

Case File Number: ER 03-0023, GP 04-545, RZ 04-544, CDET 04-032,
VTPM 8551 - 8555, PUD 05-014

June 15, 2005

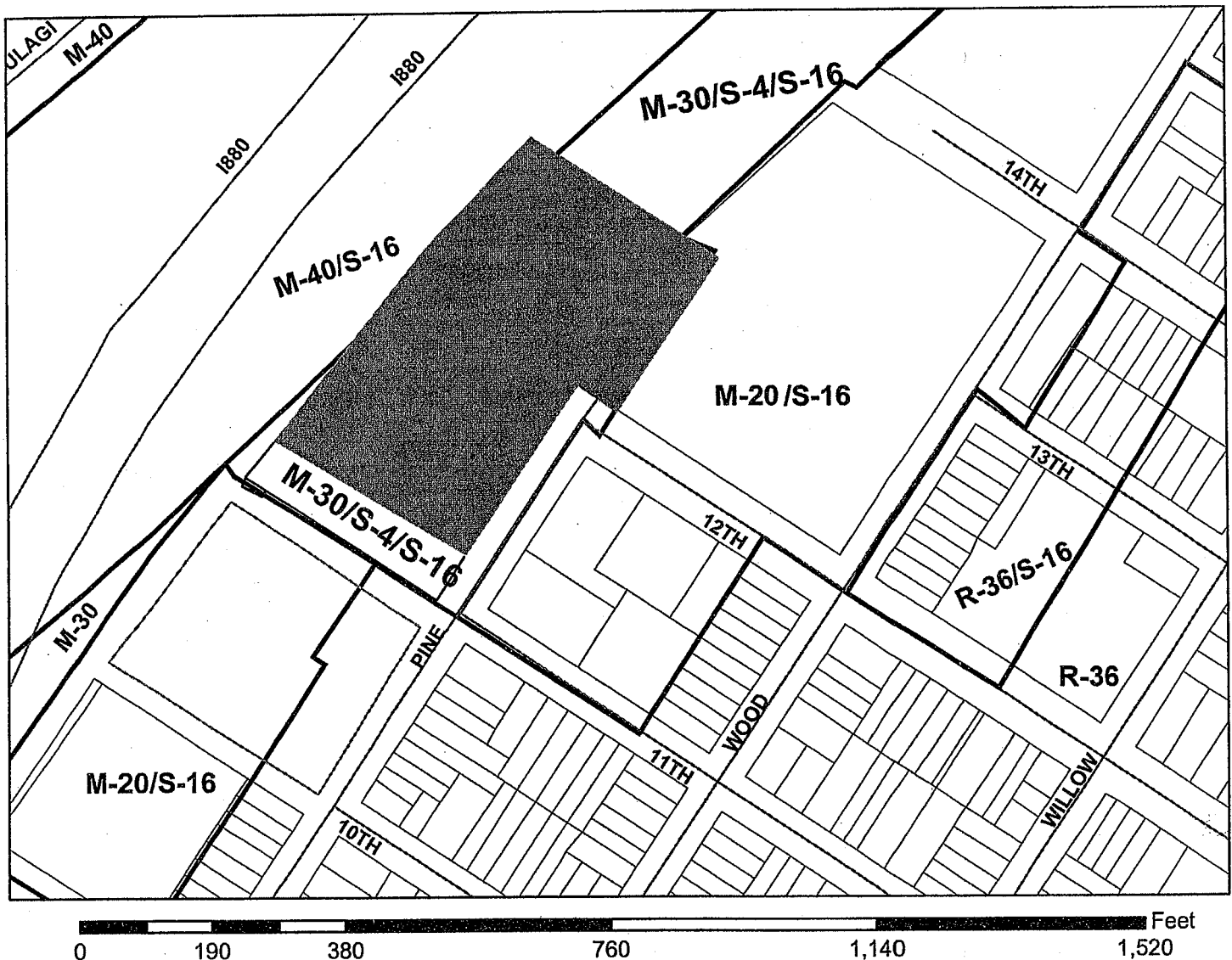
#1.	Location:	Pacific Cannery Lofts - 1111-1199 Pine Street, West Oakland APN 006-0029-002-00
	Proposal:	Public Hearing on the Final PDP/FDP and Design Review approval for 163 units consisting of the conversion of the Pacific Coast Canning Company warehouse to 111 warehouse lofts; new construction of 38 live/work façade lofts and 14 courtyard townhouse lofts; and construction of a 243 space parking garage.
	Applicant:	PCL Associates, LLC
	Contact Person/Phone Number:	Alex Waterbury (510) 547-2122
	Owner:	Holliday Development
	Case File Number:	ER 03-0023, GP 04-545, RZ 04-544, CDET 04-032, VTPM 8552, PUD 05-014
	Planning Permits Required:	Preliminary Development Plan/Final Development Plan, Design Review
	General Plan:	Urban Residential
	Zoning:	Wood Street Zoning District
	Environmental Determination:	Environmental Impact Report certified March 16, 2005 by the Planning Commission and certification affirmed May 17, 2005 by the City Council
	Historic Status:	A potentially designated historic property (PDHP), ASI contributor of secondary importance (Cb+2+)
	Service Delivery District:	West Oakland 1
	City Council District:	3, Nancy Nadel
	Status:	Recommendations submitted by Design Review Committee and Landmarks Preservation Advisory Board
	Action to be Taken:	Final decision on the Preliminary Development Plan/Final Development Plan and Design Review
	Finality of Decision:	Appealable to the City Council
	For Further Information:	Contact project planner Margaret Stanzione at (510) 238-4932 or mstanzione@oaklandnet.com

SUMMARY

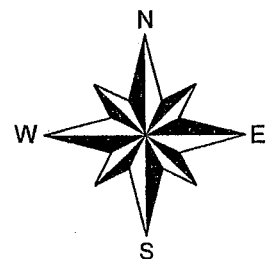
The Wood Street Zoning District was approved on June 7, 2005. The Pacific Cannery Lofts is the first project to be implemented in the Wood Street Development Project Area and under the Wood Street Zoning District regulations. The project consists of the conversion of the large canning warehouse, the demolition of two smaller warehouses, and the construction of new units and a parking garage. The proposed project is identified as Development Area 2 in the Wood Street Zoning District.

The proposed project was scheduled for a public hearing before the Planning Commission on June 1, 2005 and was subsequently continued to June 15, 2005 after approval of the Wood Street Zoning District by the City Council.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD05-014
Applicant: Alex Waterbury, Holliday Development/ PCL Associates, LLC
Address: 1111-1199 Pine Street
Zone: M-30 / S-4 / S-16



BACKGROUND

The Pacific Cannery Lofts project has been reviewed simultaneously with the Wood Street Development project with the understanding that the proposed project could not be approved until the Wood Street Development Project was approved. The Wood Street Development Project was approved by the City Council on May 17, 2005. The City Council affirmed the certification of the Environmental Impact Report, approved the General Plan Amendment to the land use map, approved the amendment to the Oakland Army Base Redevelopment land use map, and approved the five vesting tentative parcel maps. The Council also completed the first reading of the Wood Street Zoning Ordinance, the Ordinance amending the zoning map, and the Ordinance adopting amendments to the Oakland Army Base Redevelopment Plan. On June 7, 2005 the City Council completed the second reading of the three ordinances.

The proposed residential loft project was presented to the Design Review Committee on January 26, 2005 and the Landmarks Preservation Advisory Board (LPAB) on April 11, 2005. A summary of these meetings is discussed further in this staff report.

PROJECT SITE AND SURROUNDING AREA

The Wood Street Development Project is located in West Oakland on approximately 29.2 acres of largely underdeveloped land between 10th Street to the south, West Grand Avenue to the north, Wood Street to the east, and the I-880 frontage road to the west; the elevated portion of Grand Avenue to the north; a mixture of single family homes, warehouses, and Raimondi Park across Wood Street to the east; and the California Waste Solutions directly to the south. The existing neighborhood between the project site and downtown Oakland can be described as a mixture of historic Victorian homes, small cottages, multifamily housing, warehouses, heavy industrial/commercial uses, light industry, parks, schools, religious facilities, community centers, and the West Oakland BART Station.

The Pacific Cannery Lofts project is part of the Pacific Coast Canning Historic District, which the Council already determined is not a significant historic resource under CEQA. The Pacific Cannery Lofts project, located within Development Area 2 of the proposed Wood Street Zoning District, is situated towards the southern end of the Wood Street Development Area and is surrounded by warehouses and vacant land.

PROJECT DESCRIPTION

The development of the Pacific Cannery Lofts project would involve the conversion of the existing Pacific Coast Canning Company Warehouse building as well as the development of unoccupied space within Development Area 2 of the Wood Street Zoning District.

The 3.67 acre site of the Pacific Cannery Lofts project contains four existing industrial buildings with an aggregate total of 220,779 s.f. of floor area. Located on the site are the Bayport Warehouse Distribution facility, also known as the "Oakland Ice House," the Pacific Coast Cannery Building, and two concrete tilt-up one-story buildings. The two concrete tilt-up

buildings are proposed to be demolished to allow for residential development. The Pacific Coast Cannery Building would be seismically upgraded and improved as residential lofts. The current footprint would remain, but interior improvements would increase the floor area to accommodate residential development. The Bayport Warehouse Distribution facility (the Oakland Ice House), a two-story concrete building would remain, but eventually be converted to residential uses.

The Pacific Cannery Lofts would provide 163 residential condominium units including 111 loft units, 38 façade units, and 14 townhome units. In addition, the project would contain a 5-story, 243 parking garage that would be integrated with the proposed development. The architectural style of the proposed project reflects the industrial character of the buildings that will remain on the site and in the surrounding area. This is particularly true of the renovated Pacific Coast Cannery Warehouse building. The scale and height of proposed new construction would match that of surrounding structures. The existing Pacific Cannery Warehouse building is approximately 40 feet high. The proposed four-story garage structure for Parcel 2 will be approximately 42 feet high and the perimeter façade loft units will be up to 52 feet high. The proposed three story courtyard townhomes on Parcel 2 will be approximately 35 feet high. The maximum building height for the development area noted in the Wood Street Zoning Regulations is 65 feet. The project will be designed in accordance with the Wood Street Zoning Regulations and associated set-back requirements. The proposed exterior materials for the project would be corrugated metal, cementitious board, stucco and metal/glass window elements. The proposed facade of the renovated two-story Pacific Coast Cannery Warehouse building would consist of large areas of metal frame glass windows and decorative spandrels.

Pacific Coast Cannery (Building Conversion)

Originally built in 1919-20 as the main cannery building for the Pacific Coast Canning Company, the two-story Cannery Building would be converted into 111 loft units on four levels including mezzanines. A key feature in the Cannery Building units would be exposed concrete columns and 16-19 foot ceiling heights. Two existing light-wells would be enlarged and converted to open-air, landscaped courtyards for use by project residents. The Cannery building would contain four unit types approximately 600-850 square feet in area (WT-3), 950-1100 square feet (WT-2), 1200-1300 square feet (WT-1), and 820 square feet (WF).

Much of the original Pacific Coast Canning building will be retained in the proposed development and, in addition, the floor area of the existing building would be expanded from approximately 95,000 square feet to 175,000 square feet. The expansion is due in part to the introduction of interior mezzanines levels and common areas. In addition, façade lofts and courtyard townhouse lofts will be built both along with and at the perimeter of the renovated cannery building. The project applicant notes that design elements and references to historical character of the existing structure will be included throughout the project and that the common areas within the development would be designed to illuminate and reflect the buildings important past.

Façade Lofts (New Construction)

New construction would provide 38 façade units on four levels, including mezzanine levels. Two existing single-story warehouses to the south of the main Cannery building would be removed to accommodate the proposed units and the garage. These units would provide a façade to the proposed embedded five-story garage; and would face out to Pine Street to the east, a large interior landscaped courtyard to the north, and the new Cannery Road to the west. The ground-level units along Pine Street will be Category I Live-Work under the Wood Street Zoning District Regulations, and could accommodate walk-in retail and commercial clients. The façade lofts would offer two different unit types of approximately 780 square feet (FL-2) and 1150 square feet (FL-1).

Courtyard Townhomes (New Construction)

New construction would provide 14 townhome units on the vacant strip of land east of the existing cannery building. These units would be three-level townhomes with private back patios and access to a large, landscaped courtyard located between the townhomes and Cannery Building. These units would offer one unit type of approximately 1,050 square feet (CT).

Parking Garage (New Construction)

Integrated into the development, behind the façade loft units to the west, north, and east, and the Icehouse Building to the south, the proposed 243 space parking garage would include four covered levels with a fifth roof-top level. Access would be from Pine Street on the east and a new access road on the west. Approximately 50 stalls would be provided on each floor level. At a parking ratio of approximately 1.5 stalls per unit, the project is designed to meet the parking requirements for residential lofts, live-work units, and visitors.

Courtyards Space (New Construction)

The project would provide four shared-access courtyards, each with partially-screened private patios opening into landscaped open space. Courtyard A, identified as the "Dining Room Courtyard" will include a water feature running down the length of an exterior stone dining table, with seating on either side. This courtyard will be the focal point for visitors entering the building. Courtyard B, the "Living Room Courtyard" will provide lounge seating and areas for socializing; Courtyard C, the "Lew Hing Gardens" will be smaller in size and contain a more relaxed and meditative landscaped; Courtyard D, the "Pine Street Gallery" will provide a landscape mews between the Courtyard Townhomes and the converted warehouse building. Front stoops will lead out onto landscape yards at the perimeter of the building providing over 22,000 square feet of landscaped space.

Development Program

Building Type	Units	Height	Live/Work	Notes
Cannery Building	111	42 ft.	1	Converted warehouse units
Facade Lofts	38	52 ft.	8	Site perimeter units
Courtyard Townhomes	14	35 ft.	1	Stand alone units
Total Units	163		10	146,000 sq ft
Garage	243 spaces	42 ft.	12 stalls	86,000 sq ft
Courtyard Space	4 locations	A-Dining Room, B-Living Room, C- Lew Hing Gardens D-Pine Street Gallery		

Source: Holliday Development Inc.

ENVIRONMENTAL REVIEW

The Environmental Impact Report (EIR) for the Wood Street Development Project included a discussion about the Pacific Cannery Lofts project. The Final EIR included an expanded discussion about cultural resources including the Pacific Cannery Lofts project (see Attachment A). On March 16, 2005 the Planning Commission certified the Environmental Impact Report, adopted the CEQA Findings regarding certification of the EIR, and adopted the Mitigation Monitoring Reporting Program. The City Council also certified the EIR on May 17, 2005. CEQA specifies that a Supplemental or Subsequent EIR shall not be required unless one of the following occurs:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on

the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Absent one of these triggers for preparation of a Supplemental or Subsequent EIR, the Wood Street EIR is considered adequate for the PDP and FDP. None of these circumstances is present.

Pacific Coast Canning Company

The Pacific Coast Canning Company was established in Oakland in 1904 by Lew Hing, an immigrant from China, who settled in San Francisco in 1869. The Oakland Icehouse, adjacent to the proposed Pacific Coast Lofts development, was constructed in 1909 and by 1914 the Pacific Coast Canning Company was the third largest canning company on the West Coast. Additional buildings were constructed at the site up to 1928. The City has conducted four historic resource surveys of the Pacific Coast Canning Company site (1988, 1990, 1994 and 1996). The 1988 survey determined that the buildings had undergone several alterations and changes through the years and insufficient integrity remained for the structures to be considered eligible for the National Register of Historic Places. Therefore, it is not considered an historic resource under CEQA. In 1996 a citywide survey established that structures on the site rated a status code Cb - an Area of Secondary Importance. In addition, the Pacific Coast Canning District is also considered an Area of Secondary Importance.

Under the General Plan *Historic Preservation Element*, Policy 3.8, the buildings are not in the first rank of historic importance. The historic status of the Pacific Coast Canning Company plant at 1111-99 Pine Street is defined as PDHP, ASI contributor, secondary importance or superior example. As noted, the Council already determined in its findings on the Wood Street Project that these resources are not significant historic resources under CEQA. In addition, Historic Preservation Element Policy 3.5 states, in part:

Policy 3.5: Historic Preservation and Discretionary Permit Approvals

For additions or alterations to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

GENERAL PLAN ANALYSIS

On May 17, 2005 the City Council approved a General Plan Amendment for the Wood Street Development project which changed the land use designation from "Business Mix" to "Urban Residential."

ZONING ANALYSIS

On June 7, 2005 the City Council approved the Wood Street Zoning District for the project area and applied the Wood Street Zoning District to the zoning maps.

Development Standards

Development standards are specified for each Development Area as specified in Table 5-10.1 in the proposed Wood Street Zoning District. These development standards will be followed to ensure an overall framework for the entire 29.2 acres. Conditions of Approval noted on the vesting tentative parcel maps are included as development standards in the Wood Street Zoning District. This means that compliance with these conditions is part of the zoning regulations just like the standards regulating maximum height, setback, or densities. These standards are further enhanced with design guidelines that will be applied to future development throughout the project area.

While no specific architectural style is recommended, there are guidelines for how certain architectural features should be designed. Parking structures are screened, or tucked behind buildings, to encourage pedestrian activities along the street frontages. The guidelines emphasize physical design features that promote interaction with the surrounding neighborhoods by addressing building massing and articulation, street front openings and entries, building frontages, setback and height requirements. The design features are intended to promote a lively pedestrian street environment.

PDP/FDP Requirements

Development applications for proposals within the Wood Street Zoning District will be processed similarly to the City's Planned Unit Development permit requirements using the Wood Street Zoning District as the underlying zone. The Wood Street Zoning District approved on June 7, 2005 contains zoning regulations, standards, and guidelines for development and use of property within the district. Preliminary Development Plans and Final Development Plans will be submitted for each development proposal and will be processed according to the requirements of the Wood Street Zoning District (see Attachment B).

Preliminary Development Plan

The Preliminary Development Plan submittal requirements include a number of items including information on streets, driveways, sidewalks, pedestrian and bike-ways, off-street parking provision and loading areas. In addition, the regulations note that plans shall specify the location and dimension of structures, the utilization of residential and non-residential property and major landscaping features. Historic resources pursuant to the City's *Historic Preservation Element* Policy 3.8 shall be defined along with building plans, sections and elevations. Information presented to the City for the project includes a tabulation of land use, a preliminary phasing plan, infrastructure plan and public facilities financing plan.

Final Development Plan

The Final Development Plan shall include all of the information contained in the Preliminary Development Plan plus additional detailed information related to public and private infrastructure, building plans and materials, landscape plans and signage, grading or earth-moving plans, and a public facilities financing plan modified as necessary to reflect updated conditions.

The PDP/FDP application submitted for the proposed project satisfies these requirements.

Design Review Requirements

The Wood Street Zoning District contains design review requirements related to Preliminary Development Plans and Final Development Plans submitted for each development. The procedure for design review follows the schedule outlined in Section 17.136.060 of the Zoning Code. Staff considers the information submitted to satisfy the design review requirements of the Wood Street Zoning District.

DESIGN REVIEW COMMITTEE COMMENTS

The Pacific Cannery Lofts project was presented to the Design Review Committee of the Planning Commission for preliminary design review on January 26, 2005. Overall, the comments of the Design Review Committee were favorable at this preliminary stage of design and members of the Committee complimented the proposal on the retention of historic characteristics and revitalization of a historic resource on the site. Committee members discussed the roof profiles, elevational treatment and the relationship of the proposed project to adjacent development sites. The project sponsor was directed to return with additional information including colors and materials and more complete project drawings. Because the proposed project was located in an historic district, Committee members also recommended that the project be considered by the Landmarks Preservation Advisory Board.

LANDMARKS PRESERVATION ADVISORY BOARD COMMENTS*Landmarks Preservation Advisory Board Subcommittee Comments*

A meeting of a subcommittee of the LAPB was held on March 21, 2005 to review the proposed project. Comments made by the subcommittee have been incorporated into the project plans. Comments related to a number of design issues that needed further consideration as the final design for the project was developed. Design elements evaluated for the Pacific Cannery Lofts development included site structures and furnishings, exterior lighting, paving, landscaping and signage. The project sponsors revised the plans based on the subcommittee comments and then presented the revised plans to the LPAB.

Landmarks Preservation Advisory Board Comments

The LPAB considered the proposed project at a public hearing on April 11, 2005. Board members commented on the Final EIR, reviewed the proposed mitigation measures, and discussed the cultural and historic resources for the Pacific Cannery Lofts project. Board members were generally in support of the proposed project and complimented the project sponsor on the design and the retention of historic resources. Please refer to Attachment C, LPAB Minutes, April 11, 2005. The recommendation from the Landmarks Preservation Advisory Board to the Planning Commission was favorable. The Board recommended findings (1) and (2) of Policy 3.5 of the Historic Resources Element.

The following issues were considered by the LPAB:

Site Plan: The development of the project will occur while other existing industrial and commercial uses in the immediate area continue to operate. These include the Oakland Icehouse building and, further to the south, a large waste recycling center. Uses on adjacent development parcels in the Wood Street Zoning District are not fully defined and development proposals for adjacent sites have not been submitted to the City. It should be noted that, because of the configuration of the site and the phasing of development, a public aspect of this proposed development will be viewed largely from the west of the site and along a short portion of Pine Street on the east side of the site.

Pacific Coast Cannery (Building Conversion): The proposed conversion of the existing building involves the renovation of the existing Pacific Coast Cannery building, the construction of façade lofts and the construction of a five-story garage structure. The proposed Pine Street Lofts will front the proposed garage to the east, additional units to the west and townhome units will be placed at the eastern perimeter of the site. The renovated building frontage will reflect the two-story industrial character of the exiting warehouse with the addition of large areas of metal frame glass window openings. In addition, there will be a strong entry definition for each individual unit, consisting of metal framework entrances/stoups, both at ground floor level and the second floor level along the external elevation of the building. Two main entry lobbies to the complex the southern end of the building will be located on the west elevation and east elevation (Pine and 12th Street). The ground plane of the site will contain new landscaping, trees and pathways. The scale of the architectural treatment appears to be in scale with the arterial character of the area. The industrial aesthetic represented in the design scheme is a response to the renovation of the existing building and the provision of new housing.

Façade Lofts (New Construction): The Façade Lofts will act as a screen to the proposed garage structure located on the interior of the site. The character of these units takes on a more residential appearance, similar in character to the units to be built on the internal portions of the site. The Pine Street elevation will have new street trees and sidewalk paving on the east facing frontage of the proposed loft units (Pine Street Lofts). The mews-like street character and scale of development at the intersection of

Pine and 12th street is illustrated in the project drawings. The ground-level units facing Pine Street would be set back from the property line with a metal grille work used to screen a small entry court. The upper portions of the building would extend over the courtyard space and be built to the property line.

Courtyard Townhomes (New Construction): As noted above the project would provide 14 three-level, townhome units to the east of the existing cannery building. These units would have private back patios and shared access to landscaped courtyards. The townhome units would have a pitched, asymmetrical roof line and each unit would have a separate ground floor entrance. However a concern was expressed that the east elevation of the townhouses may not relate well with development that will be proposed later for Development Area 3.

Landscape Plans, Historic Markers and Signage: The environment of open areas on the existing site is generally is barren and unappealing. The sequencing of landscaped elements, tied to respective building types, will greatly enhance the aesthetic quality of the site design. The applicant proposes street trees, decorative sidewalk paving, distinctive residential entrances, and the reuse of historic elements or artifacts and other special features in and around the building that recognize the cultural importance of the site. The proposed plans are in general conformance with the provisions of the Wood Street Zoning District.

Materials and Colors: Exterior materials proposed in the project include neutral color stucco, metallic silver and pewter colored corrugated metal, high-gloss black painted steel, and brown and dark red cement board as shown on pages A3.1 and A3.2 of the plans. The proposed colors and materials are appropriate for the industrial building conversion.

Exterior Lighting: The plans provide a number of opportunities where outdoor lighting can be used within pedestrian areas, including security lighting for the garage structure. The project also includes the location of entrance and directional signs (e.g. entrance lobby); parking structure signs and lighting; business identification signs; the placement and lighting of a development monument/project identification signs; street lights and nighttime lighting. Final design details will include review of the lighting plan with the Electrical Services Division of the Public Works Agency per the City of Oakland's outdoor lighting standards adopted in 2002.

The LPAB was generally in favor of the proposed project in terms of design and the reuse of historic resources as reflected in the plans now before you.

CONCLUSION

Staff believes that the site plan, design, layout, height and materials and colors of the Pacific Cannery Lofts project are appropriate to the area and are in substantial conformance with the requirements of the Wood Street Zoning District. The proposed project is generally consistent

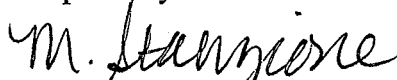
with other buildings in the immediate neighborhood and with the Pacific Coast Canning District in terms of building bulk, massing, design and compatibility. After review of the project plans prepared by the project sponsor dated May 18, 2005, staff is satisfied that modifications have been made to project plans that address the design review issues noted for the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission:


1. Find that the Planning Commission has independently reviewed, analyzed, and considered the EIR prior to acting on the approvals. Based upon such independent review, analysis, and consideration and exercising its independent judgment, the Planning Commission confirms that the Cannery Lofts Project is within the scope of the Wood Street Development Project EIR; and
2. Find and determine on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resource Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and
3. Adopt the attached Conditions of Approval for the proposed project including the Mitigation Monitoring and Reporting Program. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the MMRP. Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility as set forth in the conditions of approval and the MMRP; and
4. Approve the Preliminary Development Plan, Final Development Plan, and Design Review for the Pacific Cannery Lofts project and the plans dated May 18, 2005 subject to the attached findings and conditions.

Prepared by:



Margaret Stanzione, Planner IV
Major Projects

Approved for forwarding to the
City Planning Commission:



CLAUDIA CAPPIO
Director of Development

ATTACHMENTS

[Note: the following attachments were distributed with the June 1, 2005 staff report]

- A. FEIR, Master Response 4: Cultural Resources
- B. Wood Street Zoning District PDP/FDP Requirements
- C. LPAB Minutes dated April 11, 2005
- D. Project Plans, Sections, Elevations dated May 18, 2005

FINDINGS FOR APPROVAL

This proposal meets the required findings as set forth below. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussion in this report, the Wood Street Development Project EIR and elsewhere in the record.

California Environmental Quality Act (CEQA) Findings

The CEQA Findings for the Wood Street Zoning District (which includes the Pacific Cannery Lofts project) were certified by the Planning Commission on March 16, 2005 and affirmed by the City Council on May 17, 2005.

The Planning Commission finds and determines, on the basis of substantial evidence in the record, that the EIR fully analyzes the potential environmental effects of the project and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resource Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3).

Findings for Approval of the Preliminary Development Plan (Section 3.20) and the Final Development Plan (Section 3.40) of the Wood Street Zoning District

The Planning Commission finds that the Preliminary Development Plan and the Final Development Plan is in substantial conformance with the Wood Street Zoning Regulations.

- A. The conversion of the cannery warehouse to residential lofts, the construction of new residential lofts and live/work units, and the construction of a parking garage are consistent with the "Urban Residential" General Plan land use designation and the Wood Street Zoning District.
- B. The design and size of the project are appropriate for the location and compatible with the surrounding area, which includes a variety of land uses, building heights, and building types.
- C. The proposed project is consistent with the Wood Street Zoning District development standards relating to density, height, building frontage, projections over the street line, usable open space for residential uses, minimum separation between opposite walls on the same lot, required off-street parking, street improvements, location and screening of parking garages.
- D. The proposed project is consistent with the City's Historic Preservation Element Policy 3.8.1 regarding historic preservation impacts for historic properties. The cannery site is

designated a potentially designated historic property (PDHP), ASI contributor of secondary importance (Cb+2+). Any property which receives a rating of C or higher, or which contributes or potentially contributes to an Area of Primary or Secondary Importance, is deemed to *potentially* warrant preservation and categorized as a PDHP. PDHP's are not subject to the same requirements as property that has already been designation as historic, but they are subject to Policy 3.5 discussed below. The project sponsors are not altering the building to affect the character defining elements of the property, but are enhancing the historic cannery district by replicating elements of the building's original architectural design; preserving significant features and materials within the new project; and, providing information on the historical significance of the cannery site with commemorative markers and landscaped courtyard designs.

E. The proposed project is consistent with the City's Historic Preservation Element Policy 3.5 regarding additions, alterations and demolition of PDHPs. The Planning Commission finds that (1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; and, (3) that portions of the existing design is undistinguished and does not warrant retention, such as portions of the roof, and the proposed design is compatible with the character of the neighborhood.

F. The utility and infrastructure plans, and the public facilities financing plan, meet the requirements of the Wood Street Zoning District.

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

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

A. The Planning Commission finds that the design satisfies the design intent set forth in the Wood Street Zoning District Design Guidelines. The proposed conversion of the cannery warehouse to residential uses does not significantly alter the setting, scale, bulk, or height of the existing structures. Two existing warehouses will be demolished for the construction of a parking garage and additional residential units surrounding the parking garage. All new development is well related to the existing cannery warehouse, surrounding structures, and future development that will be constructed within the Wood Street Zoning District.

B. The proposed materials and textures will enhance both the residential development in the existing neighborhood and maintain the industrial nature of the some of the other buildings in the area. This combination of building materials and textures will protect, preserve, and enhance desirable neighborhood characteristics in this transitioning area.

C. The architectural character, pedestrian connections, building massing, building articulation, parking garage facades (including the construction of residential units), windows,

garage entrances, ground floor spaces, service access areas, underground utility connections, equipment screening, mechanical penetrations on facades and roofs, waste handling areas, exterior materials, exterior colors, exterior lighting, signage and graphics, and planting areas of the Pacific Cannery Lofts project are consistent with the Design Guidelines of the Wood Street Zoning District.

Conditions of Approval for the Preliminary Development Plan, Final Development Plan, and Vesting Tentative Parcel Map 8552, Parcel 2 - Section 1.30 Wood Street Zoning District

Each of the Conditions of Approval and each of the mitigation measures referenced in the Mitigation Monitoring Reporting Program relating to Vesting Tentative Parcel Map 8552, Parcel 2 shall apply to the Pacific Cannery Lofts site (VTPM 8552, Parcel 2) and the Pacific Cannery Lofts project as specified in the conditions themselves.

PACIFIC CANNERY LOFTS PROJECT

CONDITIONS OF APPROVAL

June 15, 2005

PROJECT SPONSOR: PCL ASSOCIATES LLC

VESTING TENTATIVE PARCEL MAP NO 8552, Parcel 2

General Notes and Definitions:

- Many conditions reference operation and construction details that are not required to be completed before a final map is approved, but are to be completed in accordance with the schedule set forth in the Mitigation Monitoring and Reporting Program (MMRP) for the Wood Street Project.
- This document collects all Conditions of Approval applicable to all Vesting Tentative Parcel Maps (VTPMs) within the Wood Street Zoning District. Each condition applies to each VTPM unless only certain map(s), or parcel(s) within map(s), are referenced within a condition, in which case that condition applies only to the referenced parcel(s) and map(s). Staff is directed to break out the conditions applicable to each VTPM, and attach only the conditions relevant to the VTPM at issue as Exhibit C to the document approving that VTPM. Condition numbers should be kept static. This means that some condition numbers will not be used for some VTPMs, and staff should indicate when a condition number is intentionally left blank.
- "Project Sponsor" is defined as the owner(s) of the parcels represented on the particular final parcel map for the Wood Street Project.
- Unless noted otherwise, the phrase "prior to the issuance of a [or any] building [or demolition or grading] permit" refers to the first permit issued for work on a particular parcel represented on one of the five vesting parcel maps. The requirement that a condition occur prior to the issuance of any permit means that such condition must be satisfied as with regard to all parcels within the applicable final parcel map, not all parcels that constitute the Wood Street Project.
- "Train Station Entity" is defined as any entity, including but not limited to a 501(c)(3) nonprofit organization, established to oversee the rehabilitation or reuse of the 16th Street Train Station.
- Exhibit C to the VTPM Resolutions contains definitions relating to Train Station facilities that are used in all findings as well. Specifically, references to the 16th Street Train Station and its various components are as follows. "16th Street Train Station" refers to all facilities associated with the station, which are as follows:

- the "Main Hall" (including its north and south wings, and the canopy at the Wood Street entrance to the Main Hall)
- the "Elevated Platform" (which housed the Elevated Tracks before they were removed in the 1940s)
- the "Baggage Wing"
- the "Signal Tower"
- the "Elevated Platform Feasibility Study Area," which is the area of the Elevated Platform which is immediately adjacent to the Main Hall and the Baggage Wing

Each of these capitalized, quoted terms refers to facilities that comprise the 16th Street Train Station, as depicted in Figure 1 attached to the VTPM Conditions of Approval (Exhibit C to the VTPM Resolution). References to portions of the 16th Street Train Station to be preserved or rehabilitated, and references to portions of the 16th Street Train Station to be demolished, refer to the portions to be preserved, rehabilitated and demolished after implementation of Conditions 56A and 57A.

1. Applicable Zoning District Regulations

Ongoing

Development shall comply with each of the provisions of the Wood Street Zoning District Standards, Guidelines and Regulations dated May 17, 2005, and subject to first reading by the City Council on May 17, 2005.

1A. Approved Use

a. Ongoing

This action by the City Planning Commission ("this Approval") includes approval of a Preliminary Planned Development Plan and Final Development Plan for the conversion of the Pacific Coast Cannery warehouse to 111 cannery building residential lofts, 38 façade lofts, and 14 townhomes; a 243 space parking garage; and four courtyards as shown in the plans dated May 18, 2005. The Pacific Cannery Lofts project is approved for TPM 8552, Parcel 2.

b. Ongoing

The project shall be constructed and operated in accordance with the authorized uses as described in this staff report, the plans dated May 18, 2005, the Mitigation Monitoring Program, and the Conditions of Approval. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval.

1B. Effective Date, Expiration, and Extensions

a. Ongoing through project completion

This approval shall become effective upon satisfactory compliance with these conditions. The approvals for the Pacific Cannery Lofts project shall expire on June 25, 2008 unless actual construction has begun under required permits by this date. Upon written request and payment of appropriate fees prior to the expiration of the approval, the Planning Director may grant a one-

year extension of this date, with additional extensions subject to the approval by the Planning Commission.

BICYCLE PARKING

2. Bicycle Parking.

Prior to the issuance of the first building permit.

The Project Sponsor shall submit final design plans for review and approval of the Planning and Zoning Division that show bicycle storage and parking facilities to accommodate long-term bicycle parking spaces consistent with the City of Oakland Bicycle Master Plan (July 1999). The plans for each parcel shall show the design and location of bicycle racks within secure bicycle storage areas. The Project Sponsor shall pay for the cost and installation of any bicycle racks in the public right of way and shall be in compliance with City standards. [WS MM TR-5.1]

BIOLOGICAL RESOURCES

3. Preconstruction Surveys and Protection Measures for Nesting Birds.

Prior to issuance of first demolition permit; survey prior to construction no more than one week prior to vegetation removal; if present, repeat surveys until birds have fledged and repeat every 21 days from the date of the first survey; resurvey if construction schedule changes.

Construction activities shall be timed to avoid vegetation removal or demolition during the nesting season (typically February 1 to August 31), where possible. If this cannot be accomplished, then a qualified biologist shall conduct preconstruction nesting surveys no more than one week prior to vegetation or building removal to determine if nesting birds are present. If nesting birds are present, an appropriate buffer zone shall be developed by the biologist and construction activities shall be suspended in this zone until future surveys indicate that the chicks have fully fledged (left the nest). Completion of preconstruction surveys and avoidance of bird nests would result in no impacts to nesting birds. Survey results shall be valid for a period of 21 days from the date of the survey. Should vegetation or building removal fail to be conducted within this time frame, a second survey shall be undertaken. [WS MM BR-2.1]

BUILDING ADDRESS SIGNS

4. Building Address Signs.

Prior to issuance of first certificate of occupancy.

The Project Sponsor shall submit for review and approval of the Planning and Zoning Division, plans showing the design and location of the building address signs of each residential or commercial unit. All address signs shall be clearly posted, lighted and permanently maintained.

BUILDING REQUIREMENTS

5. Sustainable Development Policies.

Prior to issuance of any building permit and ongoing.

The Project Sponsor shall include energy-conserving fixtures and designs, as required by Title 24 of the Uniform Building Code (UBC). [OARB MM 4.4-6]

6. Solar Systems.***Prior to issuance of any building permit.***

New active or passive solar systems within or adjacent to the Project Area shall be set back from the property line a minimum of 25 feet. Proposed solar systems shall be located in a manner that will not unduly restrict design of future development. Such conflicts, if any, shall be resolved in design review. If the proposed solar system cannot be designed to accommodate adjacent activities on future development, it shall be disallowed.

New building or landscaping shall not shade existing or proposed parks or open spaces in a manner that would make these public spaces substantially less useful or enjoyable to the public. The City may require specific building placement, tiered roofs, or other means of reducing shadow effects on public open spaces to reduce shade to the maximum extent feasible.
[OARB MM 4.11-3]

7. Construction Adjacent to Parks/Open Space.***Prior to issuance of any building permit.***

The Project Sponsor shall demonstrate through design review, to the satisfaction of the City, that the Project will not interfere with, or have a detrimental effect on the public using Raimondi Park. [OARB MM 4.11-6]

7A. Construction Labor Partner.***Prior to issuance of first demolition grading or building permit and during all construction activity.***

The Project Sponsor shall engage an experienced construction personnel training and evaluation individual or entity ("Construction Labor Partner") to solicit, interview and test, select, train and prepare for work, residents of West Oakland. If it appears there will not be enough West Oakland Residents to fill likely construction employment positions at all of the construction employment positions at all of the construction projects planned within the Wood Street Zoning District, the Construction Labor Partner will extend the same services to other residents of the City of Oakland. The Construction Labor Partner shall contact groups including but not limited to the Youth Employment Partnership, BACSIC, Men of Valor, and Cypress Mandela Training Center to assure a ready workforce. The engagement of the Construction Labor Partner will commence no less than three months before the commencement of any construction activity on any parcel and will continue until the date of a Notice of Substantial Completion is filed for such construction activity.

The Project Sponsor shall require that its general contractor and all subcontractors (collectively, "Contractor") engaged to perform construction work on the site provide written notice (by facsimile, electronic mail or hand delivery) to the Construction Labor Partner and the Project Sponsor of Contractor's intent to hire employees at least six weeks prior to commencement of construction. The Project Sponsor shall require that in the event the Construction Labor Partner refers individuals ("Resident Construction Applicants") to Contractor for work within five business days of receipt of the written notice, Contractor shall interview and diligently consider for hire such Resident Construction Applicants prior to interviewing or hiring any other persons. If the work on the project is covered by a Project Labor Agreement or other agreement with a

labor union, the Construction Labor partner shall refer the Resident Construction Applicant to the appropriate union for consideration for employment and/or apprenticeship.

The Project Sponsor shall require each Contractor to submit to the Project Sponsor, along with any request for payment, a monthly report of the Resident Construction Applicants interviewed and/or employed during the prior month, including the hours worked, and the name, address and California driver's license number (or other satisfactory identification) of such Residential Construction Applicants interviewed or employed.

Compliance with this condition shall be monitored by the Workforce Investment Manager through review of reports which shall be contained in the regular Job Performance Training Standards. Copies of all reports shall also be provided to the Development Director or his/her designee.

Each Project Sponsor (which, for purposes of this Condition of Approval includes any agent, heir, successor and/or assign of a Project Sponsor) voluntarily agrees to be bound by this Condition and waives any right that it may have to challenge this Condition on any grounds. This Condition shall not limit the right of City/Agency, in its discretion, to impose any term or condition on a decision to subsidize or otherwise participate in any portion of the project, including, without limitation, the right to apply City/Agency programs requiring local hiring, payment of prevailing wage, and equal benefits.

7B. Project Labor Agreement for City-Subsidized Work.

Prior to issuance of first demolition grading or building permit and during all construction activity.

In the event any portion of the development of Parcel 2 of VTPM 8554 or Parcel 3 of VTPM 8551 is financially subsidized by the City of Oakland or the Redevelopment Agency, the Project Sponsor of such parcel shall enter into a Project Labor Agreement for such construction. The City encourages the Project Sponsors of all other parcels within the Wood Street Zoning District to meet with the Building Trades Council.

Each Project Sponsor (which, for purposes of these Conditions of Approval includes any agent, heir, successor and/or assign of a Project Sponsor) voluntarily agrees to be bound by this Condition and waives any right that it may have to challenge this Condition on any grounds. This Condition shall not limit the right of City/Agency, in its discretion, to impose any term or condition on a decision to subsidize or otherwise participate in any portion of the project, including, without limitation, the right to apply City/Agency programs requiring local hiring, payment of prevailing wage, and equal benefits.

CONSTRUCTION HOURS & ACTIVITIES

8. Grading Construction Hours.

During all grading and construction activities.

Grading and construction hours shall be limited to between 7:00 AM to 7:00 PM, Monday through Friday. Grading and construction activities shall be allowed on Saturdays or outside the hours of 7:00 a.m. to 7:00 p.m. only upon the written approval of the Planning Director. No grading or construction activity shall take place on Sundays or Federal or State holidays.

9. Construction Phasing and Traffic Management Plan.

Prior to issuance of the first building permit (items a and b), and during construction (items c-p).

The Project Sponsor and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency (PWA) and other appropriate City of Oakland agencies to determine traffic management strategies to reduce traffic congestion and the effects of parking demand, to the maximum feasible extent, by construction workers during construction of this project and other nearby projects that could be simultaneously under construction.

The Project Sponsor shall prepare and implement a construction phasing plan and traffic management plan that defines how traffic operations will be managed and maintained during each phase of construction. The plan shall be developed with the direct participation of the City of Oakland. AC Transit shall be given the opportunity to review and comment on the plan. In addition, the property owners of all businesses adjacent to the construction areas shall be consulted. To the maximum practical extent, the plan shall include at least the following: [WS MM TR-1.1]

- a. Provide 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. Provide detail regarding how access will be maintained to individual businesses where construction activities may interfere with ingress and egress. Any driveway closures shall take place during non-business hours. [WS MM TR-1.1]
- c. Specify predetermined haul routes from staging areas to construction sites and to disposal areas by agreement with the City prior to construction. The routes shall follow streets and highways that provide the safest route and have the least impact on traffic and residents. [WS MM TR-1.1]
- d. Provide for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- e. Provide notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- f. Provide for accommodation of pedestrian flow.
- g. Locate construction staging areas.
- h. Provide for monitoring of surface streets used for haul routes so that any damage and debris attributable to haul trucks can be identified and corrected.
- i. Locate a temporary construction fence to contain debris and material and to secure the site.

- j. Provide for removal of trash generated by project construction activity.
- k. Provide dust control measures set forth in [Condition No. 15] [See WS MM AQ-1.1].
- l. Noise control measures as set forth in [Condition No. 17] [See WS MM NO-1.1].
- m. Require the contractor to provide information to the public during construction, using signs, press releases, and other media tools of traffic closures, detours or temporary displacement of left-turn lanes. [WS MM TR-1.1]
- n. Provide a process for responding to, and tracking, complaints pertaining to construction activity, including the identification of an on-site Project Manager.
- o. Provide a single phone number for the Project Manager that property owners and businesses can call for construction scheduling, phasing, and duration information, as well as for complaints. [WS MM TR-1.1]
- p. Identify construction activities that must take place during off-peak traffic hours or result in temporary road closures due to concerns regarding traffic safety or traffic congestion. Any road closures will be done at night under ordinary circumstances. If unforeseen circumstances require road closing during the day, the City of Oakland shall be consulted. [WS MM TR-1.1]

10. Construction Site Project Manager.

Prior to issuance of first demolition, grading or building permit and during all construction activity.

The Project Sponsor shall designate a Project Manager who shall be responsible for responding to any complaints from the neighborhood residents and businesses about excessive noise or construction issues during construction periods. The Project Manager's office and mobile telephone number and identification photograph shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of any complaints and shall take prompt action to correct the problem consistent with these conditions. The Project Sponsor shall provide the Planning and Zoning Division with the name and telephone number of the Project Manager prior to the issuance of a grading permit.

11. Neighbor Noticing of Access Obstructions.

During all construction activities.

To the maximum extent feasible, construction vehicles, materials, and other equipment shall not block roads so that neighbors would be adversely affected from getting to and from their properties. The Project Sponsor shall ensure that immediately adjacent property owners are notified in writing no less than 48 hours before the occurrence of any major delivery or hauling which might cause detours or lane closures related to the project's construction activities.

12. Encroachment Permit.

Prior to issuance of any grading or building permit in public right of way.

The Project Sponsor shall obtain any encroachment permits, waiver of damages or other approvals required by the Building Services Division, prior to grading permit and building

permit issuance, for any privately constructed public improvements, or any permanent or temporary elements located in the public right of way, including fences, stairs, driveways, and/or retaining walls.

13. Site Maintenance.

During all construction activities.

The Project Sponsor shall ensure that debris and garbage is collected and removed from the site daily.

14. Approved Plans on Site.

During all construction activities.

At least one (1) copy of the above referenced approved construction phasing and traffic management plans and the Conditions of Approval for this project shall be available for review at the job site at all times.

15. Dust Control Measures.

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

Dust control measures shall be instituted and maintained during construction to minimize air quality impacts. The measures shall be included in the contractor construction documents and include the following:

- a. Water all active construction areas as necessary (at least twice daily) to control dust.
- b. Cover stockpiles of debris, soils or other material if blown by the wind.
- c. Sweep adjacent public rights of way and streets daily (with water sweepers) if visible soil material or debris is carried onto these areas.
- d. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. Trucks hauling materials qualified as hazardous waste must be covered.
- e. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- f. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- g. Install sandbags or other erosion control measures to prevent silt runoff onto public roadways.
- h. Replant vegetation in disturbed areas as quickly as possible.
- i. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites.
- j. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction sites.

- k. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site.
- l. Install wind breaks at the windward sides of the construction areas.
- m. Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.
- n. Limit traffic speeds on unpaved roads to 15 miles per hour.

[WS MM AQ-1.1]

16. Construction-Related Water and Fire Service.

Prior to issuance of grading or building permit.

The Project Sponsor shall secure from the East Bay Municipal Utilities District verification of water service and fire hydrant flow prior to delivery or storage of combustible materials (e.g., lumber, plywood, etc.) on site and as required by the Fire Department.

17. Construction-Related Noise Control.

Prior to issuance of the first building permit; inspections during construction phase of Project.

To reduce daytime noise impacts due to construction to the maximum feasible extent, the Project Sponsor shall develop a site-specific noise reduction program, subject to City review and approval. The following practices shall be incorporated into the construction documents to be implemented by the Project Sponsor's contractor, and these practices shall be provided to the Department of Building Inspection for approval prior to the issuance of building permits:

- i) Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City and Project Manager in the event of complaints. 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, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m. or on weekends and holidays.
- ii) Schedule construction activity that produces higher noise levels during less noise-sensitive hours (normally 8:00 a.m. to 4:00 p.m. on weekdays). Minimize noise-intrusive impacts during the most noise-sensitive hours by planning noisier operations during times of highest ambient noise levels (normally 8:00 a.m. to 4:00 p.m. on weekdays).
- iii) The Project Manager or his/her appointed on-site complaint and enforcement manager/noise disturbance coordinator (if different from the Project Manager) shall be designated and posted to respond to and track complaints about noise during construction. The office and mobile telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the Department of Building Inspection. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

- iv) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and-practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
- v) Equipment and trucks used for project construction shall utilize the best available noise control techniques wherever feasible (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts.
- vi) Impact tools and equipment (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered whenever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler or compressed air silencers shall be used on the compressed-air exhaust; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures, such as drilling rather than use of impact equipment, shall be used whenever feasible.

Compressed air exhaust silencers shall be used on other equipment.
- vii) Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible. Such noise reduction measures include, but are not limited to, the following:
 - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - Locate stationary equipment to minimize noise impacts on the community; and
 - Minimize backing movements of equipment.
- viii) Prohibit unnecessary idling of internal combustion engines.
- ix) Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences, hotels, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the Department of Building Inspection for approval prior to the issuance of building permits. [WS MM NO-1.1]

18. Pile Driving - Noise Attenuation.***Prior to any pile driving or other extreme noise generating activities on the site.***

As part of a noise reduction plan, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This noise reduction plan

shall be submitted for review and approval by the City Building Services Department to ensure that maximum feasible noise attenuation is achieved to satisfy the City's standards contained in Section 17.120.050 of the Planning Code. A third-party peer review, paid for by the Project Sponsor, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the Project Sponsor. A special inspection deposit to pay for the City's reasonable costs of determining compliance with the noise reduction plan shall be paid by the Project Sponsor concurrent with submittal of the noise reduction plan. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:

- i) Implement "quiet" pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions;
- ii) Erect temporary plywood noise barriers around the entire construction site;
- iii) Adjust the scheduling and duration of pile driving;
- iv) Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site;
- v) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- vi) Monitor the effectiveness of noise attenuation measures by taking noise measurements during pile driving activities. [WS MM NO-1.2]

19. Pile Driving - Complaint Response.

Prior to the issuance of the first building permit.

Prior to the issuance of each building permit, along with the submission of construction documents, the Project Sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to pile driving construction noise. These measures shall include:

- i) A procedure for notifying the City Building Division staff and Oakland Police Department;
- ii) A plan for posting signs on site pertaining to permitted construction days and hours, complaint procedures, and who to notify in the event of a problem;
- iii) A listing of telephone numbers (during regular construction hours and off hours);
- iv) Designation of an on-site construction complaint manager for the Project in accordance with Condition No. 10;
- v) Notification of neighbors within 300 feet of the Project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and

- vi) A preconstruction meeting to be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, and posted signs) are completed. [WS MM NO-1.3]

20. Construction-related Waste Recycling.

During all construction activities.

Concrete and asphalt removed during demolition/construction shall be crushed on-site or at a near-site location, and reused in redevelopment or recycled to the construction market in order to avoid disposal to landfill of this material. [OARB MM 4.9-8]

EMERGENCY PREPAREDNESS

21. Emergency Preparedness and Evacuation Plan.

Prior to issuance of any building permits.

The Project Sponsor shall submit for review and approval by the Planning and Zoning Division and any other relevant City departments, an Emergency Preparedness and Evacuation Plan for the proposed project.

22. Emergency Response Area Construction Activities.

During all construction activities.

The Project Sponsor shall notify the Office of Emergency Services (OES) of its plans in advance of construction or remediation activities so that OES may plan emergency access and egress taking into consideration possible conflicts or interference during the construction phase. The Project Sponsor shall also notify OES once construction is complete. [OARB MM 4.9-3]

ENVIRONMENTAL REVIEW

23. CEQA Compliance with Mitigation Monitoring and Reporting Program.

Ongoing.

The Project Sponsor shall implement all the mitigation measures contained in the attached MMRP to the extent such measures are its responsibility as set forth in the MMRP. The MMRP contains mitigation measures from the EIR approved pursuant to the California Environmental Quality Act (CEQA) for the project. The MMRP identifies the time frame and specific 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.

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, Parcels 1, 2, and 3 for VTPM 8553, Parcel 3 of VTPM 8554, and Parcels 1 and 2 of VTPM 8555 only.]* [WS MM TR-8.1].

