenue/Maritime Street and 3rd Street/Market Street intersections. [WS MM TR-9.4]

29. BART Train Capacity.

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall participate in efforts to ensure that adequate BART train capacity will be available for riders to and from the Project Area, and fund BART train capacity improvements on a fair share basis. [WS MM TR-12.1]

30. West Oakland BART Station.

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall participate in efforts to provide adequate fare gate capacity at the West Oakland BART Station to accommodate the Project. The City and the Project Sponsor shall provide detailed information regarding development to BART to enable BART to conduct a comprehensive fare gate capacity assessment at the West Oakland BART Station. Based on the results of that assessment, the Project Sponsor shall fund its fair share for adding one or more new fare gates at the West Oakland BART Station. *[This condition will be attached to the subdivision maps for Parcels 1, 2, 3, and 4 of VTPM 8551, Parcels 1 and 2 for VTPM 8552,*

73. Parking Spaces

Ongoing.

The Project Sponsor shall include parking spaces in the Project Area as required by the Wood Street Zoning District.

74. Designated Parking.

Ongoing.

The Project Sponsor shall designate all on-site parking spaces consistent with the Oakland Municipal Code by marking, either with a small sign at the head of the parking stalls or stenciled lettering painted with the parking stalls, that read “resident-only,” or “employee-only” parking as appropriate.

PARKING & TRANSPORTATION MANAGEMENT

75. Transportation Demand Management.

Prior to issuance of the certificate of building occupancy; upon City adoption of a traffic demand management program in West Oakland.

The Project Sponsor shall distribute materials concerning the availability of public transit to initial Project residents, and prior to certificate of occupancy shall pay the fee adopted by the City on residential units to assist the City in implementing traffic demand management programs. [WS MM TR-10.1]

76. Shuttle Service.

Prior to approval of Final Development Plans and specifications; within three months following the issuance of a certificate of occupancy of the 300th residential dwelling with the Project Area; every two years thereafter until the Planning Director determines the shuttle service is no longer necessary.

The Project Sponsor shall provide or cause to be provided a public or private shuttle service between the Project Area and the West Oakland BART Station and incorporate shuttle stops into the final design. The Project Sponsor shall provide full funding for the shuttle service whether it is public or private. In the event the Project Sponsor elects to not use a private shuttle service, the Project Sponsor shall work with AC Transit and BART to design a public shuttle service and incorporate public transit stops into the final development plans in consultation with AC Transit. The shuttle or transit stops shall be located within the Project Area and would be dispersed such that Project residents would be no more than one-quarter mile from a shuttle or transit stop. Shuttle or transit stops at the existing AC transit bus stop on Wood Street by Parcel 3 of VTPM 8553, in front of the 16th Street Plaza (Parcel 1 of VTPM 8554), and on Wood Street at 20th Street by Parcel 1 of VTPM 8555 should be considered. The shuttle service would operate at 15-minute peak-hour headways during commute hours. The shuttle service shall be designed to meet City of Oakland standards, link with pedestrian access, and be reviewed for approval by the City.

The shuttle service shall be implemented within three months following the issuance of a Certificate of Occupancy of the 300th residential dwelling within the Project Area. At that time, the Project Sponsor, or its successor in interest, will fund operation and maintenance of the

shuttle. Thereafter, and every two years until such time as the Planning Director determines that the shuttle service is no longer necessary, the Project Sponsor or its successor shall report to the Planning Director on the amount of shuttle use by Project residents and occupants, and the availability of other means to reduce the use of private vehicles by Project residents and occupants. The Planning Director shall permit discontinuation of the shuttle service upon finding either that (a) the shuttle is not being used sufficiently to result in a substantial reduction in private vehicle use by Project residents and occupants, or (b) another means of reducing the use of private vehicles by Project residents and occupants would be feasible and cost the same or less than the shuttle, would create a greater reduction in private vehicle use than would the shuttle, and would result in a substantial reduction in private vehicle use by Project residents and occupants. If the Planning Director determines item (b), above, is the basis for discontinuing the shuttle service, then the Project Sponsor or its successor or their successors shall implement other means of reducing private automobile use by Project residents and occupants. [WS MM TR-10.2]

PUBLIC IMPROVEMENTS

77. Conformance with Vesting Tentative Parcel Maps.

Ongoing.

All public improvements shall be constructed in substantial conformance with the individual vesting tentative parcel maps submitted by the Project Sponsors and as specified in Condition of Approval Numbers 78 through 82.

78. Public Improvements – Vesting Parcel Map 8551.

Prior to the issuance of certificate of occupancy for development on each parcel.

Project Sponsor of Parcel 1 of VTPM No. 8551 shall construct or cause the construction of improvements to the extension of 10th Street, including the pocket park. Project Sponsor of Parcel 2 shall construct or cause the construction of improvements to the portion of 14th Street accessed from the frontage road. Project Sponsor of Parcel 3 shall construct or cause the construction of improvements to the existing 14th Street right of way, as well as the portion accessed from the frontage road, should its development precede parcel 2 of this map or Parcel 1 of Map 8553. Project Sponsor of Parcel 4 shall construct or cause the construction of improvements to 12th Street, Wood Street from 12th Street to 14th Street, and 14th Street should development on this parcel precede development of Parcel 2 or 3 of this map and Parcel 1 of Map 8553.

Except as otherwise provided in this condition, the street improvements referred to in this condition include complete street width, curb, gutter, sidewalk, and installation of utilities in accordance with the standards of the City of Oakland to the limits shown on VTPM 8551. Sidewalks on the opposite side of Wood Street Zoning District perimeter streets (i.e. outside the District) will get minor repairs only.



CITY OF OAKLAND

Community and Economic Development Agency, Planning & Zoning Division
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612-2032

May 29, 2009

Mr. Andy Getz
HFI I, Ltd.
6450 Hollis Street
Emeryville, CA 94608

Fair Share Payments for Intersection Improvements Oakland Army Base Redevelopment Area

Dear Mr. Getz:

This letter is being sent to all property owners in the Oakland Army Base Wood Street Sub-Area, as shown on the attached map, which includes all of the Wood Street Development Project as well as three parcels to the south of the Wood Street Development Project.

When the Army Base Redevelopment Area was adopted, the Environmental Impact Report (EIR) prepared for the project identified a number of intersections that needed to be improved based on the expected amount of new traffic that would be passing through the intersections. The Mitigation Measures adopted in the EIR specified that the costs of improving these intersections would be shared among all property owners, including the Port of Oakland, the Oakland Redevelopment Agency, and the private property owners within the Sub-District. These Mitigation Measures were also adopted as part of the Wood Street Development EIR and included as Conditions of Approval 25, 26, 27 and 28 in the Wood Street Development Project.

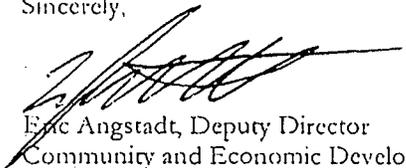
A consultant was hired by staff to calculate the fair share costs of funding these improvements. As shown in Table 2, attached, the Wood Street Sub-Area is responsible for \$162,196 of the intersection improvement costs.

Using the same method that was used for the formation of the Community Facilities District for the Wood Street Development Project, staff allocated the costs based on the number of acres for each approved parcel. Dividing the total improvement cost of \$162,196 by the total number of acres in the sub-area, 37.45, yielded a per acre cost of \$4,331. The allocation of the costs per property owner is shown in the attached table.

A property owner is required to pay this fair share cost only when a building permit is approved for new construction on each individual site. If no new development is proposed or approved, then the fair share cost does not need to be paid. To date, the only new project that has been completed and has paid its fair share is the Pacific Cannery Lofts.

If you have any questions about this information, please contact Marge Stanzione, Project Planner, at (510) 238-4932 or by email at mstanzione@oaklandnet.com.

Sincerely,


Eric Angstadt, Deputy Director
Community and Economic Development Agency
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

MAY 20, 2015
ATTACHMENT D

**PROPERTY OWNERS MAILING LIST
FAIR SHARE INTERSECTION IMPROVEMENTS**

Wood Street Developers

Lydia Tan
BUILD West Oakland, LLC
345 Spear Street, Suite 700
San Francisco, CA 94105-1673

Ben Metcalf
Project Manager
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105-1673

Andy Cost
Pulte Homes
Land Department-Bay Area Division
6210 Stoneridge Mall Road, 5th Floor
Pleasanton, CA 94588

Richard Holliday
Holliday Development
1500 Park Avenue, Suite 200
Emeryville, CA 94608

Andy Getz
HFH, Ltd.
6450 Hollis Street
Emeryville, CA 94608

David Truong Duong
California Waste Solutions
1820 10th Street
Oakland, CA 94607-1450

Vishav Bhushan
1755 16th Street
Oakland, CA 94607-1545

Al Auletta, Redevelopment Agency
Diana Downton, Housing
City of Oakland Redevelopment Agency
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Remaining Parcels

Clyde D., Gail S. & Clar Mark Batavia
P.O. Box 217
Carnelian Bay, CA 96140-0217

State of California
P.O. Box 7444
San Francisco, CA 94120-7444

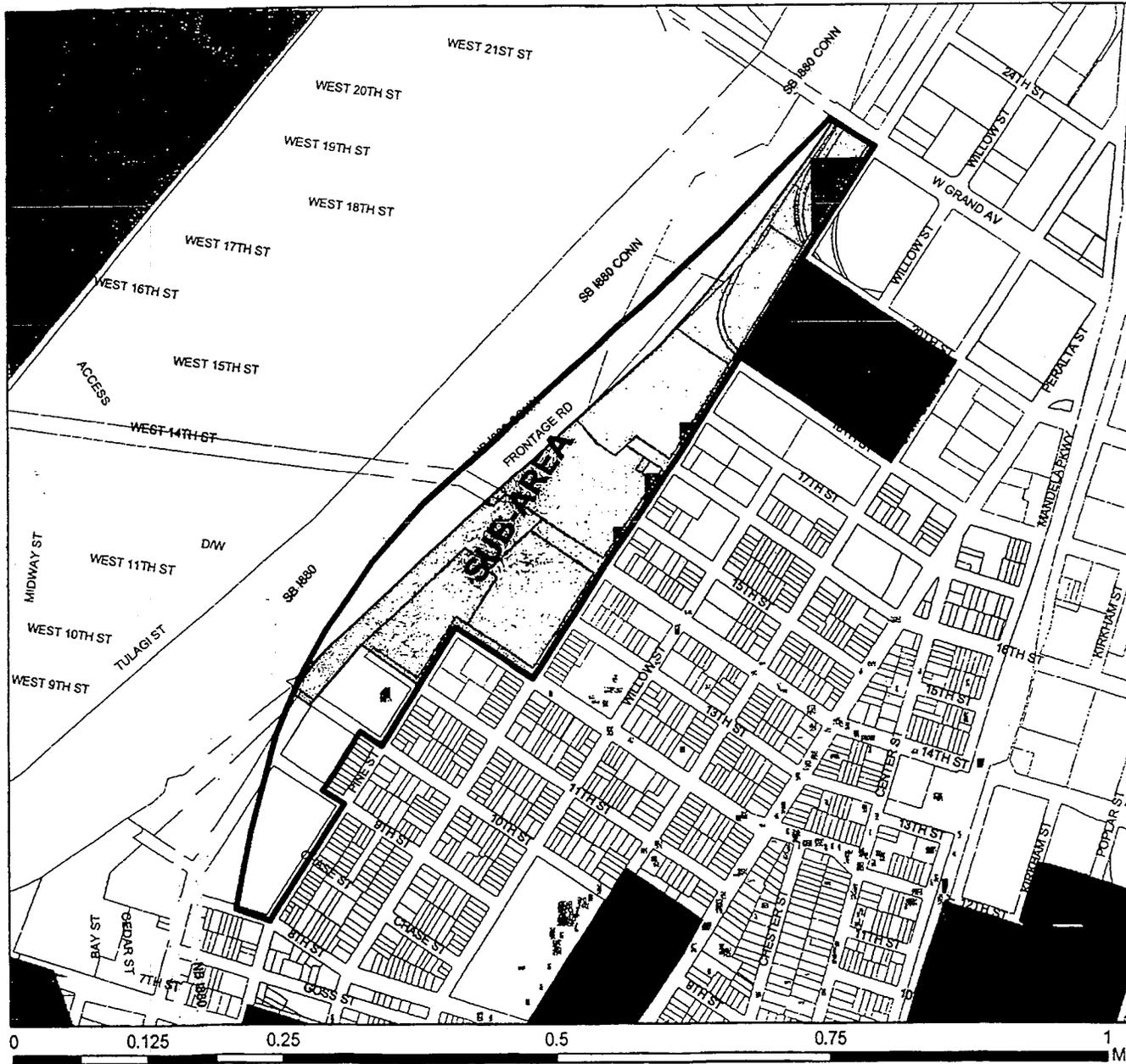
David Truong Duong
California Waste Solutions
1820 10th Street
Oakland, CA 94607-1450

OAKLAND ARMY BASE REDEVELOPMENT AREA
FAIR SHARE CALCULATION
WOOD STREET SUB-AREA

PROPERTY OWNER	VTPM No.	No. Acres	Fair Share Cost/Acre	Share of Total Cost
Cal Waste Solutions	8551/1	0.78	\$4,331	\$3,378
BUILD	8551/2	2.52	\$4,331	\$10,914
Icehouse/Holiday	8552/1	0.94	\$4,331	\$4,071
Pacific Cannery Lofts	8552/2	2.74	\$4,331	\$11,867
14th Street Apts - BRIDGE	8551/3	1.56	\$4,331	\$6,756
Zephyr Gate - Pulte	8551/4	4.03	\$4,331	\$17,454
HFH Apts	8553/1	5.67	\$4,331	\$24,557
HFH Apts	8553/2	0.49	\$4,331	\$2,122
Bea's Hotel	8553/3	0.17	\$4,331	\$736
BUILD - Train Station Plaza	8554/1	0.75	\$4,331	\$3,248
BUILD - Train Station	8554/2	1.19	\$4,331	\$5,154
BUILD	8554/3	2.71	\$4,331	\$11,737
Oakland Redevel Agency	8555/1	2.65	\$4,331	\$11,477
Central Station LLC	8555/2	2.01	\$4,331	\$8,705
WOOD STREET DEVELOPMENT PROJECT		28.21		\$122,178
REMAINING PARCELS				
800 Cedar Street (State of CA)	006 004700100	5.49	\$4,331	\$23,777
1819 10th Street	006 004902501	1.6	\$4,331	\$6,930
1820 10th Street (Cal Waste)	006 002900302	2.15	\$4,331	\$9,312
SUB-TOTAL REMAINING		9.24		\$40,018
TOTAL		37.45	\$4,331	\$162,196

Table 2: Intersection Improvements - Fair-Share Cost Allocations (2009 with North Gateway Mixed Use)									
	Total Cost	Cost Attributable to OARB Redevelopment	Split of OARB		Split of City Share				
			Port Share	City Share	North Gateway	West Gateway	Central Gateway	East Gateway	16th/Wood
W. Grand & Maritime	\$7,554,000	100% \$7,554,000	9% \$679,860	91% \$6,874,140	26% \$1,787,276	27% \$1,856,018	41% \$2,818,397	3% \$206,224	2% \$137,483
7th Street & Maritime	\$1,600,000	100% \$1,600,000	63% \$1,008,000	37% \$592,000	29% \$171,680	14% \$82,880	54% \$319,680	3% \$17,760	0% \$0
7th Street & I-880	\$50,000	66% \$33,000	55% \$18,150	45% \$14,850	14% \$2,079	34% \$5,049	24% \$3,564	0% \$0	27% \$4,010
3rd Street & Adeline	\$150,000	65% \$97,500	100% \$97,500	0% \$0	0% \$0	0% \$0	0% \$0	0% \$0	0% \$0
3rd Street & Market	\$150,000	53% \$79,500	74% \$58,830	26% \$20,670	0% \$0	0% \$0	0% \$0	0% \$0	100% \$20,670
12th Street & Brush	\$150,000	3% \$4,500	100% \$4,500	0% \$0	0% \$0	0% \$0	0% \$0	0% \$0	0% \$0
Total	\$9,654,000	97% \$9,368,500	20% \$1,866,840	80% \$7,501,660	26% \$1,961,035	26% \$1,943,947	42% \$3,141,641	3% \$223,984	2% \$162,162
Difference from 2007:	\$0	\$4,500	\$42,900	(\$38,400)	\$907,671	\$865,717	(\$2,046,069)	\$223,984	\$10,148
Additional Intersections:									
S. Auto Mall & Maritime	\$250,000	89% \$222,500	10% \$22,250	90% \$200,250	7% \$14,018	32% \$64,080	56% \$112,140	5% \$10,013	0% \$0
Parcel I & Maritime	\$250,000	100% \$250,000	12% \$30,000	88% \$220,000	8% \$17,600	42% \$92,400	51% \$112,200	0% \$0	0% \$0
Total	\$10,154,000	97% \$9,841,000	20% \$1,919,090	80% \$7,921,910	25% \$1,992,653	27% \$2,100,427	42% \$3,365,981	3% \$233,997	2% \$162,162
Difference from 2007:	\$500,000	\$477,000	\$95,150	\$381,850	\$939,288	\$1,022,197	(\$1,821,729)	\$233,997	\$10,148

Oakland Army Base Redevelopment, Sixteenth and Wood Street Sub-Area



Land Use Map

Legend

- Sixteenth & Wood Sub-Area
- Wood Street Development Project
- Freeways
- Parcels

General Plan Landuse

- Hillside Residential
- Detached Unit Residential
- Mixed Housing Type Residential
- Urban Residential
- Neighborhood Center Mixed Use
- Community Commercial
- Housing and Business Mix
- Central Business District
- Regional Commercial
- Business Mix
- Gen Industrial/Transportation
- Institutional
- Resource Conservation Area
- Urban Open Space
- Estuary Plan Area



March 2005



WOOD STREET ZONING I
DEVELOPMENT AREA 1A

PRELIMINARY AND FINAL DEVELOPMENT PLAN - FEBRUARY 26, 2015

MAY 20, 2015
ATTACHMENT A

CITY VENTURES
BARAN STUDIO ARCHITECTURE
HUNT HALE JONES ARCHITECTURE
SANDIS
EINWILLER KUEHL
LJP CONSTRUCTION SERVICES

ATTACHMENT A



City Ventures



CITY VENTURES
444 Spear Street, Suite 200
San Francisco, CA 94105
P: 510.846.6540
www.cityventures.com