31. Cul-de-Sac or other Turn-Arounds.

Prior to approval of Final Development Plan and specifications.

The Project Sponsors shall incorporate the design of a cul-de-sac or other appropriate turn-around at the end of 11th Street and at the end of the 18th and 20th Street extensions and construct these extensions in compliance with City of Oakland Design Standards. Appropriate turn-around designs would allow vehicles to return along 11th Street and enter Wood Street in a front-end-first manner. *[This condition will be attached to the subdivision maps for Parcels 1 and 2 of*

VTPM 8552, Parcel 3 of VTPM 8554, and Parcels 1 and 2 of VTPM 8555 only.] [WS MM TR-4.1]

32. Underground Utilities.

Prior to issuance of a building permit.

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

33. Maintenance of Land Dedicated to Public.

Prior to recordation of the Final Map.

The Project Sponsor shall enter into a Maintenance Agreement in a form acceptable to the City Attorney, which shall be made binding on all successors and assigns and which obligates the owner(s) of each parcel included in the VTPM to pay, on a fair share basis, for the City's reasonable costs of maintaining the public access areas (also referred to as pocket parks), that are located between the terminus of 14th, 16th, 18th and 20th Streets and frontage road to be offered for dedication to the City. As used herein, "fair share" means dividing the number of residential units owned by the number of residential units built within Parcels 1, 2, 3 and 4 of VTPM 8551, Parcels 1 and 2 of VTPM 8552, Parcels 1, 2 and 3 of VTPM 8553, Parcel 3 of VTPM 8554, and Parcels 1 and 2 of VTPM 8555. Concurrently with the execution of the Maintenance Agreement, the Project Sponsor shall submit security in a form acceptable to the City Attorney (e.g., set-aside letter of credit) securing this obligation for a period of five years. Although the obligation is secured for five years only, the Maintenance Agreement will require an annual payment of the fair share amount for the life of the project. This covenant shall expire as to any streets or parks that are modified to meet City standards, as determined by the Planning Director. ***[This condition will be attached to the subdivision maps for Parcels 1, 2, 3 and 4 of VTPM 8551, Parcels 1 and 2 of VTPM 8552, Parcels 1, 2 and 3 of VTPM 8553, Parcel 3 of VTPM 8554, and Parcels 1 and 2 of VTPM 8555.]***

GRADING, GEOTECHNICAL, EROSION CONTROL, STORMWATER & DRAINAGE

34. Grading, Erosion and Drainage Plan.

Prior to issuance of grading permit and during all construction activities.

To the extent any grading is necessary, the Project Sponsor shall submit for review and approval by the Building Services Division a Site Grading and Drainage plan in conformance with City standards and "Best Management Practices" (BMP) for use during construction. The plan shall indicate the methods, means, and design to conduct site run-off, attenuate storm drainage flow, and minimize sedimentation and erosion during and after construction activity (utilizing a combination of permeable surfaces, subsurface-drainage, silt debris barriers, drainage retention systems, and/or filtration swale landscaping). All graded slopes or disturbed areas shall be temporarily protected from erosion by implementing seeding, mulching and/or erosion control blankets/mats until permanent erosion control measures are in place. No grading shall occur without a valid grading permit issued by the Building Services Division or within the period of

October 15 through April 15 unless specifically authorized in writing by the Building Services Division. Site design, source control and post construction treatment measures shall comply with requirements of the Alameda Countywide Clean Water Program, C.3 Stormwater Handbook, February 2005.

35. Stormwater Pollution Prevention Plan.

Prior to issuance of grading permit and during all construction activities.

Prior to ground-disturbing activities, the Project Sponsor shall develop and implement a site-specific Stormwater Pollution Prevention Plan (SWPPP) acceptable to the Regional Water Quality Control Board (RWQCB), Region 2, and the City that includes erosion and sediment control measures.

The contractor shall submit the SWPPP to the City for review, and shall keep a copy of the SWPPP at the construction site. While erosion control measures included in the plan will be site-specific, they must be effective at prevention of accelerated erosion by the following: minimizing the length of time soils are exposed; reducing total area of exposed soil during the rainy season; protecting critical areas (the Bay); and monitoring before and after each rain storm to assess control measure effectiveness. SWPPP erosion control measures may include, and are not limited to, the following:

- Schedule grading, and activities related to grading (excavation, construction, preparation and use of equipment and material storage) to occur during dry season (April through September)
- Avoid run-on (divert run-off from up-slope sites so it does not enter construction zone)
- Discharge grading and construction runoff into small drainages at frequent intervals to avoid the buildup of large, potentially erosive flows
- Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods
- Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or siltation fences
- Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team.
- Preserve existing vegetation
- Seed and mulch, or hydromulch
- Control dust
- Use blankets, geotextiles, and fiber rolls

- Install tire washers at exits.

All construction activities shall be undertaken in accordance with requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit). The General Permit requires that all dischargers develop and implement a SWPPP that specifies BMPs that would prevent construction pollutants from contacting stormwater with the intent of keeping products of erosion from moving off site into receiving waters.

Additional SWPPP sediment control measures may include, and are not limited to, the following:

- Stabilize the construction entrance;
- Silt fencing;
- Temporary straw bale dike;
- Sand/gravel bag;
- Brush/rock filter;
- Inlet protection;
- Catch basin inlet filter; and
- Sediment basin or trap.

SWPPP pollution control measures generally are "good housekeeping" BMPs, and may include, and are not limited to, establishing practices and protocols for the following:

- Solid and demolition waste management;
- Hazardous materials and waste management;
- Spill prevention and control;
- Vehicle and equipment maintenance;
- Covered materials storage;
- Handling and disposal of concrete/cement;
- Pavement construction management;
- Contaminated soil and water management; and
- Sanitary/septic waste management.

An erosion control professional is required to be on site to supervise the implementation of the designs and maintenance of facilities throughout the site clearing, grading and construction

period. [OARB MM 4.13-3, OARB MM 4.15-3, with language from Wood Street DEIR page 3.10-10]

36. Outside Agency Permits.

Prior to issuance of any building permits.

The Project Sponsor shall comply with all permit conditions from the RWQCB and -- for Parcel 3 on VTPM No. 8554 and Parcels 1 and 2 on VTPM No. 8555 only -- BCDC. The Project Sponsor shall demonstrate to the satisfaction of the City that Project Sponsor has required and shall enforce compliance through contract specifications on all construction contractors and any other entities whose work is affected by these permit conditions. [OARB MM 4.15-2]

37. Shallow Groundwater.

Prior to issuance of grading permit and during all construction activities.

The SWPPP shall include protocols for determining the quality and disposition of construction water which includes shallow groundwater encountered during construction/remediation; depending on the results of the testing, contaminated water shall be disposed of via standards of the applicable regulatory agency (RWQCB, DTSC, or EBMUD), as appropriate, in addition, the Project Sponsor shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit Nos. CAG912002 and CAG912003 if appropriate.

The Project Sponsor's SWPPP shall include a RWQCB-acceptable protocol and BMPs for handling construction water. The SWPPP shall include methods for visual inspection, triggers for laboratory testing, and appropriate use/disposal of the water. If NPDES Permit Nos. CAG912002 and CAG912003 are relevant to the site, a notice of intent (NOI) must be filed, and the related Self-Monitoring Plan must be complied with. [OARB MM 4.15-4]

38. Grading Activity Status Reports and Map.

Prior to issuance of grading permit and during all grading activities.

The project engineer shall file status reports to be followed by a final grading completion report, along with a geologic mapping of all cut-and-fill pads and slopes within the graded area, as a condition of the project grading permit. Locations of subdrains and clean-outs shall be shown on the approved grading map. The Project Sponsor shall ensure periodic monitoring of project grading activities by a geotechnical engineer.

39. Storm Drainage Compliance.

Prior to issuance of a grading permit and during all construction activities.

The Project Sponsor shall ensure that all proposed improvements comply with all provisions of Alameda County's NPDES permit issued on February 19, 2003, and related post-construction BMPs that would apply to the project; all proposed improvements shall also comply with the Clean Water Act (1972) as amended by the Water Quality Act of 1987, and City of Oakland Storm Water Management and Controls Ordinance No. 11590 C.M.S. and Creek Protection Ordinance No. 12024; and shall utilize all BMPs to prevent sediments or pollutants from entering the storm drain system or watercourses. The impact of the proposed improvements on the storm drain system and watercourses shall be mitigated to the extent practicable. Analysis of anticipated runoff volumes and potential effects to receiving water quality from stormwater shall be made for specific redevelopment elements, and site-specific BMPs shall be incorporated into

design. BMPs shall be incorporated such that runoff volume from 85 percent of average annual rainfall at a development site is pre-treated prior to its discharge from that site, or a pre-treated volume in compliance with RWQCB policy in effect at the time of design.

Non-structural BMPs may include and are not limited to good housekeeping and other source control measures, such as the following:

- Stencil catch basins and inlets to inform the public they are connected to the Bay;
- Sweep streets on a regular schedule;
- Use and dispose of paints, solvents, pesticides, and other chemicals properly;
- Keep debris bins covered; and
- Clean storm drain catch basins and properly dispose of sediment.

Structural BMPs may include and are not limited to the following:

- Minimize impervious areas directly connected to storm sewers;
- Include drainage system elements in design as appropriate such as:
 - infiltration basins
 - detention/retention basins
 - vegetated swales (biofilters)
 - curb/drop inlet protection.

[OARB MM 4.15-5]

40. Geotechnical Compliance.

Prior to issuance of building permits.

Project elements shall be designed in accordance with criteria established by the UBC, soil investigation and construction requirements established in the Oakland General Plan, and the Bay Conservation and Development Commission Safety of Fill Policy.

The UBC requires structures in the San Francisco Bay Area to be designed to withstand a ground acceleration of 0.4 g. A licensed engineer should monitor construction activities to ensure that the design and construction criteria are followed.

The Health and Safety Element of the Oakland General Plan requires a soils and geologic report be submitted to the Public Works Agency prior to the issuance of any building permit. The Oakland General Plan also requires all structures of three or more stories to be supported on pile foundations that penetrate Bay Mud deposits, and to be anchored in firm, non-compressible materials unless geotechnical findings indicate a more appropriate design. The General Plan also provides for the identification and evaluation of existing structural hazards and abatement of

those hazards to acceptable levels of risk. [OARB MM 4.13-1]

41. Geotechnical Evaluation.

Prior to issuance of building permits and during all construction activities.

Project elements shall be designed and constructed in accordance with requirements of a site-specific geotechnical evaluation.

Site-specific geotechnical, soils, and foundation investigation reports shall be prepared by a licensed geotechnical or soil engineer experienced in construction methods on fill materials in an active seismic area. The reports shall provide site-specific construction methods and recommendations regarding grading activities, fill placement, compaction, foundation construction, drainage control (both surface and subsurface), and seismic safety. Designers and contractors shall comply with recommendations in the reports. A licensed geotechnical or soil engineer shall monitor earthwork and construction activities to ensure that recommended site-specific construction methods are followed. [OARB MM 4.13-2]

42. Review of Building and Environmental Records.

Prior to issuance of grading permits and during all construction activities.

The Project Sponsor shall thoroughly review available building and environmental records in order to identify underground utilities and facilities, so that these may be either avoided or incorporated into design as relevant. [OARB MM 4.13-4]

43. Subsurface Investigation.

Prior to issuance of grading permits and during all construction activities.

The Project Sponsor shall perform due diligence, including without limitation, retaining the services of subsurface utility locators and other technical experts prior to any ground-disturbing activities. The Project Sponsor shall utilize Underground Service Alert or other subsurface utility locators to identify and avoid underground utilities and facilities during construction. The Project Sponsor shall keep a record of its contacts regarding underground features, and shall make these records available to the City upon request. This condition shall be enforced through contract specification. [OARB MM 4.13-5]

HAZARDOUS MATERIALS & CONTAMINATION

44. State, Federal, or County Authority Environment Approval.

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

The Project Sponsor shall provide to the Planning and Zoning Division written verification that the State, Federal or County authorities with jurisdiction over the project have granted all required clearances and confirmed compliance with all applicable conditions imposed by said authorities, for any and all previous contamination at the site.

45. Pre-Construction Hazardous Materials Surveys and Management of Hazardous Materials.

Prior to issuance of the first demolition permit and ongoing during demolition.

The Project Sponsor shall retain a qualified environmental specialist (e.g., a certified consultant or lead inspector/assessor or similarly qualified individual) to inspect existing buildings subject to demolition or renovation for the presence of asbestos, PCBs, mercury, lead, or other hazardous

materials. If after inspection and analytical testing, hazardous building materials are found at levels that require special handling (e.g., special packaging prior to transport, separation from other non-hazardous solid waste, keeping material damp with water, etc.), the Project Sponsor and its contractors shall manage these materials as required by law and according to federal and state regulations and guidelines, including those of DTSC, RWQCB, BAAQMD, Cal/OSHA, and any other agency with jurisdiction over these hazardous materials. The Project Sponsor shall obtain permits for demolition and show proof that the building materials have been tested and/or removed by a certified environmental professional. *[This condition will be attached to the subdivision maps for Parcels 1 and 2 of VTPM 8552, Parcels 1, 2, and 3 of VTPM 8553, and Parcels 2 and 3 of VTPM 8554 only.]* [WS MM HM-1.1]

46. Hazardous Materials Assessment and Reporting Program.

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

The Project Sponsor shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the City of Oakland Hazardous Material Assessment and Reporting Program, pursuant to City Ordinance No. 12323, including the removal or abatement of asbestos and lead.

47. Site Health and Safety Plan.

Prior to issuance of the first grading or building permit and during all construction activities affecting soil and groundwater if petroleum hydrocarbons or VOCs are present.

The Project Sponsor and its contractors shall comply with the *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* (National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), U.S. Coast Guard (USCG), and Environmental Protection Agency (EPA), October, 1985) regulatory requirements for hazardous materials/waste health and safety plans. The site health and safety plan shall establish policies and procedures to protect workers and the public from potential hazards posed by residual contamination in the development area. The plan shall identify contaminants, potential hazards, material handling procedures, dust suppression measures, personal protection clothing and devices, access controls to the site, health and safety training requirements, monitoring equipment used during construction to verify health and safety of workers and the public, measures to protect public health and safety, and emergency response procedures. If petroleum hydrocarbons or VOCs are present in the soil and/or groundwater proposed for the use of backfill or disposal, the handling and disposal of the contaminated soil and groundwater shall be in accordance with applicable local and federal hazardous materials regulations. [WS MM HM-2.1]

48. Soil Management Plan and Compliance with Soil Remediation Standards.

Prior to issuance of the first building permit.

The Project Sponsor shall submit all applicable documentation and plans required by the Cal-EPA/RWQCB, the Alameda County Public Health Department, and the City's Fire Department, Office of Emergency Services, regarding remediation of the contaminated soil and groundwater identified on the site. These documents and plans shall be submitted to the Planning and Zoning Division, and shall demonstrate to the satisfaction of each agency with jurisdiction that all applicable standards and regulations have been met for the construction and site work to be undertaken pursuant to the permit.

In conformance with the Cal-EPA/RWQCB approved soil remediation standards, the Project Sponsor and its contractors shall be responsible for ensuring that any soils within ten feet of the surface (but not below the groundwater table) containing concentrations exceeding TTLCs and soils above such remediation standards shall be removed or treated on site prior to development. [The soil remediation standards are included in a May 18, 2004, letter from Geomatrix to the RWQCB. Successful completion of remediation activities cannot be confirmed until closure reports have been submitted to and approved by RWQCB and they agree that the development areas have been satisfactorily remediated.] [WS MM HM-2.2]

49. ACM Annual Assessment.

Prior to issuance of any demolition, grading or building permit and during all construction activities.

The condition of identified asbestos containing materials (ACM) shall be assessed annually, and prior to reuse of any building known to contain ACM. [OARB MM 4.7-12]

HISTORIC, CULTURAL & ARCHAEOLOGICAL RESOURCES

50. Archaeological Monitoring.

During all construction activities.

The Project Sponsor shall retain a qualified archaeologist, who is a member of the Register of Professional Archaeologists, upon the discovery of prehistoric remains or buried historic or cultural features. The archaeologist shall prepare a preliminary evaluation to assess the archaeological sensitivity of the specific site(s) under consideration and shall recommend actions to protect archaeological resources. If the archaeologist's evaluation indicates a more detailed site assessment is warranted, a testing program shall be initiated under the supervision of the qualified archaeologist. If, after testing, the archaeologist determines that the discovery is not significant as defined in CEQA, no further investigations or precautions are necessary to safeguard the find. The archaeologist shall prepare a final report to be sent to the responsible agency, the Oakland Landmarks Advisory Board, and the California Historical Resources Information System Northwest Information Center. If, however, after testing, the archaeologist determines that the discovery is significant as defined in CEQA, ground-disturbing activities in the immediate vicinity of the discovery shall remain suspended until an appropriate mitigation plan can be agreed upon by the archaeologist and the City and implemented by the Project Sponsor. [WS MM CR-1.1]

The contractor shall instruct the construction personnel on the project as to the potential for discovery of prehistoric remains or buried historic or cultural features. The contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds, and the consequences of any failure to report them. Any recommendations of the qualified archeologist shall be implemented prior to resumption of work in the affected area.

51. Cultural Resources Management/Mitigation Plan.

During all construction activities.

If further investigations or precautions are necessary or appropriate, the City of Oakland and the archaeologist shall jointly determine the additional procedures necessary to protect the resource and/or mitigate any significant impacts. Additional measures to be implemented by the Project

Sponsor might include a redesign of the Project, data recovery excavations, or a program to monitor all site excavation, during which the archaeologist shall record observations in a permanent log. The archaeologist shall prepare a final report to be sent to the responsible agency, the Oakland Landmarks Advisory Board, and the California Historical Resources Information System Northwest Information Center. [WS MM CR-1.2]

52. Discovery of Human Remains.

During all construction activities, immediately upon determination by qualified archaeologist of human remains discovery.

Should any human remains be encountered, work in the vicinity shall halt and the County Coroner notified immediately. If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission (NAHC) pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code. The NAHC in Sacramento would identify a Most Likely Descendant (MLD) pursuant to subdivision (a) of Section 5097.98 of the Public Resources Code. The City of Oakland and the archaeologist shall consult with the MLD. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendations within 24 hours of their notification by the NAHC. The recommendation may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Work may not commence until the coroner's approval has been received. [WS MM CR-1.3]

52A. Preservation of the Historic 16th Street Train Station.

Prior to demolition or renovation

The Project Sponsor shall preserve the historic 16th Street Train Station including the Main Hall, Baggage Wing, and as much of the Elevated Platform as possible behind the Main Hall, as included in Development Area 5 of the Wood Street Zoning District, Parcel 2 of VTPM 8554, and as specified in Conditions 56A, 56B and 57A. *[This condition will be attached to the subdivision map for VTPM 8554 only.]*

53. HABS Recordation of the 16th Street Train Station.

Within 12 months of effective date of Wood Street Zoning District.

The Project Sponsor of Parcel 2 of VTPM 8553, and Parcels 2, 3 and 4 of VTPM 8554 shall, within 12 months of the effective date of the Wood Street Zoning District, record the 16th Street Train Station in accordance with the procedures of the Historical American Building Survey (HABS). In accordance with the HABS recordation process, the Project Sponsor shall consult with the National Park Service (NPS) to determine the appropriate level of documentation, and all documentation shall be subject to review and approval by NPS with approval determined by compliance with HABS procedures. *[This condition will be attached to the subdivision maps for Parcel 2 of VTPM 8553, and Parcels 2, 3 and 4 of VTPM 8554 only.]* [WS MM CR-2.1]

54. Salvage of Original Building Materials from Structures Proposed for Demolition.

Within 12 months of effective date of the adoption of the condition of approval.

The Project Sponsor shall, within twelve months of the effective date of the Wood Street Zoning District, submit a study to the City of Oakland detailing what parts of the portions of the 16th Street Train Station to be demolished can be feasibly salvaged. The study shall include an assessment of the feasibility of salvaging terra-cotta cladding, windows, doors and hardware. The study must be approved by the City's Planning Director, who shall find the study acceptable if it demonstrates which parts can be feasibly salvaged. Following City approval of the study, the Project Sponsor shall salvage parts as indicated in the approved study and shall make the salvaged materials available for reuse in rehabilitating the portions of the 16th Street Train Station that are to be rehabilitated. ***[This condition will be attached to the subdivision maps for Parcel 2 of VTPM 8553, and Parcels 2, 3 and 4 of VTPM 8554 only.]*** [WS MM CR-2.2]

55. Stabilization of Main Hall and Signal Tower.

Within three months of the effective date of the adoption of the condition of approval.

The Project Sponsor of Parcels 2 and 3 of VTPM 8554 shall, within three months of the effective date of the Wood Street Zoning District, take measures designed to preclude further deterioration of the Main Hall and the Signal Tower (both as defined in the notes and definitions on page 1) from rain and to exclude trespassers. Within 45 days of the effective date of the adoption of this condition of approval, the Project Sponsor shall submit to the Planning Director a description of the proposed measures. The Planning Director shall review, and may approve, disapprove, or modify the measures intended to eliminate deterioration or vandalism. These measures shall remain in place until the decision regarding reuse of the Main Hall is made. The facilities preserved and protected by this measure include the canopy at the Wood Street entrance to the Main Hall. ***[This condition will be attached to the subdivision maps for Parcels 2 and 3 of VTPM 8554 only.]*** [WS MM CR-2.3]

56. Interim Stabilization of Baggage Wing.

Within three months of the effective date of the adoption of the condition of approval.

The Project Sponsor of Parcel 2 of VTPM 8554 shall, within three months of the effective date of the Wood Street Zoning District, take measures designed to preclude further deterioration of the Baggage Wing from rain and to exclude trespassers, pending a decision from the Redevelopment Agency on whether to fund retention of the Baggage Wing. Within 45 days of the effective date of the adoption of the condition of approval, the Project Sponsor shall submit to the Planning Director a description of the proposed measures. The Planning Director shall review, and may approve, disapprove, or modify the measures intended to eliminate deterioration or vandalism. These measures shall remain in place until a decision from the Redevelopment Agency on whether to fund retention of the Baggage Wing is made. ***[This condition will be attached to the subdivision map for Parcel 2 of VTPM 8554 only.]***

56A. Possible Agency Funding for Preservation and Restoration of Baggage Wing.

Prior to demolition or renovation of the Baggage Wing.

(a) To assist the Redevelopment Agency in its efforts to preserve and restore the Train Station, the Project Sponsor of Parcel 3 of VTPM 8554 ("BUILD") shall set aside the additional approximate .33 acre of land depicted on VTPM 8554 upon which the Baggage Wing is located (the "Baggage Wing Parcel") for a period of no less than eight months following the effective

date of the Wood Street Zoning District, and shall include such parcel in the final map of Parcel 2 of VTPM 8554. During this period (1) BUILD and the Train Station Entity, defined in the General Notes and Definitions and described in Condition 59, shall negotiate in good faith to enter into an agreement for the Train Station Entity to purchase the Baggage Wing Parcel from BUILD within said eight-month period for the Purchase Price (defined below), (the "Baggage Wing Purchase Agreement") and (2) upon the receipt and acceptance by the Redevelopment Agency Board of a Business Plan, Financing Plan and Management Plan from the Train Station Entity, the Redevelopment Agency shall determine whether to make available the financial assistance necessary for the Train Station Entity to acquire the Baggage Wing Parcel and preserve the Baggage Wing, and the Train Station Entity and the Redevelopment Agency shall then negotiate in good faith to enter into an agreement for such financial assistance (the "Baggage Wing Funding Agreement"). The Baggage Wing Funding Agreement shall (3) provide for Agency funding for the acquisition and preservation of the Baggage Wing and the Baggage Wing Parcel from available tax increment funds as such funds are received, under customary redevelopment agency terms and conditions; and (4) provide that the Train Station Entity shall seek funding from non-Agency and non-City sources (including state and federal programs, historic preservation tax credits, and private lenders) as appropriate for the acquisition, preservation, and restoration of the Baggage Wing and the Baggage Wing Parcel. For purposes of this condition, the term "available tax increment funds" shall mean the net tax increment revenues generated by the property in the Wood Street Project that are actually received by the Agency, excluding any pass-through payments to other entities, payments to the Low and Moderate Income Housing Fund, the Educational Revenue Augmentation Fund, or other set aside funds, or funds otherwise diverted from the Agency.

(b) In the event the Baggage Wing Purchase Agreement and the Baggage Wing Funding Agreement are executed within the eight month period, then:

- (1) BUILD will include the Baggage Wing in the materials, plans and information to be prepared in accordance with Conditions of Approval 58 and 59, BUILD will not make any alteration to the Baggage Wing that is not consistent with the preservation, rehabilitation, or reuse recommendations contained in the *OARB Area Redevelopment Plan* (as amended); the *City of Oakland General Plan* (as amended); the Wood Street Zoning District; and Secretary of the Interior's Standards for the Treatment of Historic Buildings, and alterations shall be further restricted in accordance with any additional design standards, guidelines, or recommendations when the development plan, adopted pursuant to Mitigation Measure CR-2.5, becomes effective;
- (2) in accordance with Condition 59, BUILD will transfer title to the Baggage Wing Parcel to the Train Station Entity upon approval by the City Council, which approval shall be based upon the Council's satisfaction of the progress in implementing Conditions 58, 59 and 60; and
- (3) the City will cooperate to develop and approve preliminary and final development plans for the remaining areas of Parcel 3 of VTPM 8554 such that the Project Sponsor will be able to build the residential units approved for development on

such parcel, which cooperation may include, subject to appropriate environmental review, future approval of residential use of certain areas of the future adjacent right of way located in 18th street, provided that an equivalent area of public space is provided elsewhere within the Baggage Wing Parcel or the remaining areas of Parcel 3.

(c) For purposes of the above, the "Purchase Price" for the Baggage Wing Parcel shall be the lesser of (1) Fair Market Value, or (2) the Acquisition/Holding/Entitlement Costs. "Fair Market Value" shall mean the purchase price that an unrelated party negotiating at arm's length would pay to purchase such property, taking into account all then current market factors, including without limitation the quality, design, condition and location of the property including the extent and condition of the construction completed to date, if any, the amount of any and all liens, mortgages, and encumbrances against the property, required environmental remediation, and the value of the existing improvements to such party, and assuming the property was included with Parcel 3 of VTPM 8554. "Acquisition/Holding/Entitlement Costs" shall mean (1) the actual price initially paid for the Baggage Wing Parcel by BUILD, calculated on the basis of the overall purchase price paid by BUILD for developable acres within the Wood Street Zoning District and prorated on a square footage basis to the Baggage Wing Parcel, plus (2) actual costs incurred by BUILD in holding, maintaining and entitling the Baggage Wing Parcel (calculated on a developable square footage basis prorated to the Baggage Wing Parcel), including taxes, carrying costs (which shall be defined as the investment return BUILD's investor, CalPERS, has received on investments in similar projects in the CalPERS CURE program (California Urban Real Estate) since its inception in 1997, but not to exceed 10%), insurance, maintenance, and other out-of-pocket payments by BUILD to third parties for holding, maintaining and entitling the property, but not including BUILD's administrative or staff costs. The Acquisition/Holding/Entitlement Costs shall be determined by an independent cost certification obtained by BUILD.

(d) BUILD shall submit its determination of Acquisition/Holding/Entitlement Costs, along with the independent cost certification, and its determination of Fair Market Value to the Redevelopment Agency within three months of the City Council's approval of the District. If the Agency disputes BUILD's determination either of Fair Market Value or Acquisition/Holding/Entitlement Costs, or both, as contained in BUILD's notice, the Agency shall notify BUILD in writing within 30 calendar days of its receipt of BUILD's determination, which notice shall set forth the Agency's determination of the Fair Market Value and/or Acquisition/Holding/Entitlement Costs. The Agency and BUILD shall thereupon attempt to resolve their differences within 10 days following BUILD's receipt of the Agency's notice. If the Agency and BUILD cannot agree on Fair Market Value during such 10-day period, the Agency and BUILD shall each appoint an appraiser who shall be an M.A.I. and a California licensed appraiser experienced in appraising commercial and residential real estate in Alameda County, and give notice of such appointment to the other within 10 calendar days after the foregoing 10-day period. Such appraisers shall, within 30 calendar days after the appointment of the last of them to be appointed, complete their written determinations of Fair Market Value and furnish the same to the Agency and BUILD. Each party shall pay the fees and costs of the appraiser appointed by it. If the valuations vary by ten percent (10%) or less of the higher value, the Fair Market Value shall be the average of the two valuations. If the valuations vary by more than ten

percent (10%) of the higher value, the two appraisers shall, within ten (10) calendar days after submission of the last appraisal report, appoint a third disinterested appraiser who shall be an M.A.I. and a California licensed appraiser with the experience described above. If the two appraisers are unable to agree in a timely manner on the selection of the third appraiser, then either appraiser, on behalf of both, may request appointment of such third disinterested M.A.I. appraiser by the presiding judge of the Superior Court of Alameda County. Such third appraiser shall, within 15 calendar days after appointment, make a determination of Fair Market Value by selecting one of the prior appraisals. The third appraiser shall have no right to select a Fair Market Value other than as determined by one of the prior appraisals. If the Agency and BUILD cannot agree on Acquisition/Holding/Entitlement Costs during such 10-day period, the Agency and BUILD shall submit the issue to binding arbitration.

(e) If, after good faith negotiations, BUILD and the Train Station Entity have not entered into the Baggage Wing Purchase Agreement within the eight-month period, or the Agency and the Train Station Entity have not entered into the Baggage Wing Funding Agreement within the eight-month period, then the Agency or the Agency's designee shall have the option of purchasing the Baggage Wing Parcel for the Purchase Price. The Agency or its designee shall give written notice of its exercise of said option to BUILD (or the then-current owner of the Baggage Wing Parcel) within 60 calendar days of the end of the eight-month period.

(f) Should the Agency exercise the above option, BUILD shall deliver title to the Baggage Wing Parcel to the Agency free and clear of any junior liens, leases, mortgages, or encumbrances, except those liens, mortgages, or encumbrances that have been specifically approved by the Agency in writing. Escrow for the sale of the Baggage Wing Parcel shall close and BUILD shall execute and deliver to the Agency or its designee a grant deed or deeds to the Baggage Wing concurrent with the transfer of the Main Hall, in accordance with Condition 59, at which time the Purchase Price shall be paid by the Agency or its designee to BUILD. The Purchase Price shall be paid in the form of a promissory note executed by the Agency to BUILD in which the Agency pledges to pay the Purchase Price from available tax increment funds as such funds are received, along with interest at a rate equal to the prevailing Local Agency Investment Fund rate. The Agency shall be allowed to prepay the note without penalty. Prior to the close of escrow, BUILD shall take all necessary steps to ensure that a title company will be able to issue to the Agency or its designee, upon close of escrow, a standard CLTA owner's policy of title insurance, in an amount equal to the Purchase Price, showing title to the Baggage Wing Parcel vested in the Agency or its designee, with only the following exceptions:

- (1) Liens for property taxes not yet due and payable;
- (2) Any other lien or encumbrance approved in writing by the Agency in its sole discretion.

(g) Prior to the time for the Agency to provide notice of its election to exercise the option, the Agency or its designee and its agents may, upon reasonable notice to BUILD, enter the Baggage Wing Parcel for purposes of inspection, survey, tests, or other actions reasonably

related to acquisition of the property by the Agency or its designee. The Agency or its designee shall indemnify and defend BUILD for any liability, claims or damages arising from such entry.

(h) The Agency may assign the option to purchase the Baggage Wing Parcel to any other entity in its sole discretion.

(i) If BUILD and the Train Station Entity have not entered into the Baggage Wing Purchase Agreement, or if BUILD and the Agency have not entered into the Baggage Wing Funding Agreement, within the eight month period and any of them assert that one or the other of them has not negotiated the agreement in good faith, BUILD, the Agency or the Train Station Entity shall submit the issue to binding arbitration.

(j) If BUILD and the Agency have not entered into the Baggage Wing Funding Agreement within the eight month period because the Agency has declined to provide the funding from available tax increment funds necessary for the Train Station Entity to purchase and preserve the Baggage Wing Parcel as set forth above, and if the Agency or its designee has declined to exercise its option to purchase the Baggage Wing Parcel as set forth above, then BUILD shall have no further obligations under this condition. *[This condition will be attached to the subdivision map for Parcel 2 of VTPM 8554 only.]*

56B. Feasibility Determination If Funding Not Provided For Baggage Wing.

Prior to demolition or renovation of Baggage Wing.

In the event that the Baggage Wing Purchase Agreement and the Baggage Wing Funding Agreement described in Condition 56A are not executed within the eight month period, the Project Sponsor shall submit for City Council review application to demolish the Baggage Wing or its application to alter the Baggage Wing. Any alteration of the Baggage Wing shall be consistent with the preservation, rehabilitation, and reuse recommendations contained in the OARB Area Redevelopment Plan (as amended by action concurrent with approval of the Wood Street Zoning District), the City of Oakland General Plan (as amended by action concurrent with approval of the Wood Street Zoning District), the Wood Street Zoning District, and Secretary of the Interior's Standards for the Treatment of Historic Buildings. Upon review of detailed pro forma information (amount invested, return on equity, financing options) and any other information requested by the City Council, including CEQA compliance determination, financing requirements and other pertinent information, the City Council shall approve, deny, or conditionally approve the application.

57. Restriction on Alteration of the Main Hall and the Signal Tower.

Prior to demolition or renovation of any structures.

The Project Sponsor of Parcels 2 and 3 of VTPM 8554 shall not make any alteration to the Main Hall that is not consistent with the preservation, rehabilitation, or reuse recommendations contained in the *OARB Area Redevelopment Plan* (as amended); the *City of Oakland General Plan* (as amended); the Wood Street Zoning District; and Secretary of the Interior's Standards for the Treatment of Historic Buildings. Alterations shall be further restricted in accordance with any additional design standards, guidelines, or recommendations when the development plan, adopted pursuant to Mitigation Measure CR-2.5, becomes effective. *[This condition will be attached to the subdivision maps for Parcels 2 and 3 of VTPM 8554 only.]* [WS MM CR-2.4]

57A. Restriction on Alteration of the Elevated Platform Feasibility Study Area.**Prior to demolition of the elevated track platform adjacent to the Main Hall.**

The Project Sponsor shall not make any alteration to the Elevated Platform Feasibility Study Area until the Project Sponsor has further pursued, with due diligence, the feasibility of retaining and preserving more width of the Elevated Platform Feasibility Study Area, than is shown in FEIR Figure CR-4 and, in any event, no alteration shall be made prior to the approval of a preliminary development plan for Parcel 3 of VTPM 8554. The Project Sponsor shall include in its preliminary development plan application for Parcel 3 of VTPM 8554 additional evidence of the feasibility or infeasibility of retaining a greater width of the Elevated Platform Feasibility Study Area. The determination of the width to be retained and preserved shall be made by the City in connection with its consideration and approval of such preliminary development plan. The preliminary development plan shall include retention and preservation of as much width of the Elevated Platform Feasibility Study Area as the City determines is feasible. The precise location of the parcel line between Parcel 2 and Parcel 3 on the final map for Parcel 3 shall accommodate such determination. *[This condition will be attached to the subdivision map for Parcel 3 of VTPM 8554 only.]*

58. Application for Redevelopment Agency Funding Approval for Train Station Preservation, Rehabilitation, and Stabilization.**Within 12 months of the effective date of the adoption of this condition of approval.**

Consistent with the *OARB Area Redevelopment Plan* goals as set out in Section 100 of that Plan, the Project Sponsor of Parcel 2 of VTPM 8554 or the Train Station Entity shall submit an application to the Redevelopment Agency of the City of Oakland (the "Agency") requesting that the Agency make available tax increment funds provided for in Section 502 of the *OARB Area Redevelopment Plan* for the preservation, rehabilitation, and stabilization of the Main Hall. In connection with such application, the property owner shall submit the following materials and information to the Agency:

- a. a finance plan demonstrating the prudent use of tax increment funds in restoring, preserving, and reusing the Main Hall, including a commitment by the property owner to maximize the leverage of the tax increment funds by seeking additional public funding, tax credits, private financing, and/or private philanthropic grants;
- b. a management plan demonstrating exemplary and continued stewardship of the Main Hall, with recognition of its cultural and historical importance to the City of Oakland and which is accountable to the goals and policies of the *OARB Area Redevelopment Plan* and the *City of Oakland General Plan*;
- c. a community participation plan providing for input by Oakland community members in decisions concerning the Main Hall's preservation and reuse;
- d. a development plan demonstrating that the proposed renovation and reuse of the Main Hall is consistent with the design standards, policies, and goals of the *OARB Area Redevelopment Plan* (as amended); the *City of Oakland General Plan* (as amended); and the

Wood Street Zoning District; as well as with any other design criteria that the Agency determines is appropriate to meet said goals and policies; and

e. a business plan that establishes a framework for the funding of rehabilitation efforts and identifies the grant source(s), the funding mechanisms and the budget for the work, as provided in Condition 59.

Not in limitation of the Project Sponsor's obligations in Conditions No. 95, 96 and 97, any Agency decision to fund all or any portion of the 16th Street Train Station, including either the Main Hall, Baggage Wing and/or Signal Tower shall be conditioned upon Project Sponsor's indemnification of the Agency and the City for any claims related to the construction, operation or maintenance of any and all projects using Agency funds.

[This condition will be attached to the subdivision map for Parcel 2 of VTPM 8554 only.]
[WS MM CR-2.5]

59. Rehabilitation and Reuse of Main Hall, Platform and Signal Tower.

Within six months of the effective date of the adoption of this condition of approval for establishment of a Train Station Entity to oversee the rehabilitation and reuse of the historic 16th Street Train Station; within twelve months of the effective date of the adoption of this condition of approval to prepare a business plan for the retention of historic resources and the reuse of the 16th Street Train Station.

Within six months of adoption of this condition of approval, the Project Sponsor will establish a Train Station Entity to oversee the rehabilitation and reuse of the historic 16th Street Train Station (as defined in the General Notes and Definitions), which will assure public access and include elements commemorating its historical significance, and within twelve months of the effective date of this condition of approval the Project Sponsor shall obtain City Council approval of such Train Station Entity. Within twelve months of adoption of this condition of approval, the Project Sponsor and/or the new Train Station Entity for the historic 16th Street Train Station shall prepare a business plan for the retention of historic resources and the reuse of the 16th Street Train Station. The business plan will establish a framework for the funding of rehabilitation efforts and identify the grant source(s) and the funding mechanisms for the work. The business plan will also establish the information needed for requesting tax increment financing and the timing and sequencing of such funding in relation to the phasing of the historic restoration efforts. Within two years of approval of the Wood Street Zoning District, the Project Sponsor will complete a schematic set of plans and specifications for the restoration of the 16th Street Train Station. The plans shall include an analysis of the feasibility of restoration and reuse of the structure and establish a budget for the project to demonstrate the viability of proposals related to possible use of historic resources and identify important details about how modifications to historic resources will be integrated into the final project. Upon receipt of Agency tax increment funds and other public and/or private funds in accordance with Condition of Approval #58, the Project Sponsor of Parcel 2 of VTPM 8554 will, within one year, diligently commence and pursue the completion, within seven years, in accordance with the plans and specifications for the restoration of the 16th Street Train Station, and rehabilitation of the facilities depicted for retention in Figure 2-4 of the Draft EIR of the proposed project, in

accordance with the Secretary of the Interior's Standards for the Treatment of Historic Buildings, and in conformance with the following General Standards.

- (1) Any renovation, modification or addition to the 16th Street Train Station shall conform with the standards set forth in the Planning Code "Special regulations of designated landmarks."
- (2) Any reuse of the 16th Street Train Station shall include stabilization and repair of exterior materials to improve the exterior appearance and to ensure a watertight building envelope. This rehabilitation shall include using salvaged materials to the extent feasible, and seismically strengthening and rehabilitating the exterior of the Main Hall, including the portions of the platform that are to be preserved. No additions to the structures would be permitted except as specified in the following standards:
 - (a) No addition to the existing 16th Street Train Station shall exceed a total building footprint greater than 20 percent of the existing structure to be retained.
 - (b) No addition to the existing 16th Street Train Station shall exceed the height of the north or south wings that flank the Main Hall (approximately 25 feet in height).
 - (c) No addition shall be made to either the primary façade facing the 16th Street Plaza or the southern façade, facing the 16th Street right of way or pocket park.
 - (d) No additions are permitted to the Signal Tower. Plaques shall be installed on the exterior façade of the station and the Signal Tower that identify their historic uses and include additional historical information. A display shall be created on the interior of the station using historic photos and documents to give a more complete history of the station and the Signal Tower.

The Project Sponsor of VTPM 8554 shall not transfer title of the retained portion of the 16th Street Train Station to the Train Station Entity unless and until the transfer is approved by the City Council, which shall be based upon Council's satisfaction of the progress in implementing Conditions 58, 59 and 60. Not in limitation of the Project Sponsor's obligations in Conditions No. 95, 96 and 97, in the agreement between the Project Sponsor and Agency to fund all or any portion of the 16th Street Train Station (as defined in the General Notes and Definitions), the Project Sponsor shall indemnify, in a form acceptable to the City Attorney, the Agency and the City for any claims related to the construction, operation or maintenance of any and all projects constructed by or at the direction of a Project Sponsor, using Agency funds.

Not in limitation of the Project Sponsor's obligations in Conditions No. 95, 96 and 97, any Agency decision to fund all or any portion of the 16th Street Train Station, including either the Main Hall, Baggage Wing and/or Signal Tower shall be conditioned upon Project Sponsor's or the Train Station Entity's indemnification of the Agency and the City for any claims related to the construction, operation or maintenance of any and all projects using Agency funds. ***[This condition will be attached to the subdivision maps for Parcels 2 and 3 of VTPM 8554 only.]***
[WS MM CR-2.6]

60. Reuse of the Main Hall

Prior to issuance of the first certificate of occupancy; upon approval of funding by the Redevelopment Agency as specified in WS MM CR-2.5.

Following the satisfaction of the prior Condition No. 59, the Project Sponsor of Parcel 2 of VTPM 8554 in the reuse of the Main Hall shall incorporate exhibit space commemorating the site's cultural history and its function as the end of the trans-continental railroad and the gateway arrival point in the West. The exhibit space could also serve as a venue for private and public events, facilitating greater exposure of persons to the historical significance of the station. Oral histories shall be recorded and made available to the extent feasible. The building would not be subjected to extensive night lighting. Reuse shall proceed according to the finance, management, community participation, and development plans submitted pursuant to Condition No. 58, as approved by the Redevelopment Agency, as well as any other design criteria that the City Planning Director determines is appropriate to meet the City's goals and policies. ***[This condition will be attached to the subdivision map for Parcel 2 of VTPM 8554 only.]*** [WS MM CR-2.7]

61. Enhancement of the Train Station Setting

Prior to issuance of certificate of building occupancy of the restored Main Hall or issuance of a certificate of occupancy for the 600th residential dwelling with the Project Area, whichever occurs first.

The Project Sponsor of Parcel 1 of VTPM 8554 shall construct and landscape the plaza area to provide an enhanced visual setting for the Main Hall, to provide a visual focus and view corridor, to increase public accessibility to the 16th Street Train Station, and to create a feature that recalls the historic use of the station. All these improvements shall be completed with private financing by the Project Sponsor; no public funds would be requested with respect to the Plaza. ***[This condition will be attached to the subdivision map for Parcel 1 of VTPM 8554 only.]*** [WS MM CR-2.8]

LANDSCAPING & TREE PERMIT**62. Installation of Landscaping and Bonding.**

Prior to issuance of certificate of occupancy, unless bonded.

The Project Sponsor shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2,500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.

63. Tree Removal Permit.

Prior to the removal of subject trees.

The Project Sponsor shall obtain a Tree Removal Permit prior to removing trees subject to Chapter 12.36 of the Oakland Municipal Code. [OARB MM 4.12-7]

64. Securing Future Residents' Acknowledgment of Potential Future Land Uses.

Prior to lease or sale of any unit and ongoing.

The Project Sponsor shall ensure that future residents sign a notice acknowledging that they are aware of and accept the possible noise levels related to Frontage Road located near the project site.

65. Reduced Water Usage.

Prior to issuance of the building permits for the mechanical system.

The Project Sponsor shall confer with East Bay Municipal Utility District (EBMUD) to examine incorporating water saving techniques such as dual piping for recycled water into the final design of the mixed-use project.

66. Internal Landscaping.

Prior to issuance of the certificate of occupancy.

The Project Sponsor shall ensure that internal landscaping conforms with City design standards as contained in the City Planning Code.

NOISE (OPERATIONAL) & OTHER NUISANCES

67. Operational Noise.

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.

68. Compliance with Title 24.

Prior to issuance of certificate of occupancy.

The Project Sponsor shall implement acoustical techniques in compliance with Title 24 to ensure that noise levels in interior habitable spaces remain at or below 45 CNEL with all doors and windows closed.

68.A. Buffer Area Adjacent to California Waste Solutions Facility.

Ongoing.

The Project Sponsor of Parcel 1 of Vesting Tentative Parcel Map No. 8551 shall not develop residential units within said parcel, and the Project Sponsor of Parcel 1 of Vesting Tentative Parcel Map No. 8552 shall not convert the structure (known as the "Ice House") currently located on that parcel into residential units or otherwise develop residential units so long as California Waste Solutions is actively operating its plant in substantially the same manner as at the time of approval of this condition, including using the same recycling technologies and hours of operation and generating substantially the same truck traffic, odor, and noise, on the parcel identified as APN 006-0029-003-02 (located between 10th and 11th Streets, north of Pine Street). Notwithstanding the foregoing, residential units may be developed sooner if buffering measures are incorporated into the design of the residential development (such as increasing the distance between the CWS operations and future residential units, adding more landscaping, modifying building orientation or access, and applying Title 24 noise abatement measures), which the Planning Director determines, after notice and a hearing, sufficiently reduce land use conflicts

between the current CWS operations and future residential units. *[This condition will only apply to Parcel 1 of VTPM 8551 and Parcel 1 of VTPM 8552.]*

PARKING AND DRIVEWAYS

69. Closure of Parking Lot After Hours.

Ongoing.

The project is approved with more than ten on-site parking spaces, and the project site is located within the area designated; therefore, all openings to the parking lot used for the ingress or egress of motor vehicles shall be secured by an approved barrier chain and locking device within one (1) hour after the close of business and shall remain secured until one (1) hour prior to the opening of business, pursuant to the standards included in City Ordinance No. 12390, with access only granted to tenants and police.

70. Off-site Parking Agreement.

Prior to approval of any final development plan for which off-site parking is requested..

In the event that the project sponsor of any proposed development subject to these conditions shall request to satisfy required parking obligations off-site, and pursuant to Chapter 17.116 of the Oakland Planning Code, the Project Sponsor and the property owner(s) of off-site property located within 300 feet of the project boundary shall prepare, using forms provided by the Planning and Zoning Division, execute to the satisfaction of the City Attorney, and file with the Alameda County Recorder, a "Joint Parking Agreement" specifying that the required number of donor parking spaces shall be provided at the off-site property location to satisfy on-site parking requirements for the required number of parking stalls approved by the applicable permit. Said donor parking spaces shall be designated for said activity for the duration of operation of the activity approved by the permit.

71. Parking and Circulation Plan.

Prior to issuance of building permit and prior to final inspection.

The Project Sponsor shall submit a Parking and Traffic Circulation Plan for review and approval by the Planning and Zoning Division. This plan shall include wheel stops for all parking spaces, and pavement marking and striping that delineate the driveways and traffic paths to be used by the general public and deliveries. All wheel stops, pavement markings and striping, as approved by the Planning and Zoning Division shall be installed prior to final inspection.

72. Parking Lot Lighting.

Ongoing.

The exterior lighting fixtures which serve the parking area shall be equipped with daylight sensors or computerized time clocks that will automatically turn the lights on at dusk and off at sunrise, and that shall be adequately shielded to a point below the bulb and reflector, and that shall prevent unnecessary glare onto adjacent properties.

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.

79. Public Improvements – Vesting Parcel Map 8552.

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

Project Sponsor of Parcel 1 of VTPM No. 8552 shall construct or cause the construction of improvements to 11th Street when the “Ice House” parcel is redeveloped. Project Sponsor of Parcel 2 shall construct or cause the construction of improvements to Pine Street between 11th Street and 12th Street.

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 8552.

Sidewalks on the opposite side of Wood Street Zoning District perimeter streets (i.e. outside the District) will get minor repairs only.

80. Public Improvements – Vesting Parcel Map 8553.

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

The Project Sponsor of the first development project within VTPM 8553 shall construct all public improvements to 14th Street, 16th Street, and Wood Street between 14th Street and 16th Street, unless development has occurred on an adjacent parcel and the public improvements are already installed.

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 8553. Sidewalks on the opposite side of Wood Street Zoning District perimeter streets (i.e. outside the District) will get minor repairs only.

81. Public Improvements – Vesting Parcel Map 8554.

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

The Project Sponsor of the first to be developed of Parcel 1, 2 or 3 of VTPM No. 8554 shall construct or cause the construction of improvements to 16th Street. The Project Sponsor of Parcel 3 shall construct or cause the construction of improvements to the 16th Street Train Station Public Plaza on Parcel 1. The Project Sponsor of Parcel 3 shall construct or cause the construction of improvements to 18th Street. Improvements to Wood Street, between 16th and 17th Streets, will be constructed prior to the completion of Parcel 1 (plaza). Wood Street between 17th and 18th Streets will be constructed when Parcel 3 is developed.

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 8554. Sidewalks on the opposite side of Wood Street Zoning District perimeter streets (i.e. outside the District) will get minor repairs only.

82. Public Improvements – Vesting Parcel Map 8555.

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

The Project Sponsor of Parcel 1 of VTPM No. 8555 shall construct or cause the construction of improvements to Wood Street, from 18th Street to 20th Street, (unless preceded by Parcel 2 of VTPM 8555), 18th Street (unless preceded by Parcel 3 of Map 8554), and 20th Street if needed for access. The Project Sponsor of Parcel 2 of VTPM No. 8555 shall construct or cause to be constructed public improvements to Wood Street, from 20th Street to West Grand Avenue (unless it precedes the development of Parcel 1 of VTPM 8555, in which case I shall construct Wood Street from 18th Street to West Grand Avenue), and 20th Street, if not already installed by Project Sponsor of Parcel 1.

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 8555.

Sidewalks on the opposite side of Wood Street Zoning District perimeter streets (i.e. outside the District) will get minor repairs only.

SHARED MAINTENANCE

83. Use and Maintenance Easement.

Prior to submittal of Final Map.

The Project Sponsor shall indicate on the Final Map a Use and Maintenance Easement reserved for all parcels to ensure the continued shared maintenance of the entire plaza (Parcel 1 on VTPM No. 8554) and the planned access road across Parcel 3 of VTPM No. 8554 and Parcels 1 and 2 of VTPM No. 8555.

84. Recordation of Agreement.

Prior to submittal of Final Map.