BARAN STUDIO
ARCHITECTURE
5621 Lowell Street, Suite F
Oakland, CA 94608
P: 510.595.6744
www.baranstudio.com

HUNT HALE JONES
ARCHITECTURE
444 Spear Street Suite 105
San Francisco, CA 94105
P: 415.568.3831
www.hunthalejones.com

SANDIS
636 Ninth Street
Oakland, CA 94607
P: 510.873.8866
www.sandis.net

EINWILLER KUEHL
874 41st Street
Oakland, CA 94608
P: 510.891.1696
www.einwillerkuehl.com

LJP CONSTRUCTION
SERVICES
Sustainable Construction
Consultant
9571 Irvine Center Drive
Irvine, CA 92618
Phone: (949) 336-8900
www.ljpltd.com

WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

SHEET INDEX &
SITE LOCATION
DATA

Project number	00001
Date	FEB 26, 2015
Drawn by	SCN
Checked by	TRT

A-0.01

Scale 12" = 1'-0"

SHEET INDEX

COVER SHEET

ARCHITECTURAL

SITE PLANS AND DATA

- A-0.01 SHEET INDEX & SITE LOCATION DATA
- A-0.02 PROJECT OVERVIEW / GREEN KEY
- A-0.03 GREEN BUILDING FEATURES
- A-0.04 SITE PHOTOS
- A-0.05 SITE PHOTOS
- A-0.10 MASSING DIAGRAM
- L-1.00 ILLUSTRATIVE SITE PLAN
- A-1.01 ARCHITECTURAL SITE PLAN
- A-1.02 PHASING PLAN
- A-1.03 PROJECT RENDERING
- A-1.04 PROJECT RENDERING
- A-1.05 PROJECT RENDERING

BUILDING AND UNIT PLANS

- A-1.11 BUILDING 1 FLOOR PLANS
- A-1.12 BUILDING 2 & 4 FLOOR PLANS
- A-1.13 BUILDING 3 FLOOR PLANS
- A-1.14 BUILDING 5 FLOOR PLANS

BUILDING ELEVATIONS, SECTION AND RENDERINGS

- A-2.01 BUILDING 1 ELEVATIONS
- A-2.02 BUILDING 2 ELEVATIONS
- A-2.03 BUILDING 3 ELEVATIONS
- A-2.04 BUILDING 4 ELEVATIONS
- A-2.05 BUILDING 5 ELEVATIONS
- A-4.01 BUILDING 1 RENDERINGS
- A-4.02 BUILDING 2 RENDERINGS
- A-4.03 BUILDING 3 RENDERINGS
- A-4.04 BUILDING 4 RENDERINGS
- A-4.05 BUILDING 5 RENDERINGS

CIVIL

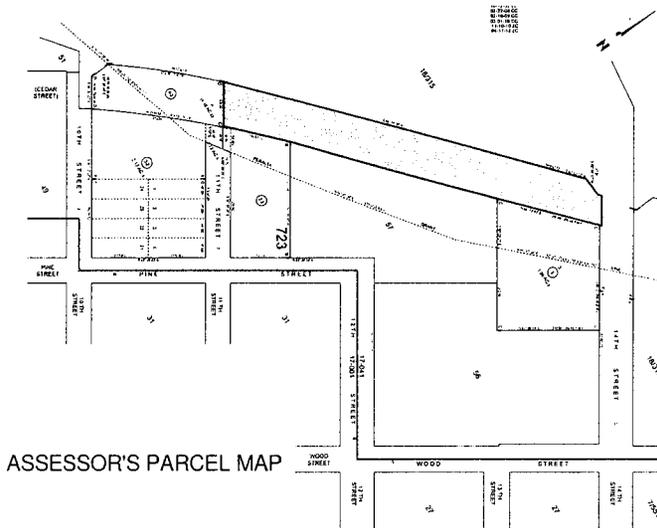
- C-1.01 GRADING AND UTILITY PLAN
- C-2.01 STORMWATER MANAGEMENT PLAN

LANDSCAPE

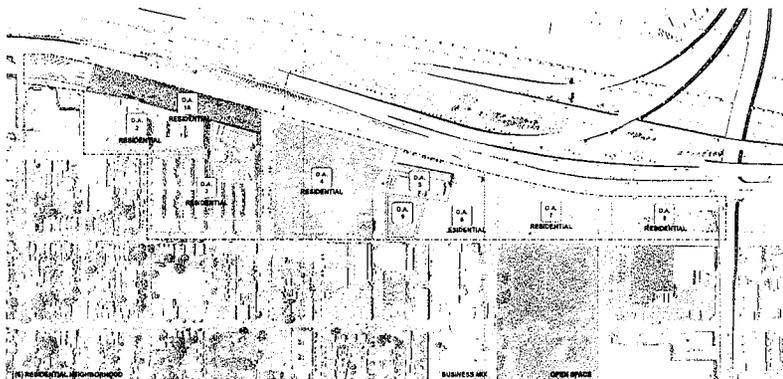
- L-01 AREA IDENTIFICATION
- L-02 MATERIALS AND LIGHTING PLAN
- L-03.1 PLANTING PLAN
- L-03.2 ADD-ALT. PLANTING PLAN
- L-04.1 ENLARGED PLANS
- L-04.2 ENLARGED PLANS
- L-05 SITE SECTIONS
- L-06 PLANTING PALETTE

MATERIAL BOARD

- M-001 MEWS HOUSE MATERIALS AND COLORS



ASSESSOR'S PARCEL MAP



WOOD STREET DEVELOPMENT AREA

WOOD STREET ZONING DISTRICT BOUNDARY AND DEVELOPMENT AREA 1

**Wood Street Zoning District
Development Area 1a
Mews House**

Background and Overview.

Development Area 1a is comprised of approximately 2.11 acres of vacant land located at 1805 14th Street within the Wood Street Zoning District (WSZD), an identified Priority Development Area. This District, established in 2005, called for Development Area 1a to be developed, along with 23 surrounding acres, into housing and mixed uses. Within Development Area 1a, the WSZD allows a minimum of 46.02 and maximum of 59.96 residential units. Non-residential development is not allowed within Development Area 1a. City Ventures' proposed development of the site conforms in all respects, including use and density, with the WSZD. Potential effects of the WSZD on neighborhood character, traffic, cultural resources and other relevant impacts were studied as part of the previously approved rezoning.

To date, Holiday Development's Pacific Cannery Lofts project, comprised of 163 residential and live/work condominiums, Bridge Housing's Ironhorse project, comprised of 99 below-market rate rental apartments, and Pulte Homes' Zephyr Gate project, comprised of 130 residential and live/work condominiums, have been completed within Development Areas 2 and 3 of the WSZD, respectively. In 2014, Final Development Plans for City Ventures' development of 171 residential and live/work condominiums and 5,100 square feet of commercial space on Development Area 4 adjacent, and Holiday Development's 235-unit market rate rental apartment project on Development Area 8, were approved.

Development Area 1a is a long, narrow lot which parallels Frontage Road between 11th and 14th Streets. Immediately adjacent across across a shared private drive are the aforementioned Ironhorse and Pacific Cannery Lofts projects. Across 14th Street is Development Area 4 (Stationhouse), scheduled to break ground in the first half of 2015. Directly south is the California Waste Solutions facility.



Magnolia Row, Oakland

Description of Proposal

City Ventures proposes to construct 47 new solar, all-electric residential condominiums within Development Area 1a of the Wood Street Zoning District. New homes will be three-story, attached townhome-style condominiums with private, at-grade garages, averaging 1,650 square feet and containing two or three bedrooms. Additional parking will be provided on driveway strips in front of each home. All new homes will feature private, fenced backyards. The site will provide continued access to the Ironhorse and Pacific Cannery Lofts garages via a new private road to be rebuilt in its present alignment, widened to accommodate current fire code, and with new sidewalk, curb, gutter and street trees on the west side of the street to complement existing pedestrian amenities on the east.

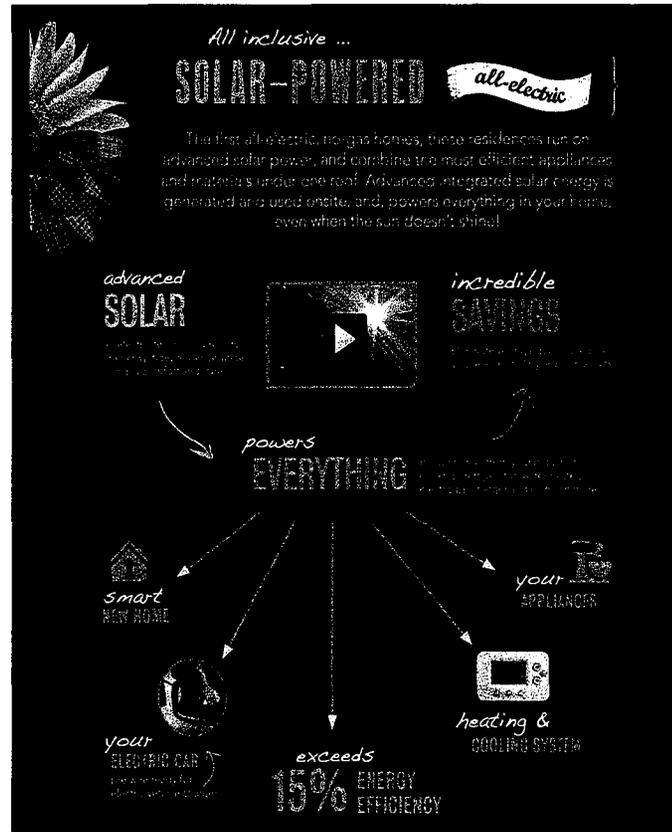
Schedule

Assuming all project entitlements are in place in Summer 2015, City Ventures anticipates commencing construction during the first half of 2016.

Financing

All public and private improvements within and surrounding Development Area 1a will be privately financed by City Ventures, a well capitalized developer with over \$365 million of discretionary funds.

CITY VENTURES IS COMMITTED TO IMPROVING THE COMMUNITIES IN WHICH IT WORKS BY NOT ONLY PROVIDING BEAUTIFUL AND STYLISH HOMES, BUT ALSO THE MOST ENERGY EFFICIENT HOMES ON THE MARKET. OUR INDUSTRY LEADING "GREEN KEY" PROGRAM ENSURES OUR HOMEBUYERS AN ENERGY EFFICIENT HOME FOR A GREENER EARTH AND A GREENER WALLET. OUR GREEN KEY HOMES FEATURE ADVANCED SOLAR POWER, EFFICIENT APPLIANCES AND OTHER INNOVATIONS THAT ALLOW OUR SMART, SUSTAINABLE HOMES TO SIGNIFICANTLY REDUCE UTILITY BILLS FOR OUR HOMEBUYERS.



- 2 kW solar panel system standard on every home
- Complete elimination of monthly natural gas bills
- Cutting edge hybrid high efficiency all electric water heater
- Energy efficient heat pumped heating and cooling system
- Pre-wire ready conduit for gasoline free electric car chargers
- Environmentally preferred compact, urban infill development close to transit
- Turf limited, invasive plant free, drought tolerant landscape
- Ocean-friendly storm water treatment system
- Lumber saving beam, header, roof and floor truss systems
- Construction materials waste recycling program
- Copper saving PEX water lines
- High efficiency water saving plumbing fixtures
- Heat resistant radiant barrier roof sheeting
- High solar reflective index roofing materials
- Thermal envelope leakage prevention system
- Dual glazed windows with low solar heat gain coefficient glass
- Whole house harmful gas removal ventilation system
- Programmable climate control thermostat
- Carbon monoxide pollutant prevention garage seal
- Environmentally preferred low VOC paints, caulking and adhesives
- Independent 3rd party pressurized duct testing on 100% of homes
- Independent 3rd party cooling refrigerant inspection on 100% of homes
- Energy star appliances



City Ventures



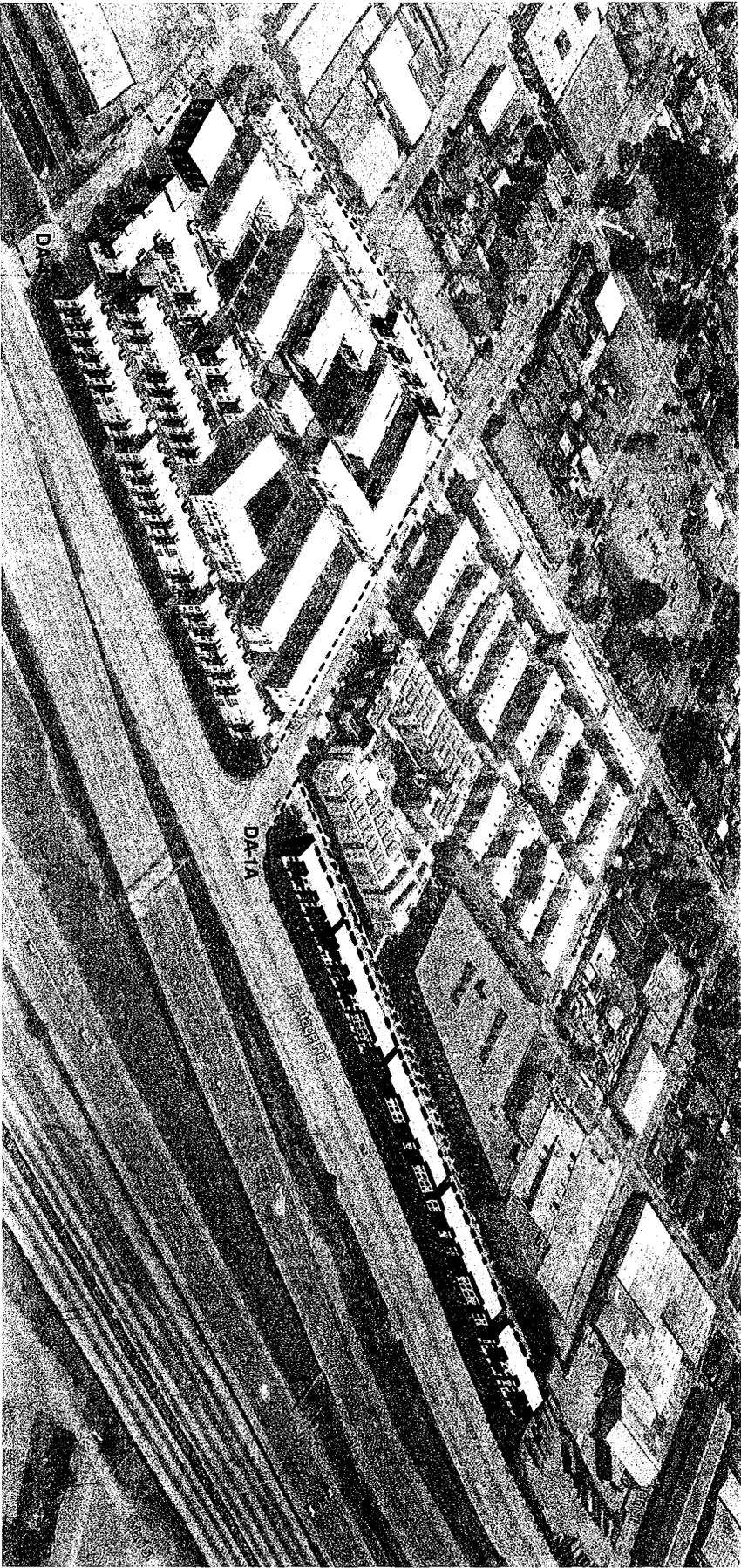
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

PROJECT OVERVIEW / GREEN KEY

Project number	00001
Date	FEB 26, 2015
Drawn by	SCN
Checked by	TRT

A-0.02

Scale



MASSING DIAGRAM

WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

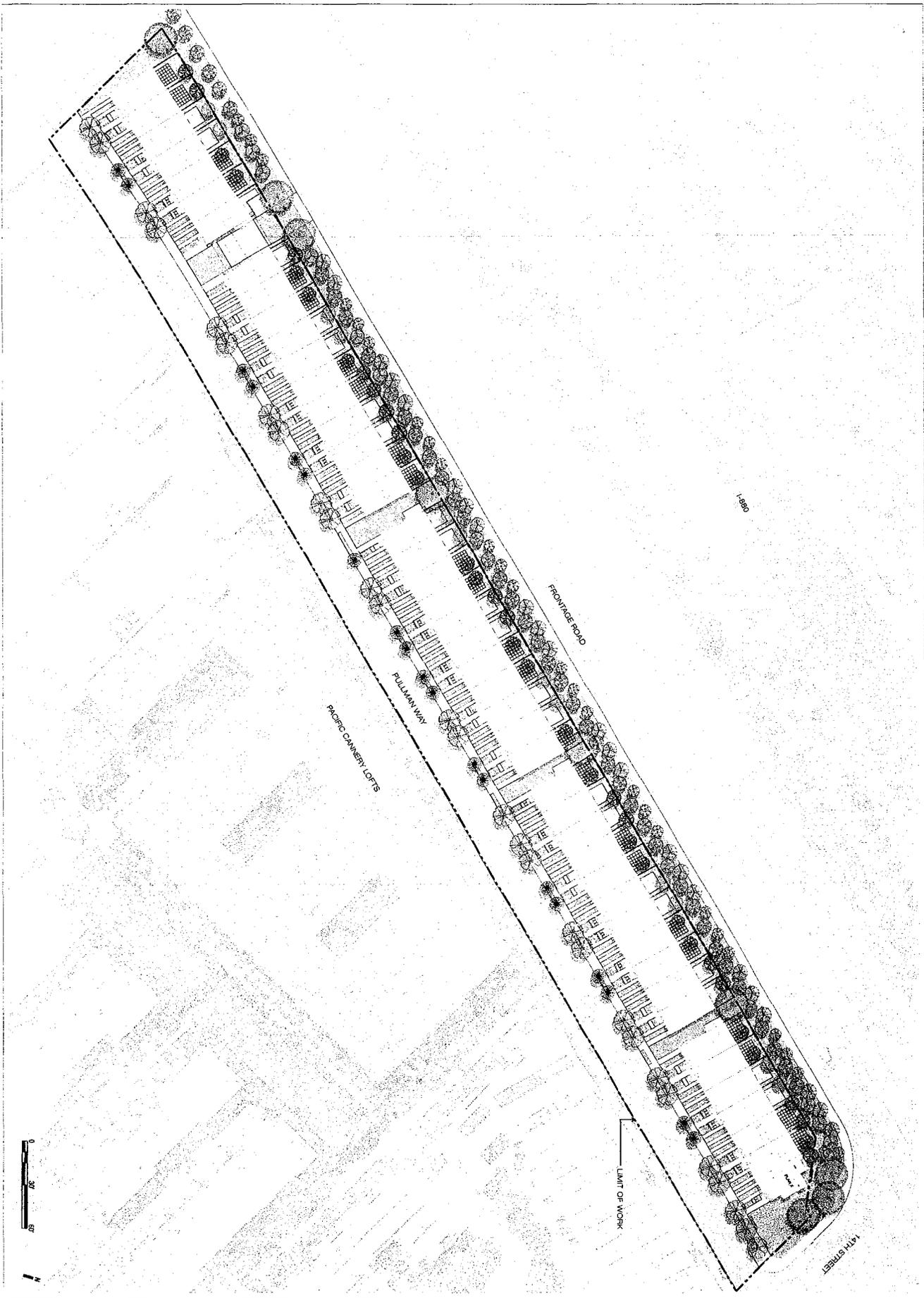


MASSING DIAGRAM

Project Number: 00001
Date: FEB 26, 2015
Drawn by: SCW
Checked by: TMT

A-0.10

Scale:



of INVILLI RYAN LLC
 LANDSCAPE ARCHITECT

WOOD STREET

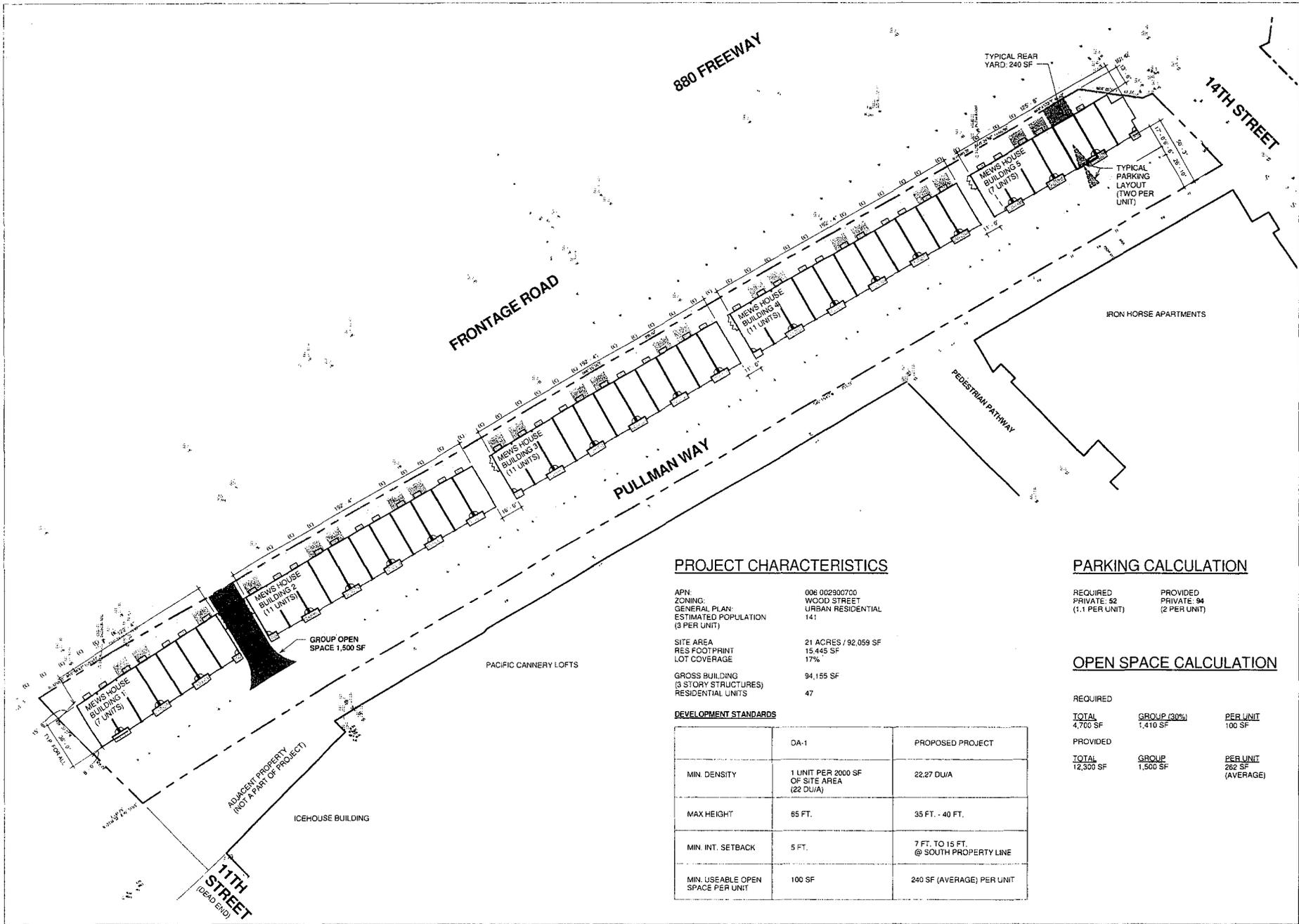
DEVELOPMENT AREA 1A - MEWS HOUSE

ILLUSTRATIVE
 SITE PLAN

Project number: 00001
 Date: 20140813
 Drawn by: AS
 Checked by: SK

L-1.00

Scale: 1" = 30'



PROJECT CHARACTERISTICS

APN: 006 002900700
 ZONING: WOOD STREET
 GENERAL PLAN: URBAN RESIDENTIAL
 ESTIMATED POPULATION: 141
 SITE AREA: 21 ACRES / 92,059 SF
 RES FOOTPRINT: 15,445 SF
 LOT COVERAGE: 17%
 GROSS BUILDING (3 STORY STRUCTURES): 94,155 SF
 RESIDENTIAL UNITS: 47

DEVELOPMENT STANDARDS

	OA-1	PROPOSED PROJECT
MIN. DENSITY	1 UNIT PER 2000 SF OF SITE AREA (22 DU/A)	22.27 DU/A
MAX HEIGHT	65 FT.	35 FT. - 40 FT.
MIN. INT. SETBACK	5 FT.	7 FT. TO 15 FT. @ SOUTH PROPERTY LINE
MIN. USEABLE OPEN SPACE PER UNIT	100 SF	240 SF (AVERAGE) PER UNIT

PARKING CALCULATION

REQUIRED PRIVATE: 52 (1.1 PER UNIT)
 PROVIDED PRIVATE: 94 (2 PER UNIT)

OPEN SPACE CALCULATION

	REQUIRED	GROUP (30%)	PER UNIT
TOTAL	4,760 SF	1,410 SF	100 SF
PROVIDED	TOTAL 12,300 SF	GROUP 1,500 SF	PER UNIT 262 SF (AVERAGE)

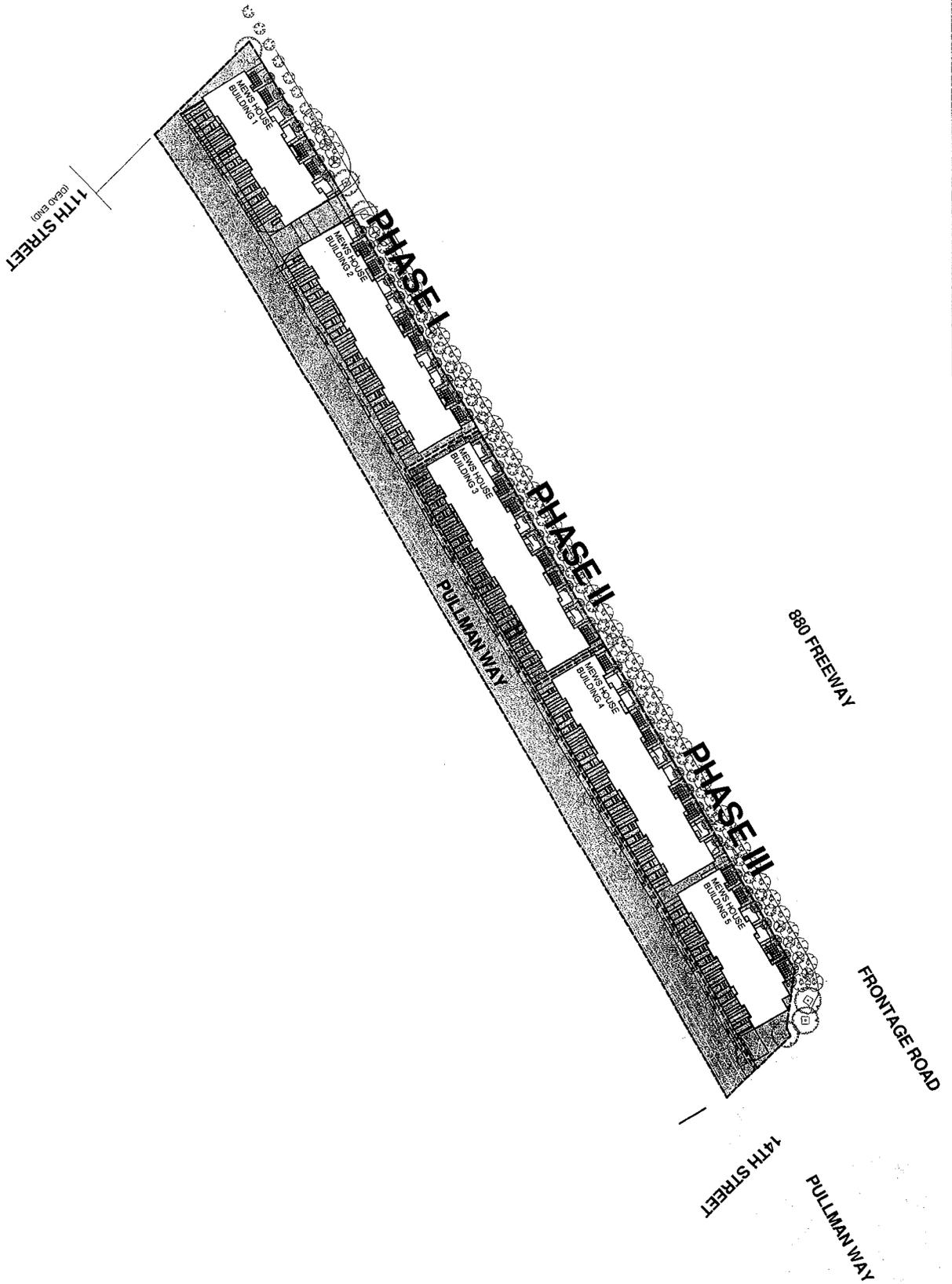


WOOD STREET
 DEVELOPMENT AREA 1A - MEWS HOUSE

ARCHITECTURAL SITE PLAN

Project number: 00001
 Date: FEB 26, 2015
 Drawn by: SCN
 Checked by: TRT

A-1.01
 Scale: As indicated



WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE



PHASING PLAN

A-1.02

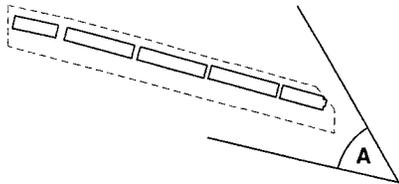
Project Number: 00001
Date: FEB 26, 2015
Drawn by: SCN
Checked by: TRT

Scale: 1" = 40'-0"



VIEW A: SOUTH ON PULLMAN WAY ACCESS ROAD FROM 14TH STREET - PROJECT ENTRANCE

SITE KEY PLAN



City Ventures



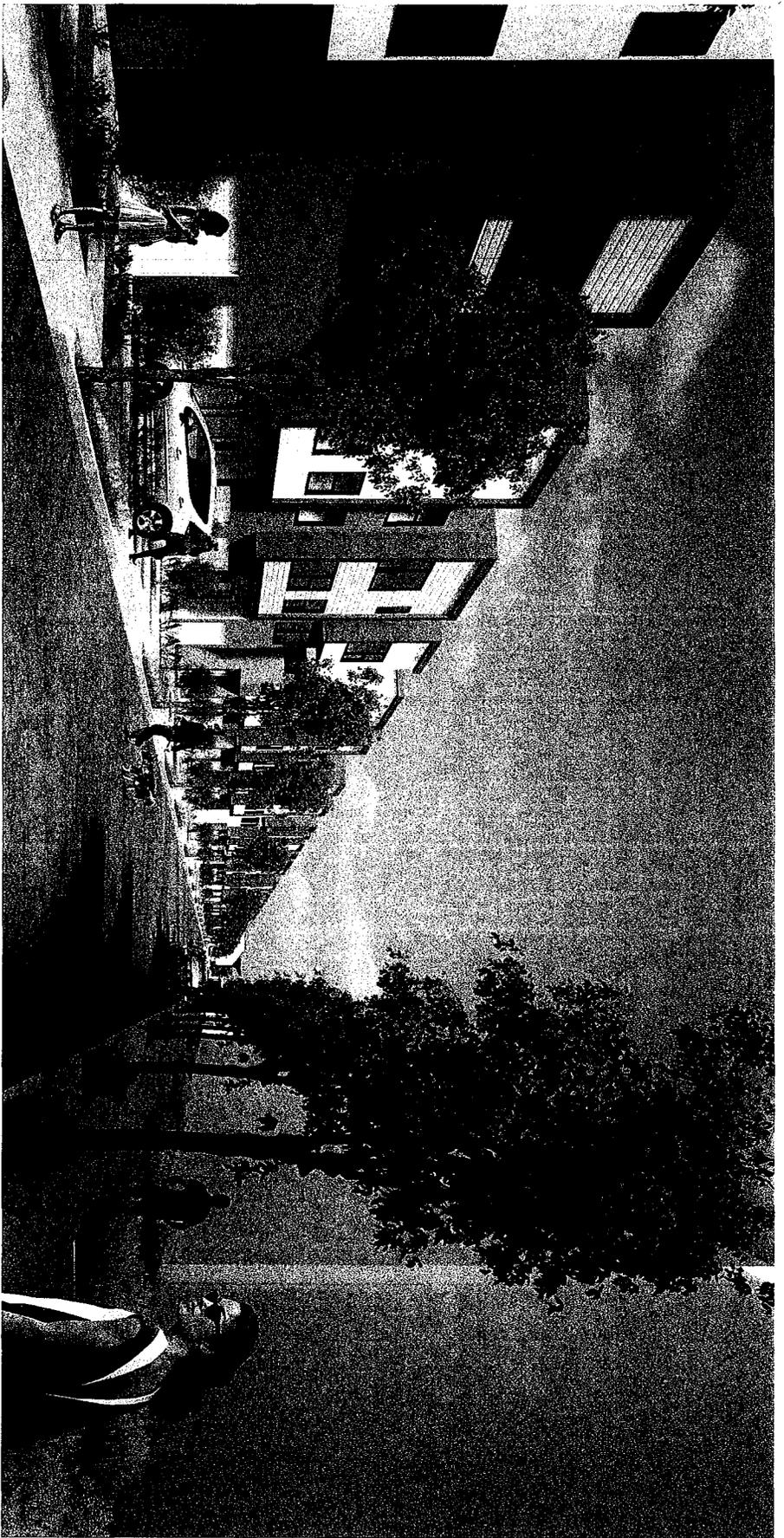
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

PROJECT RENDERING

Project number 00001
Date FEB 26, 2015
Drawn by SCH
Checked by TRT

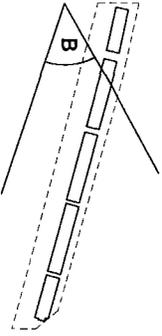
A-1.03

Scale 1/4" = 1'-0"



VIEW B: NORTH ON PULLMAN WAY ACCESS ROAD - TOWARDS DA-4

SITE KEY PLAN



City Ventures



WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

PROJECT
RENDERING

Project Number: 00001
 Date: FEB 26, 2015
 Drawn by: SCN
 Checked by: TRT

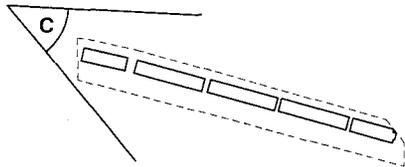
A-1.04

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



VIEW C: NORTH ON FRONTAGE ROAD TOWARD 14TH STREET

SITE KEY PLAN



City Ventures



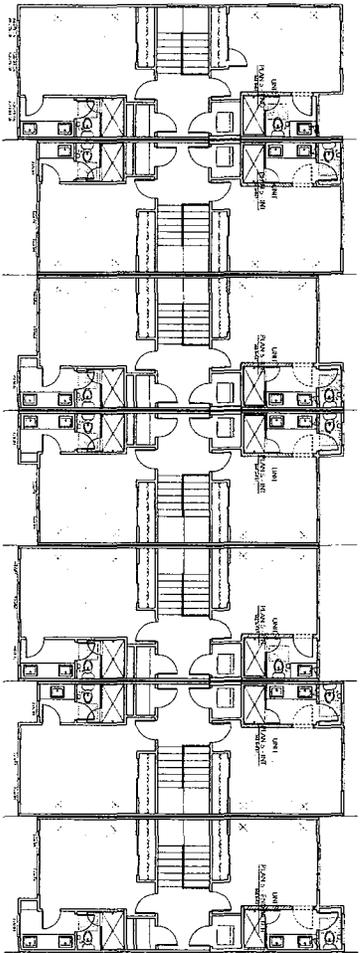
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

PROJECT
RENDERING

Project number	00001
Date	FEB 26, 2015
Drawn by	SCN
Checked by	TRT

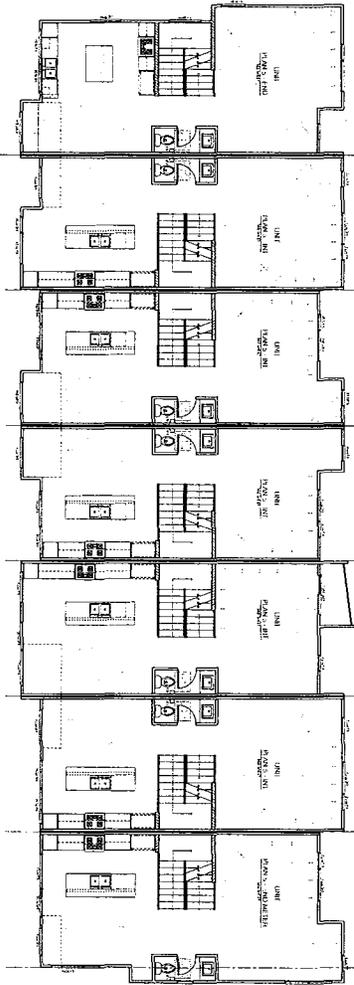
A-1.05

Scale 1/4" = 1'-0"