The Project Sponsor shall ensure that a Joint Maintenance Agreement in a form acceptable to the City Attorney is executed and recorded with the Alameda County Recorder concurrent with the recordation of the Parcel Map. Said agreement shall ensure the shared maintenance of the plaza (Parcel 1 on VTPM No. 8554) and the planned access road across Parcel 3 of VTPM No. 8554 and Parcels 1 and 2 of VTPM No. 8555. A copy of this document shall be submitted for review and approval by the Planning and Zoning Division prior to its execution.

SUBDIVISIONS

85. Recordation of Legal Descriptions.

Within sixty (60) days of the effective date of this approval.

The Project Sponsor shall record a written legal description of the new configuration of the parcels at the Alameda County Offices as part of the deed for the site; and shall provide evidence of recordation to the Planning and Zoning Division within 60 days of the effective date of this approval.

WASTE REDUCTION AND RECYCLING

86. Waste Reduction and Recycling Plan.

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall submit a "Waste Reduction and Recycling Plan" and a plan that demonstrates a good faith effort to divert at least fifty (50) percent of operations phase solid waste from landfill disposal to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. This measure shall reflect future increases in the City's waste diversion goals above the current 50 percent.

The Project Sponsor would be responsible for development and implementation of its plan, and for reporting its progress and success rate to the City. Should the source reduction/diversion plan program not meet its stated goal, the Project Sponsor would modify the plan until the desired level of reduction/diversion is achieved. While each plan would be specific, the following general topics should be addressed:

- Goals,
- Key personnel,
- Quantification of waste,
- Identification of waste materials,
- Program elements,
- Monitoring requirements and performance standards, and
- Reporting.

[OARB MM 4.9-9]

87. Recycling Space Allocation Requirements.

Prior to issuance of a building permit and ongoing.

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas," Policy 100-28. Pursuant to Section 17.118.020 of the Oakland Planning Code, this condition shall apply to 1) new residential development of five or more units, 2) new commercial and industrial development that requires a building permit and, 3) additions that increase the gross floor area of the aforementioned projects by more than 30 percent. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

WATER

88. Irrigation - Recycled Water.

Prior to issuance of any building permits and ongoing.

Individual actions with landscaping requirements of one or more acres shall plumb landscape areas for irrigation with recycled water and shall include a reclaimed landscaping irrigation system if required by the City at the time of permit approval. [OARB MM 4.9-4]

89. Plumbing - Recycled Water.

Prior to issuance of any building permits and ongoing.

Commercial buildings with gross floor area exceeding 10,000 square feet shall install dual plumbing for both potable and recycled water, unless determined to be infeasible by the City. Reclaimed water may be used for certain industrial uses, and for landscape irrigation, toilet flushing, and other appropriate purposes. [OARB MM 4.9-5]

90. Site Design - Recycled Water.

Prior to issuance of any building permits and ongoing.

The site design of the Project Area shall facilitate the use of recycled water, and shall comply with the requirements of CCR Title 22 regarding prohibitions of site run-off to surface waters. The Project Sponsor should coordinate these efforts with the reclaimed water supplier, EBMUD. [OARB MM 4.9-6]

91. Stormwater.***Prior to issuance of any building permits.***

The Project Sponsor shall incorporate post-construction controls into the design of new redevelopment elements to reduce pollutant loads. NPDES permitting requires that best management practices (BMPs) to control post-construction stormwater be implemented to the maximum extent practicable.

92. Runoff Prevention.***During all construction activities.***

Site-specific design and best management practices (BMPs) shall be implemented to prevent runoff of recycled water to receiving waters. These BMPs may be either structural or non-structural in nature and may include but are not limited to the following:

- Preventing recycled water from escaping designated use areas through the use of:
 - berms
 - detention/retention basins
 - vegetated swales (biofilters)
- Not allowing recycled water to be applied to irrigation areas when soils are saturated.
- Plumbing portions of irrigation systems adjacent to receiving waters with potable water.

[OARB MM 4.15-6]

93. Flood Protection.***Prior to issuance of any building permits.***

The Project Sponsor shall conform all construction with the policies of the City of Oakland's Comprehensive Plan Environmental Health Hazards Element regarding flood protection. The Hazards Element includes development controls that place the burden of demonstrating flood safety upon the individual Project Sponsor. In addition, the Hazards Element includes policies regarding support of flood control and management programs of other agencies, maintenance of the natural character of creeks to the maximum extent possible, and City participation in the federal Flood Insurance Program. [OARB MM 4.15-7]

MISCELLANEOUS**94. Successors and Assigns.*****Ongoing.***

The Project Sponsor and its agents, heirs, successors and assigns (collectively the "Project Sponsor") shall be bound by these Conditions of Approval and by any other terms and conditions of "this Approval." The Project Sponsor's agents, heirs, successors and assigns are fully informed of the terms and conditions of this Approval.

95. Indemnification Requirements.**Ongoing.**

To the maximum extent permitted by law, the Project Sponsor shall defend, hold harmless, and indemnify the City and its respective officers, agents and employees, and the Oakland Redevelopment Agency and its respective officers, agents and employees, (the "Indemnified Parties") against any and all liability damages, claims, demands, judgments or other losses (including, without limitation, attorneys' fees, expert witness and consultant fees and other litigation expenses), or an initiative relating to, resulting from or caused by, or alleged to have resulted from or caused by any action or approval associated with the Project.

This indemnity includes, without limitation, any legal or administrative challenge, or initiative filed or prosecuted to overturn, set-aside, stay or otherwise rescind any or all approvals granted in connection with the Project, certification of the Environmental Impact Report ("EIR") for the Project, and granting any permit issued in accordance with the Project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs as used herein shall include, without limitation any attorneys' fees, expert witness and consultant fee, court costs and other litigation fees, City Attorney time and overhead costs, and other City Staff overhead costs and normal day-to-day business expenses incurred by the City ("Litigation Expenses"). The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the Project Applicant's expense, in the defense of any action specified in this Condition of Approval No. 95. The Indemnified Parties shall take all reasonable steps to promptly notify the Project Sponsor of any claim, demand, or legal actions that may create a claim for indemnification under these Conditions of Approval.

96. Additional Indemnification Requirements.**Ongoing.**

Not in limitation of the foregoing Condition of Approval No. 95, Project Sponsor shall defend, hold harmless and indemnify the Indemnified Parties and their insurers against any and all liability, damage, claims, demands, judgments, losses ("Indemnified Claims") or other forms of legal or equitable relief related to implementation of the Project, including, without limitation, design, construction or maintenance of the Project and any private or public improvements. The foregoing indemnity shall not be released upon completion of the Project. A Project Sponsor may be released from this indemnity obligation, including the Indemnification Agreement referred to in the following Condition of Approval No. 97, only in the event (a) it is assigned to and assumed by and binding upon a subsequent owner of the Property, and (b) such Project Sponsor gives 30 days' written notice of such proposed assignment to the City Administrator, and the City Administrator approves such assignment in writing, which approval may be withhold if the City Council determines, in its discretion, that the proposed assignee's net worth or other financial resources are not sufficient to fulfill the foregoing indemnity obligation. Provided, however, that with respect to public improvements, this indemnity shall apply only to Indemnified Claims that arise prior to the City's acceptance of the public improvement and the expiration of any maintenance obligations of the Project Sponsor, unless the Indemnified Claim (i) arose as a result of a hidden defect in the public improvement; or (ii) arose as a result of direct or indirect action or inaction by Project Sponsor, including, without limitation, construction maintenance or operational activities, prior to the City's acceptance of the public improvement.

In the case of the foregoing (i) or (ii), this indemnification shall apply regardless of whether the public improvement has been accepted by the City. "Public improvements" include all infrastructure improvements and property customarily accepted and maintained by the City that are offered for dedication to the City and actually accepted by the City, such as streets, sanitary sewer lines and the like. This indemnity shall include, without limitation, payment of all Litigation Expenses associated with any action herein. The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the Project Sponsor's expense, in the defense of any action specified in this Condition of Approval No. 96. The Indemnified Parties shall take all reasonable steps to promptly notify the Project Sponsor of any claim, demand, or legal actions that may create a claim for indemnification under these Conditions of Approval.

97. Indemnification Agreement.

Within 90 days following the effective date of the adoption of these Conditions of Approval.

Within 90 days following the adoption of these Conditions of Approval, the Project Sponsor shall enter into an Indemnification Agreement in a form acceptable to the City Attorney to establish in more specific detail terms and conditions of the Project Sponsor's indemnification obligations set forth in the two preceding Conditions of Approval Nos. 95 and 96. Any failure of any party to timely execute such Indemnification Agreement shall not be construed to limit any right or obligation otherwise specified in the Conditions of Approval, including without limitation, the two preceding Conditions of Approval Nos. 95 and 96, except that it shall not limit Planning Director authority as set forth in immediately following Condition of Approval No. 98.

98. Planning Director Authority Regarding Compliance with Conditions.

Ongoing.

For the duration of the project, the City Planning Director shall have the authority to determine whether the Project Sponsor and the Project substantially comply with terms and conditions of this approval, including, without limitation, these Conditions of Approval. In determining compliance, the Director shall interpret and apply conditions and terms requiring conformance with engineering standards, conformance with the purpose and intent of the Municipal Code sections upon which conditions are based, conformance with the intent of mitigation measures as discussed in the EIR, or as reasonably necessary to promote architectural integrity and the purpose of compatible development as set forth in the Wood Street Zoning District. Upon a determination of non-compliance, the Director shall have the authority to suspend further Project approvals, including without limitation final subdivision maps, grading permits, building permits or certificates of occupancy for the duration of such noncompliance. The City shall take reasonable steps to promptly notify, in writing, the Project Sponsor of any request (including a request by City staff or by the public) that the City Planning Director make a determination of noncompliance, and shall provide the Project Sponsor with written notice of any non-compliance determination by the City Planning Director. The City shall provide the Project Sponsor a copy of all documents used or relied upon in making such determination.

On or before October 15 of each year, the Project Sponsor shall submit to the City Development director a report demonstrating the Project Sponsor's and the Project's compliance with the terms and conditions of the Approval, including these Conditions of Approval identified by the

Planning Director. This report may be used by the City Planning Director to evaluate the Project Sponsor's and the Project's compliance with the terms and conditions of the approval. Project Sponsor's obligation to submit this annual report shall terminate upon the City's written determination that the Project is complete.

99. Conflict with Notes on Vesting Tentative Parcel Maps.

Ongoing.

In the event of a conflict between these conditions of approval and one or more notes appearing on the face of one or more vesting tentative parcel maps, these conditions of approval shall prevail.

100. Affordable Housing

Prior to the issuance of the first building permit.

a. In order to assist the Redevelopment Agency to meet the obligations of Health and Safety Code Section 33413 and the Redevelopment Plan to make available units affordable to very low income households, BUILD shall set aside Parcel 3 of VTPM 8551, which Parcel is approximately 1.5 acres (the "Affordable Housing Parcel") for a period of no less than one year from the City Council's approval of the District. During this period, the Affordable Housing Parcel shall be reserved for purchase by a nonprofit housing developer chosen by BUILD for the purpose of developing at least 94 rental units, including as many as thirty percent (30%) 3-bedroom units, if feasible, affordable to very low income households (the "Very Low Income Units"). During this period (1) BUILD and the nonprofit housing developer shall negotiate in good faith to enter into an agreement for the nonprofit housing developer to purchase the Affordable Housing Parcel for the Purchase Price, as defined below (the "Purchase Agreement"), within said one year period and (2) the nonprofit housing developer and the Redevelopment Agency or the City shall negotiate in good faith to enter into an agreement for the Agency or City to provide the financial assistance necessary to make such an affordable housing project economically feasible (the "Funding Agreement"). BUILD shall apply for such funding through the 2005 Notice of Funding Availability (NOFA) process. The Funding Agreement shall (1) provide for City/Agency funding under terms and conditions consistent with the City/Agency's affordable housing development guidelines and standard practices in the field of affordable housing finance; (2) provide that the nonprofit housing developer shall seek funding from non-Agency and non-City sources (including state and federal housing subsidy programs, low income housing tax credits, and private lenders) as appropriate; (3) require the nonprofit developer to commence construction of the project within three years from the date it acquires the site; and (4) provide for restrictions on the rental of the Very Low Income Units at an affordable rent only to very low income households (less than or equal to 50% of AMI) for at least 55 years, in accordance with Health and Safety Code Section 33413 (contingent on adequate Agency funding necessary to make the Very Low Income Units affordable to very low income households), with the restrictions in the form of recorded covenants running with the land that are enforceable by the Redevelopment Agency or the City.

For purposes of the above, the "Purchase Price" for the Affordable Housing Parcel shall be the lesser of (1) Fair Market Value, or (2) the Acquisition/Holding/Entitlement Costs. "Fair Market Value" shall mean the purchase price that an unrelated party negotiating at arm's length would pay to purchase such property unrestricted by affordable housing requirements, taking into

account all then current market factors, including without limitation the quality, design, condition and location of the property including the extent and condition of the construction completed to date, if any, the amount of any and all liens, mortgages, and encumbrances against the property, environmental remediation costs, and the value of the existing improvements to such party.

"Acquisition/Holding/Entitlement Costs" shall mean (1) the actual price initially paid for the Affordable Housing Parcel by BUILD, calculated on the basis of the overall purchase price paid by BUILD for developable acres within the Wood Street Zoning District and prorated on a square footage basis to the Affordable Housing Parcel, plus (2) actual costs incurred by BUILD in holding, maintaining and entitling the Affordable Housing Parcel (calculated on a developable square footage basis prorated to the Affordable Housing Parcel), including taxes, carrying costs (which shall be defined as the investment return BUILD's investor, CalPERS, has received on investments in similar projects in the Cal PERS CURE program (California Urban Real Estate) since its inception in 1997, but not to exceed 10%), insurance, maintenance, and other out-of-pocket payments by BUILD to third parties for holding, maintaining and entitling the property, but not including BUILD's administrative or staff costs. The Acquisition/Holding/Entitlement Costs shall be determined by an independent cost certification obtained by BUILD. BUILD shall submit its determination of Acquisition/Holding/Entitlement Costs, along with the independent cost certification, and its determination of Fair Market Value to the Redevelopment Agency within three months of the City Council's approval of the District. If the Agency disputes BUILD's determination either of Fair Market Value or Acquisition/Holding/Entitlement Costs, or both, as contained in BUILD's notice, the Agency shall notify BUILD in writing within 30 calendar days of its receipt of BUILD's determination, which notice shall set forth the Agency's determination of the Fair Market Value and/or cost of Acquisition/Holding/Entitlement. The Agency and BUILD shall thereupon attempt to resolve their differences within 10 days following BUILD's receipt of the Agency's notice. If the Agency and BUILD cannot agree on Fair Market Value during such 10-day period, the Agency and BUILD shall each appoint an appraiser who shall be an M.A.I. and a California licensed appraiser experienced in appraising commercial and residential real estate in Alameda County, and give notice of such appointment to the other within 10 calendar days after the foregoing 10-day period. Such appraisers shall, within 30 calendar days after the appointment of the last of them to be appointed, complete their written determinations of Fair Market Value and furnish the same to the Agency and BUILD. Each party shall pay the fees and costs of the appraiser appointed by it. If the valuations vary by ten percent (10%) or less of the higher value, the Fair Market Value shall be the average of the two valuations. If the valuations vary by more than ten percent (10%) of the higher value, the two appraisers shall, within ten (10) calendar days after submission of the last appraisal report, appoint a third disinterested appraiser who shall be an M.A.I. and a California licensed appraiser with the experience described above. If the two appraisers are unable to agree in a timely manner on the selection of the third appraiser, then either appraiser, on behalf of both, may request appointment of such third disinterested M.A.I. appraiser by the presiding judge of the Superior Court of Alameda County. Such third appraiser shall, within 15 calendar days after appointment, make a determination of Fair Market Value by selecting one of the prior appraisals. The third appraiser shall have no right to select a Fair Market Value other than as determined by one of the prior appraisals. If the Agency and BUILD cannot agree on

Acquisition/Holding/Entitlement Costs during such 10-day period, the Agency and BUILD shall submit the issue to binding arbitration.

If, after good faith negotiations, BUILD and the nonprofit housing developer have not entered into a Purchase Agreement for the Affordable Housing Parcel within the one-year period, or the Agency and the nonprofit housing developer have not entered into a Funding Agreement within the one-year period, then BUILD shall provide notice to the Agency of its purchase option and the Agency shall exercise its purchase option within 60 days of the notice, for the purpose of providing housing at an affordable price to households at or below 50% of AMI, and deed restrict the parcel as affordable housing for households at or below 50% of AMI.

Upon exercise of the Agency's option, BUILD shall deliver title to the Affordable Housing Parcel to the Agency or its designee free and clear of any junior liens, leases, mortgages, or encumbrances, except those liens, mortgages, or encumbrances that have been specifically approved by the Agency in writing. Escrow for the sale of the Affordable Housing Parcel shall close and BUILD shall execute and deliver to the Agency or its designee a grant deed or deeds to the Affordable Housing Parcel no later than 180 calendar days after exercise of the option, at which time the Purchase Price shall be paid by the Agency or its designee to BUILD. Prior to the close of escrow, BUILD shall take all necessary steps to ensure that a title company will be able to issue to the Agency or its designee, upon close of escrow, a standard CLTA owner's policy of title insurance, in an amount equal to the Purchase Price, showing title to the Affordable Housing Parcel vested in the Agency or its designee, with only the following exceptions:

- Liens for property taxes not yet due and payable;
- Any other lien or encumbrance approved in writing by the Agency in its sole discretion;
 - Conditions restricting use of the property to the development of the Very Low Income Units for rental only to very low income households.

At any time following the Agency's notice of its election to exercise the option, the Agency or its designee and its agents may enter the Affordable Housing Parcel for purposes of inspection, survey, tests, or other actions reasonably related to acquisition of the property by the Agency. The Agency or its designee shall indemnify and defend BUILD for any liability, claims or damages arising from such entry. The Agency may assign the option to purchase the Affordable Housing Parcel to any other entity in its sole discretion.

If after good faith negotiations either the Purchase Agreement or the Funding Agreement have not been entered into within the one-year period, and if the Agency or its designee has declined to exercise its option to purchase the Affordable Housing Parcel as set forth above, then BUILD shall have no further obligations with respect to affordable housing development on the Affordable Housing Parcel.

b. Each of the Wood Street Project Sponsors shall reserve at least 12.65% of the units within each for-sale project but no fewer than 9% of the total number of residential units built within the District (the "Reserved Units") for purchase by persons and families of low or moderate income until the Close of Escrow Date (defined below) for such unit. At least six months prior to the anticipated completion date of each Reserved Unit, the applicable Project Sponsor shall notify the Agency in writing of the anticipated completion date, the Purchase Price (defined below), and the address of each such unit (the "Availability Notice"). The Agency Administrator shall have 60 days from receipt of the Availability Notice (the "Option Period") to provide written notice to the applicable Project Sponsor that the Agency has elected to participate in the purchase of such unit, either by providing the Additional Homebuyer Purchase Assistance (defined below) or by directly purchasing the Reserved Unit (the "Agency Participation Notice"). The Agency Participation Notice need not specify whether the Agency will provide the Additional Homebuyer Assistance or purchase the unit; rather, it need only state it will do one or the other by the Close of Escrow Date for each unit. If the Agency Administrator does not provide the Project Sponsor with the Agency Participation Notice during the Option Period, the Agency Administrator shall inform the Agency Board of such inaction, but such information shall not extend the Option Period.

Close of escrow shall occur within 165 days after completion of a Reserved Unit ("Close of Escrow Date"). The Purchase Price for the Reserved Unit shall be comparable to that of similar unit types, and situations within the same phase and development, except that in the event the closing occurs more than 120 days after completion of the unit, an amount equal to the extra costs attributable to construction financing costs resulting from such delay shall be added to the Purchase Price. All Reserved Units shall contain the same quality level of finishes, appliances and amenities, and the same standard features as are included in the base price for the same market rate unit.

Fewer than 12.65% of the units within each for-sale project may be reserved if the Project Sponsor demonstrates to the Agency Administrator's satisfaction that the total number of Reserved Units to be built within the District, when combined with the Very Low Income Units described in paragraph a, will equal or exceed 15% of the total number of residential units built within the District.

BUILD or its designee shall commit at least \$2.5 million of mortgage assistance funding to assist persons or families of low or moderate income in qualifying to purchase the Reserved Units. This assistance will be provided in the form of a loan of up to \$25,000 per borrower as a second mortgage with 4% interest-only payments for the first five years, and the remaining payments amortized over 15 years at 4% interest. Such funds will be available consistent with the conditions imposed upon the provider of the assistance by the source of the funds (i.e., per unit maximums, credit criteria, etc.).

The Redevelopment Agency or City may provide any additional funding necessary for a person or family of low or moderate income to purchase a Reserved Unit at an affordable housing cost to persons or families of low or moderate income, with an affordability level for all Reserved Units within each respective for-sale project at or below 100% of area median income (the "Additional Homebuyer Purchase Assistance"). Should the Agency or City provide the

Additional Homebuyer Purchase Assistance, the Wood Street Project Sponsors shall cooperate with the Agency and the City to record restrictions on the Reserved Units restricting resale only to persons and families of low or moderate income at an affordable housing cost, with an affordability level of all Reserved Units at 100 % of area median income within each respective for-sale project, for at least 45 years, in accordance with Health and Safety Code Section 33413. Such restrictions also shall require that Reserved Units may be resold only to households with incomes at or below 100% AMI, at an affordable housing cost as defined by California Redevelopment Law, during the 45 year restricted affordability period, and must be in the form of recorded covenants running with the land that are enforceable by the Redevelopment Agency or the City.

In the event the Agency fails to provide the Agency Participation Notice, then the Wood Street Project Sponsors shall have no obligation with respect to the sale of the Reserved Units, other than to reserve such units for purchase by persons and families of low or moderate income until the Close of Escrow Date and to provide the mortgage assistance from BUILD or its designee as specified above.

c. The Project Sponsor shall establish a Homeownership Center in West Oakland no later than January, 2006, and shall provide operating funding for the Center for at least two years at no less than \$60,000 per year. The Center shall provide information on housing opportunities within the Project to prospective very low, low and moderate income homebuyers, and shall employ the services of home counseling agencies and financial institutions to assist such households.

d. Although the units built within the Wood Street Zoning District will be exempt from the provisions of Oakland's Just Cause Eviction Ordinance because they will be new construction, the Wood Street developers will agree to voluntarily incorporate and abide by provisions in tenant leases which would require cause before a tenant could be evicted from rental units within the Wood Street Zoning District.

e. The following terms are defined as follows:

- "affordable housing cost" means the definition contained in Health & Safety Code § 50052.5, as further defined in 25 California Code of Regulations § 6924.
- "affordable rent" means the current definition contained in Health & Safety Code § 50053, as further defined in 25 California Code of Regulations § 6922.
- "low income" means the definition contained in Health & Safety Code § 50079.5, as further defined in 25 California Code of Regulations § 6928.
- "persons and families of low or moderate income" means the definition contained in Health & Safety Code § 50093, as further defined in 25 California Code of Regulations § 6930.

- “monitor” means the collection of information about the continued affordability of a dwelling unit and taking steps to insure that affordability is maintained as required by law, pursuant to the provisions of the California Community Redevelopment Law, including but not limited to Health & Safety Code § 33418 and 33334.3.
- “very low income” means the current definition contained in Health and Safety Code § 50105, as further defined in 25 California Code of Regulations § 6926.

f. The Agency shall monitor, on an ongoing basis, the affordable rental housing units by requiring the then current owner to submit an annual report to the Agency containing all information required by Health & Safety Code § 33418, including but not limited to annual compliance reports, operating budgets and a fair housing marketing plan. The annual compliance report will include information as to the family size, household income and affordable rent calculation. Additionally, the then current owner shall allow for on site inspections of tenant records and tenant units. As to the ownership units, the Agency shall monitor the initial and subsequent sales of the affordable units for compliance with all affordability resale restrictions as defined by California Community Redevelopment Law, including but not limited to an affordable housing cost calculation. The units are to be sold to owner occupants only.

101. Consistency with Final Action of the City Council

The City Council hereby directs and authorizes the Planning Director to make any and all necessary changes to the Exhibits to this approval to make them consistent with the final action of the City Council.

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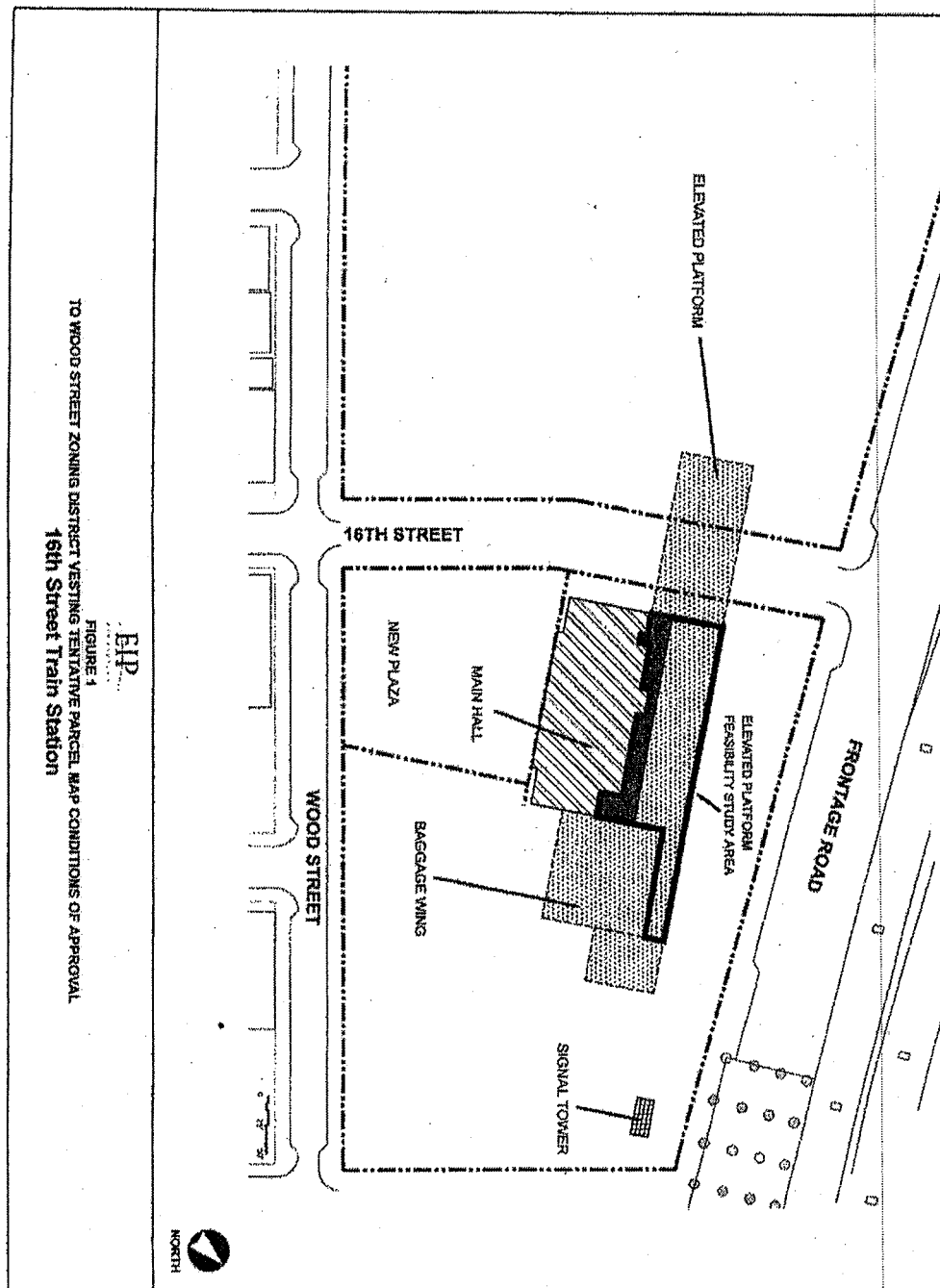


EXHIBIT B TO ALL APPROVAL DOCUMENTS

WOOD STREET MITIGATION MONITORING AND REPORTING PROGRAM

CITY COUNCIL MEETING

MAY 17, 2005

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
Land Use					
LU-1. The Project would not physically divide an established community. (NI)	None required.		NI		
LU-2. Proposed higher-density land uses associated with the Project could potentially result in land use compatibility impacts on existing low-density units relating to increased noise, light and glare, and traffic, and to visual encroachment/loss of views. However, provisions of the proposed Wood Street Zoning Regulations would reduce these potential land use conflicts to less than significant. (LTS)	None required.		LTS		

¹ This column describes the Level of Significance resulting from the Project, together with imposition of all reasonably feasible mitigation measures. For purposes of this Mitigation Monitoring and Reporting Program, Mitigated to Less Than Significant ("LTS") means that, under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b)(2)(A), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. Mitigated to Less Than Significant Other Agency ("LTS Other Agency") means that, under Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2) and 15092(b)(2)(A), all or part of the mitigation measures are within the responsibility and jurisdiction of another public agency (including situations which require the cooperation of another public agency), and such changes either have been adopted by the other agency or can and should be adopted by such other agency. Significant and Unavoidable ("SU") means that, under Public Resources Code section 21081(a)(3) and (b), and CEQA Guidelines sections 15091(a)(3), 15092(b)(2)(B) and 15093, no mitigation measures are available, or specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR or elsewhere; these impacts are acceptable due to the overriding considerations referenced in Exhibit A to the staff report to which this Exhibit B is attached.

² Compliance date, and inspection or field survey dates to be noted in this column by the responsible agency.

Legend:	(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(NI) No Impact	(SU) Significant and Unavoidable Impact	1
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¹ This column describes the Level of Significance resulting from the Project, together with imposition of all reasonably feasible mitigation measures. For purposes of this Mitigation Monitoring and Reporting Program, Mitigated to Less Than Significant ("LTS") means that, under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b)(2)(A), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. Mitigated to Less Than Significant Other Agency ("LTS Other Agency") means that, under Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2) and 15092(b)(2)(A), all or part of the mitigation measures are within the responsibility and jurisdiction of another public agency (including situations which require the cooperation of another public agency), and such changes either have been adopted by the other agency or can and should be adopted by such other agency. Significant and Unavoidable ("SU") means that, under Public Resources Code section 21081(a)(3) and (b), and CEQA Guidelines sections 15091(a)(3), 15092(b)(2)(B) and 15093, no mitigation measures are available, or specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR or elsewhere; these impacts are acceptable due to the overriding considerations referenced in Exhibit A to the staff report to which this Exhibit B is attached.

² Compliance date, and inspection or field survey dates to be noted in this column by the responsible agency.

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
LU-3. The Project would not be consistent with the current General Plan land use classification and zoning districts for the Project Area. (PS)	<p><i>LU-3.1 General Plan Amendment.</i> The Project Sponsors shall apply for a General Plan Amendment (GPA) to apply the Urban Residential (UR) land use classification to the Project Area for approval by the City. According to the General Plan, this classification allows multi-unit, mid-rise, or high-rise residential structures and allows ground-floor commercial uses and public facilities of compatible character. The GPA, if approved, would eliminate any inconsistencies with the existing General Plan land use classification.</p> <p><i>LU-3.2 Zoning Code Amendment.</i> The Project Sponsors shall apply for a Zoning Code Amendment to add the Wood Street Zoning District and to rezone the Project Area to this new zoning district. The Project would be required to adhere to the Wood Street Zoning Regulations, which set forth land use regulations, development standards, design guidelines, and other requirements, including allowable uses, requirements for circulation, open space, streets and public improvements, building heights, massing, maximum densities, setbacks, landscaping, and parking. The change in zoning from the existing industrial and industrial/residential combining districts to the Wood Street Zoning District, if approved, would eliminate any inconsistencies with the existing zoning.</p> <p>None required.</p>	LTS	Project Sponsors	Concurrent with rezoning.	
LU-4. The Project would conflict with applicable land use plans, policies, or regulations in certain respects. However, these inconsistencies would not result in a significant physical environmental effect and, therefore, the			LTS	Project Sponsors	Concurrent with General Plan Amendment
<p>Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (NI) No Impact (SU) Significant and Unavoidable Impact</p>					2

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
impact would be less than significant. (LTS)					
Cumulative Land Use Impacts					
LU-5. Implementation of the Project, in combination with other related projects, would not result in a cumulative impact associated with physically dividing an established community. (NI)	None required.		NI		
LU-6. Implementation of the Project, in combination with other related projects, would not result in cumulative land use incompatibility impacts. (LTS)	None required.		LTS		
LU-7. Implementation of the Project, in combination with other related projects, would not result in cumulative inconsistencies with the City's General Plan or zoning districts. (LTS)	None required.		LTS		
LU-8. Implementation of the Project, in combination with other related projects, would not result in conflicts with applicable plans, policies, or regulations in a manner that would result in a significant physical environmental effect. (LTS)	None required.		LTS		
Visual Quality					
VQ-1. Implementation of the Project would not result in a substantial adverse effect on a scenic vista. (LTS)	None required.		LTS		
VQ-2. Implementation of the Project would not substantially damage scenic resources within a state scenic highway. (LTS)	None required.		LTS		
VQ-3. Implementation of the Project would not substantially degrade the existing visual character or quality of the Project Area and its	None required.		LTS		
Legend:			(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact
			(NI) No Impact	(SU) Significant and Unavoidable Impact	3

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
surroundings. (LTS)					
VQ-4. Since construction of the Project would be implemented in phases, parts of the Project Area could be visually fragmented as construction occurs, and as individual development areas serve as staging or storage areas for construction equipment and materials. However, because portions of the Project Area are currently vacant or used for storage, views of construction activities or zones would not constitute a substantial degradation in visual quality. (LTS)	None required.		LTS		
VQ-5. Implementation of the Project would alter the existing nighttime light and glare characteristics of the Project Area with the introduction of building, parking, and landscaping elements. However, the proposed Wood Street Zoning Regulations include guidelines that ensure that potential light and glare impacts would not adversely affect nighttime views or visibility in the area and would be less than significant. (LTS)	None required.		LTS		
VQ-6. Implementation of the Project would alter existing daytime glare characteristics of the Project Area with the introduction of building elements. However, design features incorporated as part of the Project would ensure that these impacts would be less than significant. (LTS)	None required.		LTS		
VQ-7. Implementation of the Project would cast shadows that could result in a long-term change in the shade effects in the area. However, shadows cast by proposed development would not impair the beneficial use of the 16th Street Train Station, Raimondi Park, or solar collectors in the area, and would result in a less-than-significant impact. (LTS)	None required.		LTS		
<p>Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact</p>					
					4

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
VQ-8. The Project would be consistent with General Plan policies concerning design and visual resources. (LTS)	None required.		LTS		
VQ-9. The Project would not result in adverse wind effects. (LTS)	None required.		LTS		
Cumulative Visual Impact					
VQ-10. Implementation of the Project, in combination with related projects, would not result in a substantial adverse cumulative effect on a scenic vista. (LTS)	None required.		LTS		
VQ-11. Implementation of the Project, in combination with related projects, would not result in substantial cumulative scenic resource impacts within a state scenic highway. (LTS)	None required.		LTS		
VQ-12. Implementation of the Project, in combination with related projects, would not substantially contribute to cumulative loss of visual character or quality of the Project Area and its surroundings. (LTS)	None required.		LTS		
VQ-13. Implementation of the Project, in combination with related projects, would not result in cumulative visual impacts during construction. (NI)	None required.		NI		
VQ-14. Implementation of the Project, in combination with related projects, would alter the existing nighttime light and glare characteristics of the area with the introduction of building, parking, and landscaping elements. However, the proposed Wood Street Zoning Regulations include guidelines that ensure that potential cumulative light and glare impacts would be less than	None required.		LTS		
Legend:			(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact
			(ND) No Impact	(SU) Significant and Unavoidable Impact	5

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
significant. (LTS)					
VQ-15. Implementation of the Project, in combination with related projects, would alter existing daytime glare characteristics of the Project Area with the introduction of building elements. However, design features would ensure that these cumulative impacts would be less than significant. (LTS)	None required.		LTS		
VQ-16. Implementation of the Project, in combination with related projects, would cast shadows that could result in a long-term change in the shade effects in the area. However, shadows cast by proposed development would not impair the beneficial use of the 16 th Street Train Station, Raimondi Park, or solar collectors in the area, and would result in a less-than-significant cumulative impact. (LTS)	None required.		LTS		
VQ-17. The Project, in combination with related projects, would be consistent with General Plan policies concerning design and visual resources. (LTS)	None required.		LTS		
VQ-18. The Project, in combination with related projects, would not result in cumulative adverse wind effects. (NI)	None required.		NI		
Transportation, Circulation, and Parking					
TR-1. Construction would generate a maximum of 3,300 trips daily. Construction-related traffic delays, detours, utility improvements, and activities could adversely affect local circulation. As a result, construction-related transportation impacts would be considered potentially significant. (PS)	TR-1.1 Construction Traffic Management Plan. The Project Sponsors shall prepare and implement a construction phasing plan and traffic management plan that defines how traffic operations would be managed and maintained during each phase of construction. The plan shall be developed with the direct participation of the City of Oakland; AC	9	LTS	City of Oakland Traffic Engineering Department, Public Works Agency and Planning and Zoning	Items a-b: Prior to issuance of the first building permit for the respective Development Area.
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (NI) No Impact (SUD) Significant and Unavoidable Impact					6

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL			MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
		Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	Nos.		
	Transit shall be given the opportunity to review and comment on the plan. In addition, the property owners of all businesses adjacent to the construction areas shall be consulted. To the maximum practical extent, the plan shall:			Department		Items c-e: During construction phase of Project.
	<ul style="list-style-type: none"> a. Detail how access will be maintained to individual businesses where construction activities may interfere with ingress and egress. Any driveway closures shall take place during non-business hours. b. Specify predetermined haul routes from staging areas to construction sites and to disposal areas of agreement with the City prior to construction. The routes shall follow streets and highways that provide the safest route and have the least impact on traffic c. During construction, require the contractor to provide information to the public using signs, press releases, and other media tools of traffic closures, detours or temporary displacement of left-turn lanes. d. Identify a single phone number that property owners and businesses can call for construction scheduling, phasing, and duration information, as well as for complaints. e. Identify construction activities that must take place during off-peak traffic hours or result in temporary road closures due to concerns regarding traffic safety or traffic congestion. Any road closures will be done at 					

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
TR-2. The Project would increase traffic at study area intersections but would not substantially impact access or traffic load and capacity of the street system. (LTS)	night under ordinary circumstances. If unforeseen circumstances require road closing during the day, the City of Oakland shall be consulted.		LTS		
TR-3. The Project would add traffic to some roadway segments on the Metropolitan Transportation System (MTS), but would not cause any freeway segments on the MTS to operate at LOS F, or increase the V/C ratio by more than three percent for segments that would operate at LOS F without Project traffic. (LTS)	None required.		LTS		
TR-4. The Project could substantially increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature. (PS)	TR-4.1 <i>Turn-Arounds at 11th Street and the 18th and 20th Street Extensions.</i> The Project Sponsor for Development Areas Two, Six, Seven, and Eight shall incorporate the design of a cul-de-sac or other appropriate turn-around at the end of 11 th Street and at the end of the 18 th and 20 th Street extensions and construct these extensions in compliance with City of Oakland Design Standards. Appropriate turn-around designs would allow vehicles to return along 11 th Street and enter Wood Street in a front-end-first manner.	31	LTS	City of Oakland Traffic Engineering Department, Public Works Agency and Planning and Zoning Department	Prior to approval of Final Development Plan and specifications for the respective Development Area.
TR-5. Development of the Project could fundamentally conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). (PS)	TR-5.1 <i>Bicycle Parking.</i> The Project Sponsors shall incorporate into the final design plans the number of bicycle parking spaces specified by the parking space requirements in Table 3.4-7 and install the bicycle parking in compliance with City standards.	2	LTS	City of Oakland Planning and Zoning Department	Prior to the issuance of the first building permit for the respective Development Area.
<p>Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (NI) No Impact (SU) Significant and Unavoidable Impact</p>					
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ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.		RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
TR-6. The Project would increase the average ridership on AC Transit lines by more than three percent on transit lines serving the Project Area, but the average load factor with the Project would not exceed 125 percent over a peak 30-minute period. (LTS)	None required.			LTS		
TR-7. The Project would increase the passenger volume such that passenger volume could exceed the standing capacity of BART trains, but the increase would not raise peak-hour average ridership by three percent. (LTS)	None required.			LTS		
TR-8. The Project would increase peak-hour average ridership at the West Oakland BART Station by three percent where average waiting time at fare gates could exceed one minute. (S)	TR-8.1 <i>Fare Gate Capacity.</i> The Project Sponsors for all development areas except Development Areas Five and Nine 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 Sponsors 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 Sponsors shall fund their fair share for adding one or more new fare gates at the West Oakland BART Station.	30		SU	BART	Prior to issuance of the first certificate of building occupancy for the respective Development Area.
Cumulative Transportation Impacts						
TR-9. The Project, in combination with other related projects and background growth, would cause some signalized intersections to operate at unacceptable levels of service. (S)	TR-9.1 <i>West Grand Avenue/Frontage Road.</i> The Project Sponsors shall fund, on a fair share basis, the following improvements that would reduce the cumulative operations impact at the	25		SU	City Public Works Agency, Caltrans	Prior to issuance of the first building permit for the respective
Legend:		(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(NI) No Impact	(SU) Significant and Unavoidable Impact
						9

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	intersection of West Grand Avenue/frontage road. ³				Development Area.
	1. 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)				
	2. 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)				
	3. Revise the eastbound West Grand Avenue lanes to provide:				
	- one left-turn lane				
	- one through lane				
	- one combination through-right lane				
	4. Revise the westbound West Grand Avenue lanes to provide:				
	- one left-turn lane				
	- two through lanes				
	- one right-turn lane				
	While these improvements would reduce the cumulative operations impacts at the West Grand Avenue/frontage road intersection to an				

³ The mitigation measure from the *OARB Area Redevelopment Plan EIR* for the intersection of West Grand Avenue/frontage road would not result in less-than-significant impacts under the PM peak-hour conditions.

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY 2	MONITORING TIMEFRAME
	acceptable level of service, improvements would be outside the City of Oakland's jurisdiction and would require Caltrans approvals. As a result, the improvements may not be feasible, and the impact at this intersection would remain significant and unavoidable.				
	TR-9.2 West Grand Avenue/Mandela Parkway Intersection. The Project Sponsors shall contribute their fair share of modifications at the West Grand Avenue/Mandela Parkway intersection. 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.	26	LTS	City Public Works Agency	Prior to issuance of the first certificate of building occupancy for the respective Development Area.
	TR-9.3 7 th Street/Mandela Parkway Intersection. The Project Sponsors shall contribute their fair share of modifications at the 7 th Street/Mandela Parkway intersection. The modifications at the intersection shall include adding a northbound lane on the 3 rd 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.	27	LTS	City Public Works Agency	Prior to issuance of the first certificate of building occupancy for the respective Development Area.
	TR-9.4 West Grand Avenue/Maritime Street and 3 rd Street/Market Street Intersections. As part of the cumulative growth of the OARB Area Redevelopment Plan, the Project Sponsors shall contribute their fair share, as defined in the OARB Area Redevelopment Plan EIR, 2002, to future improvements at these	28	LTS	City Public Works Agency	Prior to issuance of the first certificate of building occupancy for the respective Development

Legend:	(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(ND) No Impact	(SU) Significant and Unavoidable Impact	11
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ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL		MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
		Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹		
TR-10. The cumulative impact of the Project in combination with other related projects and background growth would cause some roadway segments on the MTS to operate at LOS F and increase the V/C ratio by more than three percent on segments that would already operate at LOS F under the future baseline conditions. Therefore, the cumulative contribution of the Project under the Maximum Trips Scenario would be significant. (S)	locations.				Area.
	TR-10.1 <i>Transportation Demand Management.</i> The Project Sponsors 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.	75	SU	City Public Works Agency	Prior to issuance of the first certificate of building occupancy for the respective Development Area; upon City adoption of traffic demand management programs in West Oakland.
	TR-10.2 <i>Shuttle Service.</i> The Project Sponsors shall provide a shuttle service between the Project Area and the West Oakland BART Station and incorporate shuttle stops into the final design plans. In the event Project Sponsors elect not to use a private shuttle service, Project Sponsors will work with AC Transit and BART to design a shuttle service and shall 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 Development Area Three, in front of the 16 th Street Plaza (Development Area Nine), and on Wood Street at 20 th Street by Development Area Seven should be considered. The shuttle	76	SU		Prior to approval of Final Development Plans and specifications for the respective Development Area; within three months following the issuance of a Certificate of Occupancy of the 300 th residential dwelling within the Project Area; every two years thereafter until the Planning Director determines the
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact					
					12

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	<p>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.</p> <p>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 Sponsors, or their successors 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 Sponsors or their successors 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 Sponsors or</p>				shuttle service is no longer necessary.

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL		RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
		Nos.	Nos.			
TR-11. The cumulative impact of the Project in combination with other related projects and background growth would increase average ridership on AC Transit lines serving the Project Area by more than three percent. However, the average load factor with the Project would not exceed 125 percent over a peak 30-minute period. (LTS)	their successors shall implement other means of reducing private automobile use by Project residents and occupants. None required.			LTS		
TR-12. The cumulative impact of the Project, in combination with other related projects and background growth, could increase the overall passenger volume such that the passenger volume could exceed the standing capacity of BART trains and could increase peak-hour average ridership by three percent. (S)	TR-12.1 BART Train Capacity. The Project Sponsors 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.	29		SU	BART	Prior to issuance of the first certificate of building occupancy in the respective Development Area.
TR-13. The cumulative impact of the Project in combination with other related projects and background growth, would increase peak-hour average ridership at the West Oakland BART Station by three percent where average waiting time at fare gates could exceed one minute. (S)	See Mitigation Measure TR-8.1.			SU	BART	
Noise						
NO-1. The Project would result in short-term increases in noise and vibration levels due to construction over the course of multiple years. This would be considered a significant impact. (S)	NO-1.1 City Council-Adopted Best Management Practices to Reduce Construction Noise. The Project Sponsors shall incorporate the following practices into the construction documents to be implemented by the Project's contractor, and these practices shall be provided to the Department of Building Inspection for approval prior to the issuance of	17		LTS	City Building Services Department	Prior to issuance of the first building permit for the respective Development Area; inspections during construction
Legend:	(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(NI) No Impact	(SU) Significant and Unavoidable Impact	14

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	building permits: a. The Project Sponsors shall require construction contractors to limit standard construction activities as required by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m. No construction activities shall be allowed on weekends, without prior authorization of the Building Services Division, and no extreme noise-generating activities shall be allowed on weekends and holidays. b. Equipment and trucks used for construction shall utilize the best available noise control techniques (improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts. c. The physical separation between noise generators and noise receptors shall be maximized as feasible. Such separation includes, but is not limited to, the following measures: - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;				phase of Project.