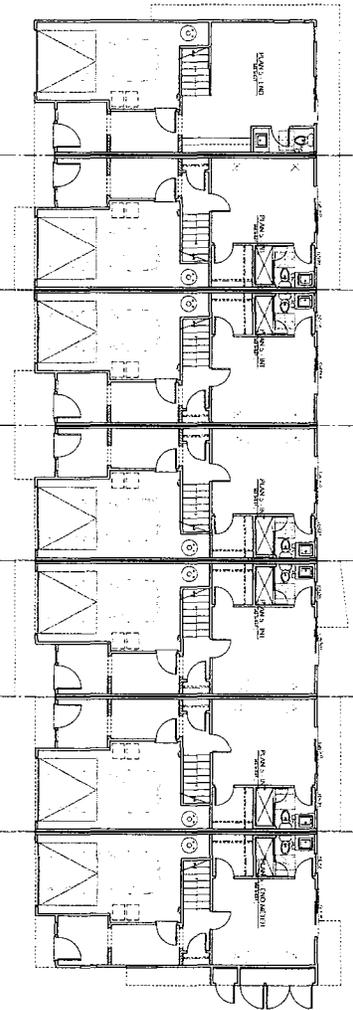
UPPER FLOOR

BUILDING 1



MAIN FLOOR

BUILDING 1



GROUND FLOOR

BUILDING 1

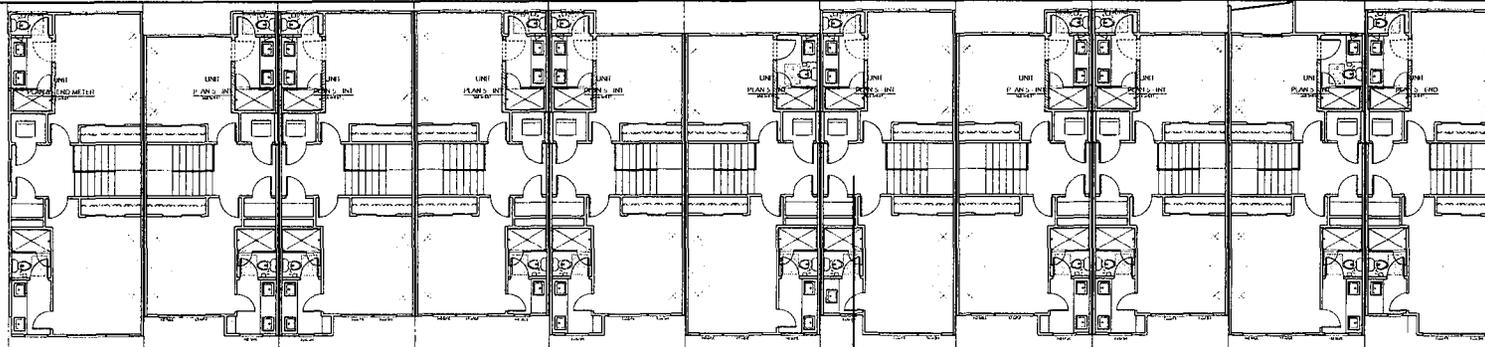


WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 1
FLOOR PLANS

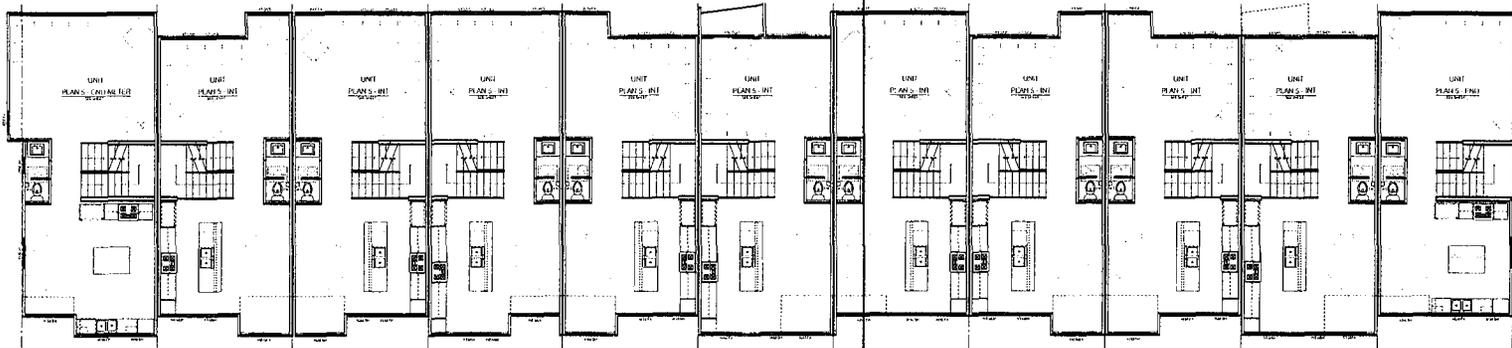
DATE: FEB 26, 2013
DRAWN BY: [Name]
CHECKED BY: [Name]

A-1.11



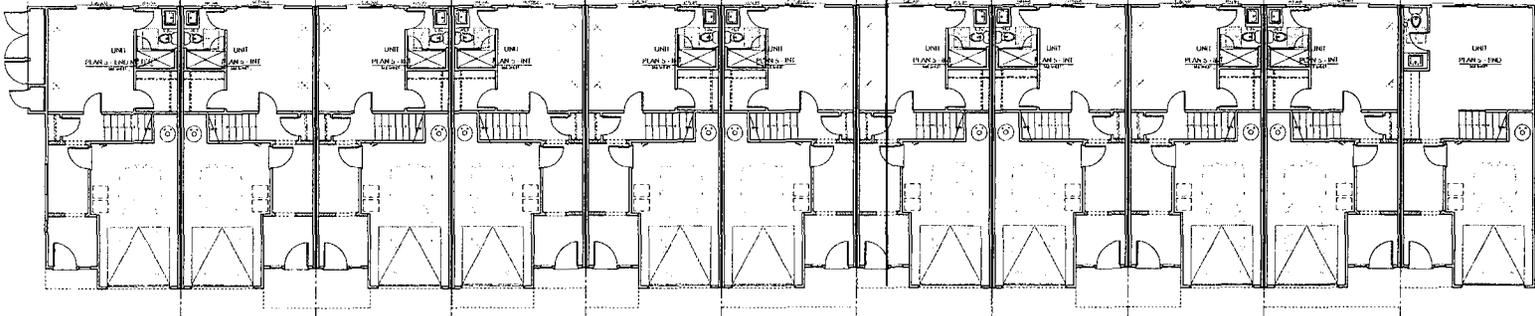
UPPER FLOOR

BUILDING 4



MAIN FLOOR

BUILDING 4



GROUND FLOOR

BUILDING 4



City Ventures



HUNT
HALE
JONES

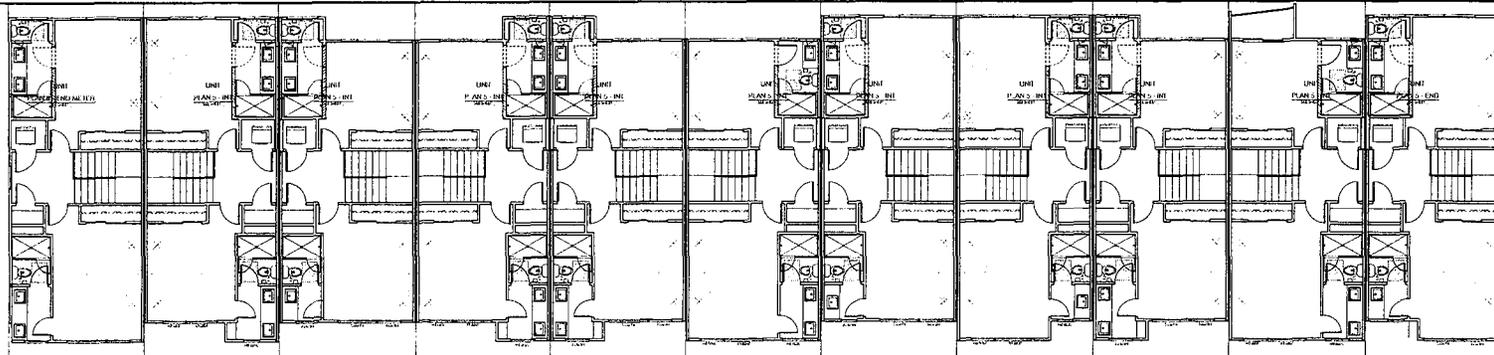
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDINGS 2,4
FLOOR PLANS

Project number
Date FEB 26, 2015
Drawn by
Checked by

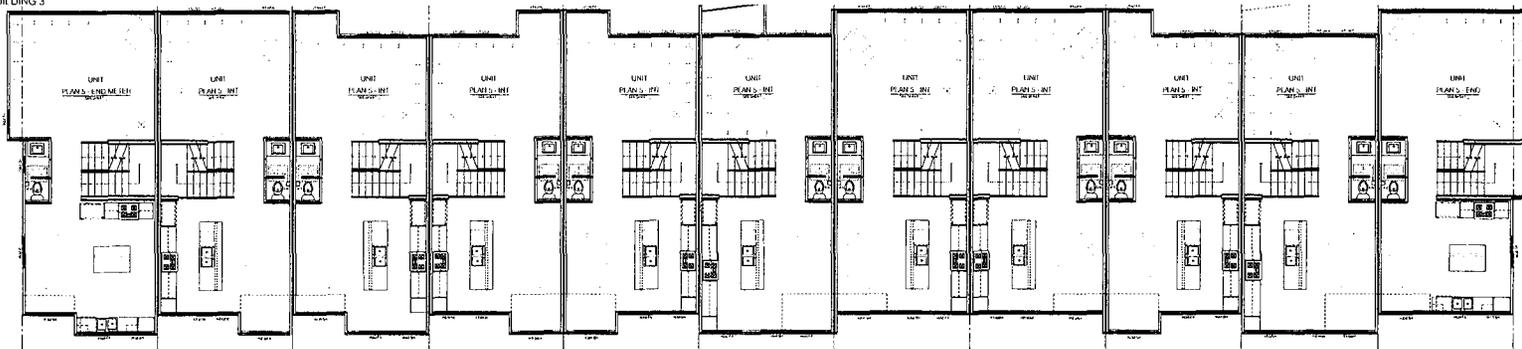
A-1.12

Scale



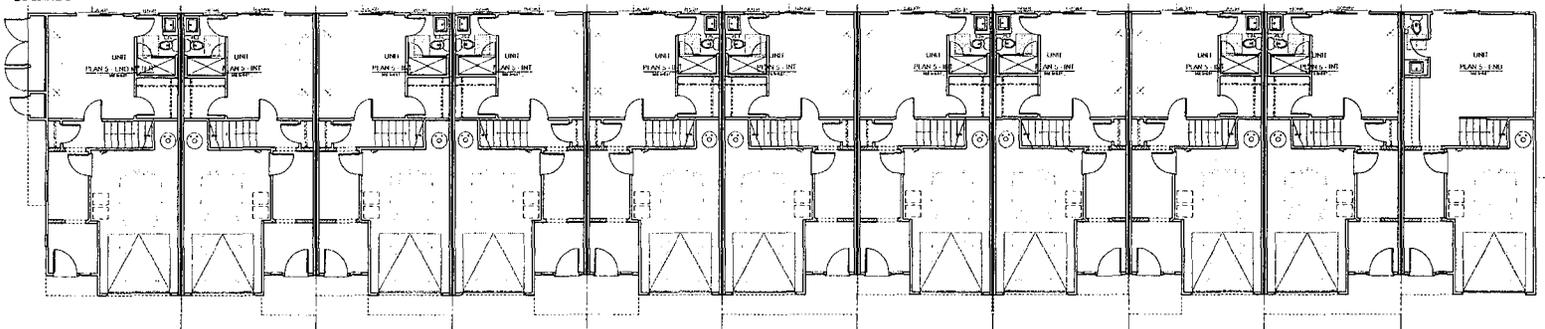
UPPER FLOOR

BUILDING 3



MAIN FLOOR

BUILDING 3



GROUND FLOOR

BUILDING 3



City Ventures



HUNT
HALE
JONES

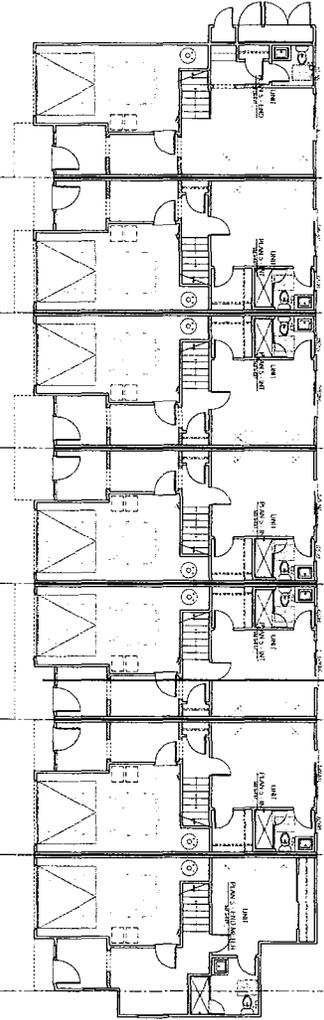
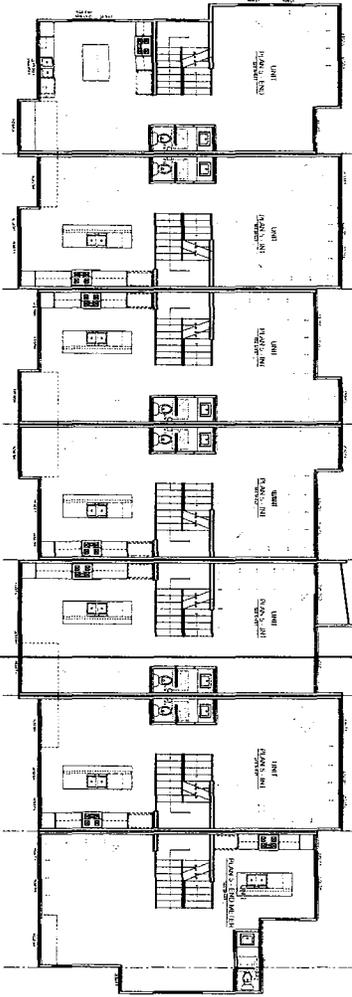
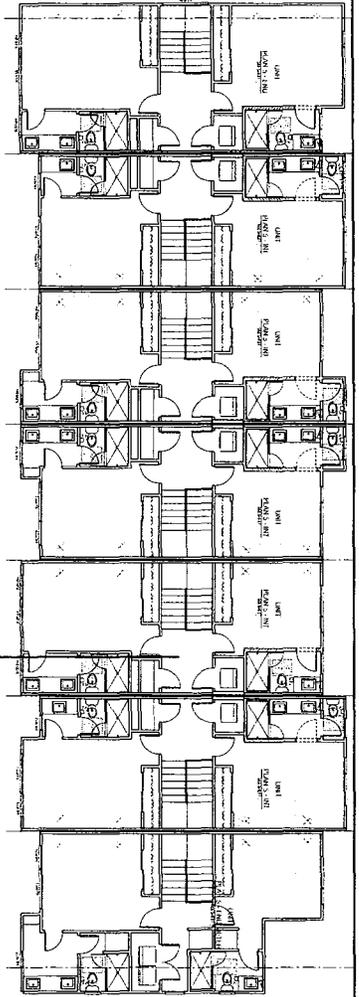
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 3
FLOOR PLANS

Project number
Date FEB 26, 2015
Drawn by
Checked by

A-1.13

Scale



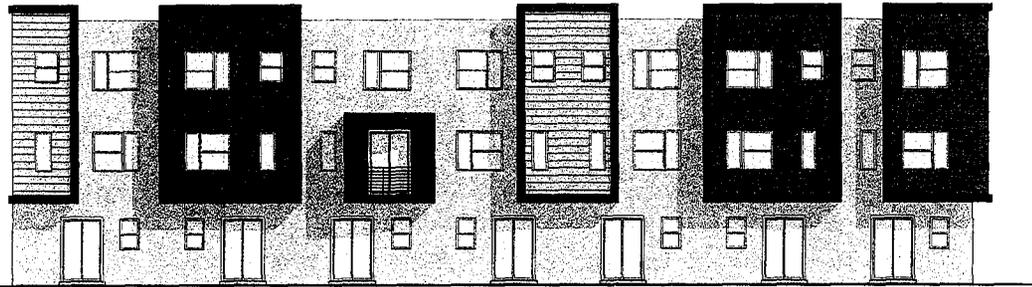
HUNT
HALE
JONES

WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

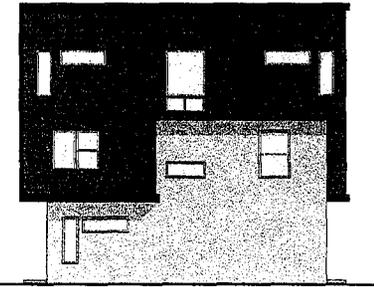
BUILDING 5
FLOORPLANS

Project Name: BUILDING 5 FLOORPLANS
Date: FEB 26, 2015
Drawn By:
Checked By:

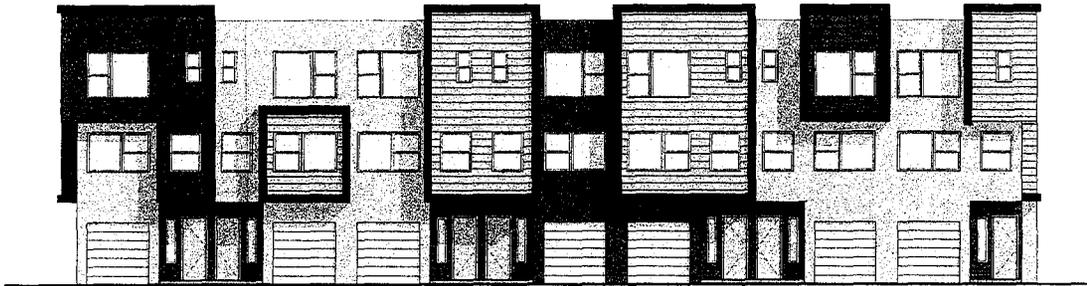
A-1.14



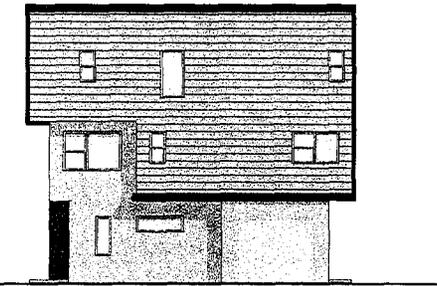
① BUILDING 1 - WEST ELEVATION
1/8" = 1'-0"