Legend:	(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(ND) No Impact	(SU) Significant and Unavoidable Impact	15
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ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	<ul style="list-style-type: none"> - Locate stationary equipment to minimize noise impacts on the community; and - Minimize backing movements of equipment. 				
	<p>d. Impact equipment (e.g., jack hammers and pavement breakers) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than impact equipment, shall be used whenever feasible.</p>				
	<p>e. Prohibit unnecessary idling of internal combustion engines</p>				
	<p>f. Schedule construction activity that produces higher noise levels during less noise-sensitive hours (normally 8:00 a.m. to 4:00 p.m. on weekdays). Minimize noise-intrusive impacts during the most noise-sensitive hours by planning noisier operations during times of highest ambient noise levels.</p>				
	<p>g. Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences, hotels, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the Department of Building Inspection for approval prior to the issuance of building permits.</p>				

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	<p>h. Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the Department of Building Inspection. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.</p>	18	LTS	City Building Services Department	Prior to any pile driving or other extreme noise generating activities on the site.
	<p><i>NO-1.2 Pile Driving Noise and Vibration Effects on Structures.</i> To mitigate potential pile driving or other extreme noise-generating impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This plan shall be submitted for review and approval by the Department of Building Inspection to ensure that feasible noise attenuation is achieved to satisfy the City's standards contained in Section 17.120.050 of the Planning Code. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile driving activities:</p> <ul style="list-style-type: none">a. Implement "quiet " pile driving technology (e.g., vibratory pile driving or pre-drilled pile holes), where feasible, in consideration of geotechnical and structural requirements and conditions;b. Erect temporary plywood noise barriers around the entire construction site;c. Adjust the scheduling and duration of pile				

Legend:

(S) Significant Adverse Impact

(PS) Potentially Significant Impact

(LTS) Less-than-significant Impact

(ND) No Impact

(SU) Significant and Unavoidable Impact

17

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	driving;				
	d. Utilize noise control blankets on the building structures as the building is erected to reduce noise emissions from the site;				
	e. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and				
	f. Monitor the effectiveness of noise attenuation measures by taking noise measurements during pile driving activities.				
	NO-1.3 <i>Proper Noticing Procedures</i> . Prior to the issuance of each building permit, along with the submission of construction documents, the Project Sponsors shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:	19	LTS	City Building Services Department, Police Department	Prior to issuance of the first building permit in the respective Development Area.
	a. A procedure for notifying the City Building Division staff and Oakland Police Department;				
	b. A plan for posting signs on site pertaining to permitted construction days and hours, complaint procedures, and who to notify in the event of a problem;				
	c. A listing of telephone numbers (during regular construction hours and off hours);				
	d. The designation of an on-site construction complaint manager for the Project; and				
	e. Notification of neighbors within 300 feet of the Project construction area at least 30				

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
NO-2. The Project would introduce residential land uses in an area where noise levels would be "Conditionally Acceptable" for such uses. Existing regulations would ensure that these new uses would not substantially contribute to existing ambient noise levels. Consequently, changes in the acceptable noise levels for land use compatibilities would be less than significant. (LTS)	days in advance of pile-driving activities about the estimated duration of the activity.				
	A preconstruction meeting to be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, and posted signs) are completed.				
NO-3. Under all of the development scenarios for the Project, increased traffic noise levels due to implementation of the Project would not result in an increase in ambient noise levels of an amount greater than 5 dBA. (LTS)	None required.		LTS		
NO-4. The Project, in combination with related projects, could result in short-term cumulative increases in noise and vibration levels due to construction; however, compliance with the controls imposed under the City's Noise Ordinance would reduce significant cumulative construction noise impacts to less than significant. (LTS)	None required.		LTS		
Cumulative Noise Impacts					
NO-5. Traffic generated from either the Maximum Residential Scenario or the Maximum	None required.		LTS		
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (NI) No Impact (SU) Significant and Unavoidable Impact					

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
Trips Scenario in combination with other related projects and background growth would not significantly contribute to cumulative noise impacts. (LTS)					
AQ-1. Construction activities for the Project could result in short-term increases in PM ₁₀ emissions that could violate City and BAAQMD air quality standards. (PS)	<p><i>AQ-1.1 Construction Dust Control Measures.</i> The Project Sponsors shall require that the following practices be implemented by including them in the contractor construction documents:</p> <ul style="list-style-type: none">a. Water all active construction areas at least twice daily.b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.c. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, andd. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction sites.e. Sweep public streets adjacent to construction sites daily (with water sweepers) if visible soil material is carried onto the streets.f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).h. Limit traffic speeds on unpaved roads to	15	LTS	City Building Services Department	Prior to issuance of the first demolition, grading or building permit in the respective Development Area.
Air Quality					
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (NI) No Impact (SU) Significant and Unavoidable Impact					
					20

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	15 miles per hour.				
	i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.				
	j. Replant vegetation in disturbed areas as soon as possible.				
	k. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site.				
	l. Install wind breaks at the windward sides of the construction areas.				
	m. Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.				
AQ-2. The regional air emissions due to the Project would not violate any City or BAAQMD air quality standard or contribute substantially to an existing air quality problem. (LTS)	None required.		LTS		
AQ-3. The Project would not contribute to CO concentrations exceeding the State Ambient Air Quality Standard. (LTS)	None required.		LTS		
AQ-4. The Project would not create objectionable odors affecting a substantial number of people. Accordingly, the Project would have less than significant odor impacts. (LTS)	None required.		LTS		
AQ-5. The Project would not be a significant source of Toxic Air Contaminants. (NI)	None required.		NI		
Cumulative Air Quality Impacts					
AQ-6. The Project would not conflict with the applicable air quality plan or result in a	None required.		LTS		
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (NI) No Impact (SU) Significant and Unavoidable Impact					
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ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
Cultural Resources					
CR-1. Ground-disturbing activities have the potential to directly impact previously unknown archaeological resources, including human burials, or paleontological resources in the Project Area by disturbing both surface and subsurface soils. Such disturbance could result in the loss of integrity of cultural deposits. (PS)	<p><i>CR-1.1 Archaeological Monitoring.</i> The Project Sponsors shall retain a qualified archaeologist, upon any discovery of prehistoric remains or buried historic features. The archaeologist shall prepare a preliminary evaluation to assess the archaeological sensitivity of the specific site(s) under consideration and shall recommend actions to protect archaeological resources. If the archaeologist's evaluation indicates a more detailed site assessment is warranted, a testing program shall be initiated under the supervision of the qualified archaeologist. If, after testing, the archaeologist determines that the discovery is not significant as defined in CEQA, no further investigations or precautions are necessary to safeguard the find. The archaeologist shall prepare a final report to be sent to the responsible agency, the Oakland Landmarks Advisory Board, and the California Historical Resources Information System Northwest Information Center. If, however, after testing, the archaeologist determines that the discovery is significant as defined in CEQA, ground-disturbing activities in the immediate vicinity of the discovery shall remain suspended until an appropriate mitigation plan can be agreed upon by the archaeologist and the City and implemented by the Project Sponsors as discussed in Mitigation Measure CR-1.2.</p>	50	LTS	City of Oakland Planning and Zoning Department and Building Services Department	During all construction activities.
<p>fundamental conflict with the General Plan, and, therefore, would not have cumulatively considerable air quality impacts. (LTS)</p>					
<p>Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (NI) No Impact (SU) Significant and Unavoidable Impact</p>					

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL			MONITORING RESPONSIBILITY 2	MONITORING TIMEFRAME
		Nos.	RESULTING LEVEL OF SIGNIFICANCE1			
	CR-1.2 <i>Cultural Resources Management/Mitigation Plan.</i> If further investigations or precautions are necessary or appropriate, as determined by Mitigation Measure CR 1.1, the City of Oakland and the archaeologist shall jointly determine the additional procedures necessary to protect the resource and/or mitigate any significant impacts. Additional measures to be implemented by the Project Sponsors might include a redesign of the Project, data recovery excavations, or a program to monitor all site excavation, during which the archaeologist shall record observations in a permanent log. The archaeologist shall prepare a final report to be sent to the responsible agency, the Oakland Landmarks Advisory Board, and the California Historical Resources Information System Northwest Information Center.	51	LTS	City of Oakland Planning and Zoning Department and Building Services Department	During all construction activities.	
	CR-1.3 <i>Discovery of Human Remains.</i> Should any human remains be encountered, work in the vicinity shall halt and the County Coroner notified immediately. If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission (NAHC) pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code. The NAHC in Sacramento would identify a Most Likely Descendant (MLD) pursuant to subdivision (a) of Section 5097.98 of the Public Resources Code. The City of Oakland and the archaeologist shall consult with the MLD. The MLD may, with the permission of the owner of the land, or his or her authorized representative inspect the site of the discovery of the Native American	52	LTS	City of Oakland with Alameda County Coroner	During all construction activities; immediately upon determination by qualified archaeologist of human remains discovery in the respective Development Area.	
Legend:		(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(NI) No Impact	(SU) Significant and Unavoidable Impact
						23

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
CR-2. The Project would involve demolition of portions of the 16 th Street Train Station, a City landmark and a designated historic structure, which would be considered a significant impact. (S)	remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendations within 24 hours of their notification by the NAHC. The recommendation may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Work may not commence until the coroner's approval has been received.	53	SU	National Park Service	Within 12 months of the effective date of the Wood Street Zoning District.
	CR-2.1 HABS Recordation of the 16 th Street Train Station. The Project Sponsor of Development Areas Five, Six, and Nine shall, within 12 months of the effective date of the Wood Street Zoning District, record the 16 th Street Train Station and the Signal Tower in accordance with the procedures of the Historical American Building Survey (HABS). In accordance with the HABS recordation process, the Project Sponsor shall consult with the National Park Service (NPS) to determine the appropriate level of documentation, and all documentation shall be subject to review and approval by NPS with approval determined by compliance with HABS procedures				
	CR-2.2 Salvage of Original Building Materials from Structures Proposed for Demolition. The Project Sponsor of Development Areas Five, Six, and Nine shall, within 12 months of the effective date of the Wood Street Zoning District, submit a study to the City of Oakland detailing those portions of the Baggage Wing and Elevated Tracks that can be feasibly	54	SU	City Planning Director	Within 12 months of the effective date of the adoption of the conditions of approval pertaining to the parcels within
<p>Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact</p>					
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ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	<p>salvaged. The study shall include an assessment of the feasibility of salvaging terra-cotta cladding, windows, doors and hardware. The City's Planning Director may approve, disapprove, or modify the study to ensure its adequately identifies those parts that can be feasibly salvaged. Following City approval of the study, the Project Sponsor shall salvage parts as indicated in the approved study and shall make the salvaged materials available for reuse in rehabilitating the Main Hall or Signal Tower</p> <p>CR-2.3 <i>Stabilization of Main Hall and Signal Tower.</i> The Project Sponsor of Development Areas Five, Six, and Nine shall, within three months of the effective date of the Wood Street Zoning District, take measures designed to preclude further deterioration of the Main Hall and the Signal Tower from rain and to exclude trespassers. These measures must be approved by the City's Planning Director, who shall find them acceptable if they preclude deterioration or vandalism that would occur in the absence of these measures. These measures shall remain in place until the decision regarding reuse of the Main Hall is made. The facilities preserved and protected by this measure include the canopy at the Wood Street entrance to the Main Hall.</p> <p>CR-2.4 <i>Restriction on Alteration of the Main Hall and the Signal Tower.</i> The property owner of property containing the Main Hall and the Signal Tower shall not make any alteration to the Main Hall that is not consistent with the preservation, rehabilitation, or reuse recommendations contained in the <i>OARB Area</i></p>	55	SU	City Planning Director	<p>Development Areas Five, Six and Nine.</p> <p>Within three months of the effective date of the adoption of the conditions of approval pertaining to the parcels within Development Areas Five, Six and Nine.</p>
	<p>CR-2.4 <i>Restriction on Alteration of the Main Hall and the Signal Tower.</i> The property owner of property containing the Main Hall and the Signal Tower shall not make any alteration to the Main Hall that is not consistent with the preservation, rehabilitation, or reuse recommendations contained in the <i>OARB Area</i></p>	57	SU	City Planning and Zoning Department	Prior to demolition or renovation of any structures.
<p>Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact</p>					
					25

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	<p><i>Redevelopment Plan (as amended); the City of Oakland General Plan (as amended); the Wood Street Zoning District; and Secretary of the Interior's Standards for the Treatment of Historic Buildings. Alterations shall be further restricted in accordance with any additional design standards, guidelines, or recommendations when the development plan, adopted pursuant to Mitigation Measure CR-2.5, becomes effective.</i></p> <p>CR-2.5 <i>Application for Redevelopment Agency Funding Approval for Train Station Preservation, Rehabilitation, and Stabilization.</i> Consistent with the <i>OARB Area Redevelopment Plan</i> goals as set out in Section 100, the property owner of the property containing the Main Hall shall submit an application to the Agency requesting that the Agency make available tax increment funds provided for in Section 502 of the <i>OARB Area Redevelopment Plan</i> for the preservation, rehabilitation, and stabilization of the Main Hall. In connection with such application, the property owner shall submit the following materials and information to the Agency:</p> <p>a. a finance plan demonstrating the prudent use of tax increment funds in restoring, preserving, and reusing the Main Hall, including a commitment by the property owner to maximize the leverage of the tax increment funds by seeking additional public funding, tax credits, private financing, and/or private philanthropic grants;</p>	58	SU	Redevelopment Agency, City Planning Director	Within 12 months of the effective date of VTPM Condition 58.
<p>Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact</p>					
					26

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
b. a management plan demonstrating exemplary and continued stewardship of the Main Hall, with recognition of its cultural and historical importance to the City of Oakland and which is accountable to the goals and policies of the <i>OARB Area Redevelopment Plan</i> and the <i>City of Oakland General Plan</i> ;					
c. a community participation plan providing for input by Oakland community members in decisions concerning the Main Hall's preservation and reuse; and					
d. a development plan demonstrating that the proposed renovation and reuse of the Main Hall is consistent with the design standards, policies, and goals of the <i>OARB Area Redevelopment Plan</i> (as amended); the <i>City of Oakland General Plan</i> (as amended); and the Wood Street Zoning District; as well as with any other design criteria that the Agency determines is appropriate to meet said goals and policies.					
CR-2.6 <i>Facilitate Rehabilitation and Reuse of Main Hall, Platform and Signal Tower.</i> Upon determination by the OARB Redevelopment Agency of sufficient funding (through Redevelopment Agency approval of the use of sufficient tax increment funding, realization of that funding, and realization of any additional funding referenced in Mitigation Measure CR-2.5 above, all as determined by the Redevelopment Agency), the Project Sponsor		59	SU	Redevelopment Agency, City Planning Director	As reflected in VTMP Condition 59.

Legend:	(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(NT) No Impact	(SU) Significant and Unavoidable Impact	27
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ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL		RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
		NOS.				
	<p>of Development Area Five shall use such funding to rehabilitate the facilities depicted for retention in Figure 2-4 of the Draft EIR, in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Buildings, and in conformance with the General Standards referenced in the Dreyfuss report, page 5.⁴ This rehabilitation shall include using salvaged materials to the extent feasible, and seismically strengthening and rehabilitating the exterior of the Main Hall, including the portions of the platform that are to be preserved. No additions to the structures would be permitted except as specified in the Dreyfuss report, page 5.⁵ Plaques shall be installed on the exterior façade of the station and the Signal Tower that identify their historic uses and include additional historical information. A display shall be created on the interior of the Station using historic photos and documents to give a more complete history of the Station and the Signal Tower.</p>					
	<p>CR-2.7 <i>Reuse of the Main Hall.</i> The reuse of the Main Hall shall incorporate exhibit space commemorating the site's cultural history and its function as the end of the trans-continental</p>	60	SU	Redevelopment Agency, City Planning	Prior to issuance of the first certificate of building	
<p>⁴ These are: (1) Any renovation, modification or addition to the 16th Street Station shall conform with the standards set forth in the Planning Code "Special regulations of designated landmarks." (2) Any reuse of the 16th Street Station shall include stabilization and repair of exterior materials to improve the exterior appearance and to ensure a water tight building envelope. (3) For the purpose of the standards, the primary portion of the station is defined as the General Waiting Room and the symmetrical wings to the north and south. A water tight building envelope refers to measures designed to preclude rain from entering the building. The General Waiting Room and symmetrical wings to the north and south comprise the Main Hall as that term is used in this EIR.</p>						
<p>⁵ The standards for additions are: 1(a). No addition to the existing train station shall exceed a total building footprint greater than 20 percent of the existing structure to be retained. 1(b). No addition to the existing train station shall exceed the height of the north or south wings that flank the General Waiting Room (approximately 25 feet in height). 1(c). No addition shall be made to either the primary façade facing the 16th Street Plaza or the southern façade, facing the 14th Street non-development area. 2. No additions are permitted to the Signal Tower.</p>						
Legend:		(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(NI) No Impact	(SU) Significant and Unavoidable Impact
						28

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	railroad and the gateway arrival point in the West. The exhibit space could also serve as a venue for private and public events, facilitating greater exposure of persons to the historical significance of the Station. Oral histories shall be recorded and made available to the extent feasible. The building would not be subjected to extensive night lighting. Reuse shall proceed according to the finance, management, community participation, and development plans submitted pursuant to Mitigation Measure CR-2.5, as approved by the Redevelopment Agency, as well as any other design criteria that the City Planning Director determines is appropriate to meet the City's goals and policies.			Director	occupancy in the respective Development Area; upon approval of funding by the Redevelopment Agency as specified in CR-2.5.
	CR-2.8 <i>Enhancement of the Train Station Setting.</i> The Project Sponsor of Development Area Nine shall construct and landscape the plaza area to provide an enhanced visual setting for the Main Hall, to provide a visual focus and view corridor, to increase public accessibility to the 16 th Street Train Station, and to create a feature that recalls the historic use of the Station. All these improvements shall be completed with private financing by the Project Sponsor; no public funds would be requested with respect to the Plaza.	61	SU	Project Sponsor	Prior to issuance of certificate of building occupancy of the restored Main Hall or issuance of a certificate of occupancy for the 600 th residential dwelling within the Project Area, whichever occurs first.
	Conditions 52A, 56A, 56B and 57A are incorporated as mitigation measures	52A, 56A, 56B, 57A	SU	Redevelopment Agency, City Planning Director, Project Sponsor	As indicated in Conditions 52A, 56A, 56B and 57A
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (NI) No Impact (SU) Significant and Unavoidable Impact					
					29

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
CR-3. The Project would adversely affect the historical setting and views of the historic 16 th Street Train Station and the 16 th Street Signal Tower. (S)	No mitigation is available to reduce the impact on the views of the 16 th Street Train Station and Signal Tower, the physical relationship between the two, and the loss of Bea's Hotel. Thus, this impact would remain significant and unavoidable.	SU			
CR-4. The Project would not adversely affect the historical setting and views of other historic resources in the vicinity of the Project Area. (LTS)	None required.	LTS			
Cumulative Cultural Impact					
CR-5. The Project, in combination with other related development and background growth, would not result in a significant cumulative loss of the City's historic fabric. (LTS)	None required.	LTS			
Hazardous Materials					
HM-1. Project-related demolition or renovation could disturb hazardous materials in existing building components and thereby could cause adverse health or safety effects. (PS)	HM-1.1 Pre-Construction Hazardous Materials Surveys and Management of Hazardous Materials Properly if Identified. Prior to demolition or renovation of any structures, the Project Sponsor of Development Areas Two, Four, Five, and Six shall retain a qualified environmental specialist (e.g., a certified consultant or lead inspector/assessor or similarly qualified individual) to inspect existing buildings subject to demolition or renovation for the presence of as yet unidentified asbestos, PCBs, mercury, lead, or other hazardous materials. If after inspection and analytical testing, hazardous building materials are found at levels that require special handling (e.g., special packaging prior to transport, separation from other non-hazardous	45	LTS (other agency)	City Building Services Department	Prior to issuance of the first demolition permit in the respective Development Area and on-going during demolition.
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact					
					30

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
<p>HM-2. Site grading and landscaping, excavation, and construction of proposed building foundations, utility trenches, and roadwork for the Project could expose construction personnel and the public to existing contaminated soil and/or groundwater if approved remediation cleanup levels have not been achieved. (PS)</p>	<p>solid waste, keeping material damp with water, etc.), the Project Sponsors and their contractors shall manage these materials as required by law and according to federal and state regulations and guidelines, including those of DTSC, RWQCB, BAAQMD, Cal/OSHA, and any other agency with jurisdiction over these hazardous materials. The Project Sponsors shall obtain permits for demolition and show proof that the building materials have been tested and/or removed by a certified environmental professional.</p> <p><i>HM-2.1 Site Health and Safety Plan.</i> Because historic uses at the Project Area have led to soil and groundwater contamination, the Project Sponsor and its contractors shall comply with the <i>Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities</i> regulatory requirements for hazardous materials/waste health and safety plans. The site health and safety plan shall establish policies and procedures to protect workers and the public from potential hazards posed by residual contamination in the development area. The plan shall identify contaminants, potential hazards, material handling procedures, dust suppression measures, personal protection clothing and devices, access controls to the site, health and safety training requirements, monitoring equipment used during construction to verify health and safety of workers and the public, measures to protect public health and safety, and emergency response procedures. If petroleum hydrocarbons or VOCs are present in the soil and/or groundwater proposed for the use of backfill or disposal, the handling and</p>	47	LTS	City Building Services Department, Public Works Agency	Prior to issuance of the first grading or building permit in the respective Development Area and during all construction activities affecting soil and groundwater if petroleum hydrocarbons or VOCs are present.

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	disposal of the contaminated soil and groundwater shall be in accordance with applicable local and federal hazardous materials regulations.				
HM-2.2 Compliance with Soil Remediation Standards. Since the RWQCB has already approved the soil remediation standards, the Project Sponsor and its contractors shall be responsible for ensuring that potentially exposed soils containing concentrations exceeding TTLCs and soils above the proposed remediation standards shall be removed or treated on site prior to development. The soil remediation standards are included in a May 18, 2004, letter from Geomatrix to the RWQCB. Successful completion of remediation activities cannot be confirmed until closure reports have been submitted to and approved by RWQCB that the development areas have been satisfactorily remediated.		48	LTS (other agency)	RWQCB, City Planning and Zoning Department	Prior to issuance of the first building permit in the respective Development Area.
HM-3. Routine use or accidental release of hazardous materials during operations of the Project could expose people or the environment to these materials. However, management of hazardous materials shall comply with applicable laws so that the impact from accidental releases is considered less than significant. (LTS)	None required.		LTS		
Cumulative Hazardous Materials Impacts					
HM-4. The Project, in combination with other related projects and background growth, would not significantly contribute to cumulative impacts associated with hazardous materials use, generation, disposal, transport, or clean-up. (LTS)	None required.		LTS		

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
Soils, Geology, and Seismicity					
GE-1. Buildings and infrastructure associated with implementation of the Project could be subject to potentially damaging, seismically induced groundshaking during the life of the Project, but compliance with seismic standards would reduce impacts to a less-than-significant level. (LTS)	None required.		LTS		
GE-2. The Project would be subject to RWQCB requirements that regulate erosion. Conformance with these standards would ensure that erosion would not be a substantial hazard in the Project Area. (LTS)	None required.		LTS		
GE-3. Buildings and infrastructure associated with implementation of the Project would be subject to hazards from development on weak and potentially expansive soils and undocumented fill, but compliance with existing building codes would reduce these hazards to less than significant. (LTS)	None required.		LTS		
Cumulative Soils, Geology and Seismicity Impact					
GE-4. The Project, in combination with other related projects and background growth, would not significantly contribute to cumulative impacts associated with erosion, seismic groundshaking, or unstable soils. (LTS)	None required.		LTS		
Hydrology and Water Quality					
HY-1. The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a	None required.		LTS		

Legend:

(S) Significant Adverse Impact

(PS) Potentially Significant Impact

(LTS) Less-than-significant Impact

(ND) No Impact

(SU) Significant and Unavoidable Impact

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ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
lowering of the groundwater table. (LTS)					
HY-2. Implementation of the Project would involve construction activities that could increase amounts of silt and sediment and degrade receiving water quality, resulting in a significant impact. However, compliance with state and federal regulations would reduce potential construction-period water quality impacts to less than significant. (LTS)	None required.		LTS		
HY-3. Implementation of the Project would involve the development of impervious surfaces and urban uses. Stormwater runoff from these uses would contain silt, sediment, and other pollutants that could degrade receiving water quality. However, existing regulations would require the Project Sponsors to prepare a SWPPP for each development area and implement BMPs to control stormwater runoff. Therefore, water quality impacts from long-term operations of each individual development area would be less than significant. (LTS)	None required.		LTS		
HY-4. The Project would increase impervious surface in the Project Area, which could increase surface runoff. However, the Project would comply with the City's flood protection regulations, which require that the Project Sponsors ensure that stormwater collection and drainage systems could accommodate runoff from the developed site. Therefore, the Project would not create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems, and the impact of each development area would be considered less than significant. (LTS)	None required.		LTS		

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
HY-5. Construction of the Project would not place people and structures in an area that is prone to seiche, tsunami, or mudflow. (NI)	None required.		NI		
Cumulative Hydrology and Water Quality Impact					
HY-6. The Project, in combination with other related projects and background growth, would not significantly contribute to cumulative impacts associated with groundwater recharge or groundwater quality; surface water quantity (stormwater), flooding, or other water-related hazards; or surface water quality. (LTS)	None required.		LTS		
Biological Resources					
BR-1. Removal of protected trees within the Project Area would be in compliance with the City of Oakland Tree Preservation and Protection Ordinance. Therefore, all potential impacts to trees within the Project Area would be considered less than significant. (LTS)	None required.		LTS		
BR-2. Demolition of structures and removal of vegetation from within the Project Area could result in destruction of bird nests. (PS)	<i>BR-2.1 Preconstruction Surveys and Protection Measures for Nesting Birds.</i> If vegetation is removed outside the nesting season (typically February 1 to August 31), there would be no effect on nesting birds and the following surveys would not be required. Construction activities shall, therefore, be timed to avoid vegetation removal or demolition during the nesting season. If this cannot be accomplished, then a qualified biologist shall conduct preconstruction nesting surveys no more than one week prior to vegetation or building removal to determine if nesting birds are present. If nesting birds are present, an appropriate buffer zone shall be	3	LTS	City of Oakland Building Services Department and Planning and Zoning Department	Prior to issuance of the first demolition permit in the respective Development Area; survey prior to construction no more than one week prior to vegetation removal; if present, repeat surveys until
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact					
					35

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
	developed by the biologist and construction activities shall be suspended in this zone until future surveys indicate that the chicks have fully fledged (left the nest). Completion of preconstruction surveys and avoidance of bird nests would result in no impacts to nesting birds. Survey results shall be valid for a period of 21 days from the date of the survey. Should vegetation or building removal fail to be conducted within this time frame, a second survey shall be undertaken.				birds have fledged and repeat every 21 days from the date of the first survey; resurvey if construction schedule changes.
Cumulative Biological Resources Impact					
BR-3. The Project, in combination with other related projects and background growth, would not significantly contribute to cumulative impacts associated with biological resources. (LTS)	None required.		LTS		
Population, Employment, and Housing					
PH-1. The Project would increase population in the population study area, but the projected growth would not result in direct or indirect effects such that additional infrastructure is required. (LTS)	None required.		LTS		
PH-2. The Project and the associated change in land use from commercial/industrial to residential mixed-use would increase the amount of land designated for residential development in Oakland and would not displace any residents or housing units. (NI)	None required.		NI		
Cumulative Population, Employment, and Housing Impact					
PH-3. The Project proposes additional housing that would increase the amount of land designated for residential development in Oakland, but would	None required.		LTS		
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact			36		

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
not displace any residents or housing units or contribute to a cumulatively considerable effect on population and housing in Oakland. (LTS)					
Utilities					
UT-1. The Project would not exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board. (LTS)	None required.		LTS		
UT-2. The Project would require the construction of new stormwater drainage facilities within the Project Area. However, the existing drainage pattern would not be altered, extensions of storm drains would connect to existing drains, and construction-related mitigation measures would be imposed. Therefore, impacts would be considered less than significant. (LTS)	None required.		LTS		
UT-3. EBMUD would have sufficient water supplies available to serve the Project from existing entitlements and resources. (LTS)	None required.		LTS		
UT-4. The Project would increase sewer flows to EBMUD facilities, but would not require the construction of new wastewater treatment facilities or expansion of existing facilities. (LTS)	None required.		LTS		
UT-5. The Project would not result in solid waste disposal needs beyond the permitted capacity of the local landfill and would comply with federal, state, and local statutes and regulations related to solid waste. (LTS)	None required.		LTS		
UT-6. The Project would incrementally increase the demand for energy provided by PG&E. (LTS)	None required.		LTS		
<div>Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact</div>					
					37

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL NOS.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
Cumulative Utilities Impact					
UT-7. The Project, in combination with other related projects and background growth, would not significantly contribute to cumulative utilities impacts. (LTS)	None required.		LTS		
Public Services					
PS-1. Increases in employees and residents as well as increased building density in the Project Area would increase demand for fire and first responder emergency medical services; however, this would not trigger the need for new or expanded facilities. (LTS)	None required.		LTS		
PS-2. Increases in residential population as a result of the Project would increase demand for police services. However, implementation of the Project would not require new or altered police facilities in order to maintain acceptable service ratios. As a result, impacts to police services would be considered less than significant. (LTS)	None required.		LTS		
PS-3. Increase in residential population as a result of the Project would increase student enrollment in the Oakland Unified School District. (LTS)	None required.		LTS		
PS-4. Development of the Project would increase the demand for library services; however, because the Project would not require any expansion or construction of new library facilities beyond those already planned, the Project's impacts would be less than significant. (LTS)	None required.		LTS		
PS-5. The Project would generate new residents in the Project Area, thereby increasing the	None required.		LTS		
Legend: (S) Significant Adverse Impact (PS) Potentially Significant Impact (LTS) Less-than-significant Impact (ND) No Impact (SU) Significant and Unavoidable Impact					38

ENVIRONMENTAL IMPACT (LEVEL OF SIGNIFICANCE BEFORE MITIGATION)	MITIGATION MEASURES	CONDITION OF APPROVAL Nos.	RESULTING LEVEL OF SIGNIFICANCE ¹	MONITORING RESPONSIBILITY ²	MONITORING TIMEFRAME
Cumulative Public Services Impact					
PS-6. Increases in employees and residents as well as increased building density in the City would increase the cumulative demand for police protection, fire protection, and emergency response services and could result in the need for new or expanded facilities.	None required.		LTS		
PS-7. Increases in the residential population of the City would increase the cumulative student enrollment in the Oakland Unified School District and could result in the need for new or expanded facilities.	None required.		LTS		
PS-8. Increases in employees and residents in the City would increase the cumulative demand for library services; however, the City is preparing a Master Facilities Plan to address long-term community needs. Consequently, cumulative library impacts are considered less than significant.	None required.		LTS		
PS-9. Increases in the residential population of the City would increase the cumulative demand for park and recreational facilities or other open space areas and could result in the need for new or expanded facilities.	None required.		LTS		

Legend:	(S) Significant Adverse Impact	(PS) Potentially Significant Impact	(LTS) Less-than-significant Impact	(ND) No Impact	(SU) Significant and Unavoidable Impact	39
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Case File No.: ZT04-197, DC 51**June 15, 2005***(Continued from the June 1, 2005 Planning Commission meeting)*

Location:	Citywide
Proposal:	Consideration of a Draft Interim Design Review Manual for One- and Two-Unit Residences.
Applicant:	City of Oakland
Environmental Determination:	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
Action to be Taken:	Adopt Draft Interim Design Review Manual.
Staff recommendation:	That the City Planning Commission adopt the Interim Manual, and provide direction to staff for preparation of a Final Manual.
For further information:	Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com .

This item was originally to be Item #5 on the City Planning Commission's May 18, 2005 meeting agenda, but due to the cancellation of the May 18th Planning Commission meeting, was rescheduled to the Commission's June 1, 2005 meeting.

The item was then re-noticed as Item #13 on the City Planning Commission's June 1, 2005 meeting agenda, but due to the length of that evening's Commission meeting, was unable to be heard, so the item was continued to June 15, 2005.

This item is now scheduled as Item #2 on the City Planning Commission's June 15, 2005 meeting agenda. There have been no substantive changes in the proposal throughout the continuances mentioned above, so the original May 18, 2005 staff report will therefore be considered by the Commission at its June 15, 2005 meeting to avoid unnecessary new printing costs.

Attached are the May 18, 2005 staff report and attachments, plus any comments received by staff on this item as of 5 p.m., Wednesday, June 8, 2005. Any comments received after 5 p.m., June 8, 2005 will be provided to the Commission at the meeting.

ATTACHMENTS:

- A.** Any comments received as of 5 p.m. Wednesday, June 8, 2005.
- B.** May 18, 2005 staff report, with attachments

Case File No.: ZT04-197, DC 51 (Originally agendized for May 18, 2005) June 1, 2005

Location:	Citywide
Proposal:	Consideration of a Draft Interim Design Review Manual for One and Two-Unit Residences.
Applicant:	City of Oakland
Environmental Determination:	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
Action to be Taken:	Adopt Draft Interim Design Review Manual.
Staff recommendation:	That the City Planning Commission adopt the Interim Manual, and provide direction to staff for preparation of a Final Manual.
For further information:	Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com .

This item was originally Item 5 on the City Planning Commission's May 18, 2005 meeting, but due to the cancellation of the May 18th Planning Commission meeting, this item has now been rescheduled to the Commission's June 1, 2005 meeting. **The original May 18, 2005 staff reports will therefore be considered by the Commission at its June 1, 2005 meeting.**

Attached are written comments received by staff on this item as of 5 p.m., Wednesday, May 25, 2005. Any comments received after 5 p.m., May 25, 2005 will be provided to the Commission at the meeting.

ATTACHMENTS: Comments received as of 5 p.m. Wednesday, May 25, 2005.

Case File Number: ZT04-197, DC 51

May 18, 2005

Location:	Citywide
Proposal:	Consideration of a Draft Interim Design Review Manual for One and Two-Unit Residences.
Applicant:	City of Oakland
Environmental Determination:	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
Action to be Taken:	Adopt Draft Interim Design Review Manual.
Staff recommendation:	That the City Planning Commission adopt the Interim Manual, and provide direction to staff for preparation of a Final Manual.
For further information:	Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com .

BACKGROUND AND SUMMARY

At its October 13, 2004 meeting, the Design Review Committee considered a Draft Interim Design Review Manual for One and Two Unit Residences. The draft Manual is part of a larger set of proposals to make the 1-2 unit residential design review program more effective, easier to understand, and more consistent Citywide. The related proposals consist of changes to the 1-2 unit residential zoning standards and design review procedures (see separate item on the Planning commission's May 18, 2005 agenda).

The proposal package has the following primary objectives:

- To simplify and refine the existing 1-2 unit residential zoning standards and design review processes to improve efficiency and ease of use while maintaining intent;
- To minimize the number of different design review procedures and establish uniform Citywide decision-making criteria; and
- To consolidate the many existing Design Review criteria and guidelines into a Citywide *Design Review Manual for 1-2 Unit Residences*.

The Design Review Manual is initially being presented in an "interim" version assembled from existing design review criteria and guideline documents to accompany the proposed changes to the 1-2 unit zoning standards and design review procedures. After the Interim Manual is adopted, it will be tested during a 6-9 month trial period for all discretionary 1-2 unit residential design review applications and expanded and refined including improvement in format and presentation, to create a final definitive version. See the October 13, 2004 staff report (**Attachment A**) to the Design Review Committee for further discussion of the Interim Design Review Manual.

At its October 13, 2004 meeting, the Committee seemed generally satisfied with the Draft Interim Manual, but in response to public comments, directed that a workshop be held to review several key issues concerning the Manual's neighborhood compatibility provisions and the Manual's treatment of view and solar access impacts on neighboring properties. The workshop was held on November 15, 2004 at City Hall. Approximately 20 people attended.

Following the workshop, staff prepared a summary of the issues discussed at the workshop and changes to the Manual recommended by staff in response to these issues. The Design Review Committee considered these changes at its February 23, 2005 meeting and recommended that the Commission adopt the Manual with most of these changes. The only further modification that the Committee recommended concerned project sites that may be too small or too narrow to be required to mitigate solar access impacts on adjacent residences. See Item 3 in the Key Issues and Impacts section below for further discussion of these solar access issues.

Attachment B is a complete draft of the Interim Manual incorporating the Committee-recommended changes. **Attachment C** is a "redlined" version of the Manual sections showing the specific Committee-recommended changes.

The Commission is also being asked to provide direction to staff for preparation of a Final Design Review Manual for 1-2 Unit Residences.

KEY ISSUES AND IMPACTS

Draft Interim Manual

Following is a summary of the issues discussed at the November 15, 2004 workshop and the February 23, 2005 Design Review Committee meeting, and the changes to the Draft Manual recommended by the Committee in response to these issues. The Committee-recommended changes are shown in **Attachment C**.

- (1) ISSUE: Expand list of "significant views" to include views of undeveloped hillsides and Oakland Hills.

RESPONSE: The 10-13-04 Draft Manual has been revised to add the "Oakland/Piedmont/Berkeley Hills", "a large area of dedicated open space" and other "major natural features" to the list of "significant views." In addition, the list's wording has been changed to be more flexible.

- (2) ISSUE: Expand the range of properties considered for view protection from those abutting the project site or directly across the street to those within 300' of the project site.

RESPONSE: The 10-13-04 Draft Manual has been revised so that:

- (a) View protection will always be considered for residences on abutting lots and lots directly across the street; and:
- (b) View protection will also be considered for residences on other lots within 300' of the project site if potential view impacts on these lots is brought to the City's attention by the lots' owners or by others.

(3) ISSUE: Address solar access impacts on indoor as well as outdoor spaces.

RESPONSE: The 10-13-04 Draft Manual only considered solar access impacts on "actively used outdoor areas". The Draft has been revised to also consider solar access impacts on "actively used indoor areas" (e.g., living rooms, dining rooms, kitchens, family rooms, etc.).

However, Staff had recommended to the Design Review Committee that solar access impacts normally not be considered if the project is on a lot less than 50' wide or less than 5,000 sq. ft. in area. Staff believed that such lots would be too difficult to develop if design mitigations were required for solar access impacts.

At its February 23, 2005 meeting, the Committee recommended that the 50' lot width and 5,000 sq. ft. lot area thresholds be made more flexible so that solar access impacts from these relatively constrained project sites could still be considered in at least some cases.

Staff has responded by deleting the 50' width and 5,000 sq. ft. lot area provisions entirely. Staff believes that absent a specific definition of constrained sites described in terms of lot width and lot area, the exemptions from solar access impact mitigation referred to in Section 2.3B of the Interim Manual are the most efficient way to address constrained sites. Section 2.3B references Section 1.3, which among other things, does not require solar access impact mitigation if mitigation would reduce the project's height more than 20 percent below the Zoning Regulation's maximum height limits and/or reduce the buildable area as defined by the minimum front, side or rear setbacks more than 20 percent.

(4) ISSUE: Change the solar access impact threshold from two of the three designated times of day (9 A.M., 12 Noon, 3 P.M.) to one of these times or identify the time of impact evaluation as the time the impacted area is most used.

RESPONSE: Reactions to this issue at the workshop were mixed. Although some attendees strongly advocated changing the Manual's solar access impact threshold as described above, others stated that in an urban environment it is unreasonable to fully preserve a property's access to direct sunlight. It was also noted that ambient light (including the light that bounces off a neighbor's walls) is an important light source in urban environments and that the required front, side and rear yard setbacks usually provide sufficient ambient light.

Changing the impact threshold to the time of day the impacted area is most used is problematic, since this time depends on the household's daily schedule. This schedule can change if the household residing at the impacted property changes its schedule if a new household with a different schedule later moves into the property. On the other hand, the 9

A.M. – 3 P.M. time period for evaluating solar access impacts is widely accepted since 9 A.M. – 3 P.M. is the period of greatest solar gain.

Staff and the Committee therefore recommend no changes to the Draft Interim Manual in response to this issue. However, the Interim Manual's approach to this, as well as other issues, will be tested during the trial period following the Interim Manual's adoption and will be modified, if appropriate, as part of the Final Manual.

(5) ISSUE: Expand the Manual's neighborhood compatibility provisions to hill areas.

RESPONSE: The 10-13-04 Draft Manual's Neighborhood Compatibility section (Criterion 8) is limited to flatland areas with grid street patterns and is based on the existing Special Residential Design Review (SRDR) New Construction Checklist's methodology for neighborhood compatibility. The SRDR method is mostly intended to maintain the architectural character of traditional (typically older) neighborhoods which have very consistent architectural patterns, such as roof trim, surface materials, fenestrations, etc., and which present well-unified streetscapes.

At the workshop, concerns seemed mostly focused on the size of a building and the appropriateness of its siting relative to its neighbors, rather than the architectural compatibility concerns addressed in Criterion 8. However, the workshop concerns are at least partially addressed in the Draft Manual's Guideline 5.11, which promotes building orientation, massing, scale and siting consistent with existing neighborhood development patterns and discourages buildings that disrupt these patterns because the buildings are overscaled, awkwardly oriented or use insensitive massing or forms relative to neighboring properties. Some workshop attendees also noted the great variety of architectural treatments in most hill area neighborhood and stated that there may be some neighborhoods where maintaining existing architectural treatments may not be desirable.

Staff and the Committee therefore recommend that the Manual's Neighborhood Compatibility section **not** be expanded at this time to hill areas. However, this issue can be evaluated further during preparation of the Final Manual.

Preparation of Final Manual

(1) Overall approach and format

Staff estimates that preparation of the draft Final Manual will require about 12 months. The initial 6-9 months will include a monitoring period to test and refine the Interim Manual as discussed in Item 2 below.

Although staff believes that the Interim Manual will be a major improvement over the City's currently fragmented and incomplete collection of design review documents, the Final Manual is expected to differ from the Interim Manual in several important ways. The Final Manual is a major opportunity to take a fresh and comprehensive look at the City's 1-2 unit design

review objectives and to develop a set of design review criteria and guidelines that is clearer, more complete and better organized than that presented in the Interim Manual. The Final Manual is also an opportunity to establish a unified format and approach for an upcoming series of Design Review Manuals addressing such topics as high density residential projects and designated subareas, such as important commercial districts and special gateway areas.

Staff proposes to use the existing Small Project Design Review Guidelines as the model for the Final Manual, and requests the Commission's endorsement of this approach. Key features of the Small Project Guidelines include:

- Vertical format, rather than the Interim Manual's horizontal format;
- Emphasis on graphics rather than text; and
- Organization into Criteria followed by Guidelines that help implement the Criteria. (Note: The Small Project Guidelines call their criteria "Basic Design Principals;" the Final 1-2 Unit Manual, like the Interim Manual, will most likely use the term "Criteria.")

The Small Project Guidelines were initially adopted in 1995, were updated in 2002 and have generally worked well. They are clear, to the point, and have a strong emphasis on "do's" and "don'ts." Sample pages for the Small Project Guidelines are included as **Attachment D**.

Using the Small Project Guidelines as the model for the Final 1-2 Unit Manual is expected to significantly reduce the proportion of the Interim Manual's text vs. graphics and result in a more concise and more focused document.

(2) Monitoring period to test and refine the Interim Manual's provisions.

If the Commission adopts the Interim Design Review Manual, staff will start applying it immediately to all design review applications involving discretionary criteria, i.e., Regular Design Review, Special Residential Design Review using discretionary criteria, and the S-18 Zone's Mediated Residential Design Review. As part of the Interim Manual's application, staff will closely monitor whether the Manual's Guidelines adequately implement the Manual's overall objectives (as expressed in the Manual's Criteria statements) and whether the approaches presented by the Guidelines are reasonable.

This monitoring period is expected to last 6-9 months. During this period, staff may recommend specific changes to the Interim Manual and requests that the Commission delegate responsibility for approving any such changes to the Design Review Committee. It is also possible that cases involving major controversy concerning interpretations of the Interim Manual's provisions will be referred by staff to the Design Review Committee for decision. Any changes or refinements made to the Interim Manual will be attached to the Interim Manual as an Addendum. The Final Manual will go back to the full Planning Commission for review and approval. The Design Review Committee's role will be to work with staff on "progress drafts" - providing feedback to make sure the Final Manual is on track.

(3) Responding to issues not adequately addressed in the Interim Manual

Responses to these issues will be developed during the Interim Manual's 6-9 month monitoring period and incorporated into the Draft Final Manual's text.

Possible issues include:

(a) Additions and alterations to existing buildings.

The Interim Manual is very deficient on this topic. It is essentially limited to the existing Special Residential Design Review and R-36 Zone provisions that additions and alterations must be "compatible with, but not necessarily identical to" the existing building.

Specific issues include whether relatively modernistic additions should be allowed for older buildings in at least some situations and whether changes to rear and interior side yard elevations need to be given the same level of review as street-facing elevations.

(b) Use of different materials to replace original materials.

This issue most frequently applies to replacement siding (such as vinyl siding or replacing wood siding with stucco) and replacement windows, especially vinyl and aluminum replacement windows. The basic questions are when is such replacement appropriate and how is this influenced by the specific design and appearance (including dimensions and surface finish) of the replacement material.

(c) Treatment of historic buildings and historic districts.

Specific issues include:

- (i) Are special provisions needed for historic properties?
 - (ii) Which properties are considered "historic" for the purposes of the Manual?
- Possible alternatives include:

- (1) City landmarks, properties contributing to designated historic districts and properties on the City's Preservation Study List; vs.
- (2) the broader option of properties that are *potential* landmarks, historic district contributors or study list candidates; this broader category is called "Potential Designated Historic Properties" (PDHPs) in the Oakland General Plan's Historic Preservation Element.¹

¹ PDHPs are identified under methodology developed for the City's Historical and Architectural Inventory. This methodology includes the following ratings for individual properties: "A" (Highest Importance), "B" (Major Importance), "C" (Secondary Importance), "D" (Minor Importance) and "E" (Of No Particular Interest). The methodology also includes the following ratings for potential historic districts: "Areas of Primary Importance" (APIs), defined as districts that appear eligible for the National Register of Historic Places, and "Areas of Secondary Importance" (ASIs), defined as districts that only appear eligible for local historic district designation. PDHPs consist of properties rated A, B or C and properties that contribute to an API or ASI, or which could potentially contribute under specific circumstances, such as altered properties that do not contribute in their present condition but which could contribute if restored to their historic appearance.

(d) Special provisions for new subdivisions or planned unit developments.

These provisions could address such topics as street design and design of other site improvements as well as individual building design.

(e) Design options for selective project-specific widening of hill area streets serving existing lots.

(f) Consistency with neighborhood character, especially in the hills.

This issue was discussed at the November 15, 2004 workshop and at the October 13, 2004 and February 23, 2005 Design Review Committee meetings but was left unresolved.

Staff proposes to conduct a series of public workshops to address these and possibly other issues. The workshops would be held by the Design Review Committee and, for issues concerning historic properties, perhaps jointly with the Landmarks Preservation Advisory Board.

The first workshop would identify the issues to be addressed in the subsequent workshops. Staff estimates that a total of three or four workshops would be needed. A specific workshop schedule will be developed with the Design Review Committee.

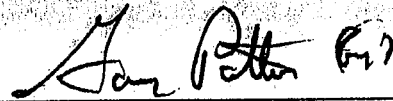
(4) Schedule for preparing the Final Manual.

The schedule will be coordinated with the schedule developed for the residential design review process changes (see separate staff report on the Planning Commission's May 18, 2005 agenda). The design review process changes will be assigned a higher priority than the Final Manual. Work on the Manual will therefore usually be concentrated during lull periods for the standards and process changes, such as when documents are undergoing public review or awaiting placement on City Council agendas. The Manual's schedule will be further refined when the Design Review Committee and Landmarks Board schedule the public workshops.

RECOMMENDATIONS:

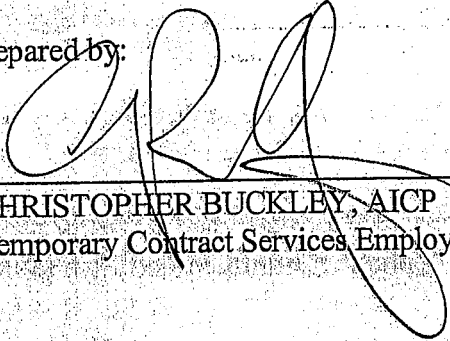
- A. Adopt the Interim 1-2 Unit Residential Design Review Manual as submitted in **Attachment B** as the discretionary criteria, effective immediately, to be used for Special Residential Design Review, Mediated Residential Design Review and Regular Design Review.
- B. Direct staff, working with the Design Review Committee and the Landmarks Preservation Advisory Board, to draft the Final Manual using a format similar to that used for the Small Project Design Guidelines; and
- C. Authorize the Design Review Committee to approve changes to the Interim Manual as needed in order to help implement the objectives presented in the Manual's criteria statements.

Respectfully submitted:



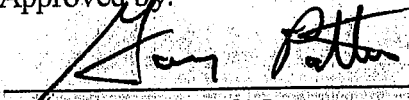
CLAUDIA CAPPIO
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Approved by:



GARY V. PATTON
Deputy Director of Planning and Zoning

and:



EDWARD MANASSE
Planner IV- Design Review Supervisor

ATTACHMENTS:

- A. October 13, 2004 staff report
- B. Draft Interim Design Review Manual for One and Two Unit Residences, dated March 24, 2005.
- C. Redlined version of view and solar access impact sections of Draft Interim Design Review Manual showing revisions to the October 13, 2004 Draft.
- D. Sample pages from Small Project Design Review Guidelines.

Case File Number: ZT04-197

October 13, 2004

Location:	Citywide
Proposal:	Consideration of a Draft Interim Design Review Manual for One and Two-Unit Residences.
Applicant:	City of Oakland
Environmental Determination:	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
Action to be Taken:	Review and comment on draft Interim Design Review Manual.
Staff recommendation:	Review the draft Interim Manual and provide direction to staff for preparation of revisions to the document as needed.
For further information:	Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7753 or by email at emanasse@oaklandnet.com .

BACKGROUND AND SUMMARY

At its May 12, 2004 meeting, the Design Review Committee considered staff recommendations on how to make the 1-2 unit residential design review program more effective, easier to understand, and more consistent Citywide. The proposal has the following primary objectives:

- To simplify and refine the existing 1-2 unit residential zoning standards and design review processes to improve efficiency and ease of use while maintaining intent;
- To minimize the number of different design review procedures and establish uniform Citywide decision-making criteria; and
- To consolidate the many existing Design Review criteria and guidelines into a Citywide *Design Review Manual for 1-2 Unit Residences*.

The Manual would initially be in an "interim" version assembled from existing design review criteria and guideline documents, and accompany the draft changes to the zoning standards and design review procedures. After adoption of the zoning standards and design review changes, the Interim Manual would be expanded and refined as needed to create a final definitive version.

Because of the breadth and complexity of the proposed changes to the 1-2 unit residential design review program, staff has decided to return to the Committee for consideration of the Design Review Manual separately, and prior to the Committee's further consideration of the zoning standards and design review procedure changes. Staff believes this approach will help to focus discussion, and minimize confusion between the City's criteria and guidelines presented in the Manual and utilized in design review and the zoning standards contained in the Oakland Planning Code.

The Manual will provide a uniform set of Citywide design review criteria for all one- and two-unit structures that will promote project certainty and predictability. The Manual will help streamline the design review process by clearly communicating the City's expectations regarding such project elements as: site planning; bulk; compatibility with the surrounding neighborhood; view, privacy and solar access impacts; and building design. The Manual will merge existing standards now used only for certain situations and geographic areas into one Citywide standard, and serve as a user-friendly guide for property owners and designers on the expected qualities of additions, alterations, and new construction. The Manual will also improve communications between applicants and staff, and avoid unnecessary plan modifications and time loss.

At the May 12, 2004 meeting, the Design Review Committee made various directives to staff. The directives included immediate preparation of the Interim Design Review Manual so that it could accompany the zoning standards and design review process proposals while these proposals were still in the conceptual stage, rather than releasing the draft Manual later with the actual zoning text. By releasing the Manual early, reviewers would not have to wait before seeing the complete package. The draft Interim Manual would include updated versions of the View, Privacy and Solar Access and Mass and Bulk sections reviewed by the Committee in 2003. The Committee determined that the rough graphics in the Mass and Bulk section would not need to be improved for purposes of the next review phase.

Staff has decided to submit the draft Interim Manual to the Committee *before* submitting staff's responses to the Committee's other directives made at the May 12, 2004 meeting. The draft Manual contains an extensive amount of material and staff expects that some of it - such as that related to view, privacy and solar access impacts on neighboring properties - will most likely generate considerable community input and Committee discussion. Staff believes that by considering the Design Review Manual separately, and prior to the Committee's further consideration of the zoning standards and design review process changes, it will facilitate resolution of some of the design review process issues, and highlight many of the shortcomings in the City's zoning standards.

After adoption of the revised zoning standards and design review procedures, staff will proceed to draft the final Design Review Manual, which will replace the attached interim version. The final version would further consolidate material in the interim Manual as well as expand some sections - such as explaining what is meant by "compatible with but not necessarily identical to the existing residence" with regard to additions and alterations, including historic properties. The final Manual would also include additional graphics. Unlike the proposed 1-2 unit zoning standards and design review process changes, which require adoption by Ordinance by the City Council, the Design Review Manual will require adoption only by the full Planning Commission. However, the Commission's adoption of the Manual would not become effective until the Council adopts the 1-2 unit design review process changes.

After receiving the Committee's comments in the draft Interim Manual, staff will revise the document as needed and bring the revised version back to the Committee along with staff's responses to the Committee's other directives made at the May 12, 2004 meeting.

PROPOSAL DESCRIPTION**Source Documents Used for the Interim Manual**

The draft Interim Design Review Manual is included as **Attachment A**. The draft mostly consists of material from the following existing "source documents":

1. Special Residential Design Review (SRDR) New Construction Checklist Procedure, Standards and Criteria (adopted by the City Council in 1992). See **Attachment B**.
2. SRDR Discretionary Criteria Application Supplement for New (Unit) Construction (adopted by the City Council in 1992). See **Attachment C**.
3. SRDR Discretionary Criteria, Checklist Criteria, Guidelines and Detailed Instructions for Additions and Alterations (adopted by the City Council in 1992). See **Attachment D**.
4. Expedited Design and Bulk Review Criteria for Single Family Houses in the S-14 Zone (completed in 1993) – See **Attachment E**.
5. S-10 Scenic Route Combining Zone Design Guidelines (adopted by the Planning Commission in 1973 and 1975) – See **Attachment F**.
6. Draft Criteria and Guidelines for View, Solar Access, and Privacy Impacts (reviewed by the Design Review Committee in 2003, but not formally adopted).
7. Draft Criteria and Guidelines for Building Mass and Bulk (reviewed by the Design Review Committee in 2003, but not formally adopted).

Manual Format

The draft Interim Manual is in a format similar to that used for the S-14 Zone Criteria (**Attachment E**). Key features of this format include:

- Horizontal layout.
- Organization of the document's provisions into "Criteria" and "Guidelines".