④ BUILDING 1 - SOUTH ELEVATION
1/8" = 1'-0"



③ BUILDING 1 - EAST ELEVATION
1/8" = 1'-0"



② BUILDING 1 - NORTH ELEVATION
1/8" = 1'-0"



City Ventures



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studio
architecture

WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 1
ELEVATIONS

Project number 00001
Date FEB 26, 2015
Drawn by SCN
Checked by TRT

A-2.01

Scale 1/8" = 1'-0"



City Ventures



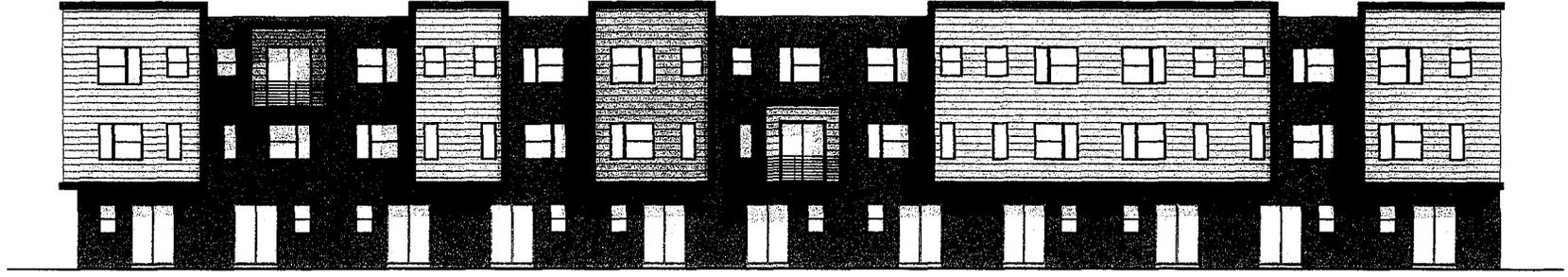
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 2
ELEVATIONS

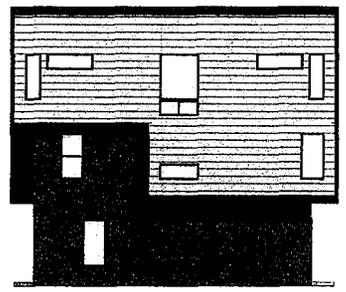
Project number: 00001
Date: FEB 26, 2015
Drawn by: SCN
Checked by: TRT

A-2.02

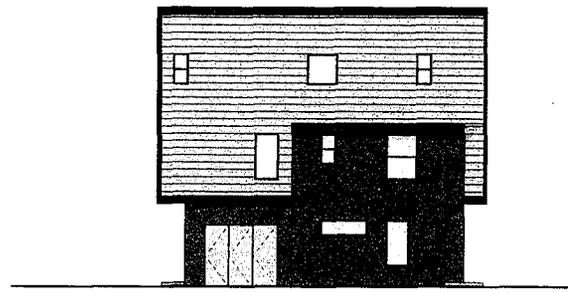
Scale: 1/8" = 1'-0"



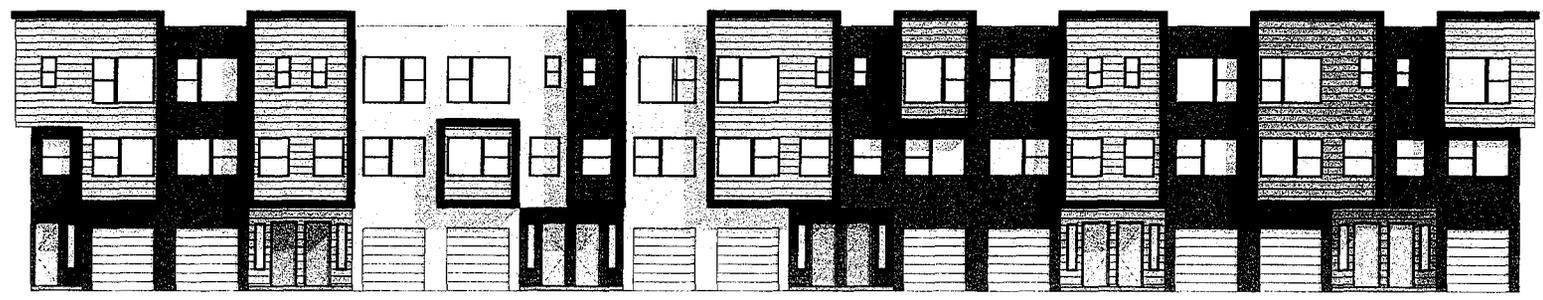
1) BUILDING 2 - WEST ELEVATION
1/8" = 1'-0"



2) BUILDING 2 - NORTH ELEVATION
1/8" = 1'-0"



3) BUILDING 2 - SOUTH ELEVATION
1/8" = 1'-0"



4) BUILDING 2 - EAST ELEVATION
1/8" = 1'-0"



City Ventures



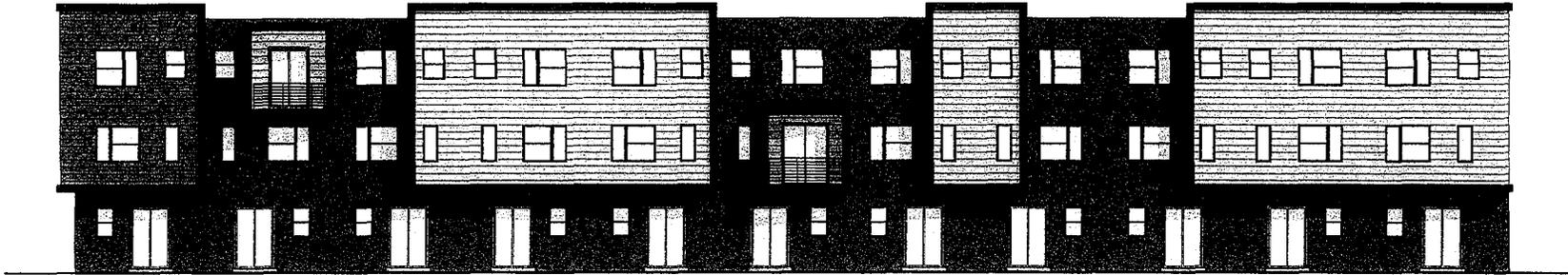
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 3
ELEVATIONS

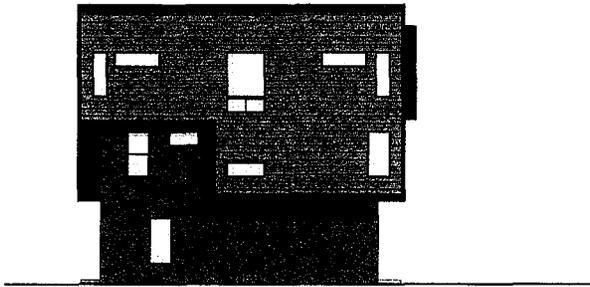
Project number: 00001
Date: FEB 26, 2015
Drawn by: SCN
Checked by: TT

A-2.03

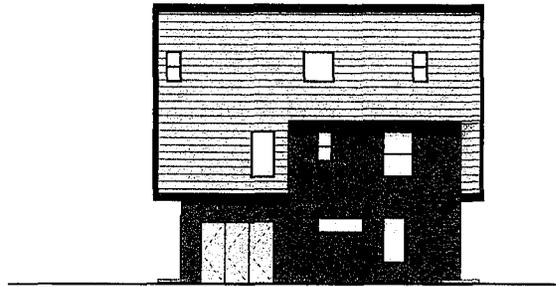
Scale: 1/8" = 1'-0"



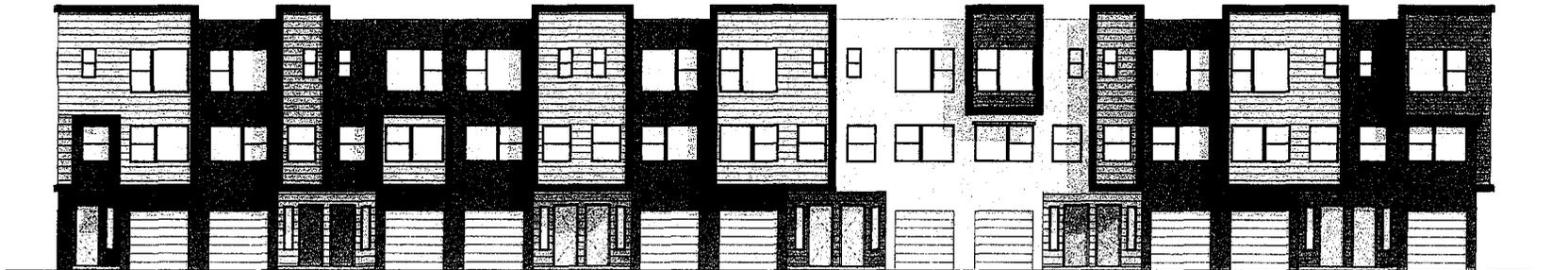
1) BUILDING 3 - WEST ELEVATION
1/8" = 1'-0"



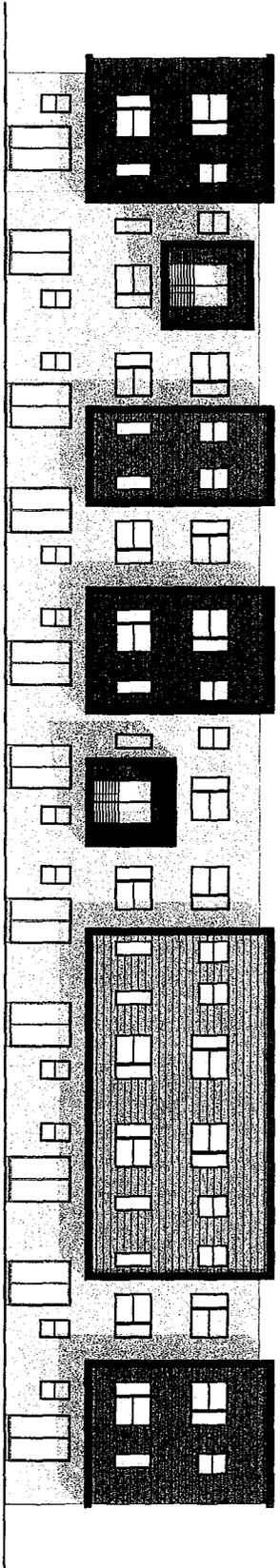
2) BUILDING 3 - NORTH ELEVATION
1/8" = 1'-0"



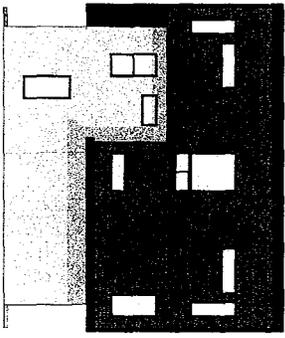
3) BUILDING 3 - SOUTH ELEVATION
1/8" = 1'-0"



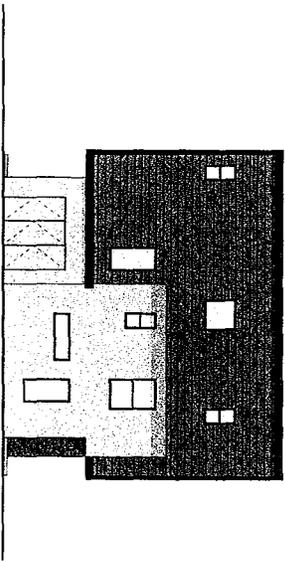
4) BUILDING 3 - EAST ELEVATION
1/8" = 1'-0"



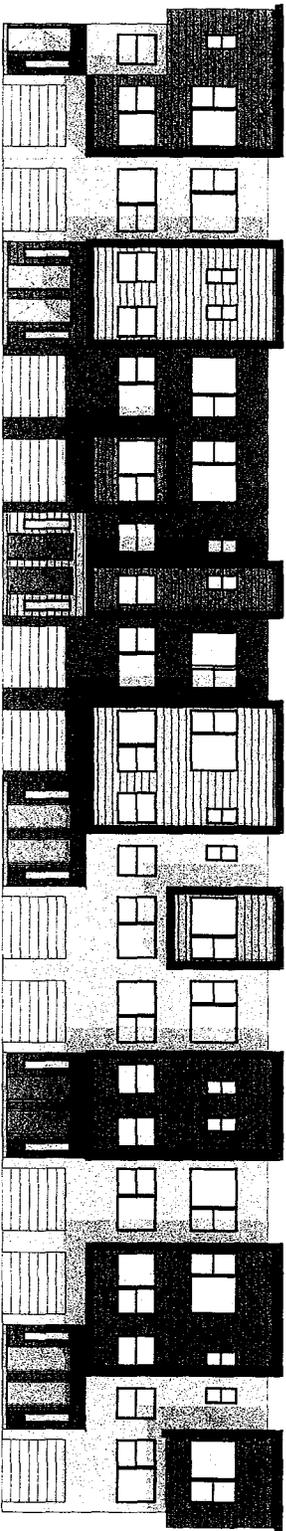
① BUILDING 4 - WEST ELEVATION
1/8" = 1'-0"



② BUILDING 4 - NORTH ELEVATION
1/8" = 1'-0"



③ BUILDING 4 - SOUTH ELEVATION
1/8" = 1'-0"



④ BUILDING 4 - EAST ELEVATION
1/8" = 1'-0"



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WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 5
ELEVATIONS

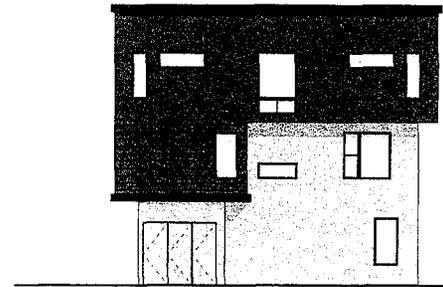
Project number: 00001
Date: FEB 26, 2015
Drawn By: SCN
Checked by: TT

A-2.05

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



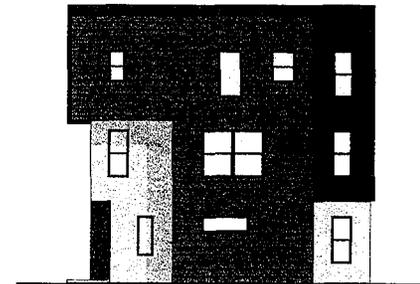
2 BUILDING 5 - WEST ELEVATION
1/8" = 1'-0"



3 BUILDING 5 - SOUTH ELEVATION
1/8" = 1'-0"



1 BUILDING 5 - EAST ELEVATION
1/8" = 1'-0"



4 BUILDING 5 - NORTH ELEVATION
1/8" = 1'-0"



② BUILDING 1 - FROM FRONTAGE ROAD



① BUILDING 1 - NORTH END FROM PULLMAN



③ BUILDING 1 - FRONT VIEW



④ BUILDING 1 - REAR VIEW



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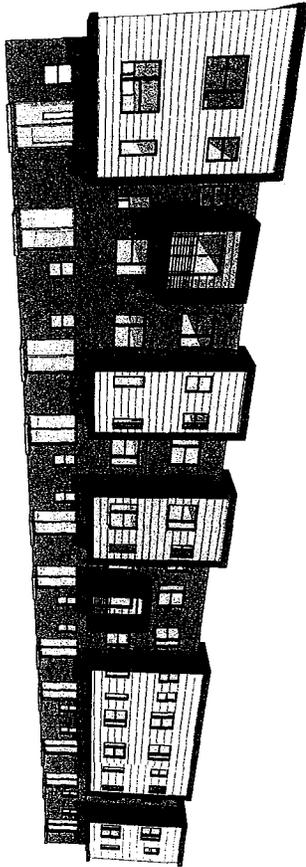
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 1
RENDERINGS

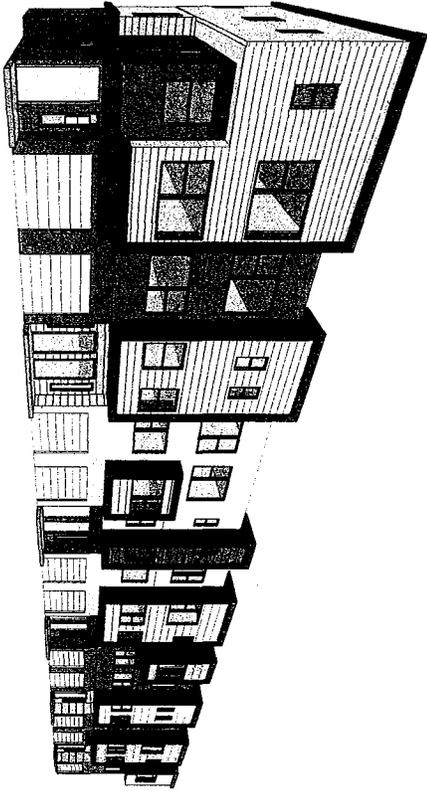
Project number: 00001
Date: FEB 26, 2015
Drawn by: SCN
Checked by: TRT