The Criteria are relatively general policy statements and serve as "findings" that must be met in order for a design review application to be approved. The Guidelines that follow each Criterion provide methods to interpret and help meet that Criterion. Strict conformity with the Guidelines may therefore not be necessary as long as the relevant Criteria are met. This format, including the use of the Criteria and Guidelines, is very similar to that used for the Draft Criteria and Guidelines for View, Solar Access and Privacy Impacts and for Building Mass and Bulk, which was generally favorably received by the Committee during its 2003 review of these documents.

Manual Contents and Relation to Source Documents

The Manual is arranged into twelve sections, each defined by its own Criterion statement, plus appendices. These sections and the existing "source documents" that form the basis of each section are as follows:

Criterion 1: View Impacts on Neighboring Properties

Criterion 2: Solar Access Impacts on Neighboring Properties

Criterion 3: Privacy Impacts on Neighboring Properties

Criteria 1-3 are based on the Draft Criteria and Guidelines for View, Solar Access and Privacy Impacts reviewed by the Committee in 2003.

Criterion 4: Site Planning

Criterion 5: Building Design

Criteria 4 and 5 are based on the S-14 Criteria and the SRDR Discretionary Criteria and Guidelines for New Construction and for Additions and Alternatives.

Criterion 6: Bulk – All Projects

Criterion 7: Bulk – Special Methods for Hillside

Criteria 6 and 7 are based on the Draft Criteria for Building Mass and Bulk reviewed by the Committee in 2003 and expanded from the S-14 Criteria's bulk and related building design provisions.

Criterion 8: Neighborhood Compatibility (Context)

This section is based on the SRDR New Construction Checklist's "Context" section, but with the Checklist's numerically weighted scoring system converted to discretionary criteria and some of the provisions eliminated since they were incorporated into zoning standards adopted in 2001.

Criterion 9: Site Access and Parking

Criterion 10: Landscaping

Criteria 9 and 10 are based on the S-14 Criteria and the SRDR Discretionary Criteria and Guidelines for New Construction and Additions and Alterations.

Criterion 11: Street Fronting Fences and Freestanding Walls

This section is mostly new and developed in response to the more restrictive zoning standards adopted in 2001 for street fronting fences and freestanding walls.

Criterion 12: S-10 Scenic Route Combining Zone

Based on the Guidelines adopted by the Commission in 1973 and 1975.

Appendix A: Projects Exempt from Design Review

Appendix A is based on the "Exterior Treatment Conformance Standards" for exemption in the SRDR Discretionary Criteria and Guidelines for Additions and Alterations.

Appendix B: Architectural Styles

Appendix C: Bibliography

Appendix B and C are taken from the S-14 Criteria.

KEY ISSUES AND IMPACTS

Substantive Changes to Existing Design Review "Source" Documents

Staff has attempted to consolidate the existing design review "source" documents in a manner that minimizes repetition and redundancy while, in most cases, trying to avoid any substantive changes.

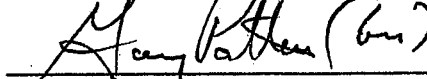
However, staff has included several major substantive changes that should be called to the Committee's attention:

1. Eliminating most of the SRDR New Construction Checklist and replacing it with the Manual's discretionary criteria and guidelines. This is necessary in order to implement the replacement of the existing points-based checklist with discretionary criteria as proposed in the 1-2 unit design review process changes considered by the Committee at its May 12, 2004 meeting.
2. Conversion of the SRDR New Construction Checklist's context section to discretionary criteria. See Criterion 8 discussion above.
3. Changing the SRDR Discretionary Criteria and Addition/Alteration Checklist provisions for solar access to address only "actively used outdoor areas" and changing SRDR's somewhat complex formula (based among other things on sun angles between September 21 and March 21) to allow a simpler 45° angle "skyplane" method as an alternative. These changes were incorporated into the draft Solar Access Impact Criteria and Guidelines reviewed by the Committee in 2003. The changes were proposed because:
 - a. The magnitude of a solar access impact on an interior space is often difficult to verify, frequently requiring either a site visit by staff at a specific time of day and during a specific season, or extremely complex analysis. Staff has inadequate resources to perform this function adequately while still giving proper attention to other design review issues and other types of zoning cases.
 - b. Solar access impacts on interior spaces are typically from the side, rather than from the front or rear. This is due to the narrow lots and narrow side yards that are very typical in Oakland. Staff believes that requiring a project to preserve solar access to the interior spaces of neighboring properties is unreasonable in a relatively dense, highly urbanized community such as Oakland and in many cases would deprive project sponsors of the ability to develop a residence that is comparable in size and scale (including floor area ratio) to those that already exist in the immediate area.

Some residents, primarily in the Rockridge neighborhood, have expressed strong opposition to the solar access changes above. Therefore, staff recommends that the Committee give special attention to the Manual's solar access provisions.

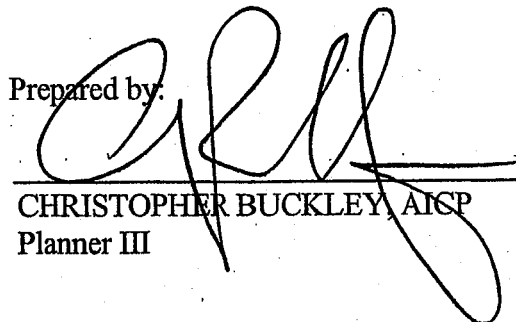
RECOMMENDATION: Review the draft Interim Manual and provide direction to staff for preparation of revisions to the document as needed.

Respectfully submitted:



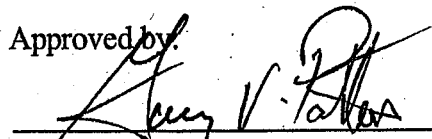
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Prepared by:



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GARY V. PATTON
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and:



EDWARD MANASSE
Planner IV- Design Review Supervisor

ATTACHMENTS:

- A. Draft Interim Design Review Manual for One and Two Unit Residences.
- B. Special Residential Design Review (SRDR) New Construction Checklist Procedure, Standards and Criteria.
- C. SRDR Discretionary Criteria Application Supplement for New (Unit) Construction.
- D. SRDR Discretionary Criteria, Checklist Criteria, Guidelines and Detailed Instructions for Additions and Alternatives.
- E. Expedited Design and Bulk Review Criteria for Single Family Houses in the S-14 Zone.
- F. S-10 Scenic Route Combining Zone Design Guidelines.

City of Oakland

Interim Design Review Manual for One- and Two-Unit Residences

DRAFT - 3/24/05

Adopted by the Oakland City Planning Commission on _____

ATTACHMENT B

City of Oakland
Interim Design Review Manual for One and Two Unit Residences

(Draft 3/24/05)

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Purpose and Intent

The Design Review Manual for One- and Two-Unit Residences complements existing zoning regulations and the residential design review procedures of the Oakland Planning Code.

The Design Review Manual provides certainty and predictability in the design review process through the establishment of uniform Citywide decision-making criteria for all one and two unit projects subject to design review. The Manual serves as the basis for design review approval findings by City staff and, when necessary, the City Planning Commission and the City Council. The Manual is intended to be specific enough to guide development, while at the same time flexible enough to not preclude creative design solutions.

Design review objectives are (1) create safe, attractive and stable neighborhoods; (2) maintain property values; (3) provide attractive and highly livable housing that meets the needs of all Oakland residents; and (4) safeguard the City's architectural heritage.

Through the Design Review Manual, the City encourages residential designs that are sensitive to natural conditions and conserve, protect and enhance the unique character of Oakland neighborhoods. Emphasis is placed on the following design features: harmonious relationships between the proposal and existing conditions; the provision and maintenance of usable open space; effective orientation to sun and other elements; and efficiency of land use.

Oakland has many neighborhood environments that vary in landforms, vegetation, development patterns and development densities. Much of the Upper Hill Area is characterized by open canyons, steep natural landforms, native and other naturalistic vegetation, large lots and narrow winding roads. The Lower Hill Area is characterized by smaller hills of varied steepness, natural and ornamental vegetation and more urban development patterns and densities. The flatland areas are mostly characterized by grid street systems and ornamental rather than naturalistic vegetation.

In between these areas are transitional neighborhoods, such as parts of Montclair, which share aspects of both natural and urban settings and are often considered rustic or informal. The Manual seeks to promote design solutions that recognize and are compatible with these different environments.

The Manual provides project sponsors, neighbors and the general public with clear documentation of the City's design objectives and expectations. Toward this end, the Manual presents design approaches which, if followed, will offer project sponsors a high level of certainty through the design review process, assuming their projects conform to all other applicable City standards.

How to Use the Manual's Design Review Criteria and Guidelines

The Design Review Manual consists of both *Criteria* and *Guidelines*. The Criteria set forth the overall policy which is then expressed more specifically in the Guidelines.

To be granted design review approval, a project must conform to all of the applicable Criteria. The Guidelines that follow each Criterion provide methods to interpret and help meet that Criterion.

The City recognizes that the Manual cannot anticipate all acceptable solutions to a particular design problem. Therefore, the Guidelines are intended to encourage a variety of good design solutions and are not intended to dictate particular design methods. Methods other than those set forth in the Guidelines may often be appropriate. Strict conformity with the Guidelines may therefore not be necessary as long as the city determines that the relevant Criteria are met. Such determinations may require additional time to review the application.

Introduction**Design Review Approval Criteria**

The following are the Design Review Manual's approval criteria. In order to be approved, a project must conform with all of the applicable criteria:

CRITERION 1: VIEWS

☐ YES/ NO ☐ A project shall make a reasonable effort to maintain the most significant views from primary living spaces of existing residences of abutting lots and lots directly across the street. View protection is considered for views that are located within view corridors, subject to view protection limitations.

(Refer to Guidelines 1.1- 1.4 for methods to help meet the 'Views' criterion).

CRITERION 2: SOLAR ACCESS

☐ YES/ NO ☐ A project shall make a reasonable effort to minimize solar access impacts on actively used outdoor areas of abutting residential properties.

(Refer to Guidelines 2.1- 2.3 for methods to help meet the 'Solar Access' criterion).

CRITERION 3: PRIVACY

☐ YES/ NO ☐ A project shall make a reasonable effort to minimize privacy impacts from upper-level decks or windows on primary living spaces of residential lots abutting the SIDES OR REAR of the project site.

☐ YES/ NO ☐ The project shall be designed to minimize privacy impacts ON THE PROJECT from neighboring properties.

(Refer to Guidelines 3.1- 3.3 for methods to help meet the 'Privacy' criterion).

CRITERION 4: SITE DESIGN

☐ YES/ NO ☐ The building or addition shall be sited in a manner that is compatible with adjacent properties and any existing site features, respects the configuration and natural amenities of the lot, and maintains or promotes useable open space.

☐ YES/ NO ☐ Stairways, accessways, and corridors shall be designed to ensure the privacy and security of residents without adversely affecting the residential amenity of adjacent properties.

☐ YES/ NO ☐ The primary pedestrian entrances shall be identifiable from the street; and, where desirable, pedestrian entry paths shall be distinct and separate elements from parking pads and driveways.

☐ YES/ NO ☐ Outdoor spaces shall be an integral part of the overall design (distinct spaces and/or landscaped zones rather than left over spaces).

☐ YES/ NO ☐ On hillsides, open spaces shall reinforce natural landforms (especially in canyon areas), provide for visual openness between houses and include livable outdoor areas such as courts, yards or terraces at or near grade.

(Refer to Guidelines 4.1- 4.8 for methods to help meet the 'Site Design' criterion).

CRITERION 5: BUILDING DESIGN

- ☐ YES/ NO ☐
Each building shall have an architectural composition of forms that are well related to one another and the site in proportion, scale, geometry and style.
- ☐ YES/ NO ☐
Building elevations (walls, windows, roof/leave lines etc.) shall be composed in an ordered, unified and consistent manner that reinforces the design's basic composition, style and massing while providing visual interest.
- ☐ YES/ NO ☐
Complement neighborhood scale, development patterns and orientation of structures and not disrupt neighborhood appearance.
- ☐ YES/ NO ☐
The principal entryway shall be visually prominent and located either on the front elevation or on the front portion of a side elevation.
- ☐ YES/ NO ☐
Parking entrances and garages shall be integrated into the overall design so that they are not dominant features of facades.
- ☐ YES/ NO ☐
Detailing and use of materials shall enhance the design's appearance and reinforce the architectural composition and style.
- ☐ YES/ NO ☐
For additions and alterations, the scale, bulk, and massing shall be compatible with, but not necessarily identical to, the existing residence. Any new materials shall be integrated into the overall design even if they are not necessarily identical or similar to existing exterior treatments.
- (Refer to Guidelines 5.1 - 5.11 for methods to help meet the 'Building Design' criterion).

CRITERION 6: BULK- ALL PROJECTS

- ☐ YES/ NO ☐
The project shall manage mass, scale and composition, including materials and detailing, to minimize the building's actual and perceived bulk.
- (Refer to Guidelines 6.1 - 6.11 for methods to help meet the 'Bulk- All Projects' criterion).

CRITERION 7: BULK: SPECIAL METHODS FOR HILLSIDES

- ☐ YES/ NO ☐
Hillside projects shall use methods that blend with the hillside setting and minimize the building's prominence.
- ☐ YES/ NO ☐
On sloped sites, minimize perceived bulk when viewed along with neighboring structures from the downslope side.
- (Refer to Guidelines 7.1 - 7.9 for methods to help meet the 'Bulk: Special Methods for Hillsides' criterion).

Introduction

CRITERION 8: NEIGHBORHOOD COMPATIBILITY (CONTEXT)☐ YES/ NO ☐

New construction within 40 feet of a front lot line shall relate well to any strong, positive visual patterns, or "contexts" presented by neighboring buildings within the context area. These visual patterns shall include those created by: (i) roof forms and pitch; (ii) principle entryway treatment; (iii) front setback; (iv) surface materials; (v) windows and openings; (vi) architectural detailing; and (vii) front yard landscaping (see Figure 8-1).

The "context area" consists of the five lots on each side of the project site and the ten closest lots across the street (see Figure 8-2).

This criterion shall apply only if the slope of the project site is 20 percent or less and one of the following situations exists:

- a. Within 1,000 feet of the project site, there is a grid system of multiple streets, or the system of streets forms a pattern of a nearly rectilinear grid or the intersection of more than one grid; or
- b. At least 75% of the sites (including vacant lots) within 300 feet of and on the same street as the project site are 4,000 square feet or less in area.

This criterion does not apply if there are fewer than 10 houses in the context area.

(Refer to Guidelines 8.1- 8.7 for methods to help meet the 'Neighborhood Compatibility' criterion).

CRITERION 9: SITE ACCESS AND PARKING☐ YES/ NO ☐

Parking areas, garages, driveways and other parking provisions shall be sited to minimize their visual impact on the street and shall be subordinated to the house, landscape and pedestrian entrance.

☐ YES/ NO ☐

Where physically feasible, unenclosed parking spaces shall be visually screened from the street and other significant vantage points.

☐ YES/ NO ☐

Visible portions of the driveway shall minimize the use of paving, and use natural or decorative materials and designs.

☐ YES/ NO ☐

Garages shall be architecturally consistent with the residence and enhance the main building's streetscape appearance.

(Refer to Guidelines 9.1- 9.7 for methods to help meet the 'Site Access and Parking' criterion).

CRITERION 10: LANDSCAPING☐ YES/ NO ☐

The proposed landscaping shall complement the building design and the use of open spaces and yards, and provide visual interest and spatial definition to outdoor spaces and visual relief from building masses.

☐ YES/ NO ☐

Landscape areas shall be provided wherever possible along property lines and the base of buildings to soften edges.

☐ YES/ NO ☐

Fences, retaining walls, exterior stairs, other minor structures and site paving (hardscape) shall be consistent with the building architecture and landscaping and be sensitive to adjacent property conditions and public views.

☐ YES/ NO ☐

Street-fronting yards shall be designed to highlight the pedestrian entry.

☐ YES/ NO ☐

Water conservation shall be considered in the selection of plant material and irrigation systems.

☐ YES/ NO ☐

Fire resistant vegetation shall be used in hill areas. (The booklet "Firescape - Landscaping to Reduce Fire Hazard" published by the East Bay Municipal Utility District is available at the Zoning Counter.)

(Refer to Guidelines 10.1- 10.15 for methods to help meet the 'Landscaping' criterion).

OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES
Introduction

CRITERION 11: STREET-FRONTING FENCES AND FREESTANDING WALLS

Note: Criterion 11 applies only to street-fronting fences/walls that: (a) are taller than 42" and require a Conditional Use Permit; or (b) are part of a landscape plan requiring City approval.

☐ YES/ NO ☐

Street fronting fences and freestanding walls shall not be overly dominant within the streetscape and shall relate well to buildings, landscaping and other streetscape design features.

☐ YES/ NO ☐

Fences and freestanding walls within front yards and the front portions of street side yards on corner lots shall complement the architectural style of the adjacent residence.

"Front portions of street side yards" refers to the portions of street side yards adjacent to the main residence and does not refer to portions at the rear of the main residence.

(Refer to Guidelines 11.1- 11.12 for methods to help meet the 'Street Fronting Fences and Freestanding Walls' criterion).

CRITERION 12: S-10 SCENIC ROUTE COMBINING ZONE

Note: Criterion 12 applies only to projects in the S-10 Scenic Route Combining Zone requiring Design Review and/or a Conditional Use Permit.

☐ YES/ NO ☐

Project design in the S-10 Scenic Route Combining Zone shall be aimed at achieving an atmosphere of harmony with nature. The following design considerations shall be given special attention:

1. Materials and architectural appointments;
2. Colors;
3. Landscaping;
4. Building mass and siting.

(Refer to Guidelines 12.1- 12.5 for methods to help meet the 'S-10 Scenic Combining Zone' criterion).

CRITERION 1: VIEWS

A project shall make a reasonable effort to maintain the most significant views from primary living spaces of existing residences on lots in close proximity to the project site. View protection is considered for views that are located within view corridors, subject to view protection limitations.

GUIDELINES:

1.1 DEFINITIONS

- A. "Significant views" are distant views of the following scenic sites, in order of priority:
 1. Golden Gate Bridge, Bay Bridge, other bridges, downtown Oakland or San Francisco skyline;
 2. A large portion of San Francisco Bay and/or San Pablo Bay;
 3. A panoramic view of a major natural feature, such as the Oakland/Piedmont/Berkeley Hills, a large open hillside, Mount Tamalpais, Mount Diablo, Lake Merritt, etc;
 4. A prominent structural landmark, such as the U.C. Berkeley Campanile, Mormon Temple, etc.
- B. "Primary Living Spaces" include, in order of priority:
 1. Main living room or family room;
 2. Master bedroom;
 3. View-oriented deck or patio;
 4. Dining area or kitchen; or
 5. If none of above, another bedroom having the only significant view.
- C. "View Corridors" are sight lines from "primary living spaces" (1.1.B) to "significant views" (1.1.A) extending outward from the following designated viewpoints:
 1. Rear elevations on down-slope lots at least one level (about 10 feet) above adjacent grade;
 2. Front elevations on up-slope lots at least one level (about 10 feet) above the street pavement;
 3. The front and rear 15 feet of upper level side-facing elevations, but only on cross-slope lots steeper than 20% and a change in elevation between abutting residences of at least 10 feet (about one story).

(See Figure 1.1C)

1.2 VIEW IMPACT EVALUATION

- A. View protection will be considered for all existing residences abutting the project site or directly across the street (see Figure 1.2). View protection will also be considered for residences on lots within 300' of the project site in cases where the potential view impact is called to the City's attention.
- B. For purposes of the Manual, a "view impact" relates only to the potential view obstruction resulting from additions, alterations and/or new construction of one- and two-unit residences, and not from trees or other vegetation.
- C. If a significant view is wide angle or panoramic, then an obstruction of ten (10) degrees or more would usually be considered a view impact. If the view is instead toward a single object, such as the Golden Gate Bridge, then any level of obstruction may be considered a view impact.
- D. Sight lines toward a significant view begin at seated eye level (4' above floor level). Proposed roof lines should be a minimum of 2 feet below eye level but may need to be lower if significant distance separates the project and impacted building, due to the downward angle of views.
- E. Where more than one neighboring property has a view corridor over the project site, view protection priority will be given to the closer property(ies).
- F. Where a neighboring property has more than one view corridor over the project site, priority will be given to protecting the best available view as determined by the Guidelines.
- G. Story poles may be required, at staff's discretion, to adequately evaluate potential impacts on views.

1.3 VIEW PROTECTION LIMITATIONS-- REASONABLE EFFORTS

View protection techniques as described in Guideline 1.4 below are typically *not* required if any of the following apply:

- A. The project maintains the best views from neighboring properties but other views are reduced or blocked, or
- B. View protection techniques would result in lesser or lower quality views for the project than neighboring properties, or
- C. View protection techniques would result in a house significantly smaller in floor area or height than neighboring residences on similar lots, or a house less than two stories in height (except for small portions that may need to be limited to one story to preserve a view), or
- D. View protection techniques would require reducing the project's height more than 20 percent below the Zoning Regulation's maximum height limits (without a Variance or Conditional Use Permit), and/or reducing the buildable area as defined by the minimum front, side or rear setbacks more than 20 percent.

1.4 VIEW PROTECTION TECHNIQUES

On the following pages are common design techniques affecting a home's height, siting, massing, or depth in order to maintain views from neighboring properties. These techniques should be used at the early stages of design.

Where a significant view is impacted by a proposed design, one or more of the following techniques may be required for mitigation.

FIGURE 1.1: PROPERTIES ELIGIBLE FOR VIEW PROTECTION

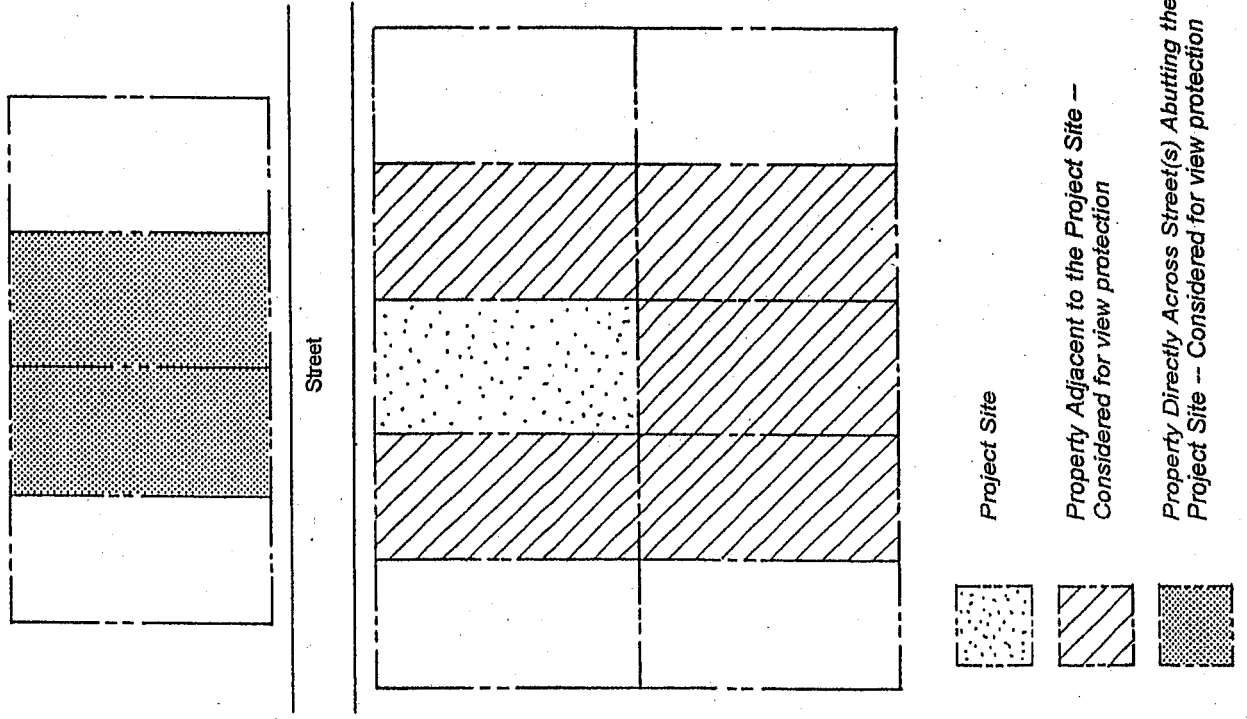
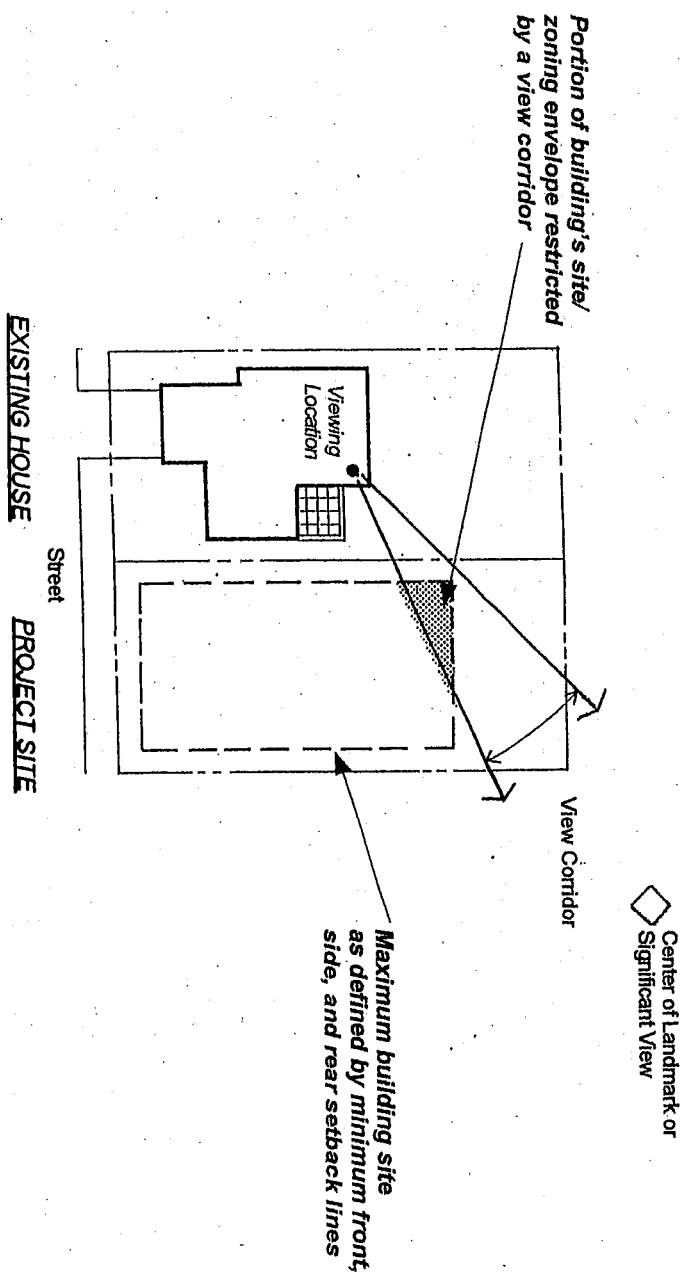
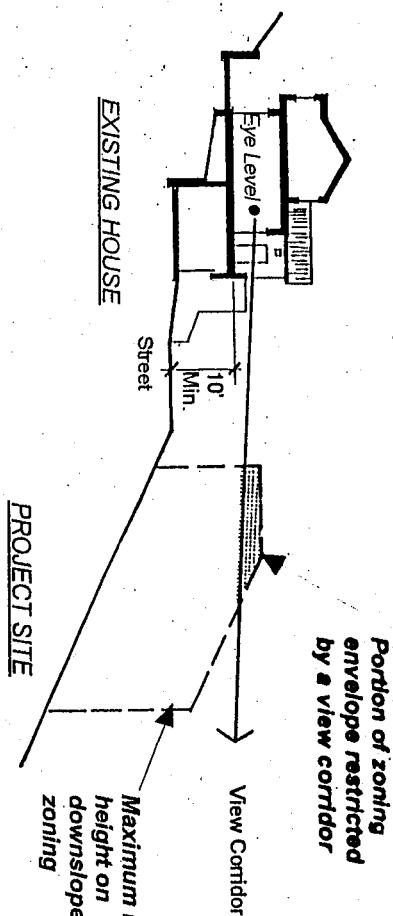


FIGURE 1.1C: VIEW CORRIDORS (PAGE 1 OF 1)

View Corridor 1 -- Rear elevation of building on downslope lot



View Corridor 2 -- Front portion of building on upslope lot



View Corridor 3 -- Upper level side elevation on cross slope lots steeper than 20 percent

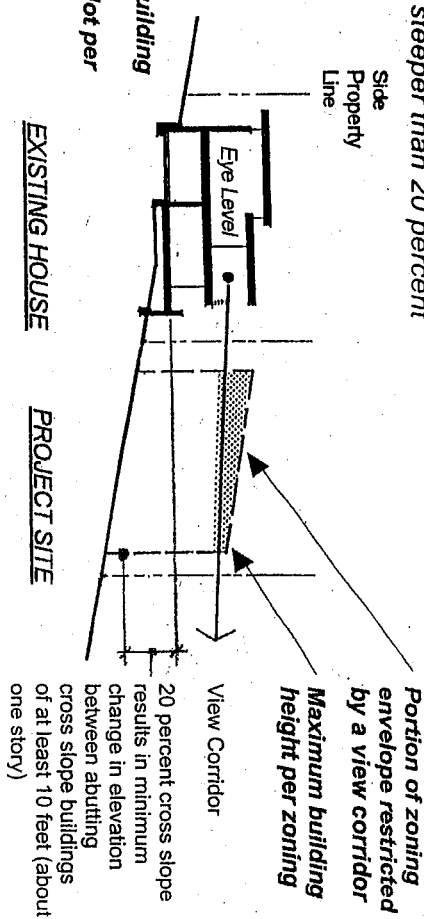
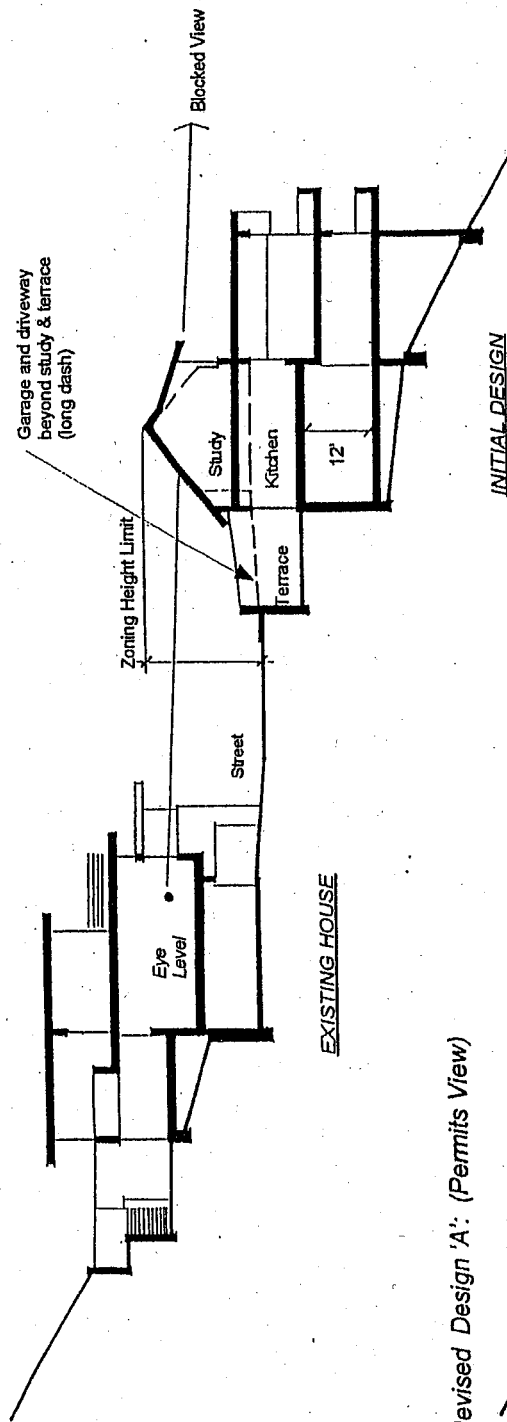
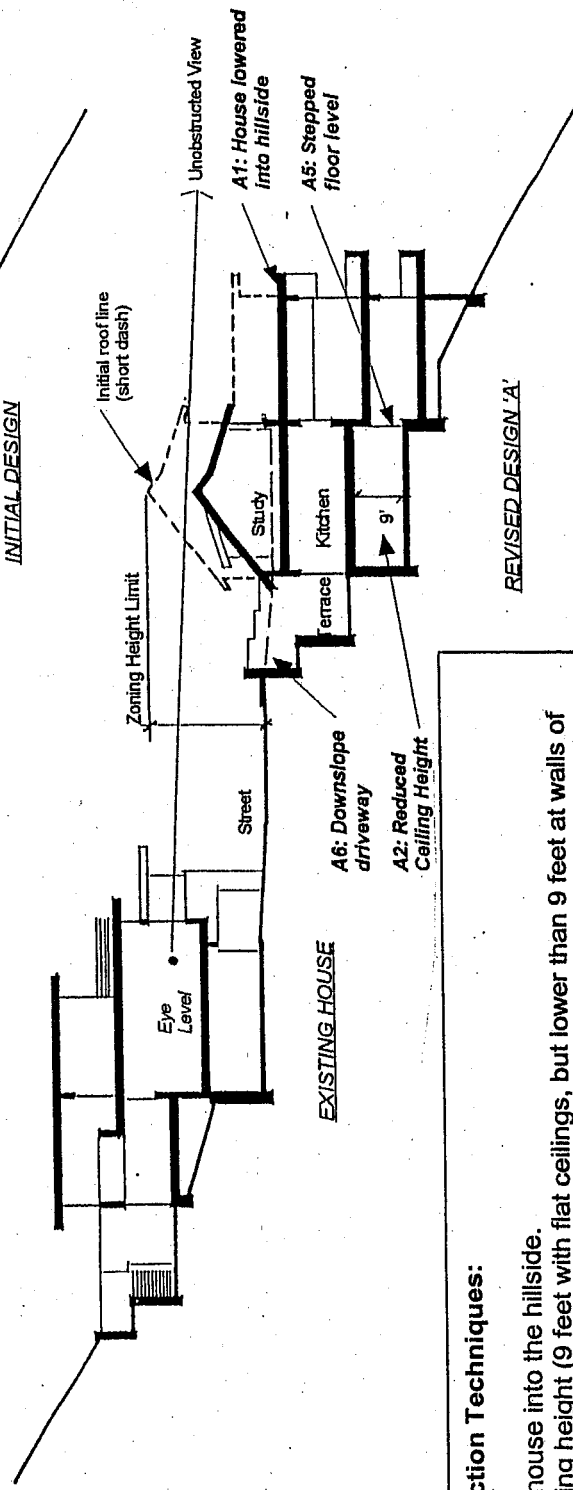


FIGURE 1.4A: HEIGHT REDUCTION TECHNIQUES (Page 1 of 2)

Initial Design: (Blocks View)



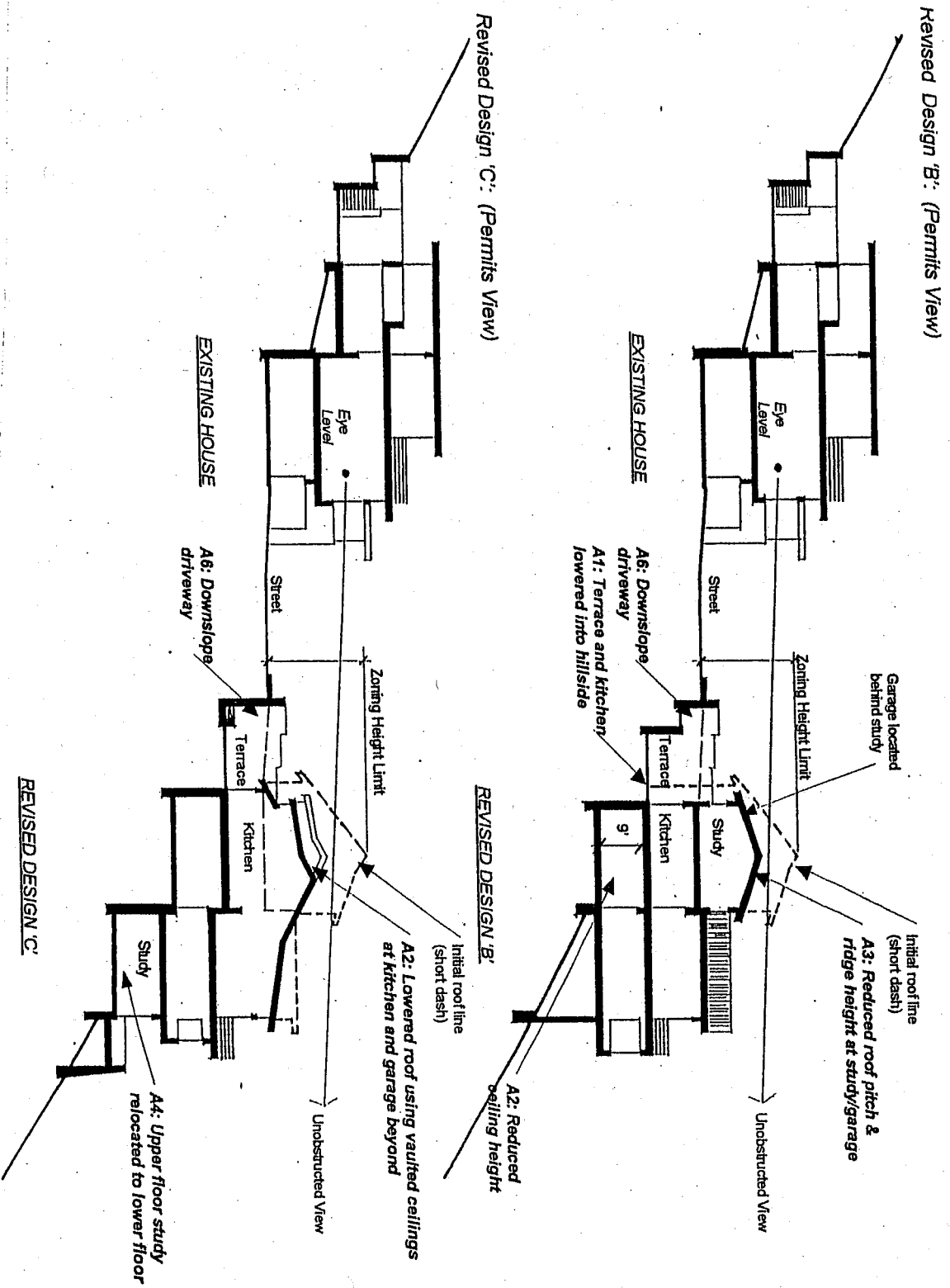
Revised Design 'A': (Permits View)



1.4A Height Reduction Techniques:

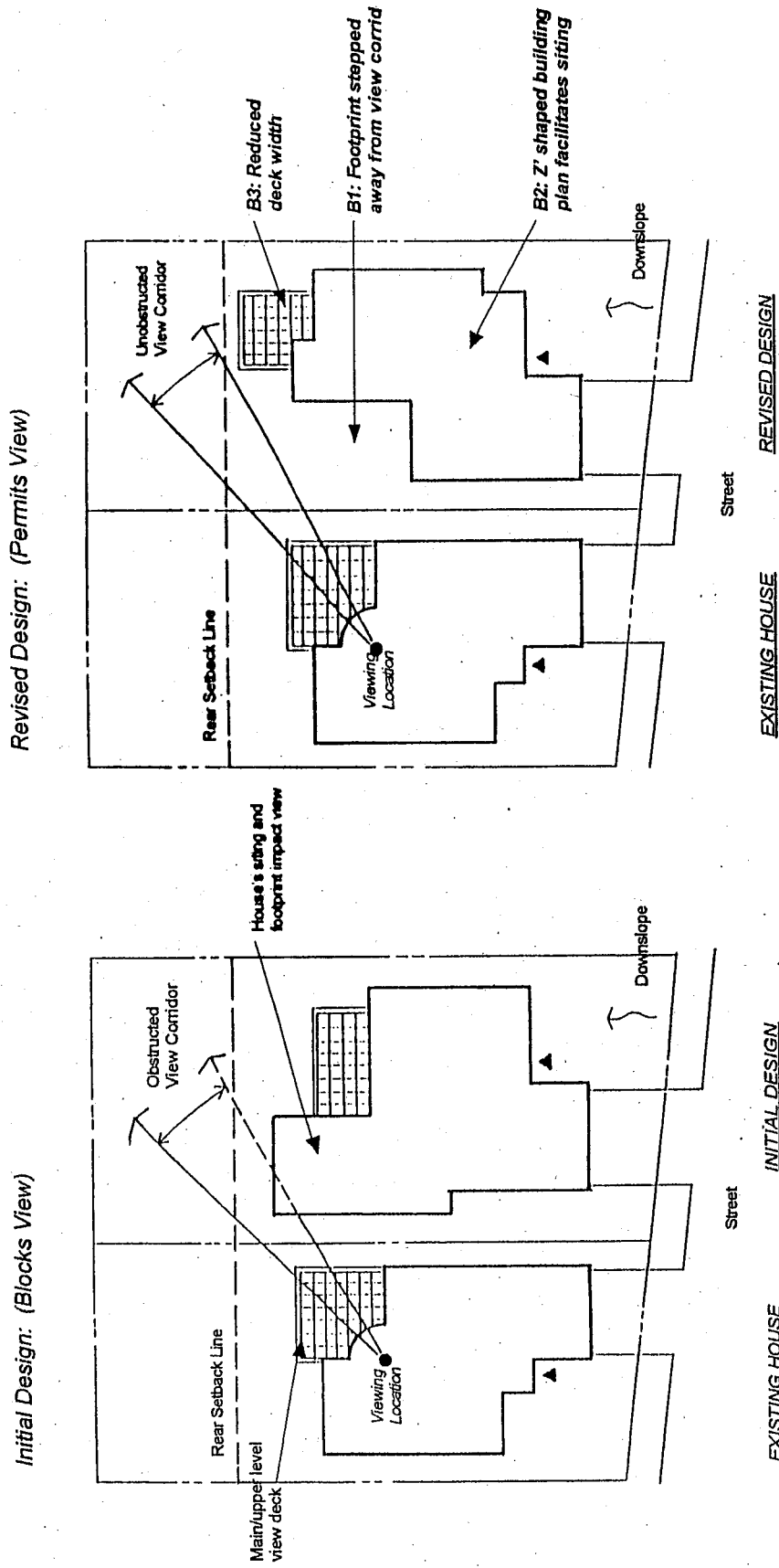
1. Lowering the house into the hillside.
2. Reducing ceiling height (9 feet with flat ceilings, but lower than 9 feet at walls of vaulted ceilings).
3. Reducing roof pitches.
4. Relocating upper floor space to an existing or new lower level.
5. Using split-level floor plans
6. Sloping driveways down from the street on downslope lots.

FIGURE 1.4A: HEIGHT REDUCTION TECHNIQUES (Page 2 of 2)



Criterion 1: View Impacts on Neighboring Properties

FIGURE 1.4B: SITING TECHNIQUES (Page 1 of 2)
(Downslope lot example)

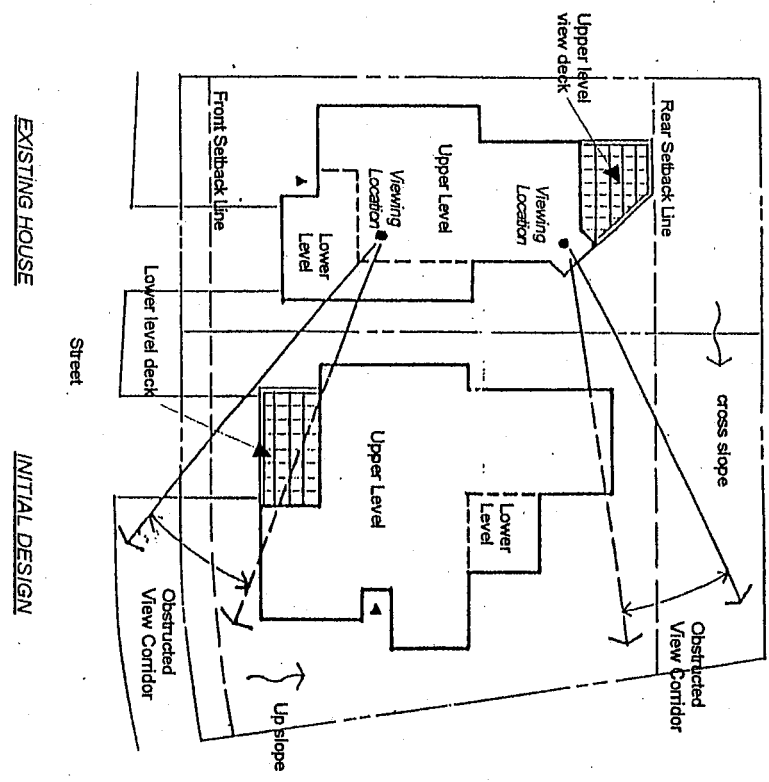


1.4B Siting Techniques:

1. Stepping, angling, shifting, or rotating the building's footprint or upper levels away from the view corridor.
2. Using an irregular-shaped footprint configuration, such as "L", "Z", "T" or wedge shape instead of a rectangular footprint.
3. Reducing the width or depth of a floor level, room, or deck.
4. Using a courtyard or similar gap in the house to create a view corridor.

FIGURE 1.4B: SITING TECHNIQUES (Page 2 of 2)
(Irregularly sloped lot example)

Initial Design: (Blocks View)



Revised Design: (Permits View)

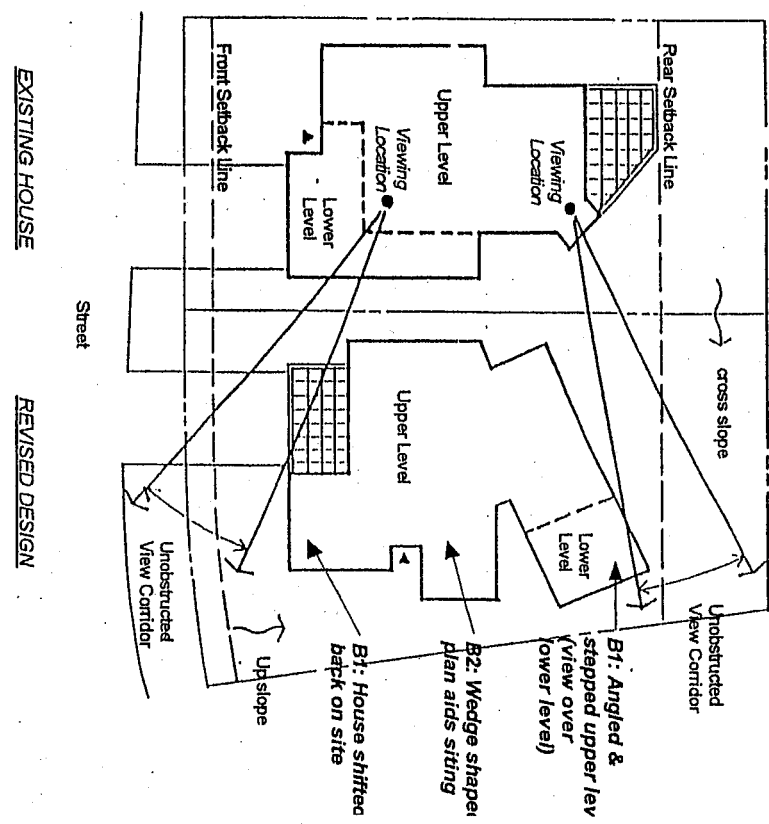
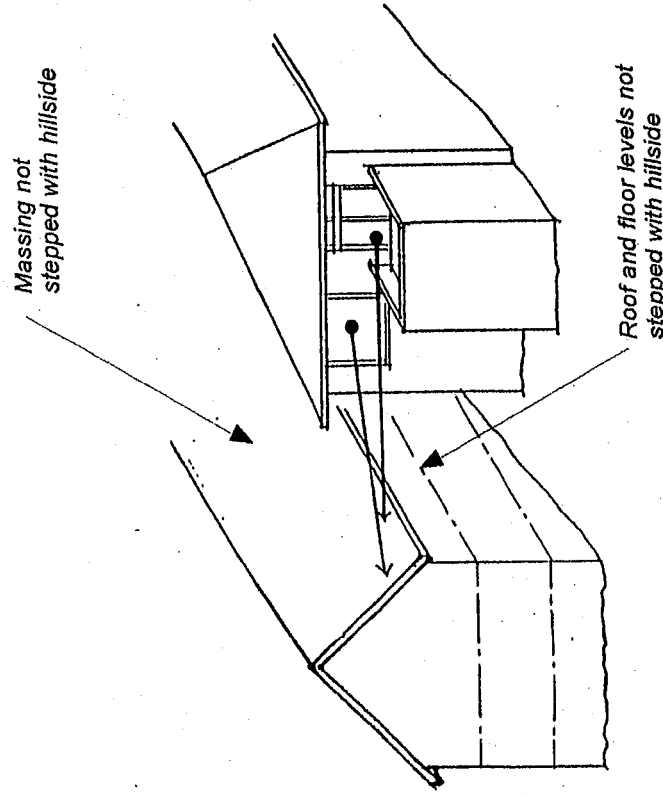


FIGURE 1.4C: MASSING TECHNIQUES (Page 1 of 2)

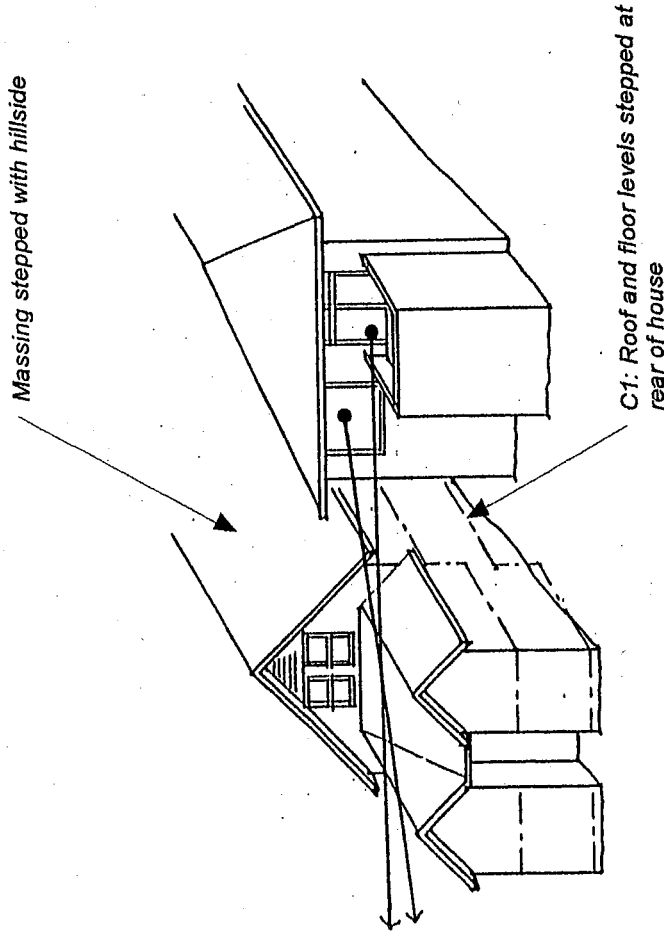
Initial Design: (Blocks View)



INITIAL DESIGN

EXISTING HOUSE

Revised Design: (Permits View)



REVISED DESIGN

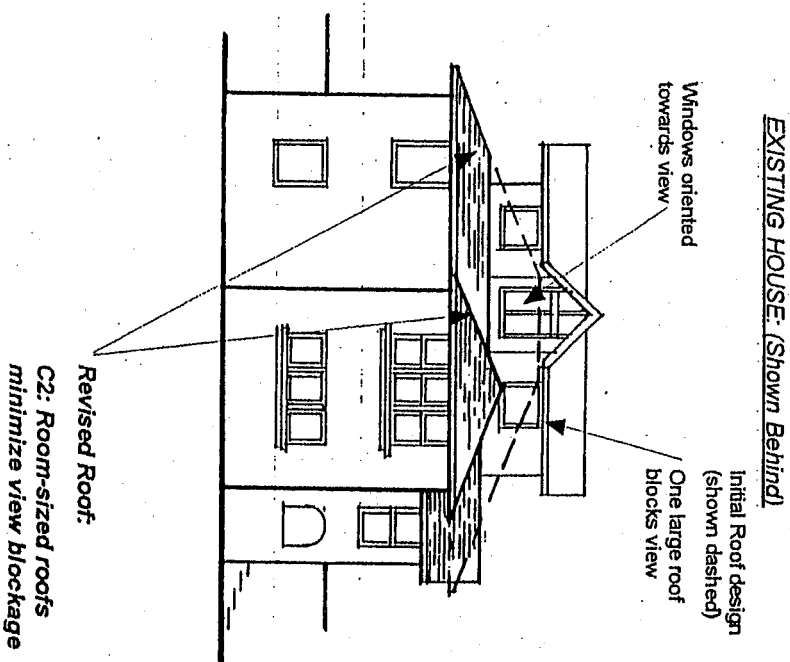
EXISTING HOUSE

1.4C Massing Techniques:

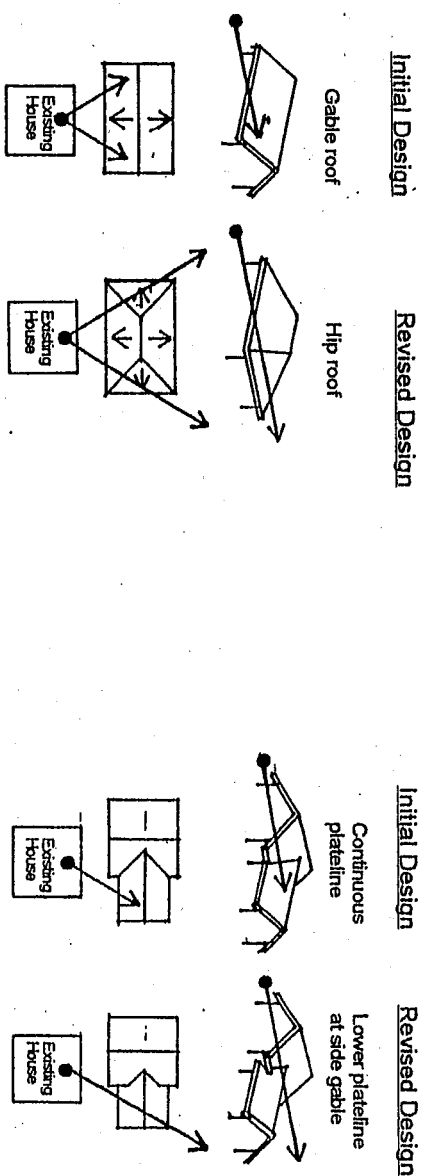
1. Stepping roof volumes with the hillside and away from views.
2. Using smaller roof forms fitted to room widths rather than larger forms fitted to building widths.
3. Using dormers or similar devices to reduce building volume within view corridors.
4. Altering roof forms (e.g. gable to hip roof) or reorienting ridge lines.
5. Carefully locating and limiting the size of chimneys, tower forms, or similar elements.