A-4.01

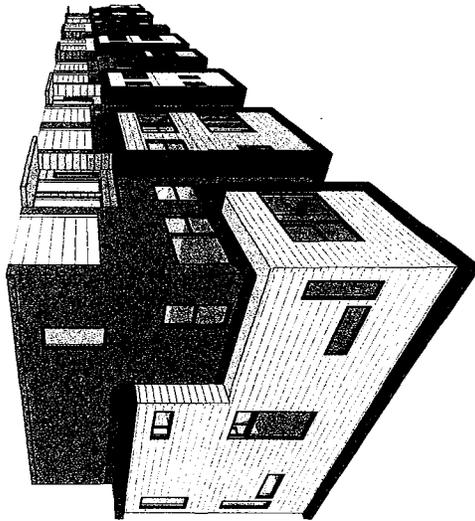
Scale



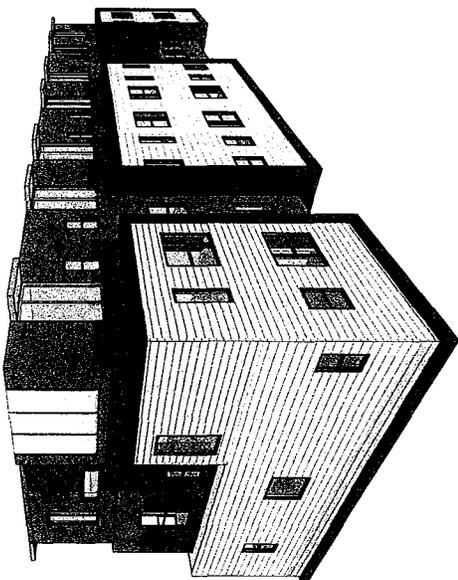
2) BUILDING 2 - FROM FRONT FACED ROAD



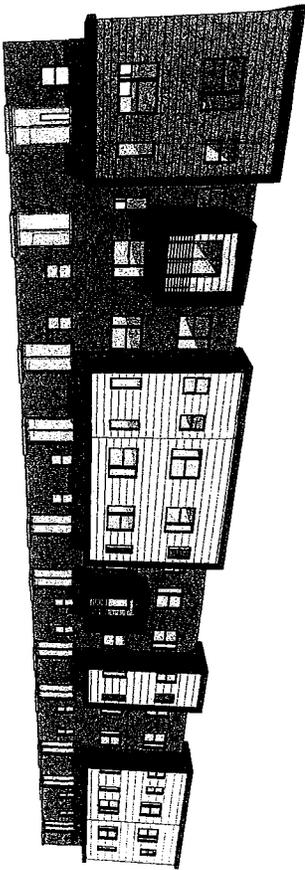
3) BUILDING 2 - FRONT VIEW



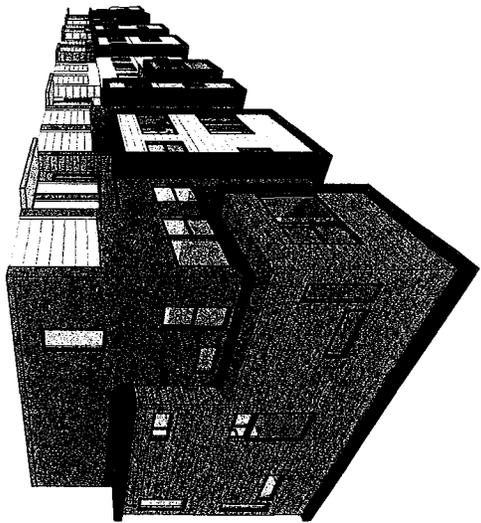
BUILDING 2 - NORTH END FROM
1) PULLMAN



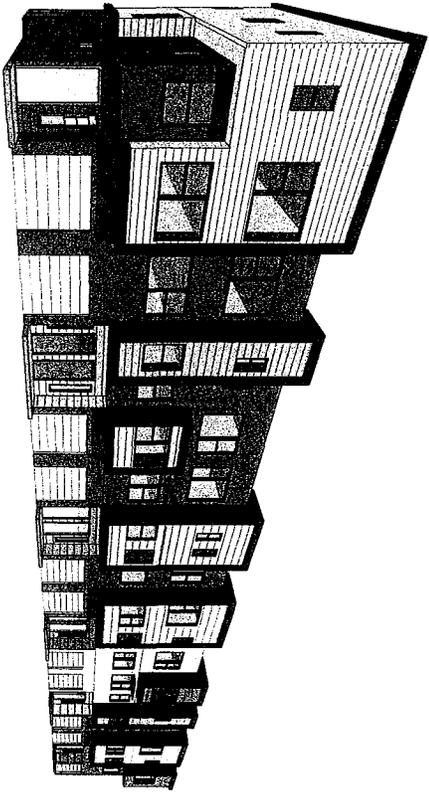
4) BUILDING 2 - REAR VIEW



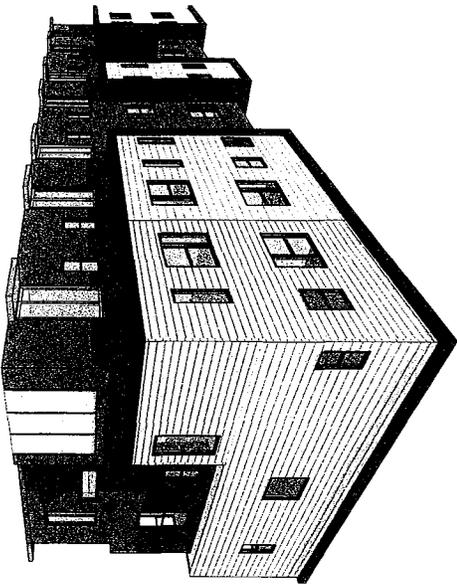
② BUILDINGS 2,3,4 - FRONT FRONTAGE
ROAD



① BUILDING 2,3,4 - NORTH END FROM
PULLMAN



③ BUILDINGS 2,3,4 - REAR VIEW



④ BUILDINGS 2,3,4 - REAR VIEW



② BUILDING 4 - FROM FRONTAGE ROAD



① BUILDING 4 - NORTH END FROM PULLMAN



③ BUILDING 4 - FRONT VIEW



④ BUILDING 4 - REAR VIEW



City Ventures



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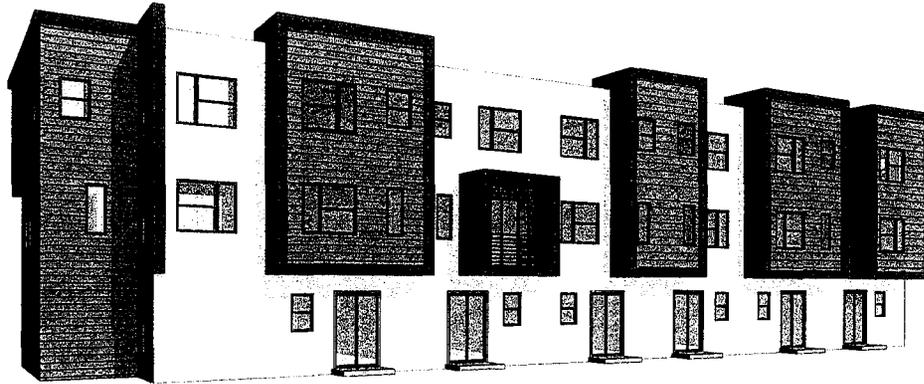
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 4
RENDERINGS

Project number 00001
Date FEB 26, 2015
Drawn by SCN
Checked by TRT

A-4.04

Scale



② BUILDING 5 - FROM FRONTAGE ROAD AND 14TH ST.



① BUILDING 5 - NORTH END FROM PULLMAN



③ BUILDING 5 - SOUTH END FROM PULLMAN



④ BUILDING 5 - SOUTH END FROM FRONTAGE ROAD



City Ventures



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architecture

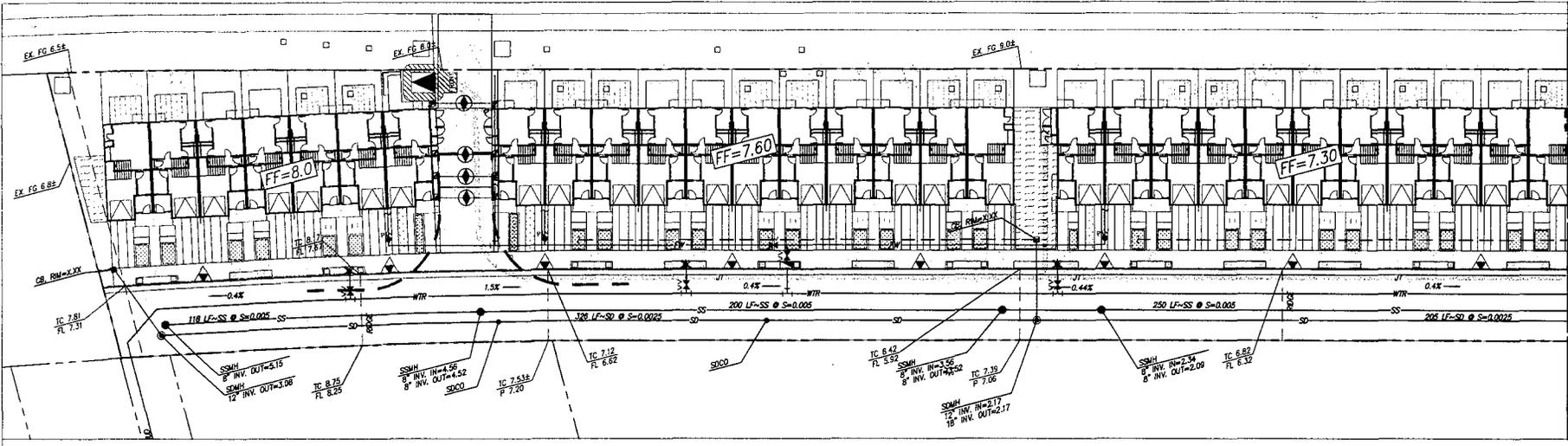
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

BUILDING 5
RENDERINGS

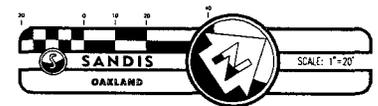
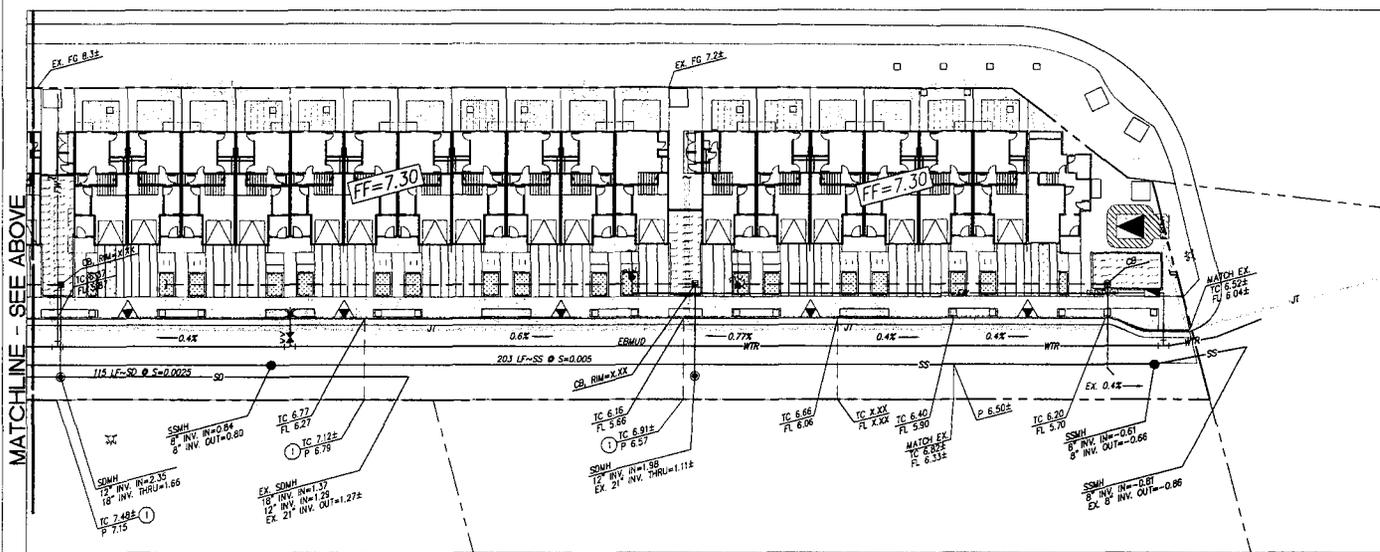
Project Number: 00001
Date: FEB 26, 2015
Drawn by: SCN
Checked by: TRT

A-4.05

Scale:



MATCHLINE - SEE BELOW



LEGEND

- | | | | |
|--|----------------------------------|--|---|
| | PROPOSED PAD MOUNTED TRANSFORMER | | BIORETENTION/FLOW THROUGH PLANTER |
| | STREET LIGHT | | ASPHALT PAVEMENT |
| | PROPOSED HYDRANT | | TURF BLOCK AND STAMPED CONCRETE. SEE LANDSCAPE PLANS. |

SHEET NOTES:

- ① 4-INCH HIGH CURB



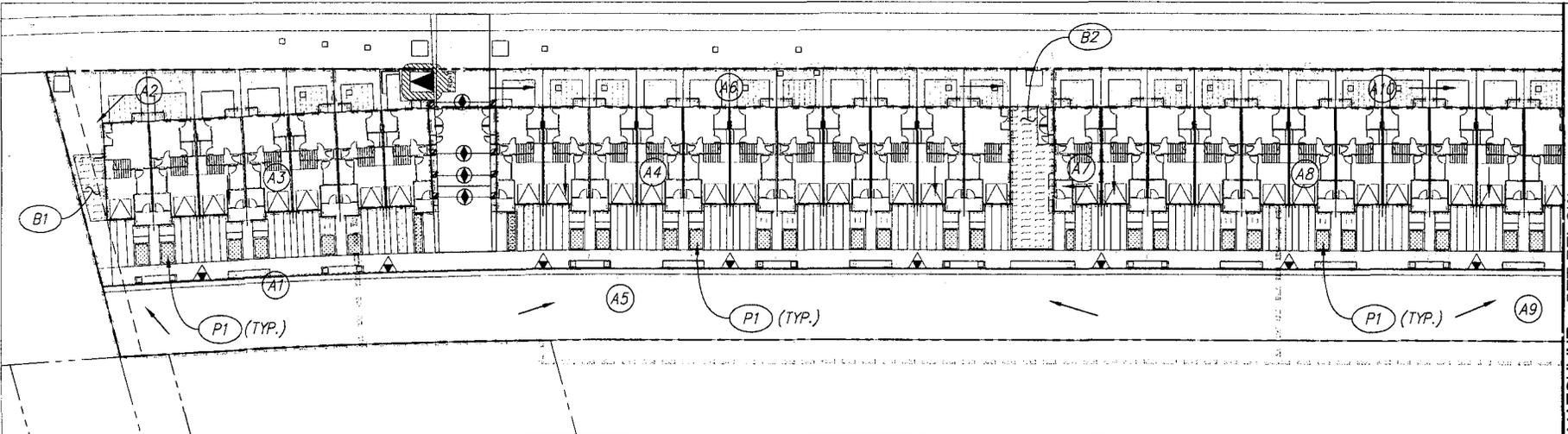
WOOD STREET
 DEVELOPMENT AREA 1A - MEWS HOUSE

GRADING & UTILITY PLAN

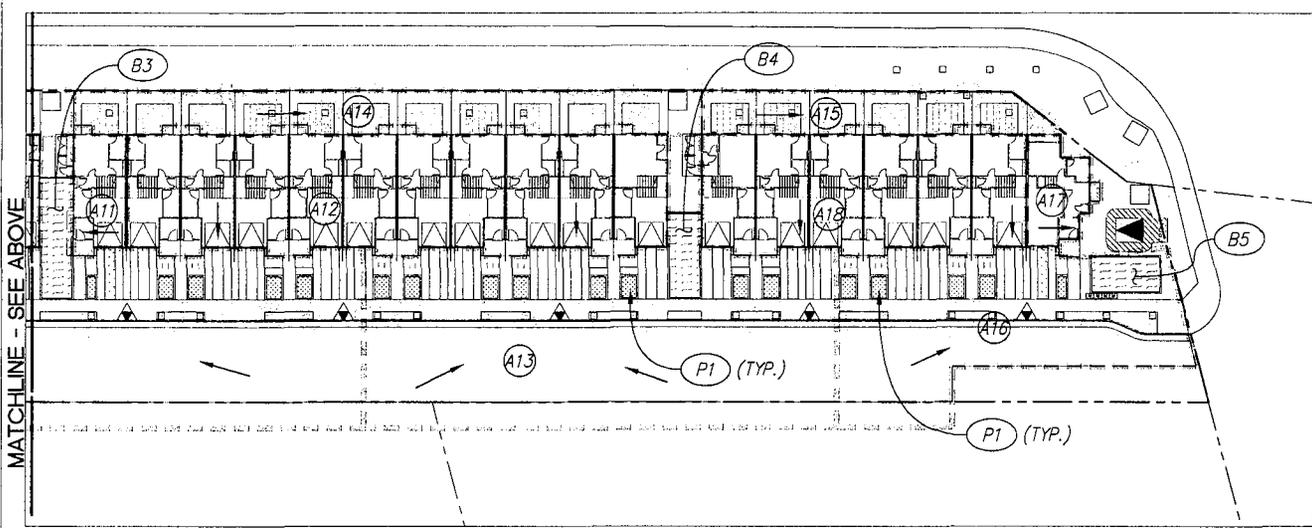
Project number	00001
Date	2015/02/26
Drawn by	JRR
Checked by	MAK

C-1.01

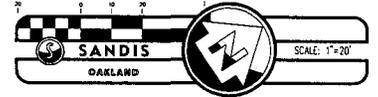
Scale 1"=20'



MATCHLINE - SEE BELOW



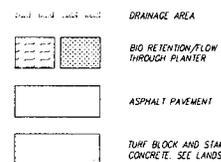
MATCHLINE - SEE ABOVE



C.3 STORMWATER TREATMENT MEASURES						
WATERSHED	DRAINAGE AREA (SF)	IMPERVIOUS AREA (SF)	PERVIOUS AREA (SF)	C.3 TREATMENT BMP	BIO-RETENTION TREATMENT AREA REQUIRED (SF) 4X OF IMPERVIOUS	TREATMENT AREA PROVIDED (SF)
A1	4,962	3,538	1,273		142	
A2	2,026	0	2,026		0	
TOTALS	6,988	3,538	3,259	BIO-RETENTION AREA A1	142	220
A3	4,656	4,656		(?) FLOW THROUGH PLANTERS P1	186	219
A4	7,300	7,300		(11) FLOW THROUGH PLANTERS P1	292	368
A5	20,644	15,199	4,729		508	
A6	3,654	0	3,654		0	
A7	662	662	0		26	
TOTALS	24,960	15,861	8,433	BIO-RETENTION B2	634	760
A8	6,656	6,656	0	(11) FLOW THROUGH PLANTERS P1	266	315
A9	12,642	10,125	2,360		405	
A10	2,701	0	2,701		0	
A11	665	665	0		27	
TOTALS	16,008	10,790	5,061	BIO-RETENTION B3	432	441
A12	6,656	6,656	0	(11) FLOW THROUGH PLANTERS P1	266	315
A13	9,130	6,593	1,657		264	
A14	2,697	0	2,697		0	
A15	1,410	0	1,410		0	
TOTALS	13,237	6,593	5,764	BIO-RETENTION B4	264	280
A16	4,892	4,099	812		164	
A17	646	646	0		26	
TOTALS	5,543	4,745	812	BIO-RETENTION B5	190	253
A18	3,992	3,992	0	(?) FLOW THROUGH PLANTERS P1	160	189

LEGEND

- A# - DRAINAGE AREA
- B# - BIO-RETENTION AREA
- P# - FLOW-THROUGH PLANTER



NOTES:

- A. THIS PLAN PRESENTS METHODS FOR FULFILLING THE REQUIREMENTS FOR THE ALAMEDA COUNTY CLEAN WATER PROGRAM STORMWATER QUALITY CONTROL REQUIREMENTS
- B. REAR YARD PATIOS WILL BE COMPOSED OF PERMEABLE PAVEMENTS OR INCORPORATE SELF-RETAINING AREAS TO SUPPLEMENT THE BMP'S SHOWN.



WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

STORMWATER MANAGEMENT PLAN

Project number: 00001
Date: 2015/02/26
Drawn by: JRR
Checked by: MAK

C-2.01
Scale: 1"=20'



City Ventures



UNIVERSITY
60142' 14335 Base 1186

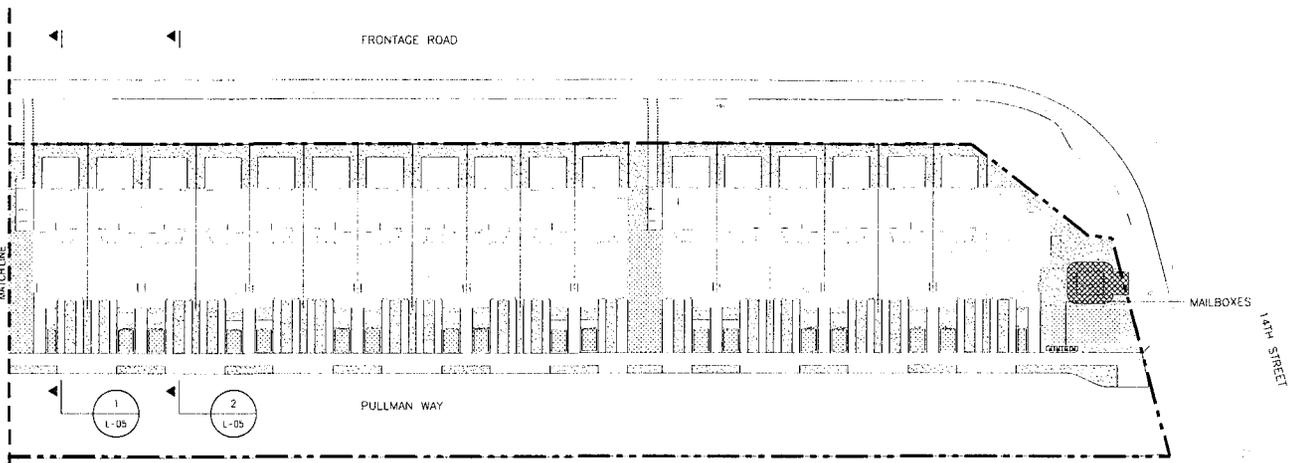
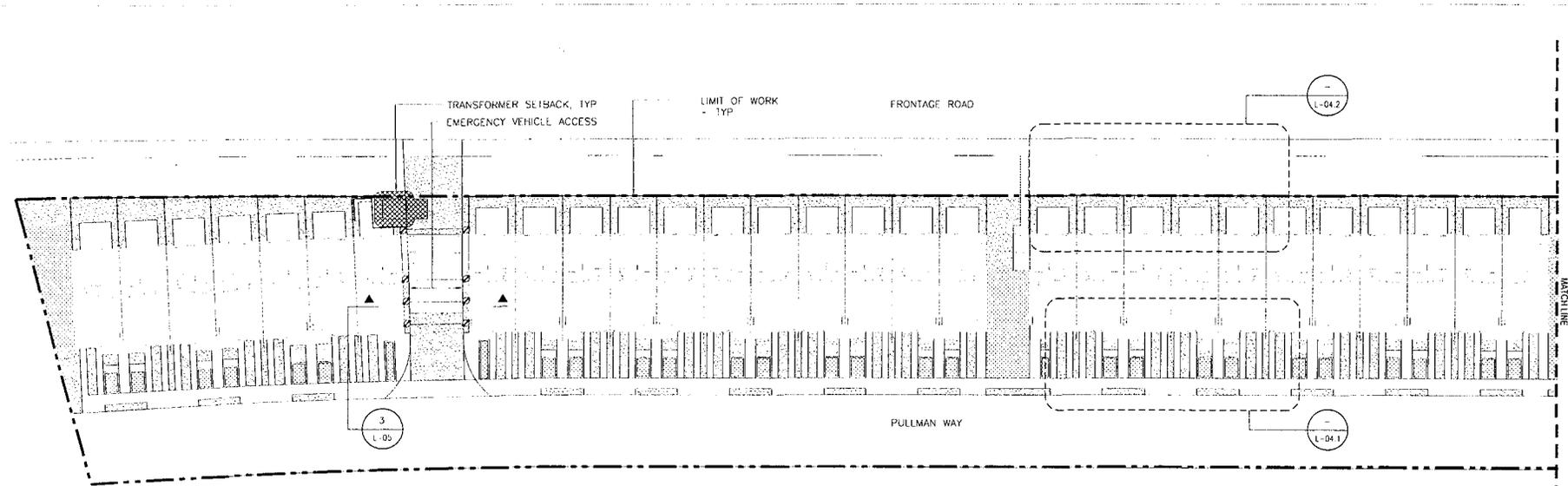
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

AREA IDENTIFICATION

Project number 00001
Date 2014/05/13
Drawn by AS
Checked by SK

L-01

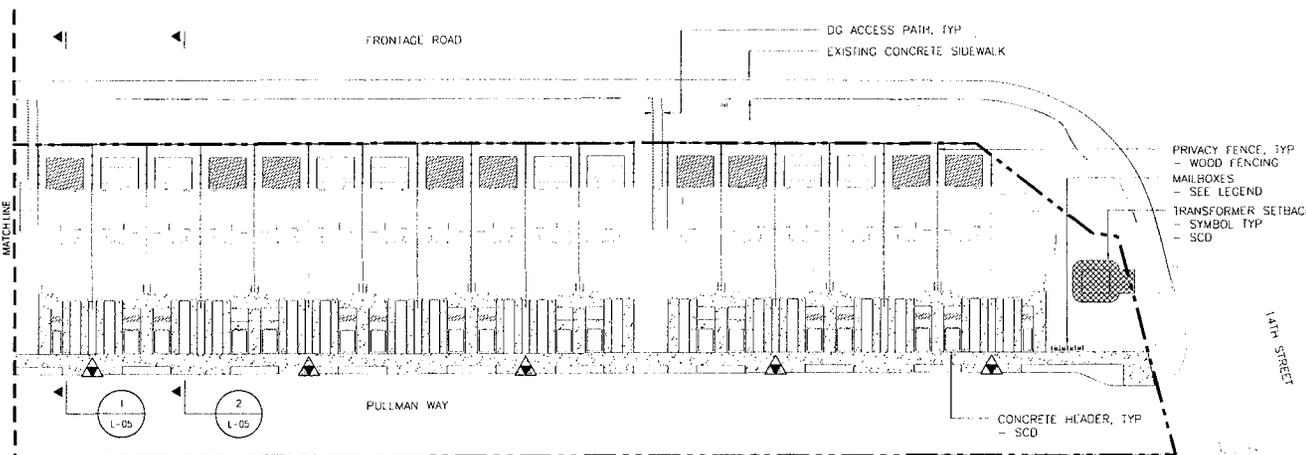
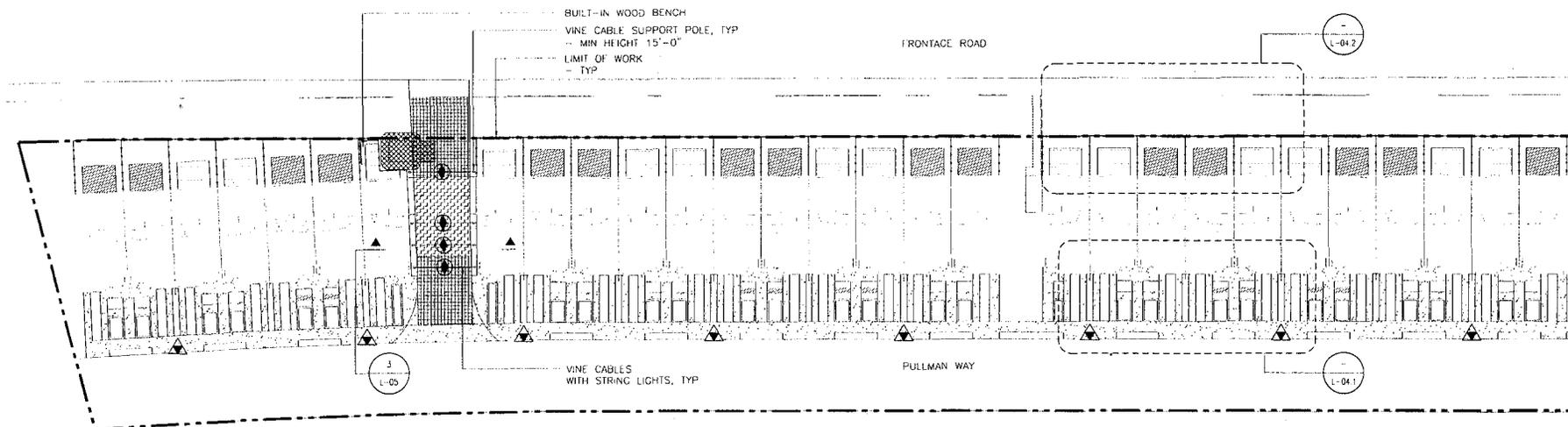
Scale 1" = 20'



LEGEND

-  PLANTED AREAS
- SEE ENLARGEMENT PLANS
-  BIORETENTION AREAS





LEGEND

- CONCRETE PAVING - SCD
- STAMPED CONCRETE
- TURFBLOCK - GEOBLOCK 5150 OR EQUAL
- WOOD DECKING
- PRECAST CONCRETE PAVERS - PERMEABLE CRAVEL JOINT
- PULLMAN WAY POLE LIGHTS
- TRELIS CABLE LIGHTS



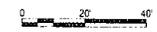
INVESTMENT
 STRATEGIC PARTNERSHIP

WOOD STREET
 DEVELOPMENT AREA 1A - MEWS HOUSE

MATERIALS AND LIGHTING PLAN

Project Number: 00001
 Date: 2014/05/13
 Drawn by: AS
 Checked by: SK

L-02



Scale: 1" = 20'



City Ventures



UNIVERSITY
1000 UNIVERSITY DRIVE
ANN ARBOR, MI 48106

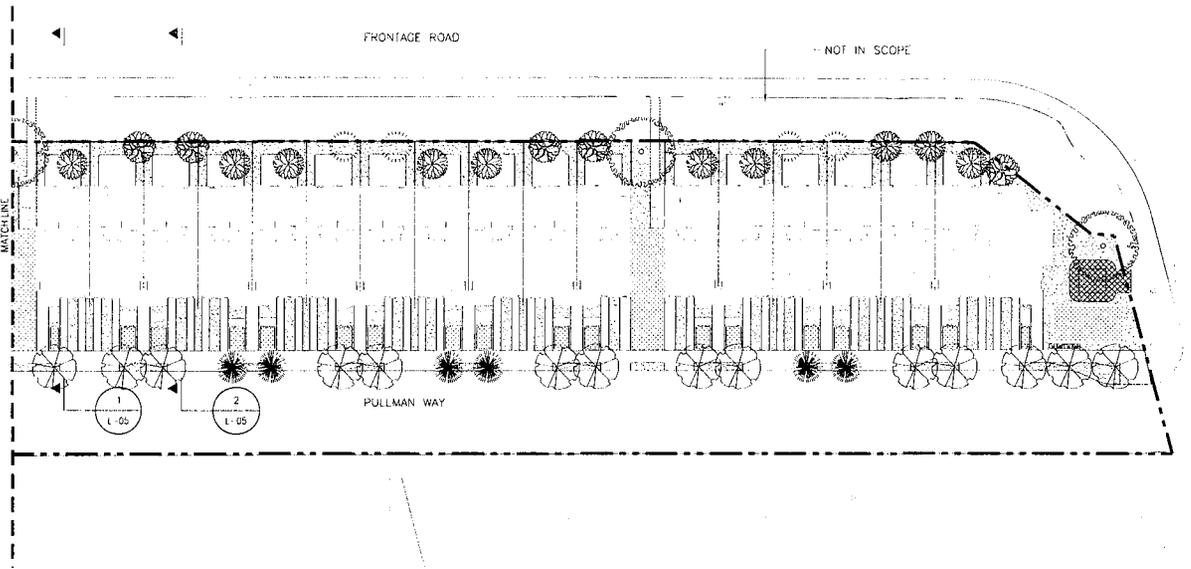
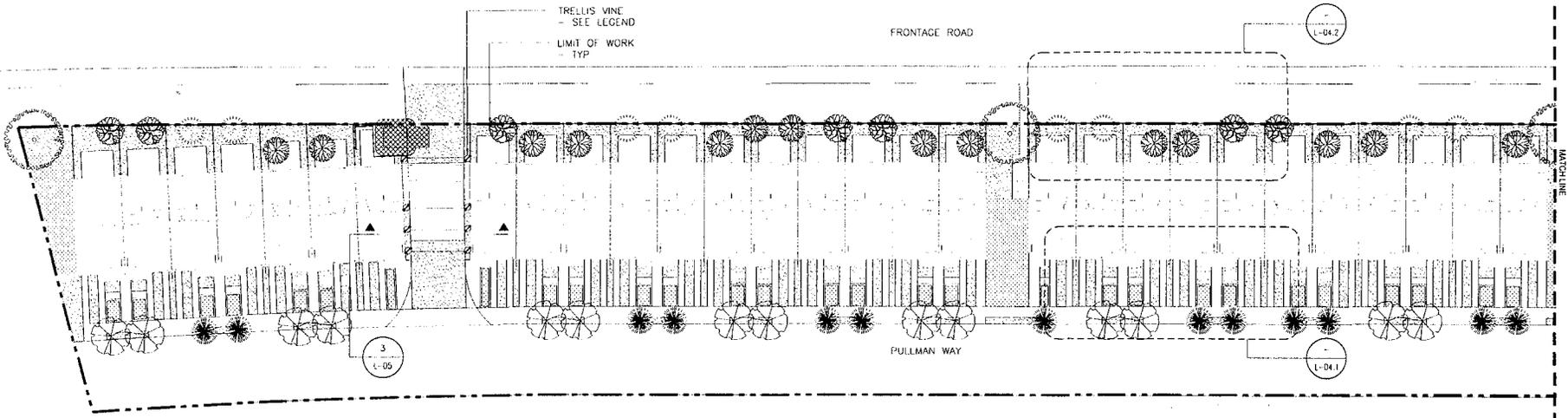
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

PLANTING PLAN

Project number: 00001
Date: 2014/05/13
Drawn by: AS
Checked by: SK

L-03

Scale: 1" = 20'



LEGEND

- ARBUTUS 'MARINA'
SIZE: 24" BOX
IRRIGATION METHOD: BUBBLERS
- OLEA EUROPEA
SIZE: 24" BOX
IRRIGATION METHOD: BUBBLERS
- CERCIS OCCIDENTALIS 'TEXANA'
SIZE: 24" BOX
IRRIGATION METHOD: BUBBLERS
- PLATANUS X ACERIFOLIA 'COLUMBIA'
SIZE: 24" BOX
IRRIGATION METHOD: BUBBLERS
- LYONOTHAMNUS FLORIBUNDUS ASPLENIFLORUS
SIZE: 24" BOX
IRRIGATION METHOD: BUBBLERS
- QUERCUS SPECIES
SIZE: 72" BOX
IRRIGATION METHOD: BUBBLERS
- LONICERA HISPIDULA
SIZE: 15 GALLON
IRRIGATION METHOD: BUBBLERS
- PLANTED AREAS
- SEE ENLARGEMENT PLANS
- BIORETENTION AREAS





City Ventures



ENVIRONMENTAL ARCHITECTURE

WOOD STREET

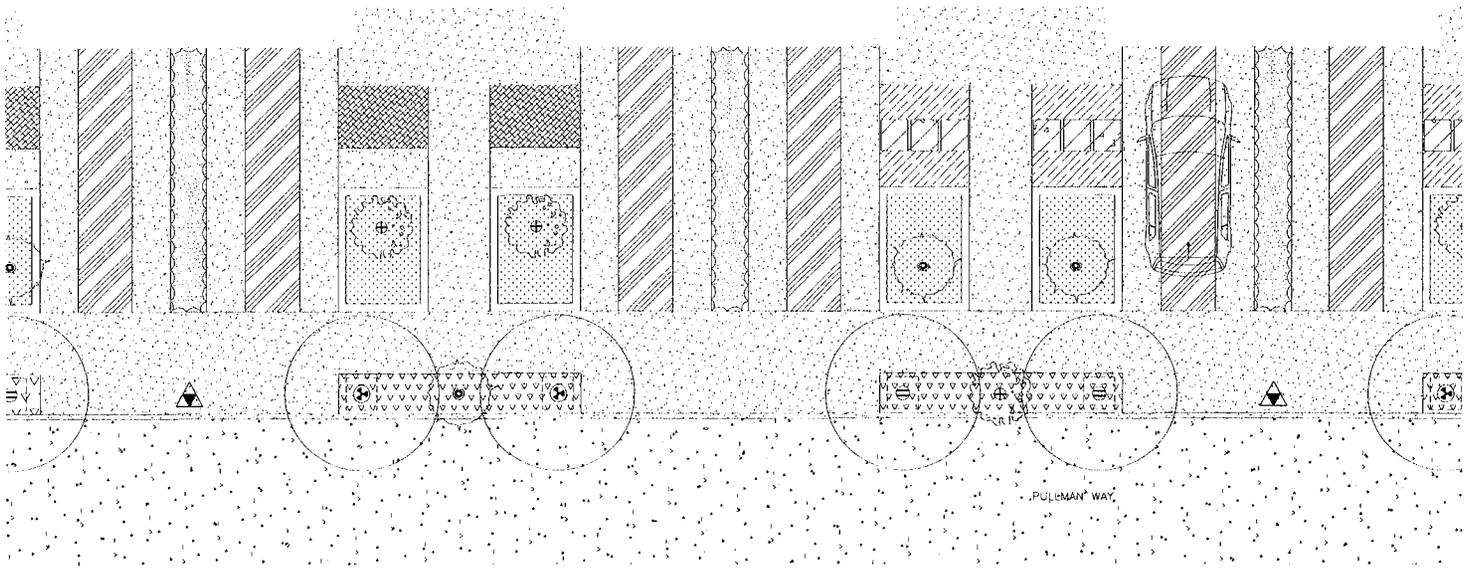
DEVELOPMENT AREA 1A - MEWS HOUSE

ENLARGED PLANS

Project number 00001
Date 2014/05/13
Drawn by AS
Checked by SK

L-04.1

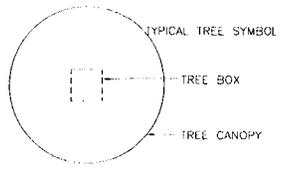
Scale 1/4" = 1'