FIGURE 1.4C: MASSING TECHNIQUES (PAGE 2 OF 2)

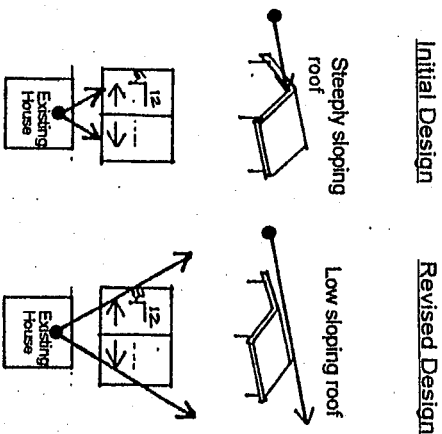
C2: Fitting roof forms to room widths, rather than building widths:



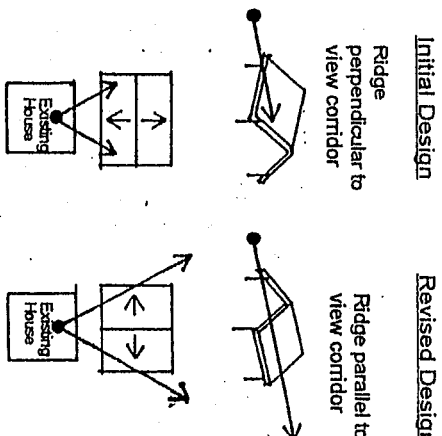
C4: Revising roof forms:



a) CHANGE ROOF FORM

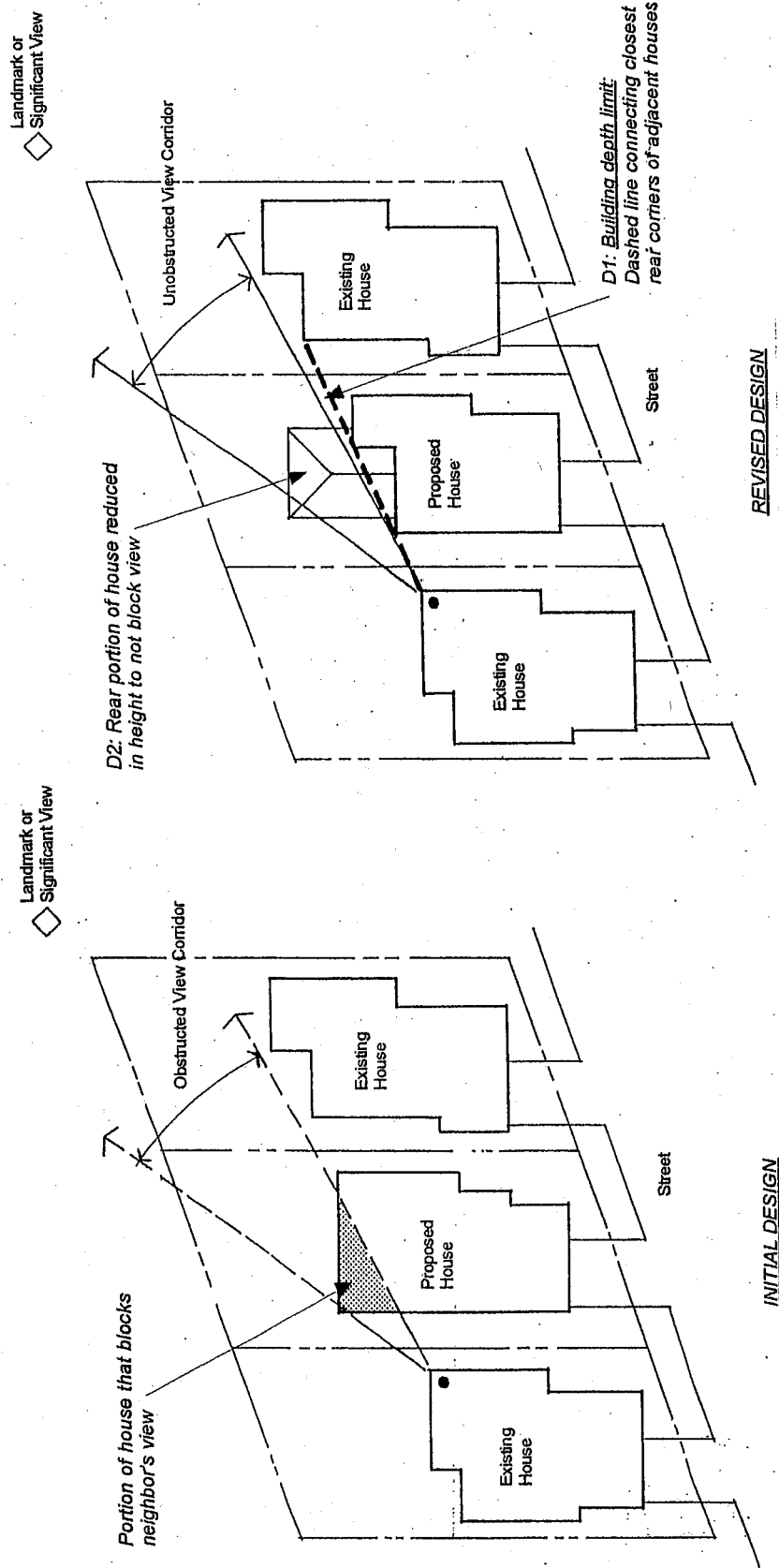


c) LOWER ROOF SLOPE



d) REORIENT RIDGELINE

FIGURE 1.4D: BUILDING DEPTH LIMIT TECHNIQUE (Page 1 of 1)



1.4D Building Depth Limit Technique:

1. Where other measures cannot maintain a view corridor and a reduced building depth would preserve the corridor, the portion of the project that impacts views should not extend beyond a line connecting the closest rear corners (including decks and similar projections) of the adjacent residences on each side of the project site.
2. The building depth limit will be considered **only** for the portions of the project that impact view corridors. The building depth limit is not intended to limit a one-story room or deck projection placed close to ground level that does not impact views from adjacent houses.
3. If there is only one adjacent residence because the project site is a corner lot or next to a vacant lot, the building depth limit will be the line connecting the adjacent building's closest rear corner and perpendicular to the side lot line. If there are no buildings on adjacent lots, the building depth limit does not apply.
4. Application of the building depth limit technique to its full extent may not be appropriate where there are unusual street configurations (especially at sharp turns) or where adjacent houses have very shallow building depths. A very shallow building depth is considered to be less than 35' as measured from the front setback line to the building's rear wall.

CRITERION 2: SOLAR ACCESS

A project shall make a reasonable effort to minimize solar access impacts on actively used outdoor or indoor areas of abutting residential properties.

GUIDELINES:

2.1 DEFINITIONS

- A. An "actively used outdoor area" is a gathering space with a seating area, a sunning area, a pool/fountain, planters, or other similar amenities.
- B. An "actively used indoor area" is a room typically used for entertainment functions, such as living rooms, dining rooms, kitchens, family rooms, etc. They exclude bedrooms and bathrooms.
- C. A "solar access impact" exists when more than 50% of an "actively used indoor area's" exterior walls facing the project or when more than 50% of an "actively used outdoor area" is are either:
 - i. In shadow created by the project structure as determined by a shadow study for the spring/fall equinox during at least two of the following three times of day: 9:00 a.m., Noon, and 3:00 p.m. (See Figure 2.1.)

OR

- ii. Beneath an inclined plane extending downwards at a 45 degree angle from the top of the proposed structure's northeast to northwest facing sides and roofs. (See Figure 2.2.)

When available from either the project sponsor or other interested party and determined to be accurate by City staff, method "i" above will be used; otherwise method "ii" will be used.

Note: Method (i) uses the hours between 9 a.m. and 3 p.m. because this period has the greatest solar gain.

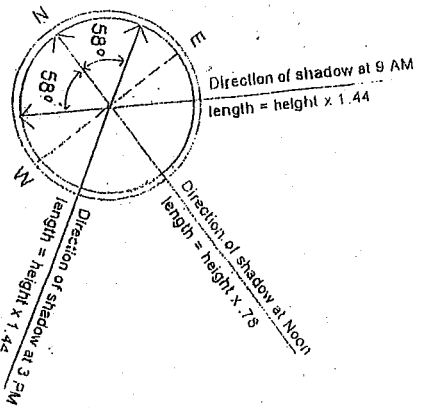
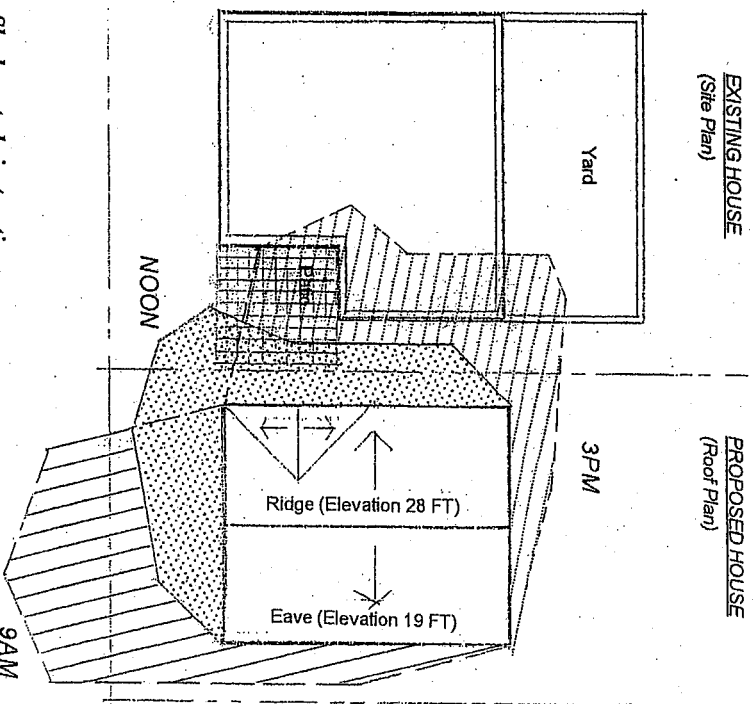


FIGURE 2.1: SHADOW STUDY ILLUSTRATION
 Example of Shadow Study



Shadow study instructions:

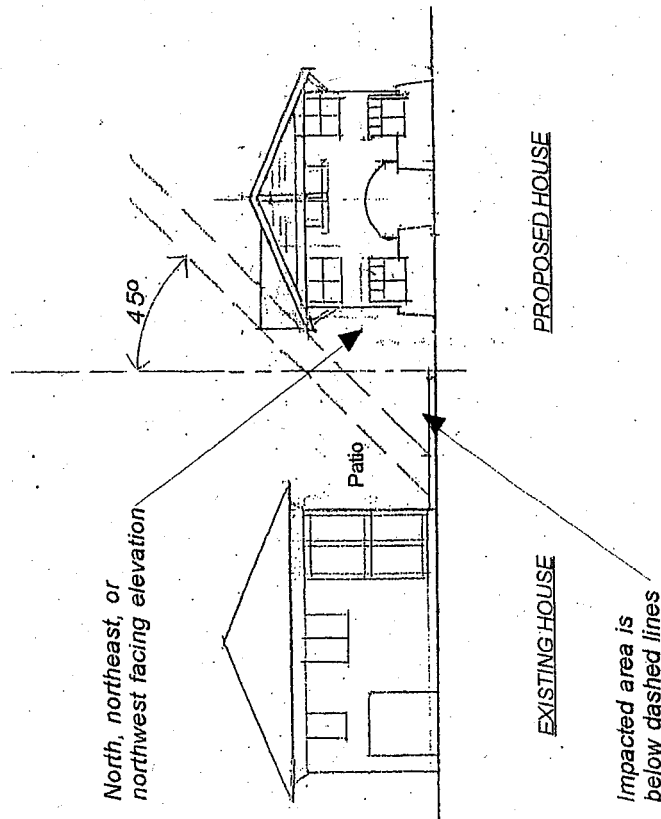
- 1) Draw roof plan of proposed house & footprint of adjacent house. Indicate height of proposed ridges and eaves, and of neighbor's decks and/or patios. Draw a north arrow.
- 2) Draw lines from ridges and eaves in a direction 58 degrees to the right of north (for shadows at 9 a.m.).
- 3) Determine the length of each shadow by multiplying the distance between the ridges/eaves and the decks/patios by 1.44.
- 4) Connect the points where shadows have the greatest length to show the outline of the 9 a.m. shadow on the ground.
- 5) Repeat steps 2, 3, and 4 for noon and 3 p.m. For noon, draw lines directly north. For 3 p.m. use a direction 83 degrees to the left of north. For the length of the shadow at noon, multiply the height by .78; for 3 p.m. multiply by 1.44.

Note: Data from Architectural Graphic Standards

Criterion 2: Solar Access Impacts on Neighboring Properties

FIGURE 2.2: 45 DEGREE SOLAR INCLINE PLANE

Example shows same house as in Figure 2.1



45 degree solar incline plane instructions:

- 1) Draw proposed house and adjacent house in elevation.
- 2) Draw lines at a 45 degree angle projecting down from eaves, gables, ridges, etc.
- 3) Calculate the percentage of the outdoor area impacted by shadows. (For multiple roof forms, as in this example, transfer the shadow line to the plan drawing before calculating this percentage.)

Note: Any shadow cannot cover more than 50 percent of an active outdoor area.

2.2 SOLAR ACCESS IMPACT MITIGATION MEASURES

Where a solar access impact is identified, mitigation measures may be required to preserve solar access. These measures are the same as those for view impacts in Section 1.4 above and include adjustments to building wall or roof height, siting, massing and similar measures.

However, mitigation measures will not be required for the situations listed in Section 2.3 below.

2.3 SOLAR ACCESS IMPACTS NOT REQUIRING MITIGATION

The following solar access impacts do not require mitigation:

- A. Shadows cast by fences, landscaping, or one-story structures.
- B. When mitigation would restrict the property's development as described in Section 1.3 for view impacts (View Protection Limitations—Reasonable Efforts).

CRITERION 3: PRIVACY

- a. *A project shall make a reasonable effort to minimize privacy impacts from upper-level decks or windows on primary living spaces of residential lots abutting the SIDES OR REAR of the project site.*
- b. *The project shall be designed to minimize privacy impacts ON THE PROJECT from neighboring properties.*

GUIDELINES

3.1 DEFINITIONS

A. **Privacy Impact.** A "privacy impact" is the ability to obtain direct, casual observation of a property's inhabitants from an upper-level deck, terrace or window at the side or rear of an abutting residence, especially from large windows or decks that are unscreened and oriented towards facing windows or decks.

An upper-level deck or terrace is a deck or terrace surface higher than three feet above grade. An upper-floor window is a window with a sill higher than eight feet above grade.

A ground-level deck or terrace is a deck or terrace surface that is within three feet of grade. A ground-level window is a window with a sill less than eight feet above grade.

B. **Primary Living Spaces.** The following "primary living spaces", listed in order of priority, are considered for privacy protection if these spaces about the sides or rear of the project site:

1. Master bedroom suite
2. Other bedrooms
3. Kitchen
4. Living or family room
5. Main deck or patio

3.2 PRIVACY PROTECTION LIMITATIONS - REASONABLE EFFORTS

"Privacy protection techniques" as described in guideline 3.3 below are typically not required if any of the following apply:

- A. Providing privacy protection would result in the loss of significant views for the project that cannot be elsewhere accommodated.
- B. Providing privacy protection would result in large blank walls or other unfavorable design impacts.
- C. Reducing the size of the window causing the privacy impact would violate building code exiting requirements.
- D. The privacy impact is from a street-facing side of the project, from which privacy is generally not protected.
- E. The privacy impact is from a ground-level window, deck, or terrace, from which privacy protection is generally limited to landscape or fence screening.
- F. Providing additional privacy would limit the use of the project site significantly more than that enjoyed by neighboring properties.

3.3 PRIVACY PROTECTION TECHNIQUES NORMALLY REQUIRED

One or more of the "privacy protection techniques" shown on the following pages are typically required when there is a "privacy impact". These techniques should be used at the early stages of design.

The level of mitigation required depends on the size of the impact, the available options for mitigation, and the consequences of mitigation.

Mitigation is intended to be balanced with the project's functional and visual qualities. Some loss of neighbors' privacy may still result even with skilful and sensitive design.

FIGURE 3.3: PRIVACY PROTECTION TECHNIQUES (Page 1 of 2)

Impacts from rear elevations and upper decks

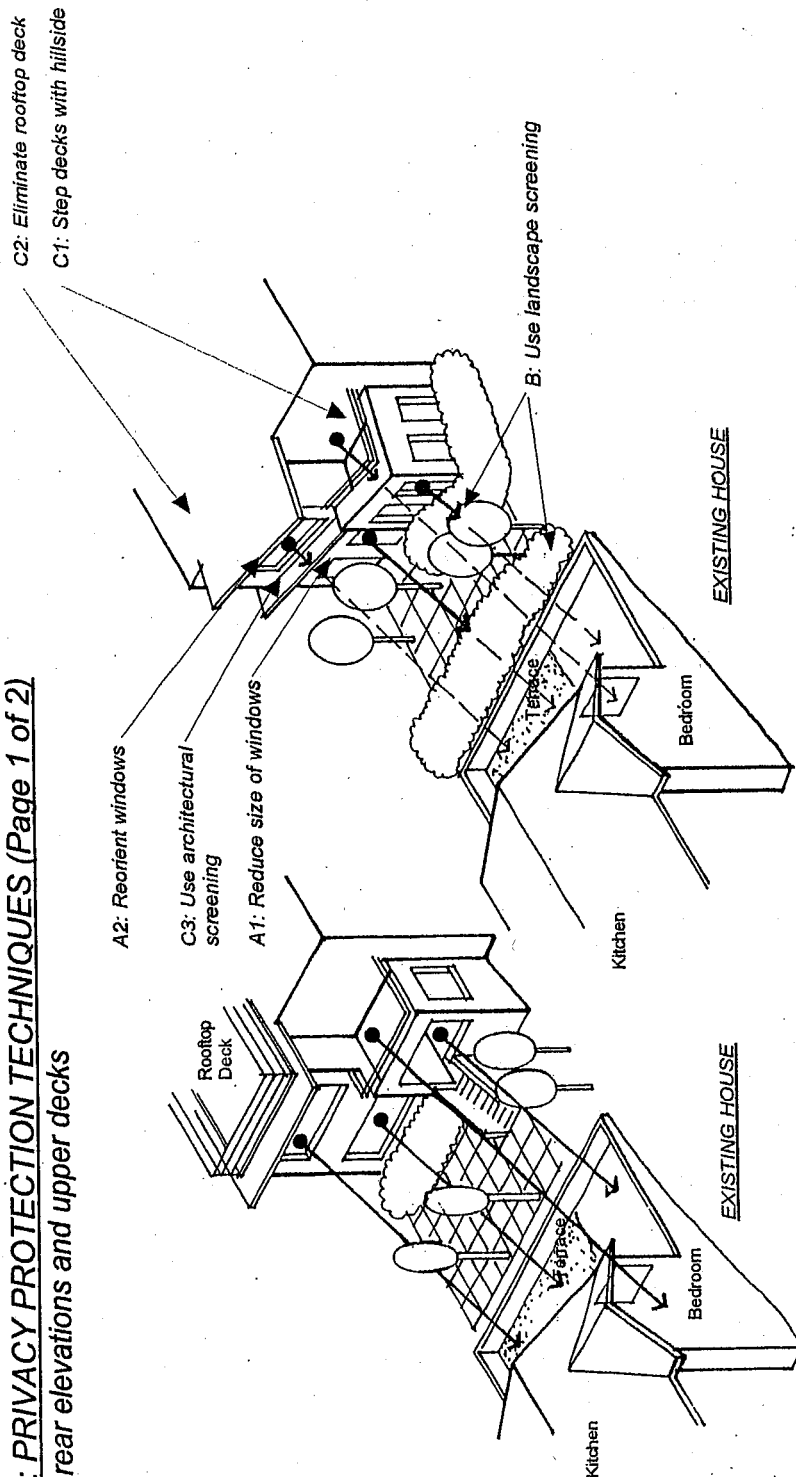


Figure 1: Initial Design (Impacts Privacy)

Note: Line with arrow indicates unobstructed view

Figure 2: Revised Design (Maintains Privacy)

Note: Dashed line indicates blocked view

3.3A. General Impacts (All Impacts From Sides or Rear of Project Site, including Upper-Floor Decks):

1. Reduce the size of very large windows.
2. Angle/orient windows away from adjacent property's impacted areas.

3.3B. Impacts From Rear Elevations Only:

Use dense landscaping, fences, or hedges to augment architectural solutions. (Note: this approach should not be used if it causes view impacts.)

3.3C. Impacts From Upper-Floor Decks on Side or Rear Elevations:

1. Step multi-level decks with the hillside so that the upper decks have lower impact.
2. Reduce the size of large decks close to property lines and avoid rooftop observation decks where there are privacy impacts.
3. Use building wall extensions or other permanent architectural elements as screening devices.

FIGURE 3.3: PRIVACY PROTECTION TECHNIQUES (Page 2 of 2)
Impacts from side elevations and upper decks

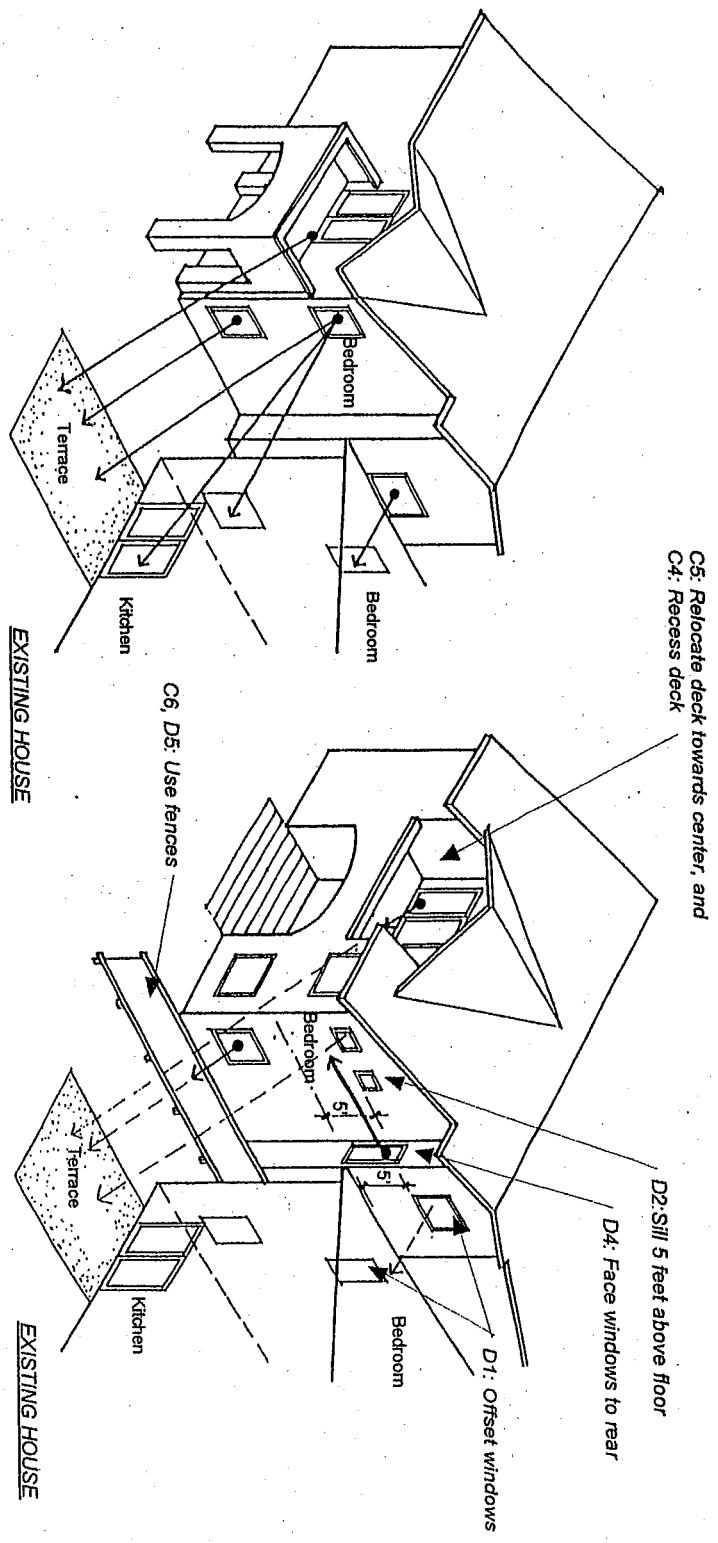


Figure 1: Initial Design (Impacts Privacy)
 Note: Line with arrow indicates unobstructed view

Figure 2: Revised Design (Maintains Privacy)
 Note: Dashed line indicates blocked view

3.3C. Impacts From Upper-Floor Decks on Side or Rear Elevations (continued):

4. Tuck the deck into the building envelope as screening device.
5. Locate or orient upper-floor decks away from side yards and towards the center of the lot to minimize direct sight lines to impacted areas of neighboring residences.
6. Use dense landscaping, fences, or hedges to augment architectural solutions. (Note: this approach should not be used if it causes view impacts.)

3.3D. Impacts From Side Elevations Only:

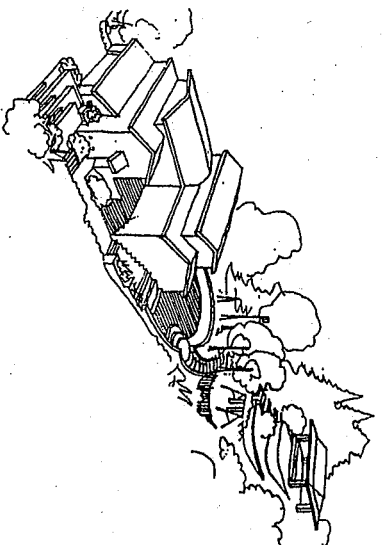
1. Offset windows.
2. Use windows with sills at least 5' above finished floor.
3. Use obscure glass.
4. Adjust the floor plan to face larger windows towards the front or rear yard and away from the side yard.
5. Use dense landscaping, fences, or hedges to augment architectural solutions. (Note: this approach should not be used if it causes view impacts.)

CRITERION 4: SITE DESIGN

- (a) *The building or addition shall be sited in a manner that is compatible with adjacent properties and any existing site features, respects the configuration and natural amenities of the lot, and maintains or promotes useable open space.*
- (b) *Stairways, accessways, and corridors shall be designed to ensure the privacy and security of residents without adversely affecting the residential amenity of adjacent properties.*
- (c) *The primary pedestrian entrances shall be identifiable from the street; and, where desirable, pedestrian entry paths shall be distinct and separate elements from parking pads and driveways.*
- (d) *Outdoor spaces shall be an integral part of the overall design (distinct spaces and/or landscaped zones rather than left over spaces).*
- (e) *On hillsides, open spaces shall reinforce natural landforms (especially in canyon areas), provide for visual openness between houses and include livable outdoor areas such as courts, yards or terraces at or near grade.*

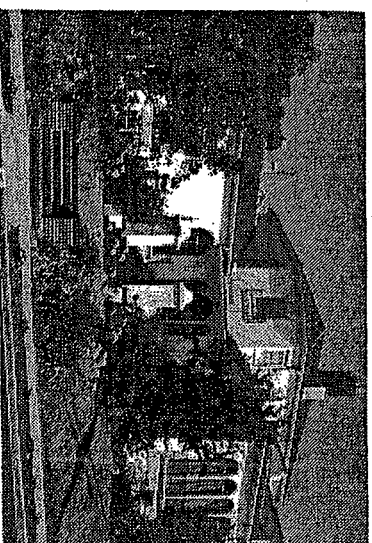
GUIDELINES:

- 4.1 Consider the cumulative impact of site planning/open space design on the neighborhood, including any hillsides, as viewed from a distance.
- 4.2 Consider the impact of outdoor space(s) on adjacent properties. Outdoor space(s) abutting adjacent properties should be designed to enhance the visual and functional characteristics of the combined space.
- 4.3 Develop an open space design for the whole property. Consider including gardens, courts, paths, terraces etc.
- 4.4 Locate the front door and/or pedestrian entry path to clearly indicate the pedestrian entry sequence from the street.



ENCOURAGED

- ▶ An overall site design concept
- ▶ An integrated system of spaces that defines site access, site circulation and usable courts and terraces
- ▶ Design that creates ample open space between houses
- ▶ Outdoor spaces that assist in reducing building bulk



- ▶ Entry court, brick path and steps, and well composed landscaping provide a positive transition between this house and the street

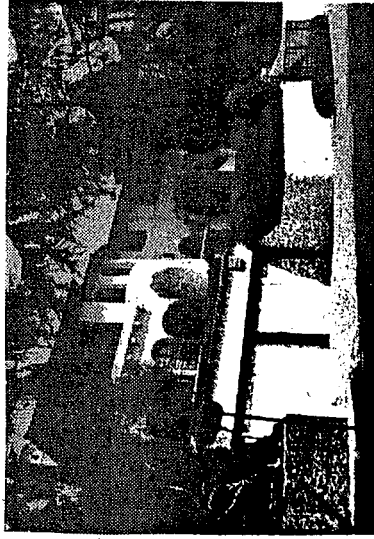
Special Guidelines for Hillside:

4.5 On hillside, use courtyards and other spaces to organize building volumes and create transitions from house to land.

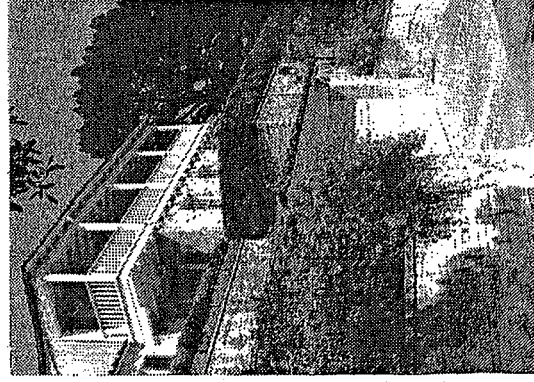
4.6 On hillside, avoid large retaining walls and excessive grading. A few low walls can often provide grade transitions and usable spaces close to floor levels.

4.7 On hillside, avoid filling up side yards with concrete stairs or paved areas that limit landscaping and potential usable space.

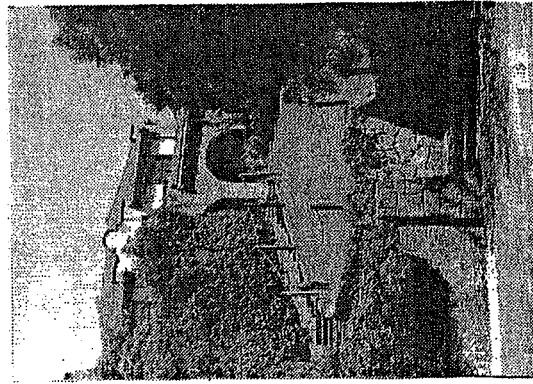
4.8 Restore or create naturally landscaped rear yards zones in canyon areas. (See Landscaping Guidelines 10.8 through 10.11)



▶ *Detached garage, low sculpted retaining walls, attractive gates and railings, and generous landscaping create an attractive foreground to the house*



▶ *A significant difference in elevation between the street and house is mitigated with the use of a series of architecturally integrated stepping planters that emphasize texture and natural materials*



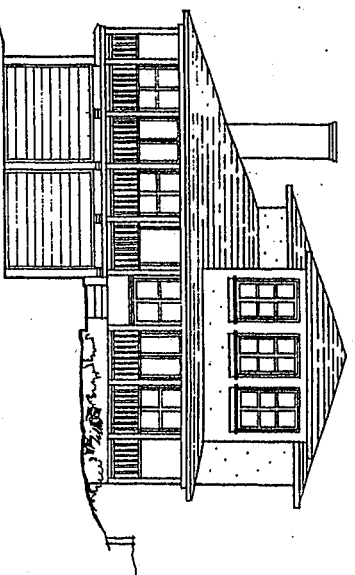
▶ *A generous front yard setback allows for an attractive entry sequence well integrated with the site topography and landscape*

CRITERION 5: BUILDING DESIGN

- (a) Each building shall have an architectural composition of forms that are well related to one another and the site in proportion, scale, geometry and style.
- (b) Building elevations (walls, windows, roof/leave lines etc.) shall be composed in an ordered, unified and consistent manner that reinforces the design's basic composition, style and massing while providing visual interest.
- (c) Complement neighborhood scale, development patterns and orientation of structures and not disrupt neighborhood appearance.
- (d) The principal entryway shall be visually prominent and located either on the front elevation or on the front portion of a side elevation.
- (e) Parking entrances and garages shall be integrated into the overall design so that they are not dominant features of facades.
- (f) Detailing and use of materials shall enhance the design's appearance and reinforce the architectural composition and style.
- (g) For additions and alterations, the scale, bulk, and massing shall be compatible with, but not necessarily identical to, the existing residence. Any new materials shall be integrated into the overall design even if they are not necessarily identical or similar to existing exterior treatments.

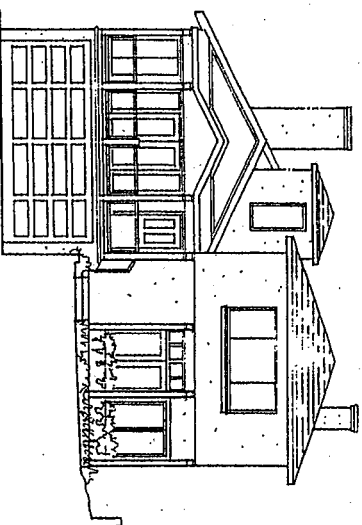
GUIDELINES:

- 5.1 Design vertical and horizontal elements such as wall and roof planes, chimneys, columns, terrace walls etc. in a manner that creates visual order.
- 5.2 In houses of a particular style such as Period French, Mediterranean, Craftsman Bungalow etc., utilize the architectural vocabulary consistent with the style's fundamental composition of walls, windows, roof lines etc. and the style's use of detailing and materials.
- 5.3 Avoid blank or under-designed walls facing the street.
- 5.4 Design the principal entryway to include a projection (porch or deck), recess, combination of projection and recess, or an entry court. Consider covering the entry.



REVISED ELEVATION -- IMPROVED

- ▶ Consistent roof lines and window treatments
- ▶ Porch creates visual order and rhythm
- ▶ Garage, window and porch colonnade openings vertically aligned and similarly proportioned



INITIAL ELEVATION -- DISCOURAGED

- ▶ Cluttered and competing roof lines, wall treatments and window shapes
- ▶ Awkward relationship between upper and lower wall planes
- ▶ Lacking order, hierarchy or visual lines

5.5 Carefully compose the location, pattern (grouping and spacing), proportion and shape of windows. Aim at reinforcing the geometry of building masses. Consider the appropriateness of basic window variations for your design:

- Windows as zones of glass between solid building masses or planes.
- Windows as a pattern of punched openings within wall planes.
- Corner windows.

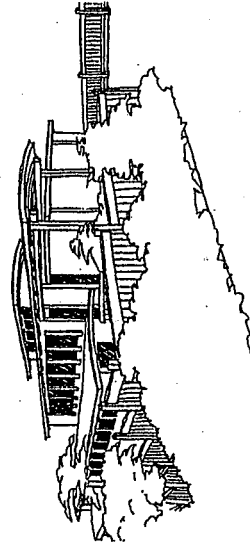
5.6 Avoid placing windows randomly in the building or solely to fit the floor plan.

5.7 Carefully detail eaves, porch columns, railings, chimney caps and similar visually prominent architectural features.

5.8 Detail doors and windows in a manner compatible with the architectural composition and style. In most cases, doors and windows should be deep-set into walls and/or use prominent casings that articulate the opening.

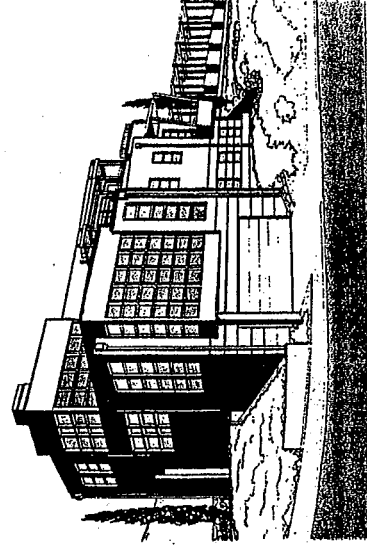
5.9 Avoid detailing out-of-character with materials being used, such as stone detailing done in stucco.

5.10 Utilize materials, textures and /or colors to heighten the interplay of space, form and light and reinforce the design aesthetic.



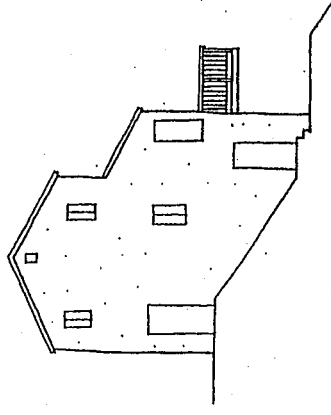
ENCOURAGED

- ▶ Entry features designed as an extension of the building architecture
- ▶ Visible wall and roof planes, including side walls and undersides of eaves, designed and detailed to enhance streetscape appearance



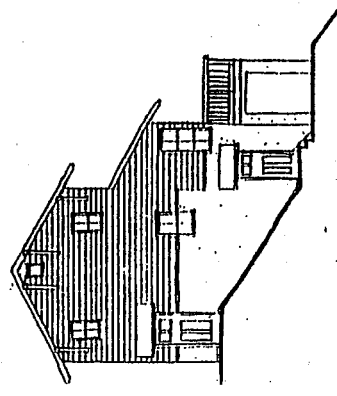
ENCOURAGED

- ▶ Massing elements, materials and window groupings composed to provide order, scale and interest
- ▶ Balconies, trellises, canopies, arbors etc. that are featured design elements and help connect the house to its site



INITIAL DETAILING AND MATERIALS

- ▶ Large blank stucco walls
- ▶ Undistinguished eave lines
- ▶ Windows flush with walls and without muntins
- ▶ Cheap metal railings



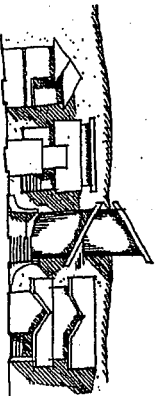
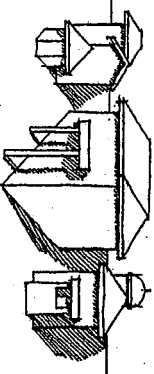
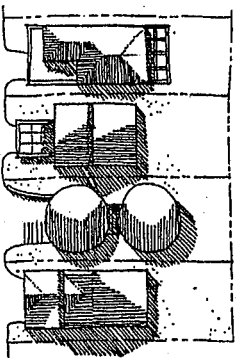
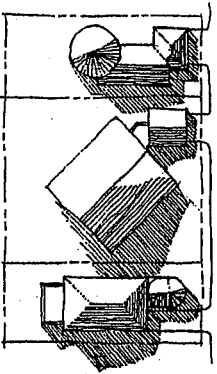
REVISED DETAILING AND MATERIALS

- ▶ Material variations that enhance scale, proportion and texture of walls
- ▶ Brackets, rafter tails, decorative balcony railings etc. that accentuate connections between building planes and add visual interest
- ▶ Casing, muntins, canopies and other window and door details

5.11 Relation to Neighborhood Development Patterns:

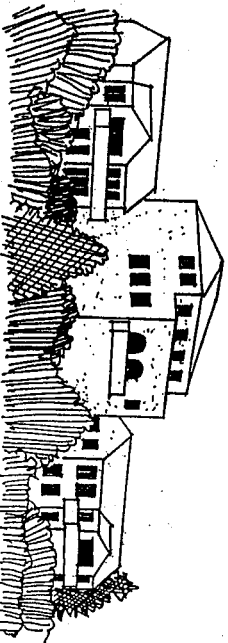
- A. Where strong neighborhood development patterns exist, design the building's orientation, massing, scale and siting to reinforce and enhance these patterns.

Avoid:

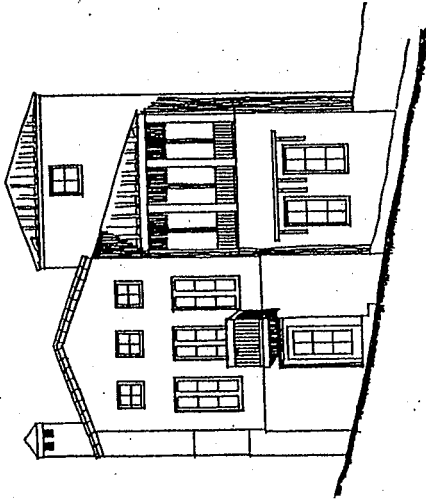


1. *Radical shifts in building orientation and/or scale that disrupt neighborhood development patterns.*

2. *Insensitive massing/forms that adversely affect neighborhood appearance*

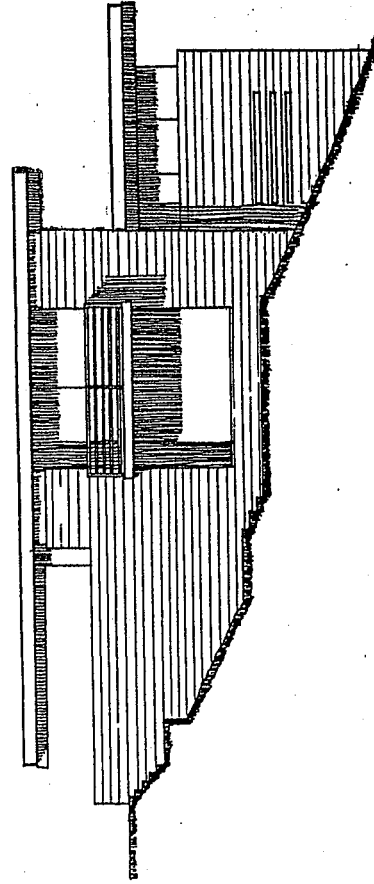


3. *Designs that look conspicuously larger than other structures or disrupt the neighborhood*
- B. On hillside sites, however, major shifts in siting from the neighborhood pattern may be warranted to help break-up continuous walls of downslope facades and minimize their collective bulk.