TYPICAL UNIT ENTRY

LEGEND

-  CONCRETE PAVING
- SCD
-  ASPHALT
- SCD
-  PRECAST CONCRETE PAVERS
- PERMEABLE GRAVEL JOINT
-  PULLMAN WAY POLE LIGHTS
-  LOMANDRA LONGIFOLIA 'BREEZE'
- SIZE: 1 GALLON CONTAINER
- SPACING: 24" OC, TRI. SPACING
-  MISCANTHUS SINENSIS 'MORNING LIGHT'
- SIZE: 5 GALLON CONTAINER
- SPACING: 2'-6" OC, TRI. SPACING
-  SESLERIA AUTUMNALIS
- SIZE: 1 GALLON CONTAINER
- SPACING: 2'-0" OC, TRI. SPACING
-  CEANOTHUS spp
- SIZE: 1 GALLON CONTAINER
- SPACING: 3'-0" OC, TRI. SPACING
-  NATIVE BENTGRASS SOD
- IRRIGATION METHOD: DRIP
- WWW.SSSEEDS.COM
-  OLEA EUROPEA 'MONTIRA'
- SIZE: 5 GALLON CONTAINER
- SPACING: 3'-0" OC
-  PLATANUS X ACERIFOLIA 'COLUMBIA'
- SIZE: 24" BOX
- IRRIGATION METHOD: BUBBLERS
-  LYONOTHAMNUS FLORIBUNDUS ASPLENIFOLIUS
- SIZE: 24" BOX
- IRRIGATION METHOD: BUBBLERS
-  CARYA ELLIPTICA
- SIZE: 15 GALLON
- IRRIGATION METHOD: BUBBLERS
-  CARPENTERIA CALIFORNICA
- SIZE: 15 GALLON
- IRRIGATION METHOD: BUBBLERS



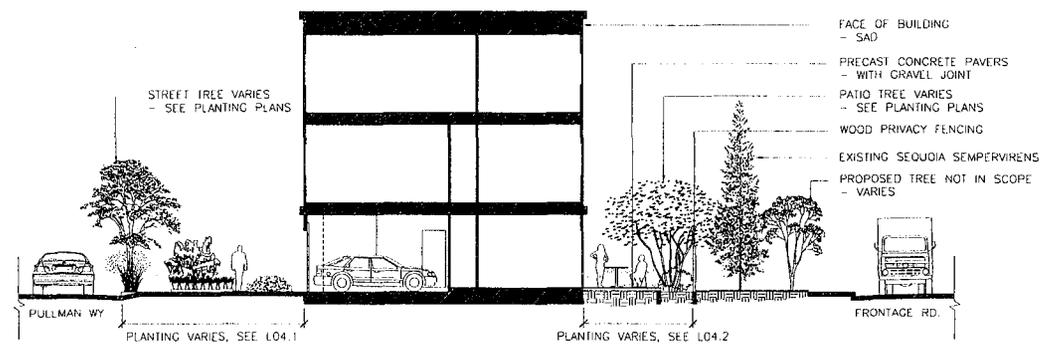
WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

SITE SECTIONS

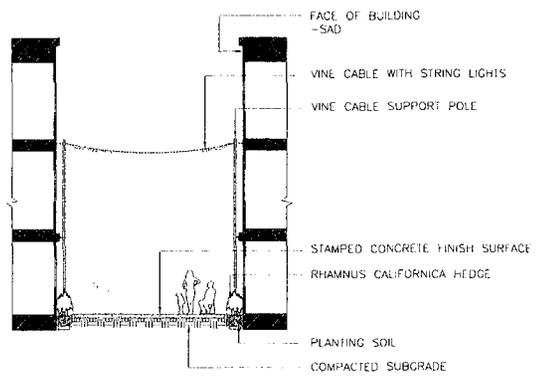
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Date	2014/05/13
Drawn by	AS
Checked by	SK

L-05

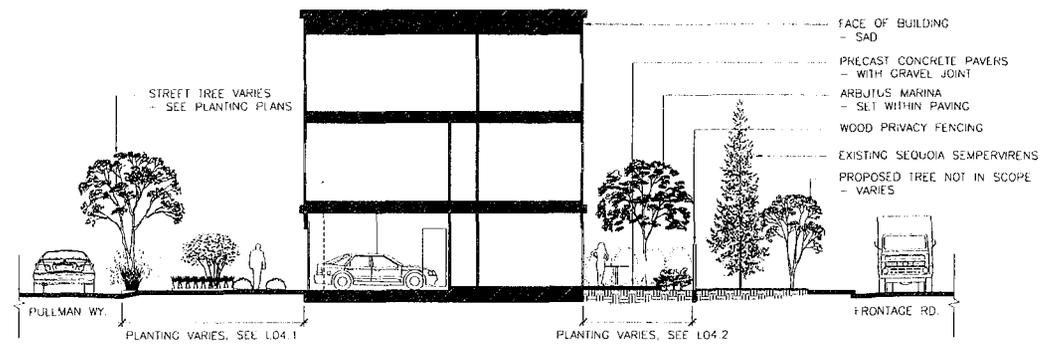
Scale 1/8" = 1'



① DRIVEWAY AND PATIO TYPE A
SCALE: 0 4' 8' 16'
TYPICAL SECTION



③ GROUP OPEN SPACE
SCALE: 0 4' 8' 16'
TYPICAL SECTION



② DRIVEWAY AND PATIO TYPE B
SCALE: 0 4' 8' 16'
TYPICAL SECTION



STREET TREES



LYCNOTHAMNUS FLORIBUNDUS



PLATANUS ACERFOLIA 'COLUMBIA'

PATIO TREES



ARBUTUS MARINA



OLEA EUROPAEA



CERCIS OCCIDENTALIS 'TEXANA'

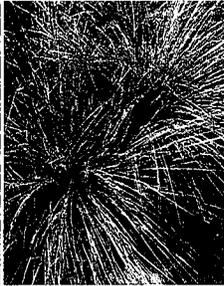
ENTRY & STREET PLANTING



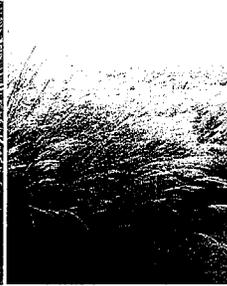
CARPENTERIA CALIFORNICA



GARRYA ELLIPTICA



LOMANDRA LONGIFOLIA 'BREEZE'



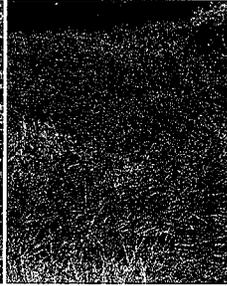
MISCANTHUS SINENSIS 'MORNING LIGHT'



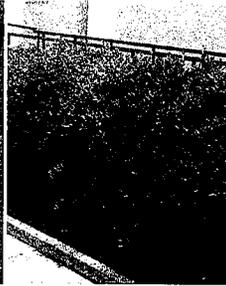
SESLERIA AUTUMNALIS



CEANOTHUS SPP



NATIVE BENTGRASS SOD



OLEA EUROPAEA 'MONTRA'

PATIO PLANTING



PITIOSPORUM CRASSIFOLIUM



LEUCADENDRON & PROTEA SPP



PLUMBAGO AURICULATA 'IMPERIAL BLUE' & DUDLEYA SPP



LAVATERA MARITIMA



UNIVERSITY CITY
LANDSCAPE ARCHITECTURE, LLC

WOOD STREET
DEVELOPMENT AREA 1A - MEWS HOUSE

PLANTING PALETTE

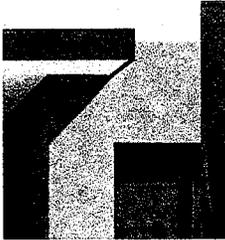
Project number 00001
Date 2014/05/13
Drawn by AS
Checked by SK

L-06

Scale N/A

A1

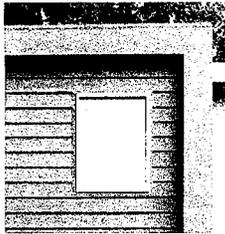
Grey Owl
BM 2137-60



Stucco

A2

White Wisp
BM OC-54

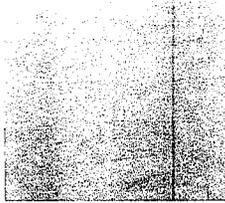


Projection Frames

A3



Night Horizon
BM 2134-10

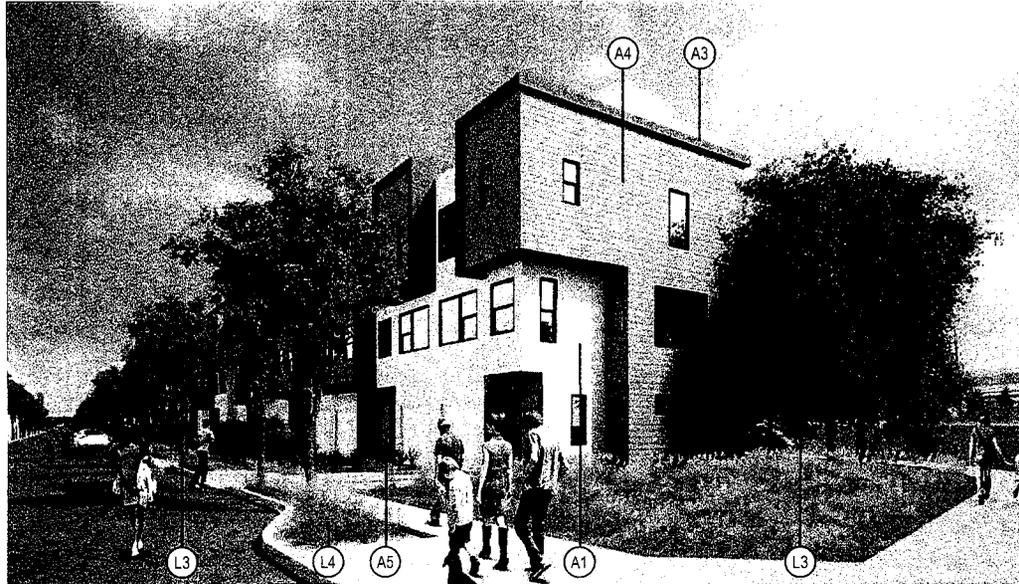


Cement Board Siding

L1

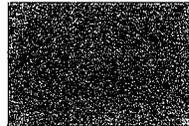


Lighting



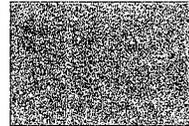
Pullman Way at 14th Street looking South

A4



Kendall Charcoal
BM HC-166

A5



Fireball Orange
BM 2170-10

A6



Tear Drop Blue
BM 2053-60

A7



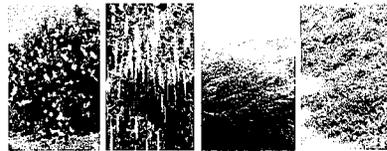
Grape Green
BM 2027-40

L3



Street Tree Planting

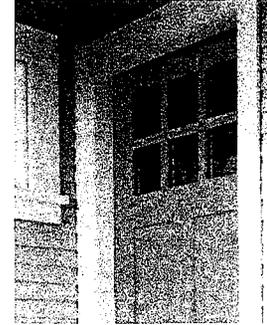
L4



Street + Entry Planting



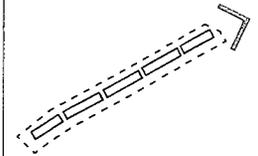
Concept



Accent Entry Door Concept

WOOD STREET
DEVELOPMENT AREA 1A
MEWS HOUSE

KEY PLAN



MATERIALS BOARD

FEBRUARY 26, 2015

M-001

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 AUG 27 PM 4:19

OAKLAND CITY COUNCIL

Hee

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

A RESOLUTION DENYING THE APPEAL FILED BY THE LAW OFFICES OF WALLACE DOOLITTLE, REPRESENTING CALIFORNIA WASTE SOLUTIONS (CWS), OF THE PLANNING COMMISSION'S MAY 20, 2015 APPROVAL OF A PRELIMINARY/FINAL DEVELOPMENT PLAN, DESIGN REVIEW, AND VESTING TENTATIVE PARCEL MAP FOR A ONE-LOT SUBDIVISION TO CONSTRUCT 47 NEW TOWNHOUSE-STYLE RESIDENTIAL CONDOMINIUMS LOCATED AT A VACANT 2.11-ACRE SITE (PARCEL 2, A PORTION OF DEVELOPMENT AREA 1 OF THE WOOD STREET ZONING DISTRICT) BOUNDED BY THE PACIFIC CANNERY LOFTS/IRONHORSE APARTMENTS TO THE EAST, 14TH STREET TO THE NORTH, 11TH STREET TO THE SOUTH AND FRONTAGE ROAD TO THE WEST (ZONING CASE NO. PLN15047-PUDF01-A01; VTPM10346)

WHEREAS, on or about February 26, 2015, an application ("Application") was filed by City Ventures for Preliminary and Final Development Plan, Design Review and Vesting Tentative Tract Map for a one-lot subdivision to construct 47 new townhouse-style residential condominiums on a vacant 2.11-acre site bounded by the Pacific Cannery Lofts/Ironhorse Apartments to the east, 14th Street to the north, 11th Street to the south and Frontage Road to the west which is designated as Parcel 2 of Development Area 1 in the Wood Street Zoning District (WSZD) ("Project"); and

WHEREAS, due notice of the Application was given to all affected and interested parties, and on or about May 20, 2015, the Planning Commission conducted a public hearing on the Project, closed the public hearing, and after giving full consideration to the evidence and making appropriate findings, the City Planning Commission voted to affirm staff's environmental determination that an Environmental Impact Report (EIR) ER03-0023 was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "Previous CEQA Documents"). No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. No further/additional CEQA review is required. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

Item No.

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. There is no 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 CEQA Documents were certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures that were previously determined not to be feasible would in fact be feasible, or are considerably different from those recommended in the Previous CEQA Documents and which would substantially reduce significant effects of the project, but the City declines to adopt them.

As a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15183, projects consistent with a community plan, general plan or zoning; and

WHEREAS, within the time provided therefore, on May 29, 2015, an appeal was lodged with the City by the Law Offices of Wallace Doolittle, representing California Waste Solutions CWS), (“Appellant”), challenging the approval of the Project on the grounds that the proposed project failed to comply with the required findings and standards under Section 17.101A D-WS - Review and Development Standards - of the Oakland Planning Code; and

WHEREAS, both Oakland Planning Code section 17.136.090 and the appeal form itself expressly require Appellants to “state specifically wherein it is claimed there was error or abuse of discretion . . . or wherein the decision is not supported by the evidence”; and

WHEREAS, after giving due notice to the Appellant, the Applicant, all interested parties and the public, the Appeal came before the City Council on September 8, 2015; and

WHEREAS, the Appellant, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing and were given a fair opportunity to submit relevant evidence to the City Council; and

WHEREAS, the public hearing on the Appeal was closed by the City Council on September 8, 2015; **now, therefore, be it**

RESOLVED: That, the City Council, as the final decision-making body of the lead agency, finds and determines, prior to taking action on the Project, that an Environmental Impact

Report (EIR) ER03-0023 was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "Previous CEQA Documents"). No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. No further/additional CEQA review is required. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. There is no 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 CEQA Documents were certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures that were previously determined not to be feasible would in fact be feasible, or are considerably different from those recommended in the Previous CEQA Documents and which would substantially reduce significant effects of the project, but the City declines to adopt them.

As a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15183, projects consistent with a community plan, general plan or zoning, **and be it**

FURTHER 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 City Planning Commission's decision and the Appeal, finds that the Appellant has **not** shown, by reliance on evidence in the record or by the presentation of new evidence, that the City Planning Commission's decision was made in error, that there was an abuse of discretion by the Commission or that the Commission's decision was not supported by substantial evidence in the record, including, without limitation, the May 20, 2015 staff report to the City Planning Commission (attached as **Exhibit II**) and the September 8, 2015 City Council Agenda Report which exhibits are hereby incorporated by reference as if fully set forth herein (attached as **Exhibit I**). Accordingly, the Appeal is denied, the Planning Commission's decision is upheld, and the Application is approved, subject to the conditions of approval in **Exhibit II**.

FURTHER RESOLVED: That, in support of the City Council's decision to approve the application for the Project, the City Council affirms and adopts both the May 20, 2015 staff report to the Planning Commission (including without limitation the discussion, findings, and

conclusions) attached hereto as **Exhibit II**, as well as the September 8, 2015 City Council Agenda Report.

FURTHER RESOLVED: That, the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to filed a Notice of Determination with the appropriate agencies.

FURTHER RESOLVED: That, the record before this Council relating to this application and appeal includes, without limitation, the following:

1. the Application, including all accompanying maps and papers;
2. all plans or other documents submitted by the Applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation, and all notices relating to the application and attendant hearings;
4. all oral and written evidence received by the City staff, City Planning Commission and City Council before and during the public hearings on the application and appeal;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

FURTHER RESOLVED: That, the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Planning and Building Department, Zoning Division, 250 Frank H. Ogawa Plaza, 2nd floor, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

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 - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Attachment A
Appeal Documents

Attachment B

May 20, 2015 Planning Commission Report