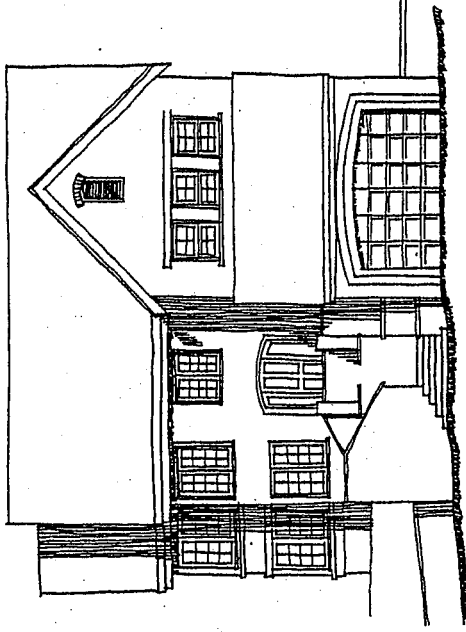
BACK ELEVATION/DOWNSLOPE LOT

- ▶ Windows, decks, etc. symmetrically organized within individual building masses and aligned floor-to-floor
- ▶ Windows appear as "punch-outs" in wall with adequate wall space between windows, balcony columns read as a lighter open frame
- ▶ Chimney cap, trellis, etc. consistent with rest of elevation



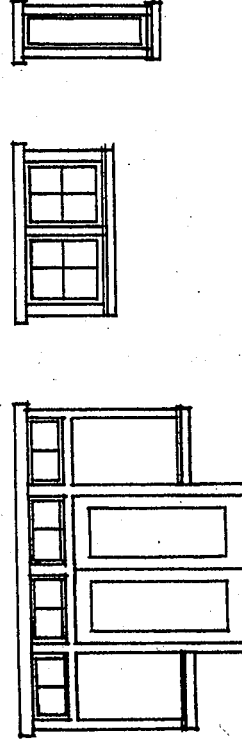
SIDE ELEVATION/DOWNSLOPE LOT

- ▶ Strong horizontal lines created by floating roof plane and horizontal emphasis of wall planes, windows, siding, and railings
- ▶ Secondary vertical lines accentuate profile of wall edges corners
- ▶ Windows occupy zones such as between wall and roof planes



FRONT ELEVATION UP-SLOPE LOT

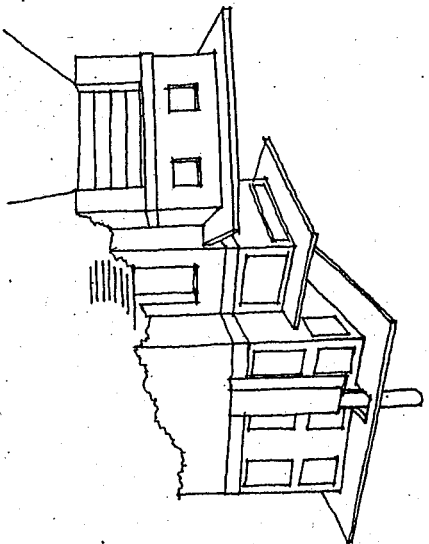
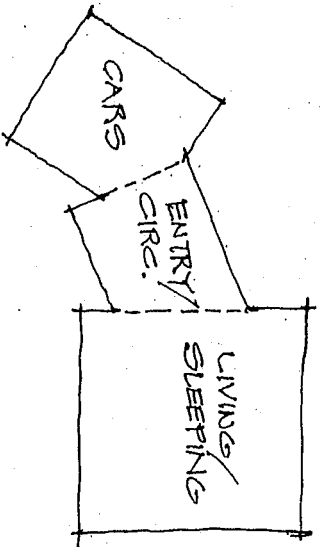
- ▶ Eave lines/roof planes visually dominant feature
- ▶ Windows grouped horizontally within wall planes and at building corners
- ▶ Arch form repeats at garage entrance and attic vent
- ▶ Casings, headers, and coping reinforce the house's proportions and visual lines



FAMILY OF WINDOW/DOOR OPENINGS

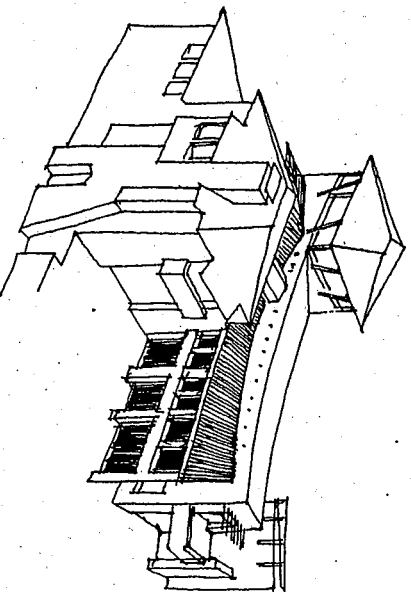
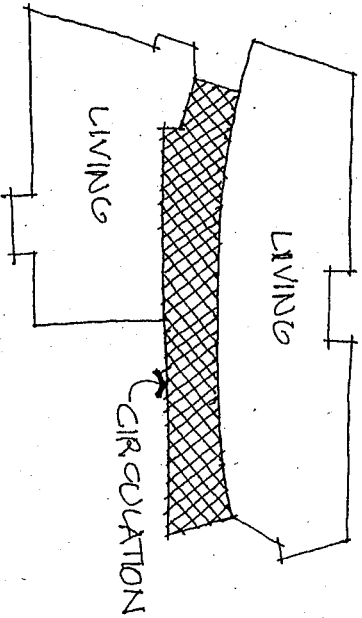
- ▶ A basic module can be combined to make a larger opening or grouped to make a pattern of similar openings
- ▶ Proportional systems for openings, e.g. 1 to 1, 1 to 2, 1 to 3 etc. tend to relate windows of different function
- ▶ Detailing of mutins, casings etc. should be consistent

ARCHITECTURAL COMPOSITIONS



Uphill Example

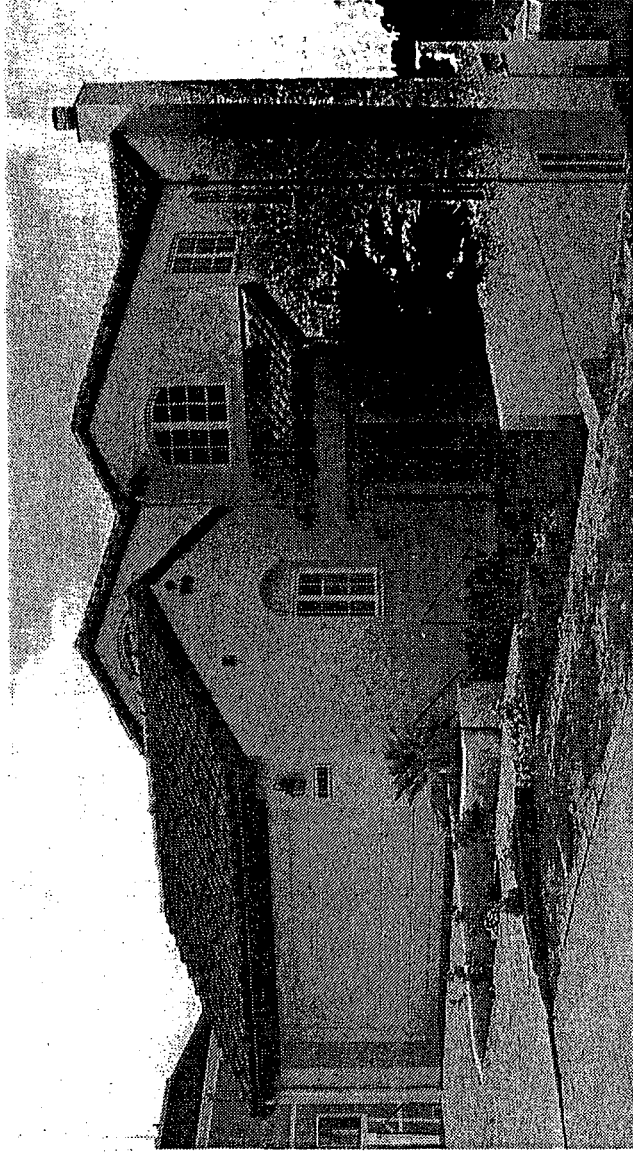
- ▶ 3 cubes stepping up the hill
- ▶ Proportion and rotating orientation of cubes essential to composition
- ▶ Roof planes reinforce geometry and accentuate architectural expression



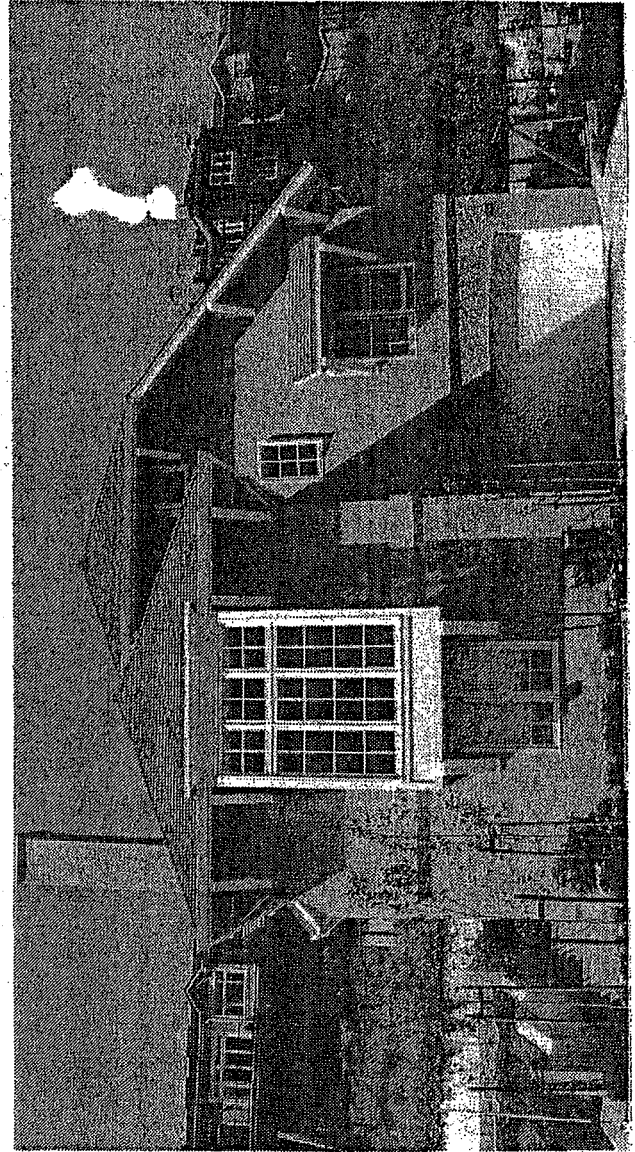
Cross Slope Example

- ▶ Functionally and geometrically divided into 3 zones
- ▶ Internally, 2 forms attached to central circulation volume
- ▶ From street, 3 attached tower-like forms
- ▶ See page 35 for perspective of front of house

EXAMPLES OF HOUSES THAT MEET BUILDING DESIGN CRITERIA

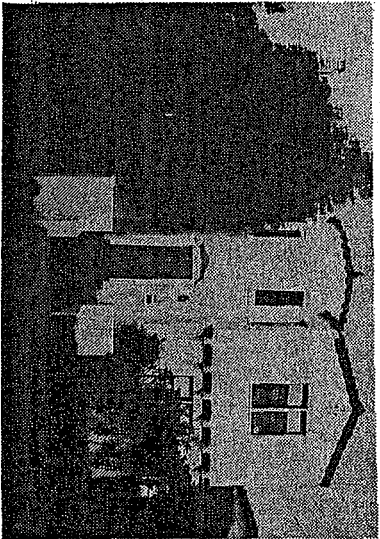


- *Mediterranean Style Composition*
- *Varied roof lines at garage, main portion of house and entry reduce bulk and improve residential scale*
- *Window and door openings, tile accent etc. reinforce massing*
- *Deep set divided lite windows, traditional eave details and decorative accent tile*

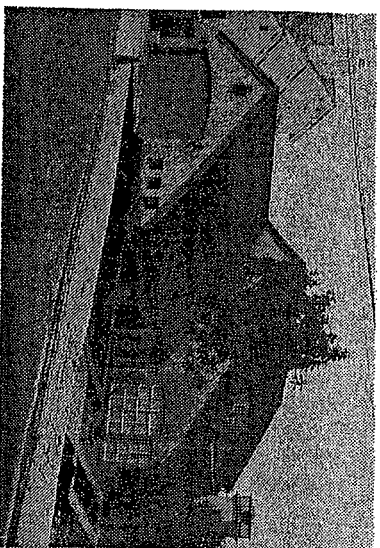


- *Small well proportioned mass in front of larger mass*
- *Hip and dutch gable roof forms enhance residential scale and reduce bulk*
- *Vertical proportions, strong eave lines, family of windows and balanced composition*
- *Brackets/eaves detailing and wood cased windows with mutins*

ENCOURAGED EXAMPLES

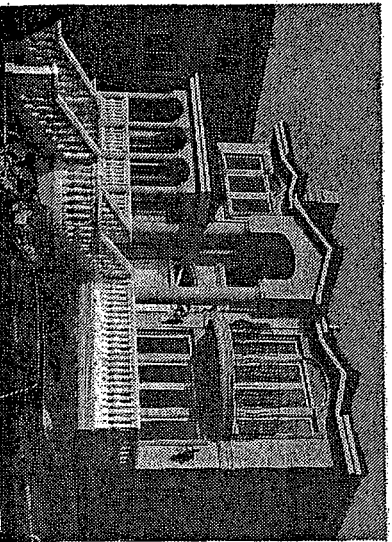


- ▶ Cylindrical entry tower with recessed door and projecting mass at second floor create traditional Mediterranean streetscape architecture in form, proportion and detail

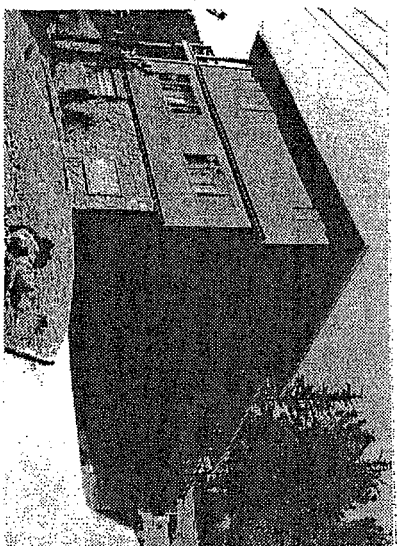


- ▶ The roof of the garage and house slope with the street to allow for view to entry and terrace; garage door with arched opening and 3 small windows are composed to fit the asymmetrical roofline

DISCOURAGED EXAMPLES



- ▶ An out-of-scale entry and competing architectural forms create a poorly composed and cluttered appearance



- ▶ Poorly composed windows, balconies and material changes combined with weak detailing do little to alleviate the blankness of the street facing facades

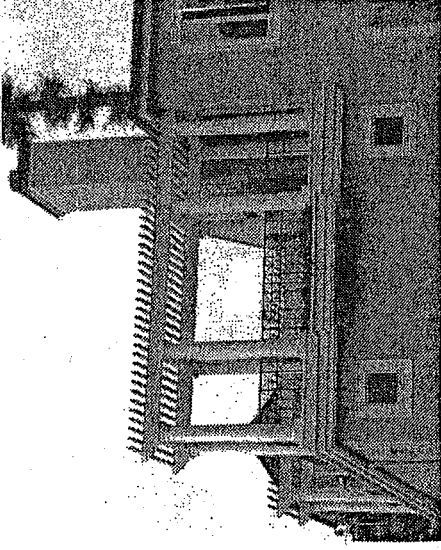
DETAILING AND MATERIALS



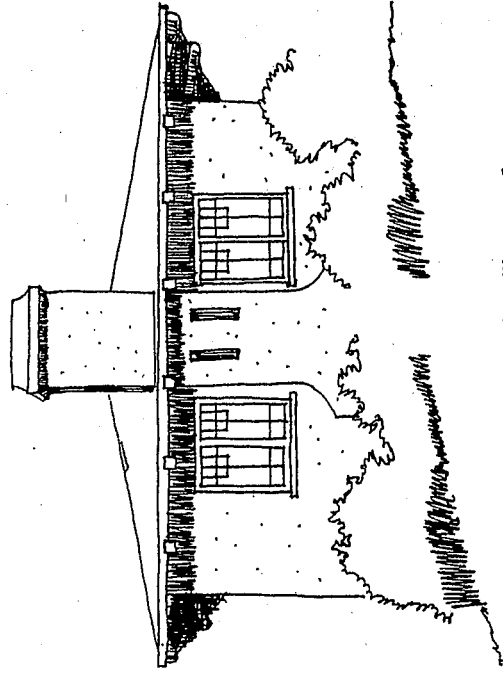
- ▶ Traditional stucco application and clay roof tiles, latticed windows, light fixture and deeply recessed doorway give scale and texture



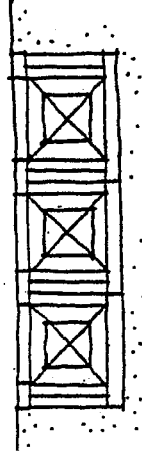
- ▶ The use of brackets and decorative woodwork provide character



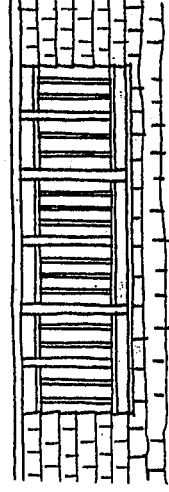
- ▶ Trellised colonnade adds detail and visual interest while flower box provides central focus



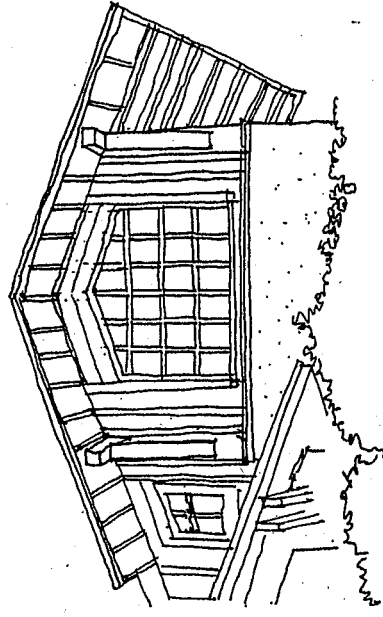
- ▶ Materials and detailing of eaves, chimney and windows enhance the design composition



- ▶ Light ornamental metal railing complements heavier stucco



- ▶ Vertical and horizontal railing pattern and variation of wood dimensions create rhythm and order



- ▶ Detailing at visible underside of eaves and window shape and detailing reinforce eave line
- ▶ Stucco base improves wall proportions

CRITERION 6: BULK- ALL PROJECTS.

The project shall manage mass, scale and composition, including materials and detailing, to minimize the building's actual and perceived bulk.

INTRODUCTION:

"Bulk" refers to those characteristics of a building that emphasize its size. A "bulky" building is not necessarily a big building but a building that **looks** big and is designed in a manner that exaggerates its bigness.

Conversely, a large building can be carefully designed so that it is not bulky. However, as a building becomes larger or taller, effective management of bulk becomes more difficult and more rigorous application of bulk mitigation techniques may become increasingly necessary.

Criteria 6 and 7 and their accompanying Guidelines seek to minimize both actual and perceived bulk in building design through a variety of techniques addressing building massing, siting, composition and relation to terrain and neighboring buildings. A building will usually look bulky because: (a) it overemphasizes large scale elements and/or (b) it has a disordered, unfocused composition that can look chaotic or busy. The guidelines below address these bulk problems.

In some cases, application of Criteria 6 and 7 and their Guidelines may reduce the project's zoning envelope (height limits, minimum setbacks and maximum lot coverage) from that allowed by the Zoning Regulations. Buildings built to the maximum limits of the zoning envelope, particularly those with tall and broad facades, are often boxy, and monolithic and overwhelming in scale. The zoning envelope is not intended to define a by-right volume or massing that may be used to its full extent, but rather to provide sufficient flexibility for a variety of design solutions.

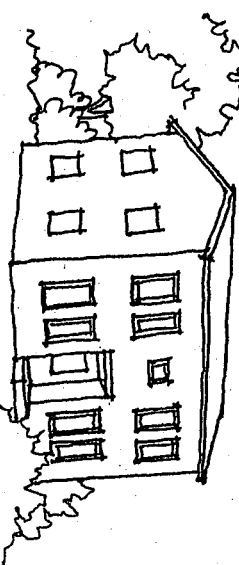
Criteria 6 and 7 will, in most cases, apply only to structures with two or more stories.

GUIDELINES:

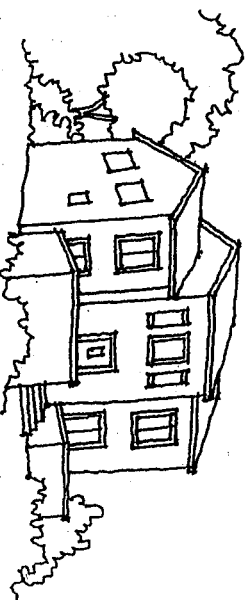
Techniques to Avoid or Deemphasize Large Scale Elements

6.1 Avoid or deemphasize large boxy forms that are both broad and tall. Emphasize smaller scale (human scale) elements, such as windows and other openings, building wings, detailing, and changes in materials.

6.2 Subdivide building masses, including roof forms, into multiple volumes.

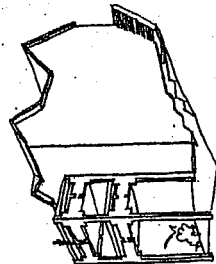


REBUILT DESIGN:

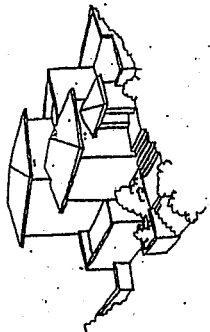


6.3 Balance the portion of a structure that is taller than two stories with lower forms and/or increased side yards.

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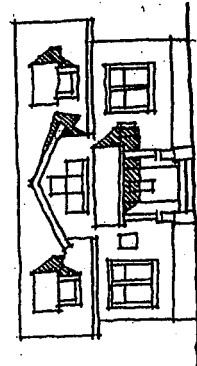


REVISED DESIGN:

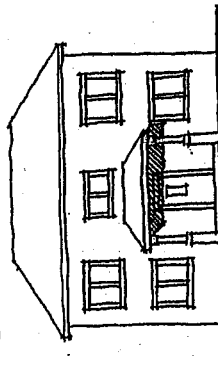


6.4 Maximize below grade and attic spaces as usable floor area. This is especially important for large floor areas on small lots and for buildings that would otherwise be out of scale with neighboring structures.

REVISED DESIGN:



INITIAL DESIGN:



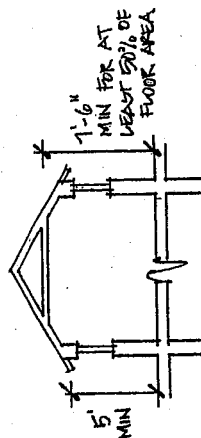
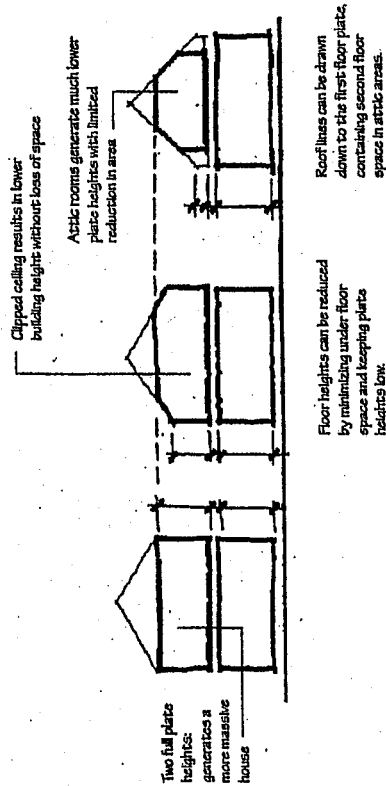
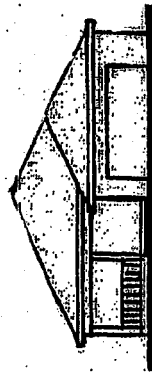
Note: The Building Code allows up to 50% of a room's floor area to be less than the normally required 7 1/2' minimum height as long as the walls are at least 5' high. This facilitates locating habitable floor area within roof forms.

6.5 Avoid over-scaled entries. Exceptions can be made (a) for buildings designed in a consistently monumental architectural style that does not disrupt the neighborhood (see Guideline 5.11); and (b) for buildings with strong vertical proportions where a tall entry is well integrated with these proportions.

INITIAL DESIGN:



REVISED DESIGN:

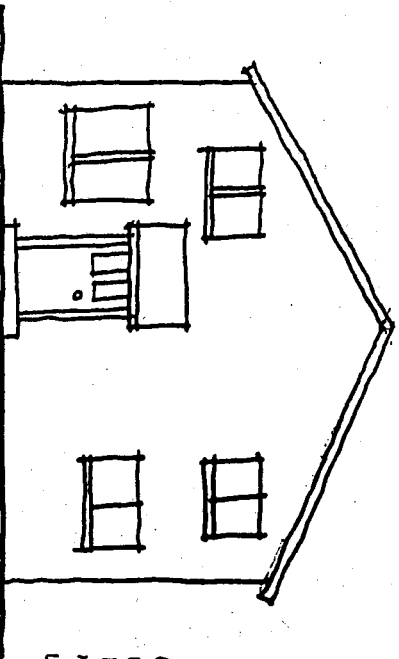


OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES
Criterion 6: Bulk- All Projects

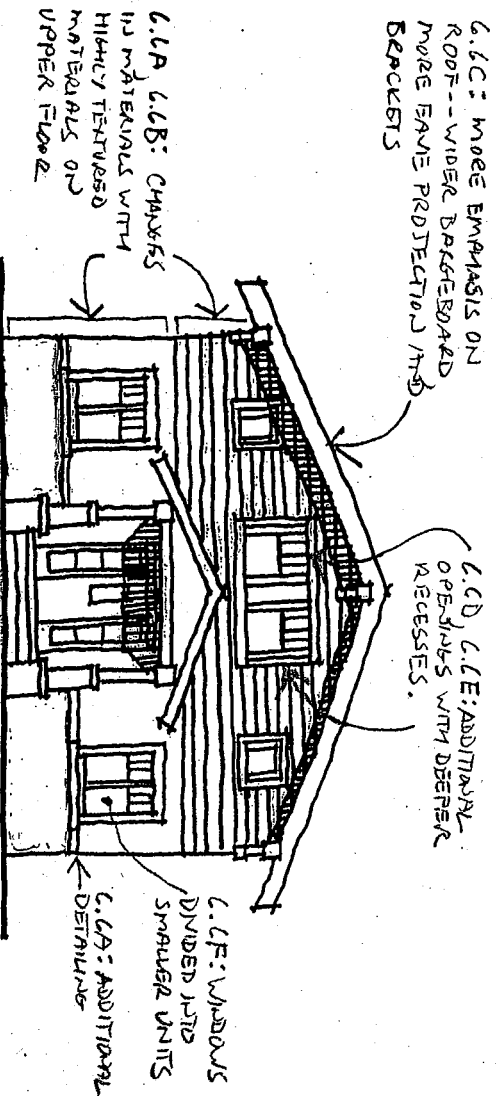
6.6 Avoid, break up or deemphasize large undifferentiated wall surfaces on street-facing, rear downslope or other highly visible elevations. Design techniques include:

- 6.6A** Using multiple materials and/or detailing to break up walls and make large surfaces seem smaller;
- 6.6B** Using highly textured materials, such as masonry, rough stucco, shingles, or wood siding with strong shadow patterns (e.g. wide lap siding and board and batten);

INITIAL DESIGN:



REVISED DESIGN:



6.6C Emphasizing the roof, through such techniques as wide, strongly articulated eaves (using prominent fascias, rafter tails, etc.) and brackets;

6.6D Providing more openings with significant articulation, detailing and attention to composition;

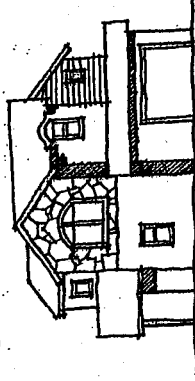
6.6E Deeply recessing openings to create shadow patterns and emphasize solid surfaces vs. voids; and

6.6F Dividing large windows into smaller units using multiple sash and/or muntins.

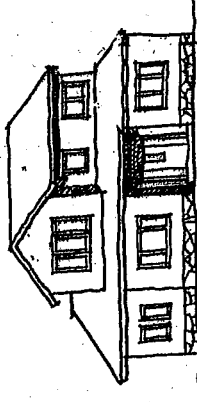
Techniques to Promote Order and Focus

6.7 Promote order and focus in the design. Provide an ordered and well-proportioned composition that uses detailing, patterns of openings, distribution of surface materials, and other design elements to reinforce the building's geometry.

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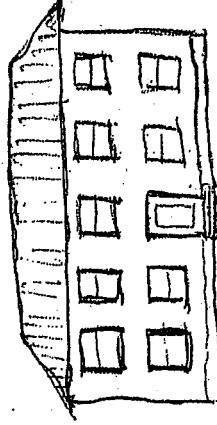


REVISED DESIGN:

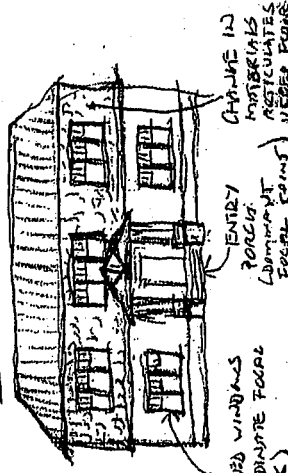


6.8 Use one or two elements as dominant focal points such as a projecting wing, an articulated main floor or floors, a prominent group of windows, a balcony or a main entry. (Note: avoid over-scaled entries described in Guideline 6.5).

INITIAL DESIGN:

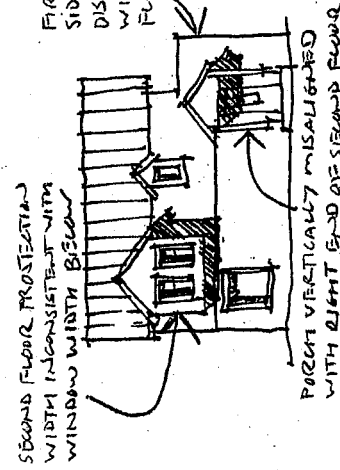


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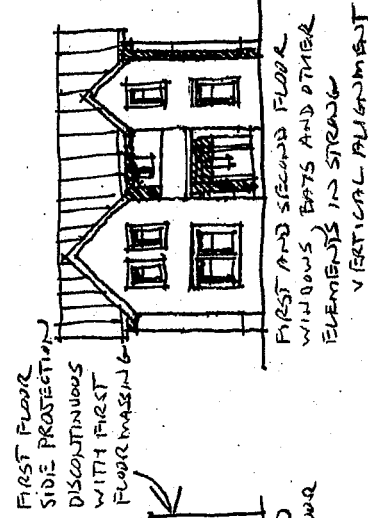


6.9 Provide vertical and horizontal alignments between building masses, openings, and other elements.

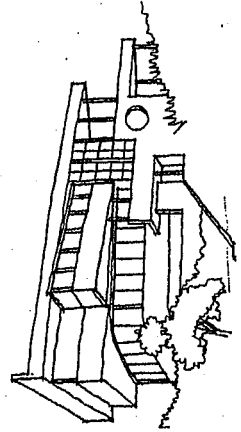
INITIAL DESIGN:



REVISED DESIGN:



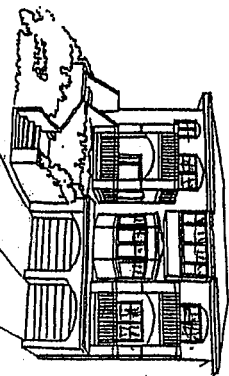
Note: In some very modernistic buildings, the designer may strive for a deliberately non-linear, random-looking relationship between building elements. This can be successful and should not contribute to perceived bulk if large monolithic building masses are avoided, and the different building elements remain in balance.



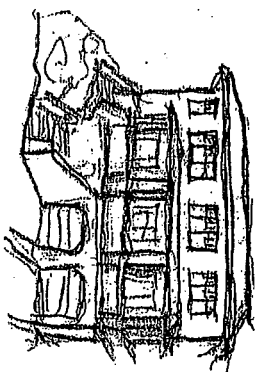
6.10 Avoid too many visually competing or "tacked-on" elements, which are not well-integrated into the design. One or two projections per elevation, depending on the elevation's length, is usually best, with the projections treated as primary focal points. Design techniques include:

Too many massing and compositional elements can add clutter and intensify the bulk of even a relatively small building.

6.10A Limiting upper floor deck projections to about ten feet. Recess decks that are deeper than ten feet into the building envelope;



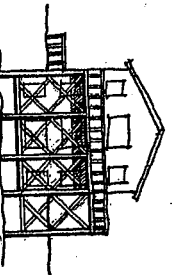
INITIAL DESIGN:



REVISED DESIGN:

6.10B Either: (1) providing substantial-looking structural support (open or enclosed) under the deck that is well-integrated with the building's overall architecture; (2) providing a roof over the deck; or (3) integrating the deck with other horizontal elements.

INITIAL DESIGN:

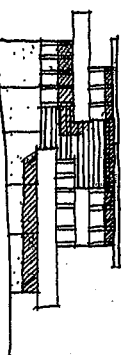


"TACKED-ON" DECK

REVISED DESIGNS:



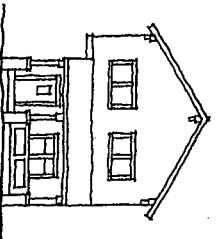
a) SUBSTANTIAL-LOOKING SUPPORT



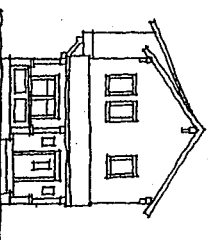
b) INTEGRATES DECK WITH OTHER HORIZONTAL ELEMENTS

6.10C Avoiding upper floor projections that extend all the way to the building corner.

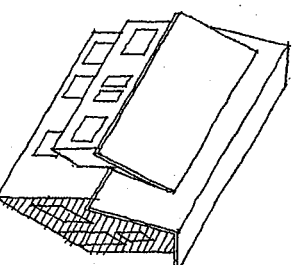
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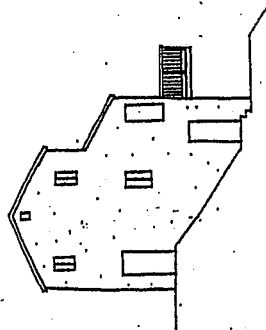
REVISED DESIGN:



6.11 Architectural consistency. If using a particular architectural style, use massing, opening patterns and other design treatments consistent with that style.

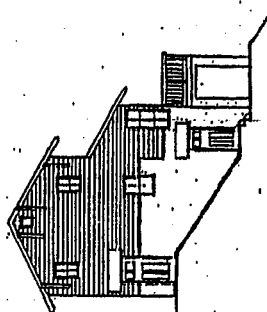


BULK MITIGATION METHODS IN COMBINATION



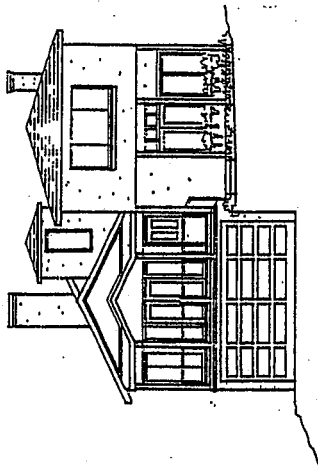
INITIAL DESIGN—DISCOURAGED

- Large blank stucco walls that emphasize scale
- Undistinguished eave lines that provide no relief to walls
- Tacked-on balcony
- Flush windows that maintain flatness of walls



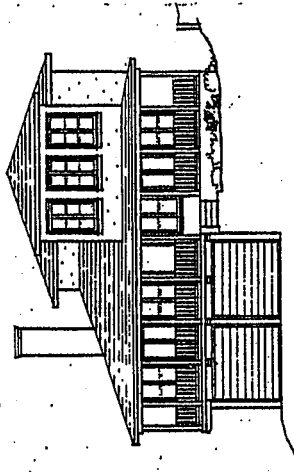
REVISED DESIGN – ENCOURAGED

- Changes in material that deemphasize scale
- Brackets, rafter tails, balcony railings, etc that reinforce the building form and add focus to the design
- Casing, muntins, canopies and other window and door details that articulate these important focal points and provide human scale.



INITIAL DESIGN—DISCOURAGED

- Cluttered and competing roof forms, wall treatments and window shapes
- Awkward relationship between upper and lower wall planes
- Lacking order, hierarchy or visual lines



REVISED DESIGN – ENCOURAGED

- Consistent roof lines and window treatments
- Porch acts as unifying element and reinforces rhythm of windows and other openings
- Garage, window and porch colonnade openings, vertically aligned and similarly proportioned

CRITERION 7: BULK: SPECIAL METHODS FOR HILLSIDES

- (a) *Hillside projects shall use methods that blend with the hillside setting and minimize the building's prominence.*
 (b) *On sloped sites, the project shall minimize perceived bulk when viewed along with neighboring structures from the downslope side.*

INTRODUCTION:

See Introduction for Criterion 6 (Bulk: All Projects)

GUIDELINES:

- 7.1 Step building massing with terrain.
 7.2 Break the building into multiple volumes with staggered setbacks to reflect the irregularity of hillside terrain.

7.2A Use smaller massing elements to soften taller elements.

7.2B Use one-story and lower scale elements such as terraces to transition from the building to the ground.

7.2C Use detached garages and other detached or semidetached building volumes to maximize flexible siting.

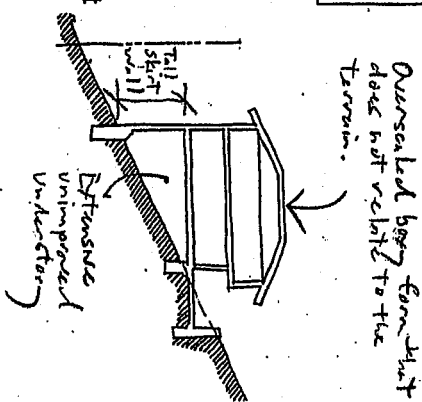
7.2D On low to moderate slopes (less than about 40 percent) provide access from the lowest floor to a ground level patio or terrace. Consider such access on steeper slopes.

7.3 Skirt Walls.

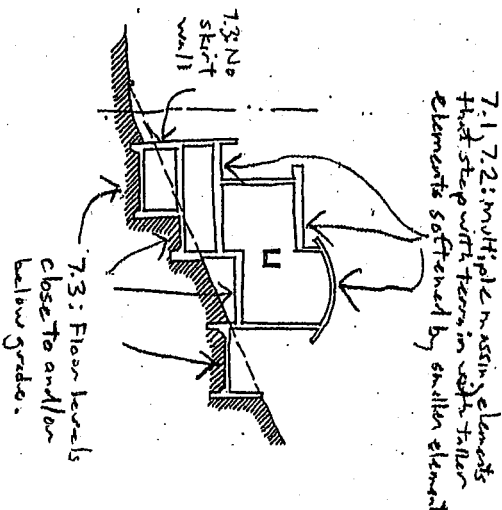
7.3A Place floor levels close to and/or partially inset into grade to avoid or minimize tall skirt walls and other tall support structures. In most cases, maximum acceptable skirt wall heights will increase as the building footprint slope increases. On slopes of 20-60%, skirt wall heights should normally not exceed 1-2' per each 10% of slope, with a maximum skirt wall height of about 6' on a 40% slope and about 12' (about one story) on a 60% slope. On steeper slopes, taller skirt walls may be acceptable if a 12' skirt wall would impose excessive constraints for a reasonably sized house, such as requiring three or more levels to obtain 2,400 square feet of living area.

Acceptable skirt wall heights will often require cutting the back portions of the bottom floors into the hillside by up to four feet on slopes up to about 40% and up to six feet or more on steeper slopes.

INITIAL DESIGN:



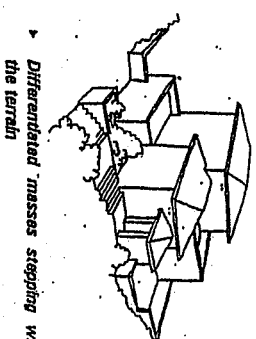
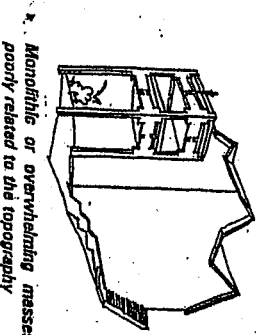
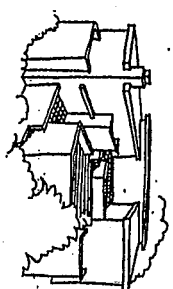
REVISED DESIGN:



7.2: Use one-story and lower scale elements such as terraces to transition from the building to the ground.

INITIAL DESIGN:

REVISED DESIGN:



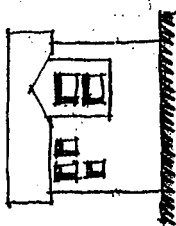
Criterion 7: Bulk-Special Methods for Hillside

7.3B Deemphasize skirt walls where they cannot be avoided by treating them as architectural pedestals that are clearly subordinate to the primary building volume.

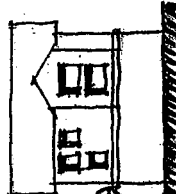
Techniques include:

1. Incorporating a strong horizontal molding or cap at the top of the skirt wall;
2. Changing materials and/or colors at the skirt wall to contrast with the primary building volume;
3. Outwardly tapering the skirt wall to create a buttress effect;
4. Integrating terraces at the skirt wall that horizontally expand beyond the building's perimeter; and
5. Recessing the skirt wall from the face of the upper floors.

Additionally, provide trees and/or other landscaping at the skirt wall that will grow taller and faster than required by the Zoning Regulations' landscaping standards to fully screen the skirt wall.

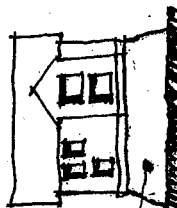


INITIAL DESIGN:

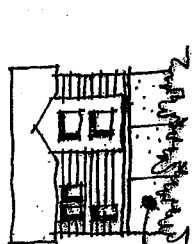


REVISED DESIGN 1:

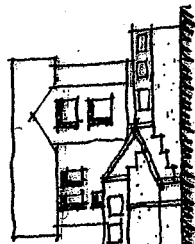
1. Strong horizontal molding or cap at top of understorey.



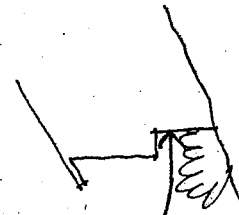
3. Outwardly tapering understorey to create buttress effect.



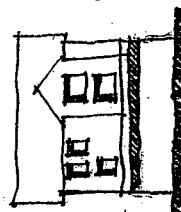
2. Contrasting understorey with changes in materials and/or color.



4. Horizontally expanding understorey beyond the building's perimeter with terraces.

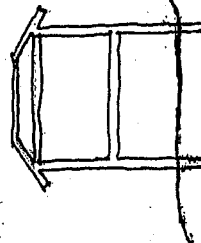


5. Recessing skirt wall from face of upper floors.

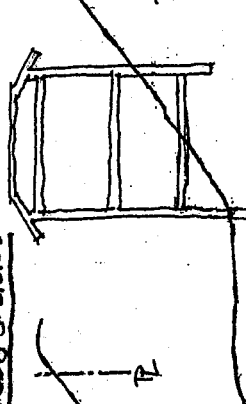


7.4 Position the building on the site to minimize height on the downslope side. This is usually the portion of the site with the least slope.

INITIAL DESIGN:



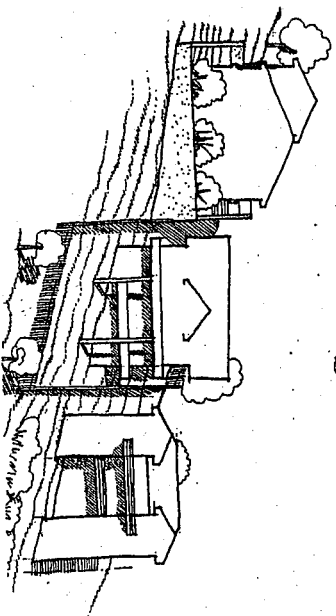
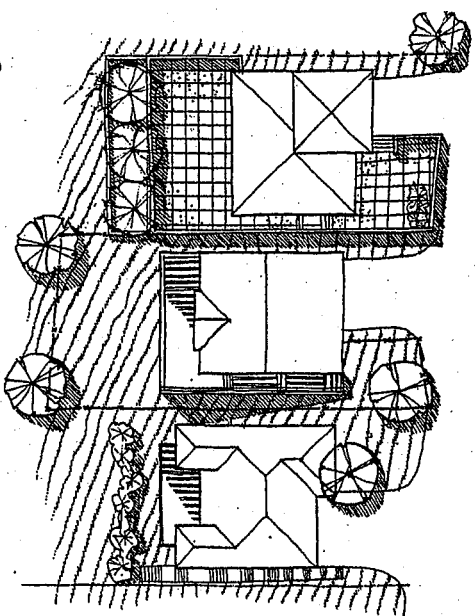
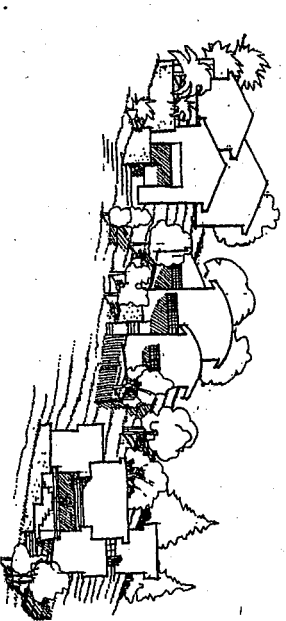
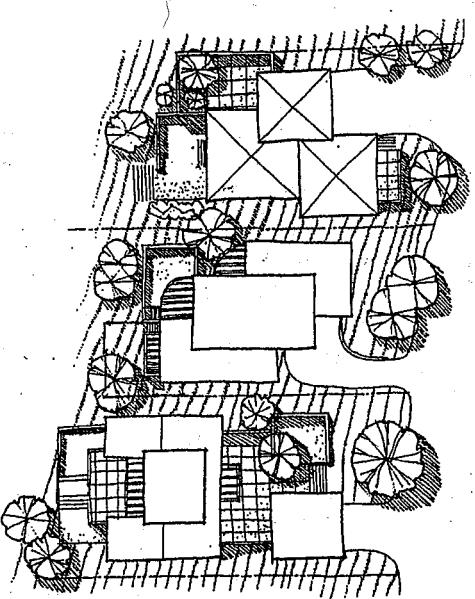
REVISED DESIGN:



OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES
Criterion 7: Bulk- Special Methods for Hillsides

7.5 Maintain openness between structures. Avoid long and high building walls close to side lot lines. Provide sufficient side yard setbacks, especially at the front and rear elevations, to allow plantings between structures to help hide the perceived mass.

Buildings that are too close to one another look bulkier than buildings with greater separation.



ENCOURAGED

- Openness between houses
- Lower building profiles near side lot line
- Increased side yard setbacks at front and rear elevations
- Integration of building forms into the natural setting

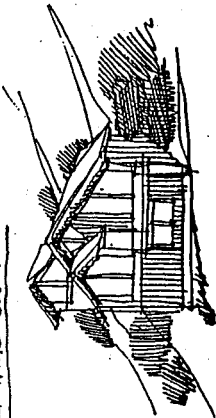
DISCOURAGED

- Long and high building walls close to side lot line
- Consistently narrow side yards
- Monolithic building forms that overwhelm the natural setting

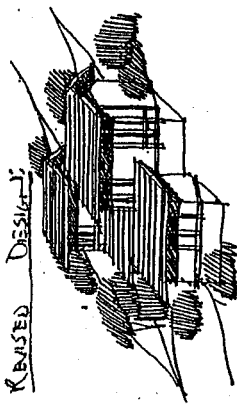
OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES
Criterion 7: Bulk- Special Methods for Hillsides

7.6 Step or slope rooflines with the terrain. Avoid large gables on downslope elevations.

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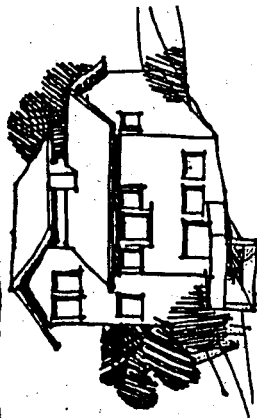


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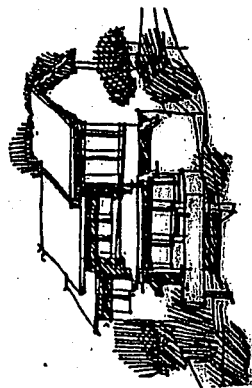


7.7 Provide strong shadow patterns on downslope elevations using modest projections such as roof overhangs, plan offsets, and recessed openings. (Note: large cantilevered projections and very wide overhangs can be overly dominant and are discouraged).

INITIAL DESIGN:



REVISED DESIGN:



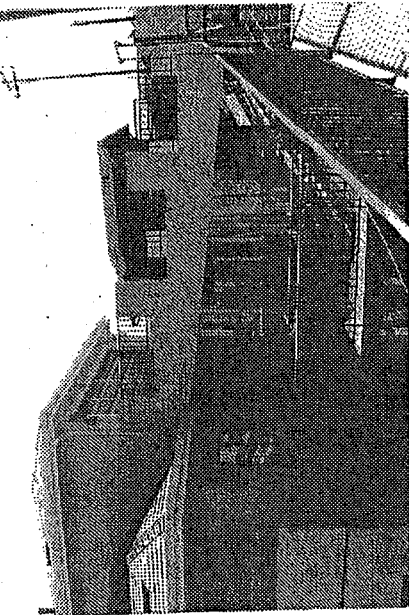
Shadow patterns help break up large building masses and provide relief similar to the undulations of the hillside and natural vegetation.

7.8 Materials and Colors. Use materials and colors having a naturalistic quality that will blend into the surrounding landscape.

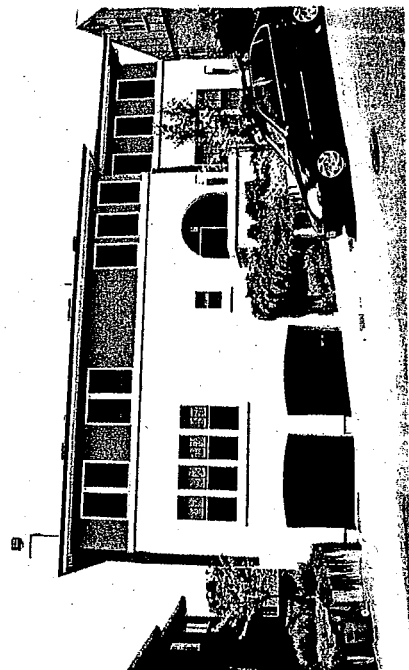
The most effective colors are earth tones. They can be light or dark, depending on the colors of the surrounding vegetation.

7.9 Minimize visibility of garages and driveways. Locate garages so that the garage floor level is as low as possible relative to the hillside. Design techniques include:

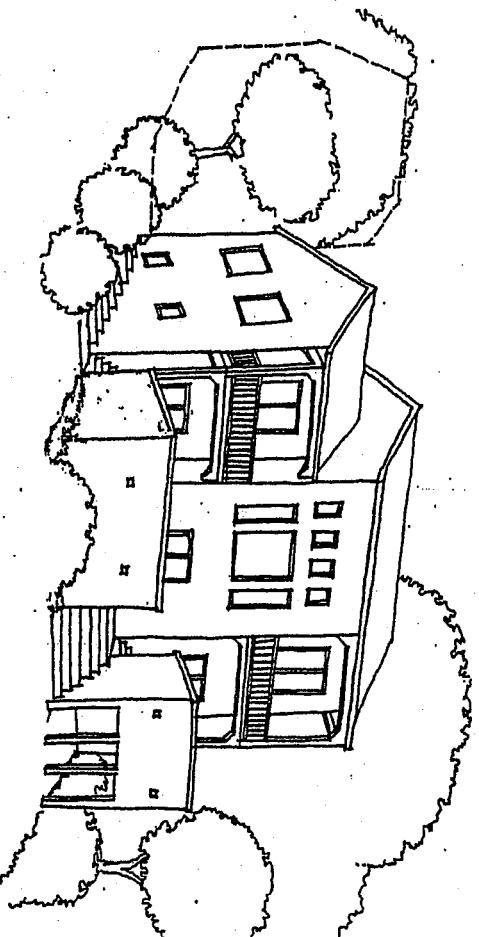
7.9A Avoiding upslope driveways on downslope lots;



7.9B Locating garages and driveways at the low side of cross slope lots.

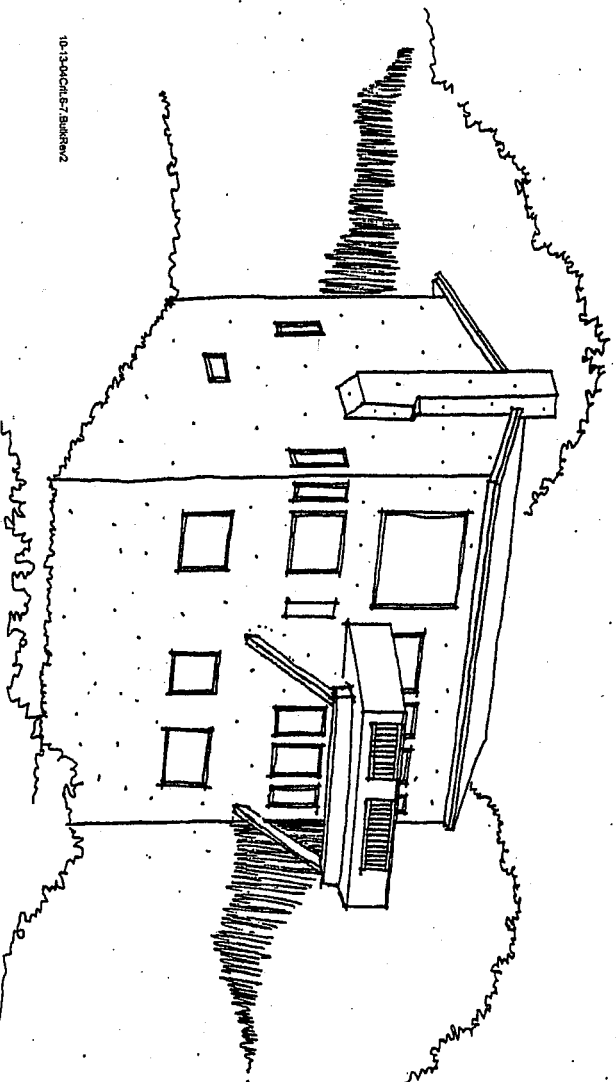


BULK MITIGATION METHODS IN COMBINATION FOR HILLSIDES



ENCOURAGED

- Simple differentiated forms with emphasis on central massing element surrounded by secondary elements.
- Stepped building profile
- Attention to scale and proportion that emphasizes central grouping of windows
- Terraced forms that visually connect the building to the ground



DISCOURAGED

- Box-like form
- Flat wall planes
- Large rectangular footprint
- Blank skirt walls
- "Tacked on" deck
- Poor proportions. Too much horizontal blank wall area between rows of windows.
- Overly horizontal openings and deck form that contradict the more vertical proportions of the overall building form.

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CRITERION 8: NEIGHBORHOOD COMPATIBILITY (CONTEXT)

New construction within 40 feet of a front lot line shall relate well to any strong, positive visual patterns, or "contexts" presented by neighboring buildings within the context area. These visual patterns shall include those created by: (i) roof forms and pitch; (ii) principle entryway treatment; (iii) front setback; (iv) surface materials; (v) windows and openings; (vi) architectural detailing; and (vii) front yard landscaping (see Figure 8-1).

The "context area" consists of the five lots on each side of the project site and the ten closest lots across the street (see Figure 8-2).

This criterion shall apply only if the slope of the project site is 20 percent or less and one of the following situations exists:

- a) At least 75% of the sites (including vacant lots) within 300 feet of and on the same street as the project site are 4,000 square feet or less in area; or
- b) Within 1,000 feet of the project site, there is a grid system of multiple streets, or the system of streets forms a pattern of a nearly rectilinear grid or the intersection of more than one grid.

This criterion does not apply if there are fewer than 10 houses in the context area.



Fig. 8-1. The consistency in setbacks, scale, roof forms, entry ways, materials, and architectural elements provide for a strong neighborhood context.

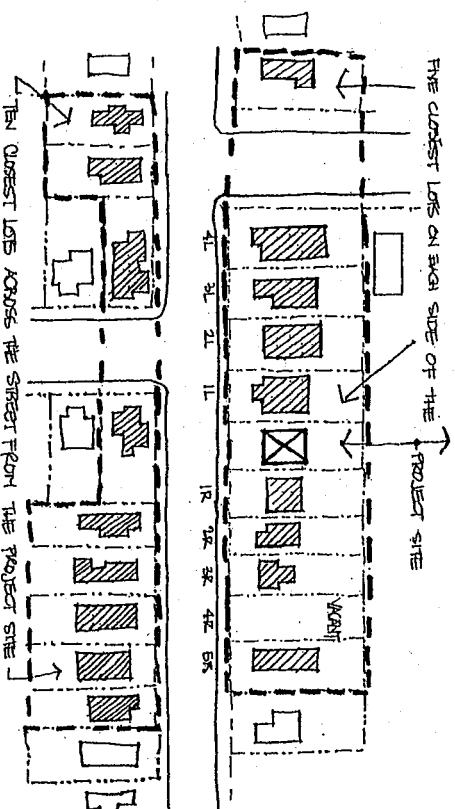


Fig. 8-2. The "context area" consists of the five lots on each side of the project site and the ten closest lots across the street.

INTRODUCTION:

The applicant is responsible for photo-documenting the surrounding houses. Photographs must include houses on the five (5) lots on each side of the subject property, and houses on the ten (10) closest lots across the street.

From these photographs, City staff will determine which context issues apply. At least half of the surrounding houses must exhibit similar characteristics in order for a context issue to apply. Characteristics for which context has been established but not considered positive attributes (such as materials not on the approved list in Guideline 8.4, or dominance of open parking in the front) will be eliminated from context consideration.

GUIDELINES:

8.1 Roof Pitch and Form Context

To determine if there is a strong roof pitch and form context, at least 50% of the buildings must have similar shapes (gable, hip, gambrel, mansard, etc.), and similar slopes as defined by four categories:

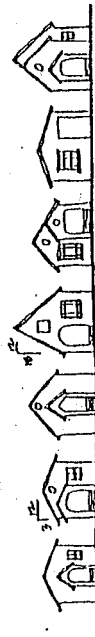
- Flat: 0 to 1 in 12 slope
- Low: 1 in 12 to 3 in 12 slope
- Moderate: 3 in 12 to 7 in 12 slope
- Steep: greater than 7 in 12 slope

If there is a roof shape and/or a roof slope context, the proposal should conform to all established contexts, including overhangs if established in the context. In order to be considered as a successful response to this context, the roof form and shape context must apply to at least 75% of the project's roof area. See Fig. 8-3 & Fig. 8-4.

If the roof context includes overhangs, or parapets, then the design should include similar overhangs. The minimum overhang is considered to be 12 inches unless a lesser overhang is appropriate in the context.



Roof pitch and form context established.



Roof form context established, but no roof pitch context.



No roof context.

Fig. 8-3. Roof form context is established if at least 50% of the buildings, in the context area, have similar shapes such as gable, hip, jerkin head, gambrel, mansard, etc. Roof pitch context is established if at least 50% of the buildings in the context area have similar roof slopes as defined by the four categories at left.



Fig. 8-4. The house towards the center of the photo does not meet the roof pitch and form context findings for the neighborhood. However, by beginning the eaves at the same point as the other homes in the neighborhood, it demonstrates successful mitigation.

8.2 Principal Entryway Context

The entryway constitutes the passageway to the primary entrance(s) of the building.

Front entries are prevalent in most Oakland neighborhoods. An entryway is considered to be located in the front if a significant portion of its form is oriented to, and visible from, the front of the site. See Fig. 8-5.

To determine if a strong entryway context exists, the surrounding houses are surveyed for the following three entry components: (i) location, (ii) type [e.g. projecting with roof, projecting without roof, recessed, etc.], and (iii) floor elevation height.

If an entryway context is established, for any of these three components, the applicable components should be noted and incorporated into the proposal. See Fig. 8-6.

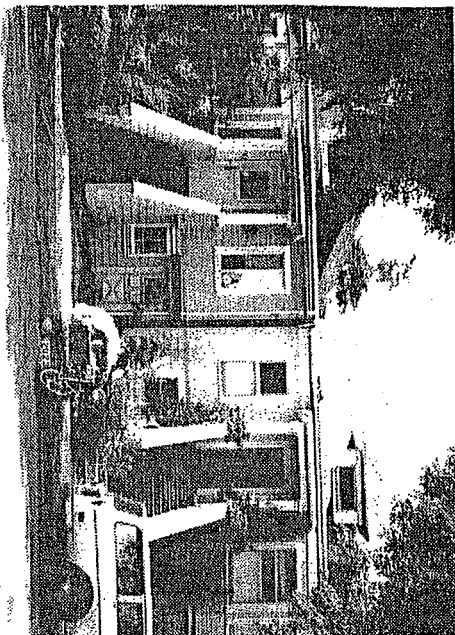


Fig. 8-5. The raised entry porches in this neighborhood create a strong transition between public and private spaces. In addition, all entry units are prominently located relative to the street.

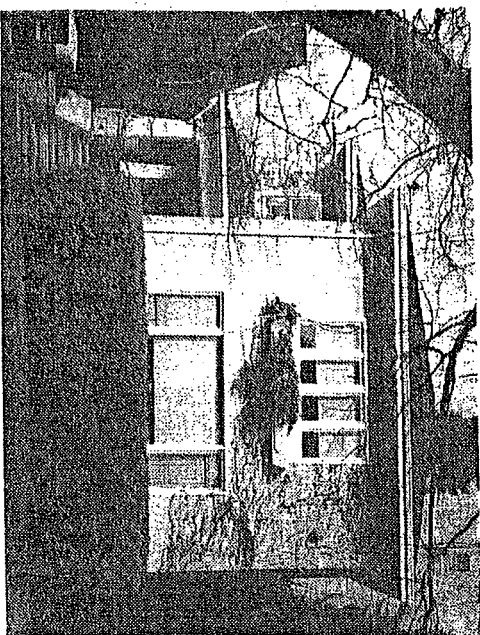


Fig. 8-6. The size, shape and orientation of the porch relative to the dwelling and the integral stairway projecting beyond the front facade of the dwelling provide for a prominent entryway.

8.3 Building Setback Context

If there is a setback context, the proposal's setback should be within 3 feet of the context's average setback, or as close to it as zoning requirements allow.

The average front yard setback is determined from Sanborn maps. Wherever possible, the proposal should maintain the prevalent setbacks and reinforce the block face. Where the average setbacks violate current zoning standards, the front of the building should be located as close to the street as allowed by the zoning standards. See Fig. 8-7.

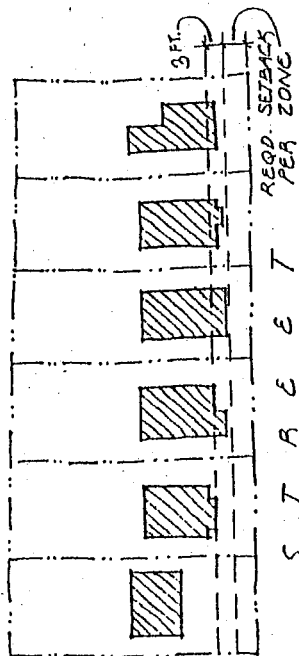


Fig. 8-7. The setback context is established if, within the context area, at least 50% of all front facades are located within 3 feet of each other.

8.4 Building and Surface Materials Context

If there is a materials context, the proposal should either use the same material as the context material on all walls visible from the street or a combination of materials that includes the context materials on at least 50 percent of the wall surfaces. See Fig. 8-8.

To determine the existence of building materials context, 50% or more of the surrounding buildings must have similar materials used on their primary façade. See Fig. 8-9. Only the following materials will be considered: [a] wood siding (dimensional lumber); [b] board and batten siding, including plywood if minimum 1" x 2" wood battens are used at minimum 8-inch intervals; [c] wood shingles; [d] cement plaster (stucco) applied wet at the job site; [e] brick; [f] stone; [g] pre-cast concrete masonry units; [h] cement fiber or similar synthetic siding resembling wood siding; or [i] glass.

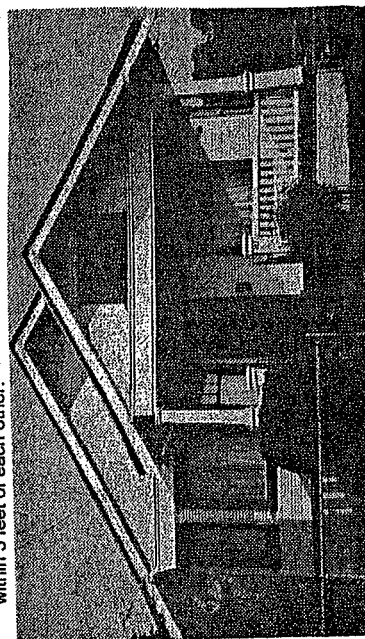


Fig. 8-8. The balanced use of multiple materials provide for houses well integrated into a context of either stucco or horizontally sided wood houses.

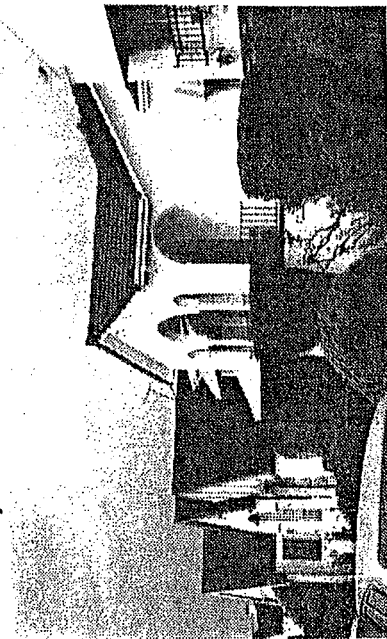


Fig. 8-9. Because more than 50% of the buildings in this neighborhood have stucco facades, the building material context is established.

8.5 Windows and Openings Context

To determine the existence of a strong windows and openings context, the surrounding buildings must display similar treatments of windows and openings in terms of their size, number, materials, proportions, and composition on the facades viewable from the street. See Fig. 8-10 & Fig. 8-11.

If there is a windows and openings context, the proposal should respond to or approximate the prevailing characteristics identified in the context.

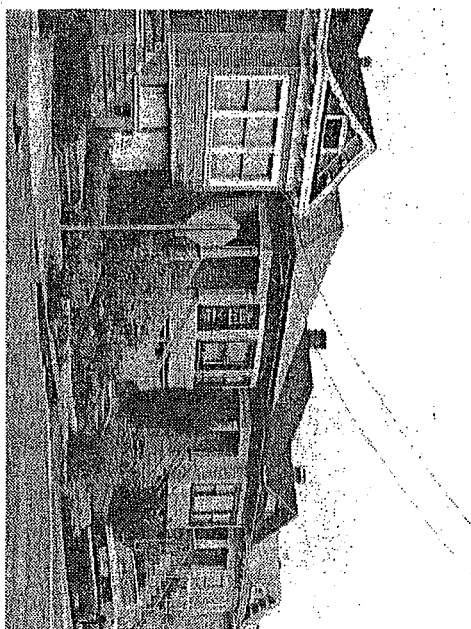


Fig. 8-10. The consistent use of windows facing the street create a more unified streetscape and foster a sense of community.

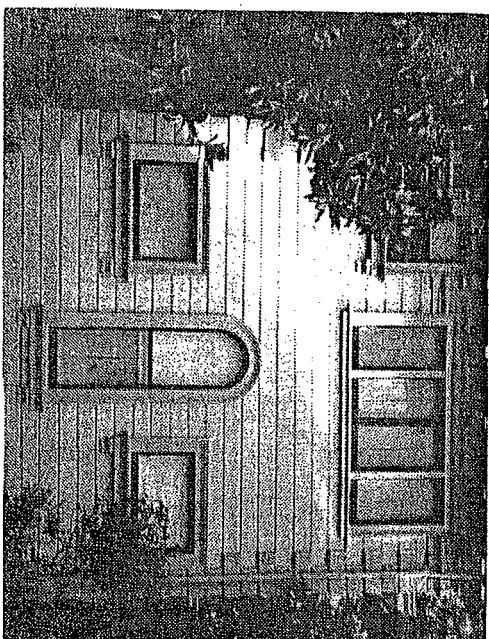
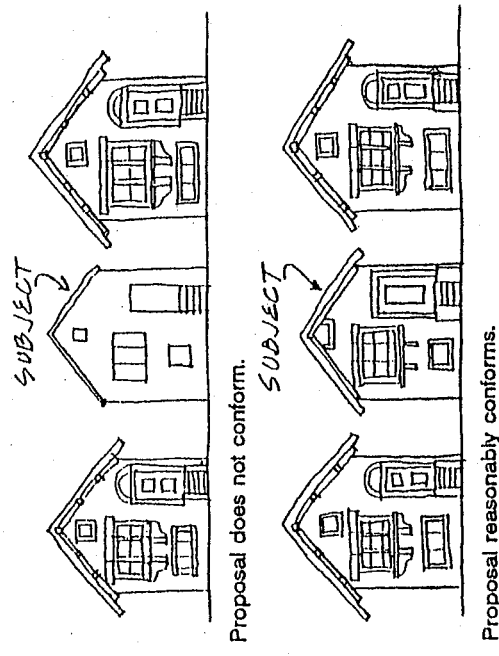


Fig. 8-11. Despite the rectangular window context, the proportions and attention to detail of the arched window create a rich visual character.

8.6 Architectural Detail Context

The existence of an architectural detail context is determined by the overall presence of detailing on existing buildings in the area.

If there is an architectural detail context, the proposal should respond to or approximate the prevailing characteristics identified in the context. See Fig. 8-12.



8.7 Landscaping Context

To determine the existence of a landscaping context, there must be a strong, positive presence of trees, shrubs, and ground cover in the context area. This Guideline will not apply if such landscaping exists, but is sparsely located or not maintained. See Fig. 8-13.

If there is a landscaping context, the proposal should conform to all established contexts (trees, shrubs, groundcover) and provide adequate watering facilities for its maintenance).



Fig. 8-13. A visually rich neighborhood character is created through the successful use of landscaping.

CRITERION 9: SITE ACCESS AND PARKING

- (a) Parking areas, garages, driveways and other parking provisions shall be sited to minimize their visual impact on the street and shall be subordinated to the house, landscape and pedestrian entrance.*
- (b) Where physically feasible, unenclosed parking spaces shall be visually screened from the street and other significant vantage points.*
- (c) Visible portions of the driveway shall minimize the use of paving, and use natural or decorative materials and designs.*
- (d) Garages shall be architecturally consistent with the residence and enhance the main building's streetscape appearance.*

GUIDELINES:

- 9.1** Where possible, locate garages and parking areas at the side or rear of the property away from public view.
- 9.2** Consider alternatives such as carports, screened parking (behind retaining walls or earth berms etc.), tandem parking or other techniques that minimize the impact of driveways and garages.
- 9.3** Consider using pairs of single-car garage doors and other architectural or landscape features, such as an overhead trellis etc. to improve the scale and appearance of street fronting garages.
- 9.4** Use architectural detailing on garages consistent with the design of the main building.
- 9.5** Avoid large expanses of concrete or asphalt paving. Where possible, minimize paving by using concrete tire strips (usually 18" maximum width), open grid pavers planted with turf or groundcover, and/or decorative paving materials such as bricks, unit pavers, or stamped, colored and textured concrete.

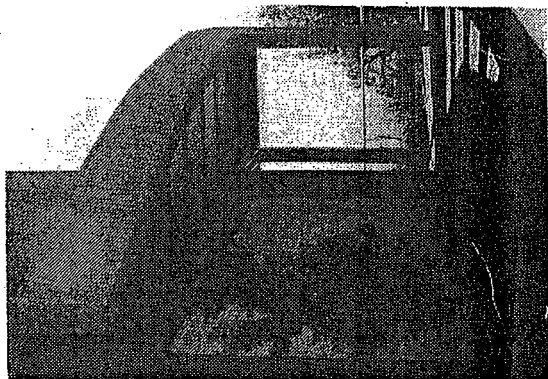


DISCOURAGED

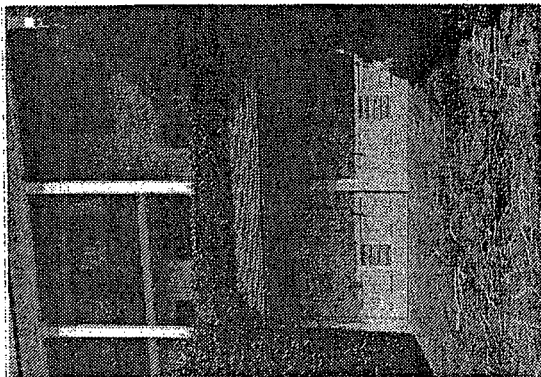
▶ *Driveways with expansive pavement that overwhelms front yard*

Criterion 9: Site Access and Parking

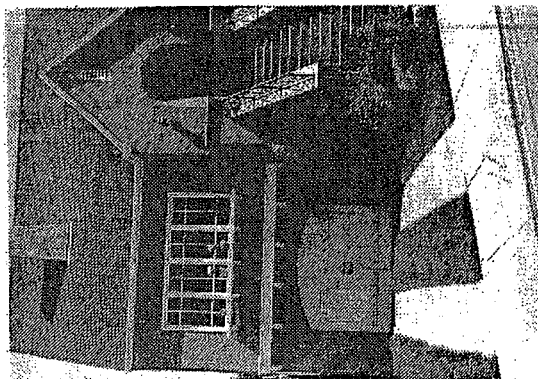
ENCOURAGED EXAMPLES OF DRIVEWAYS AND GARAGES



- ▶ An architecturally integrated canopy provides shadow and interest, reducing the impact of the garage



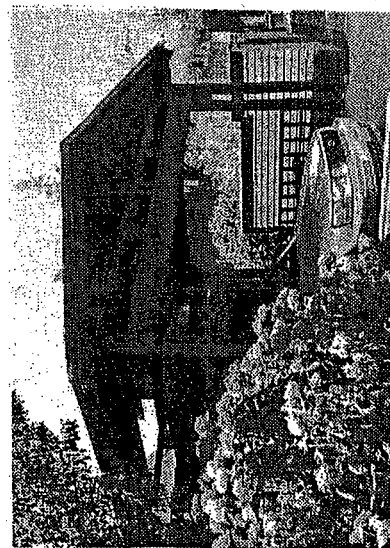
- ▶ An architecturally detailed double door, garage, pavers and landscaping improve the scale and appearance of the house



- ▶ A single wide garage underneath a projecting upper level and paving strips keep parking subordinate to the house and yard

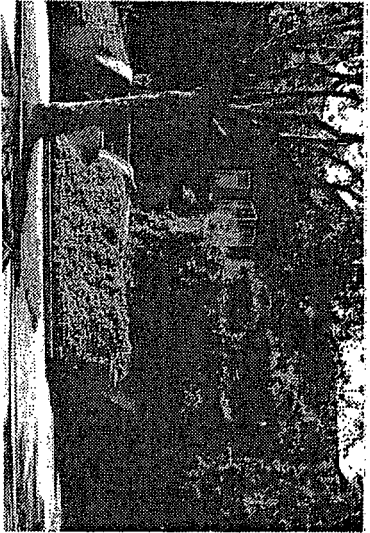


- ▶ A detached two-door garage with entrance gate and roof terrace, exhibits good attention to detail and allows for generous front yard open space and landscaping

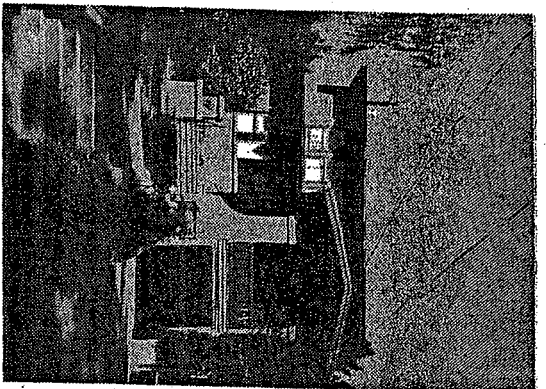


- ▶ A well detailed carport reduces mass at street, provides visual interest and uses landscaping to screen automobiles

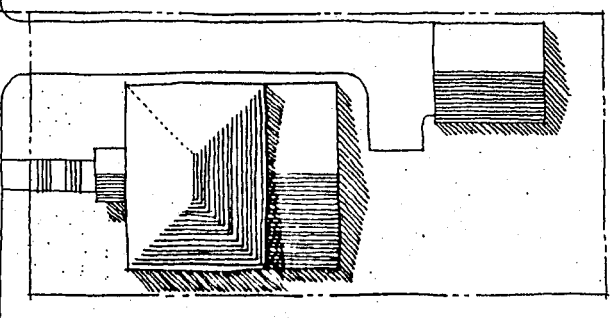
ENCOURAGED EXAMPLES



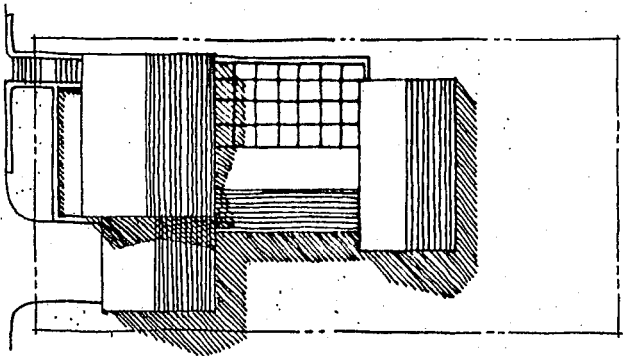
▶ Detached garage set into hillside allows for focus to be on front yard



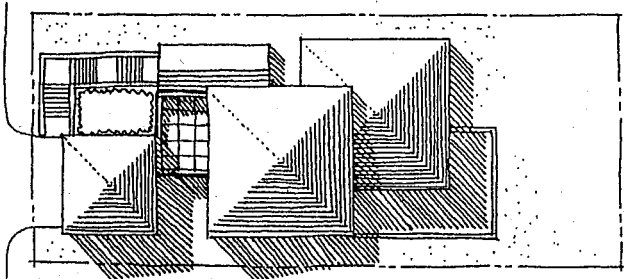
▶ Garage under entry porch deemphasizes parking



▶ Garage located at rear of the site



▶ Garage or carport, as an attached wing



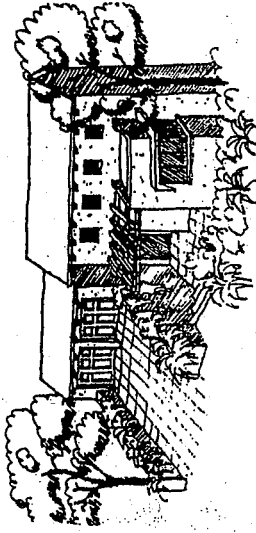
▶ Detached garage close to the street, example has upper and lower entries

Criterion 9: Site Access and Parking

Special Guidelines for Hillsides:

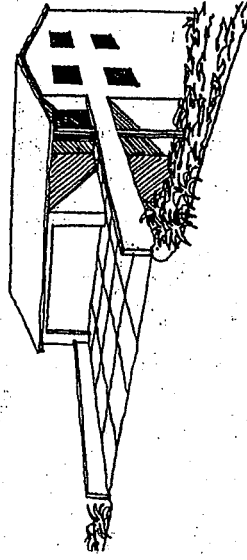
9.6 Consider a partially or fully detached garage on steep up- or down-sloping lots. Also consider a roof level/carport parking solution on steep down-sloping lots.

9.7 On hillsides, mitigate blank skirt walls at the sides of driveway bridges with distinctive guardrail designs, landscaping that will become tall enough within five years to screen the skirt walls, terraced planters with cascading vines, attached exterior stairs, pergolas/trellises, and/or variations in the wall forms and surface treatment.



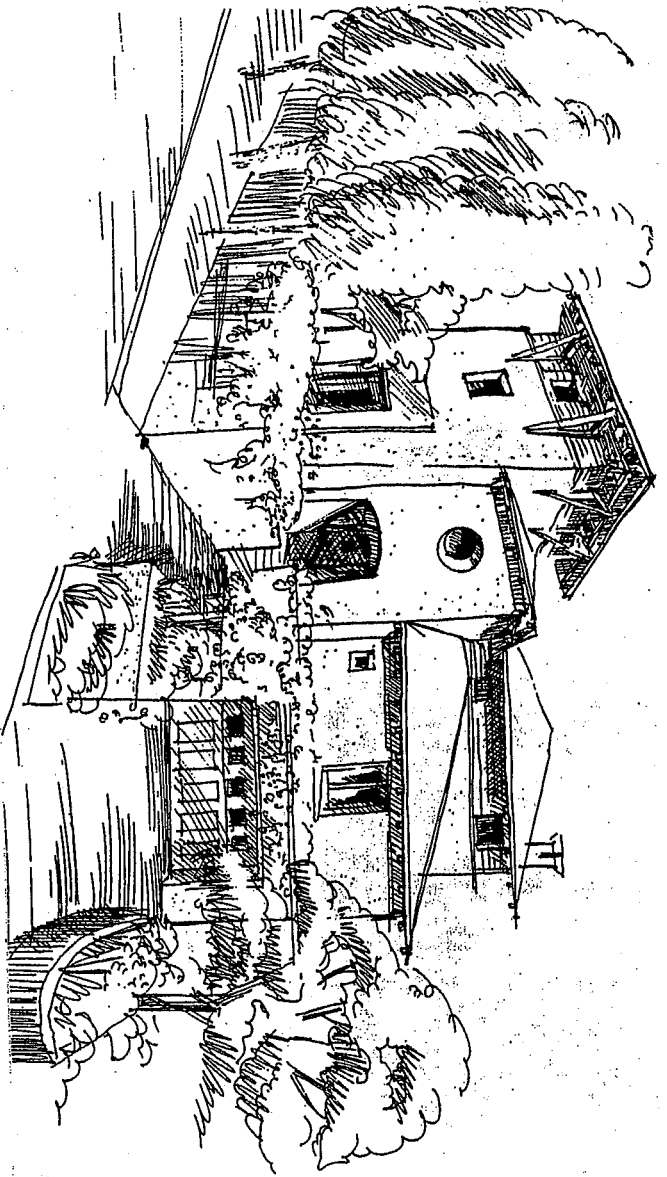
ENCOURAGED

- ▶ Minimal and decorative paving
- ▶ Attractive garage doors
- ▶ Planters with cascading vines

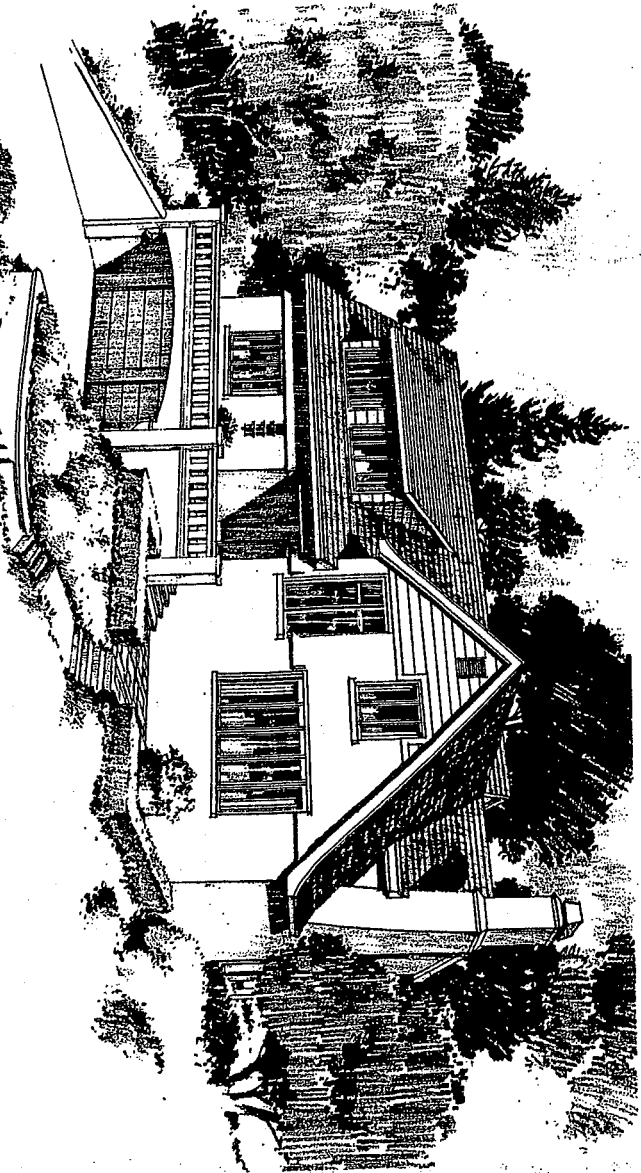


DISCOURAGED

- ▶ Blank, double-wide garage door
- ▶ Large expanse of concrete dominating front yard
- ▶ Visible undersides of driveway bridge



*Attractive recessed garage door
complemented by planters and
trellis*



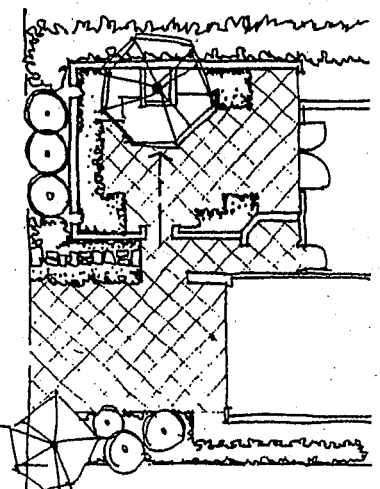
*Garage is recessed and below
projecting entry deck*

CRITERION 10: LANDSCAPING

- (a) *The proposed landscaping shall complement the building design and the use of open spaces and yards, and provide visual interest and spatial definition to outdoor spaces and visual relief from building masses.*
- (b) *Landscape areas shall be provided wherever possible along property lines and the base of buildings to soften edges.*
- (c) *Fences, retaining walls, exterior stairs, other minor structures and site paving (hardscape) shall be consistent with the building architecture and landscaping and be sensitive to adjacent property conditions and public views.*
- (d) *Street-fronting yards shall be designed to highlight the pedestrian entry.*
- (e) *Water conservation shall be considered in the selection of plant material and irrigation systems.*
- (f) *Fire resistant vegetation shall be used in hill areas. (The booklet "Firescape – Landscaping to Reduce Fire Hazard" published by the East Bay Municipal Utility District is available at the Zoning Counter.)*

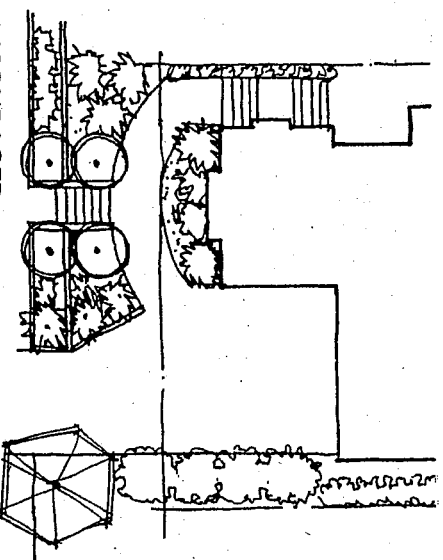
GUIDELINES:

- 10.1** Use a variety of small and large trees and shrubs, lattice and vines, and other techniques to soften, diffuse, define, or divide wall planes, building masses, or paved areas.
- 10.2** Design fences, garden walls, arbors, retaining walls, entry gates, guardrails, etc. to be consistent with the building architecture and/or landscape theme. The configuration and design of these elements should also allow views from the street to the house and entry. Give special attention to street-side landscaping and design details of street-fronting fences.
- 10.3** Use trees and tall shrubs to provide landscape screening between houses.
- 10.4** Use arbors, trellises, and garden planter boxes etc. to enhance the scale and visual character of wall planes, courtyards and other exterior spaces and larger landscape elements.



ENCOURAGED

- ▶ Landscaping that softens site walls
- ▶ Variety of plantings
- ▶ Feature trees in courts and at driveways
- ▶ Decorative paving



ENCOURAGED

- ▶ Landscaping and yard design that diminishes the dominance of the driveway
- ▶ Four trees or similar techniques that highlight entry

Criterion 10: Landscaping

10.5 Provide street trees whenever possible. All street trees must be approved by the City of Oakland Tree Division.

10.6 Use trees, shrubs, and vines to enclose and embellish outdoor spaces such as patios, terraces, courtyards etc. and emphasize site circulation, e.g., a tree-lined entry path.

10.7 Landscape edges of improved public paths with trees, shrubs, vines etc. In addition, public amenities such as benches and arbors are encouraged.

Special Guidelines for Hillsides:

10.8 In hill areas, use irregular plant spacings and plant trees in undulating groups to achieve a grove effect. Especially consider native, fire-resistant species such as coast live oak, etc. Plant shrubs of varying heights and sizes among trees.

10.9 In hill areas, maintain natural topography or use a series of stepped terraces/retaining walls to create grade transitions between the street and the house. Avoid tall retaining walls.

10.10 In the Upper Hill Area, space trees and other vegetation to avoid creating fire ladders. Plant trees 15' from structures where possible.

10.11 In high visibility hillside and canyon areas all graded surfaces should be fully landscaped and the structure buffered by quantities of vegetation beyond the basic landscaping requirements of the Zoning Regulations. Aim for a natural appearance on graded slopes.

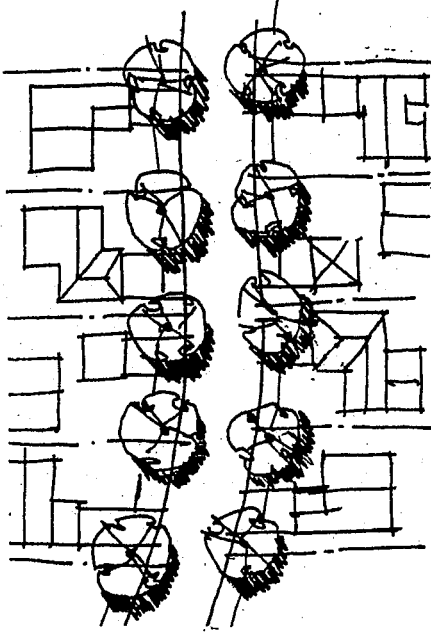
10.12 In hill areas, highlight the entry path by using landscaped courtyards, stepped terraces, colonnades to define space and movement.

10.13 In hill areas, use naturalistic materials such as brick, turf block, unit pavers or other textured or decorative surfaces for walkways etc.

10.14 In hill areas, heavy timber, decorative metal and natural materials such as stone, brick etc. are encouraged to improve fire resistance of site structures.

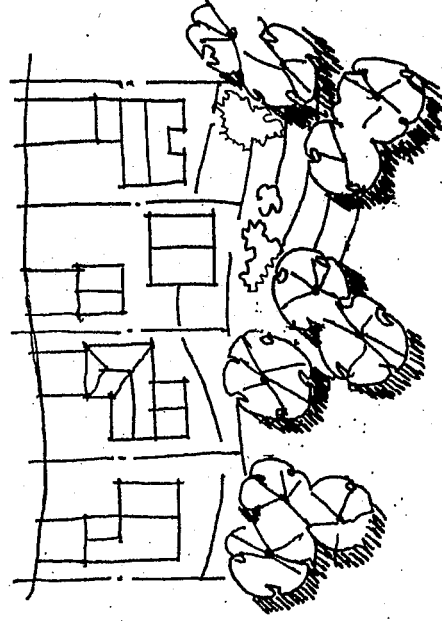
10.15 In hill areas, consider the visual impact on neighborhood appearance and natural hillsides in the siting and design of long fences. Fences should not be dominant visual elements on hillsides. Tall fences around the property perimeter are often discouraged.

See also Criterion 11 (Street Fronting Fences and Freestanding Walls).



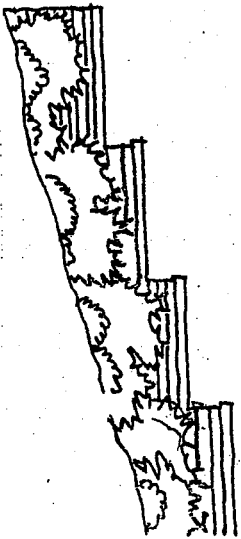
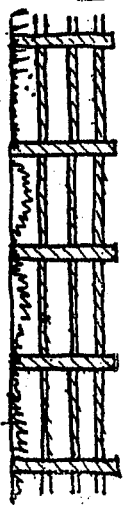
ENCOURAGED

- ▶ Street trees spaced to give continuity to neighborhood and frame the street without touching canopies



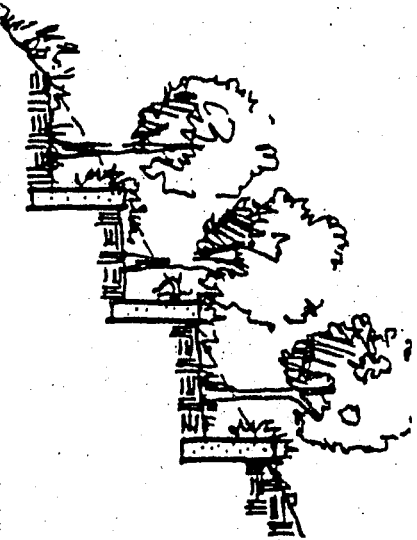
ENCOURAGED

- ▶ Irregularly shaped and adequately spaced groupings of trees on steep hillsides



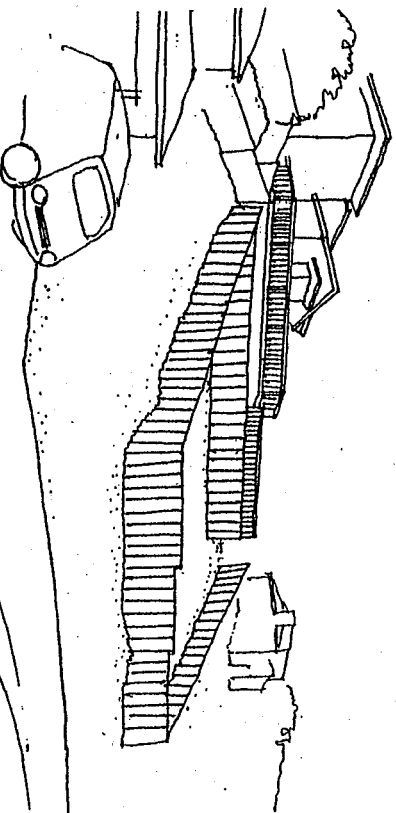
ENCOURAGED

- ▶ Low open fences on visible hillsides (no fencing also encouraged)
- ▶ Fences that step with topography



ENCOURAGED

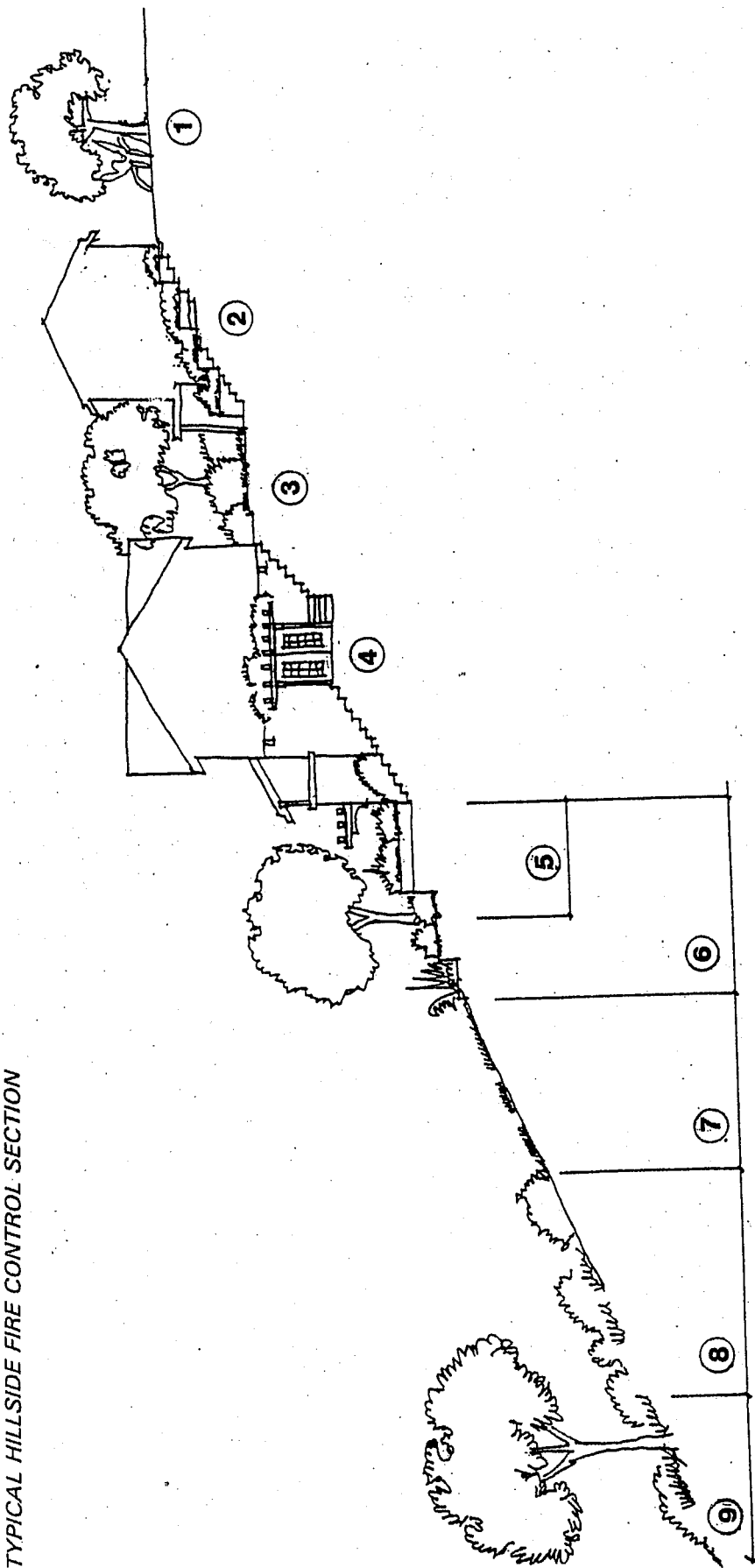
- ▶ Low stepped retaining walls with landscaping



DISCOURAGED

- ▶ Solid fences along property perimeter on steep visible hillsides and canyon areas

TYPICAL HILLSIDE FIRE CONTROL SECTION



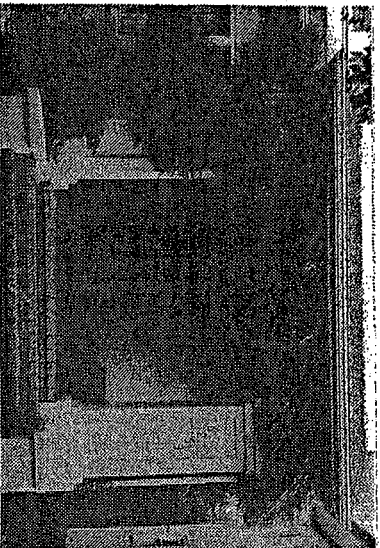
- 1 Feature tree
- 2 Landscape and planter at skirt wall
- 3 Controlled ornamental landscape in court yard
- 4 Well maintained trellis and vine at side entry
- 5 Plant major trees, where possible 15 feet from house
- 6 Garden landscaping
- 7 Fuel break zone, low plants up to 18" (plant in non-continuous groupings, keep clear of leaves and brush)
- 8 Transition zone - shrubs ok
- 9 Indigenous planting - trees ok

Notes:

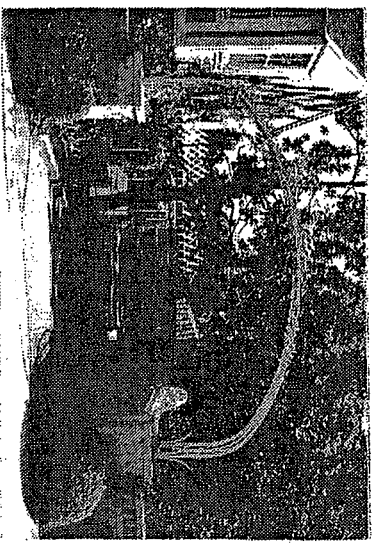
Drip irrigation system recommended
 Trim and thin all vegetation



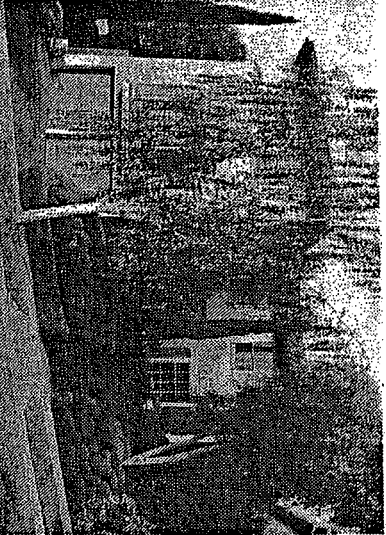
► Formally shaped bushes frame entry



► Vine embellishes entry porch



► Trellis with vine creates gateway



► Shrubs sculpted to soften grade transition and mark entry
► Trees asymmetrical to entry soften landscape composition



► Feature tree diffuses building mass
► Gateway design same style as house

OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES
Criterion 11: Street Fronting Fences and Freestanding Walls

**CRITERION 11: STREET FRONTING FENCES AND
FREESTANDING WALLS**

- (a) *Street fronting fences and freestanding walls shall not be overly dominant within the streetscape and shall relate well to buildings, landscaping and other streetscape design features.*
- (b) *Fences and freestanding walls within front yards and the front portions of street side yards on corner lots shall complement the architectural style of the adjacent residence.*

"Front portions of street side yards" refers to the portions of street side yards adjacent to the main residence and does not refer to portions at the rear of the main residence.

See Criterion 10 (Landscaping) for general provisions concerning fences and walls, including retaining walls.

INTRODUCTION:

The Oakland Planning Code's standards for street fronting fences and freestanding walls are found in Section 17.108.140 and are summarized as follows:

Height Limits for street fronting fences and freestanding walls:

- 1. Front yards and front portions of street side yards: 42" by right and six feet with a Conditional Use Permit.

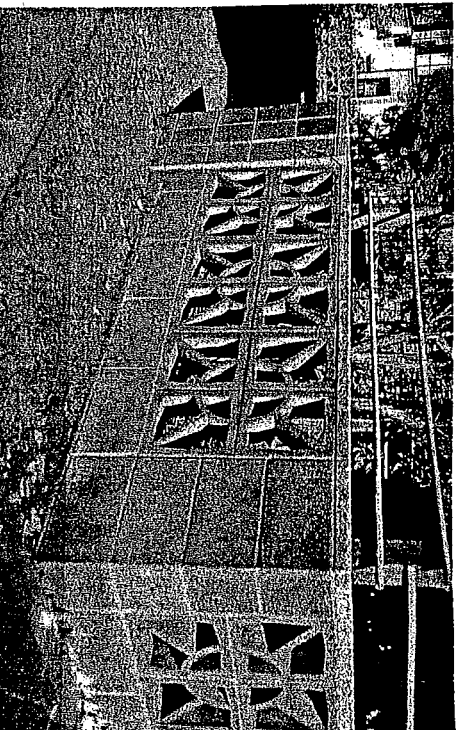
One entry gateway, trellis or other entry structure is allowed by right in front yards if the structure's height or width does not exceed ten feet.

- 2. Rear yards on double frontage lots and rear portions of street side yards: Six feet.

Restricted Materials:

- 1. Chain link fences higher than 42" are not allowed in front yards and front portions of street side yards.
- 2. Barbed wire and razor wire are not allowed.
- 3. Plain concrete block is not allowed unless capped and finished with stucco or other material approved by the Director of City Planning.

Note: Criterion 11 and the Guidelines listed below apply only to street fronting fences/walls that: (a) are taller than 42" and require a Conditional Use Permit; or (b) are part of a landscape plan requiring City approval.



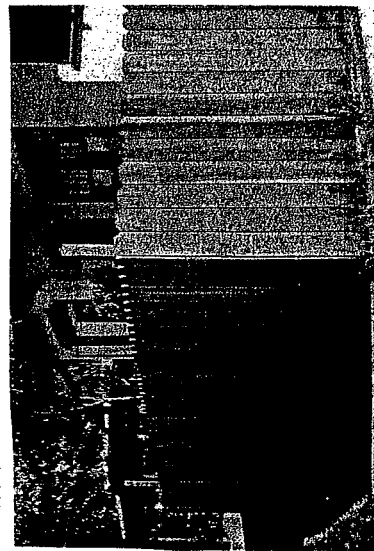
Plain concrete block is not allowed as a fence/wall material under the Oakland Planning Code.

GUIDELINES:

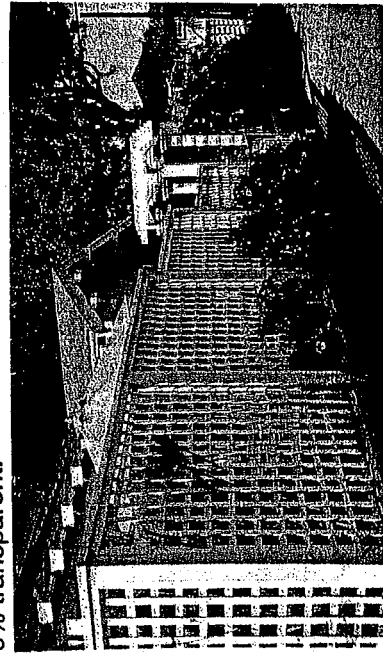
11.1 A front or street side yard fence/wall should not call attention to itself, but instead focus and direct attention to the residence. Avoid fences/walls in the front or street side yard that are overly dominant features within the streetscape.

11.2 Use front and street side yard fence/wall designs that complement and are consistent with the architecture of the building. For example, wood fences are usually inconsistent with Mediterranean architecture, but low solid stucco walls or iron picket fences often work well.

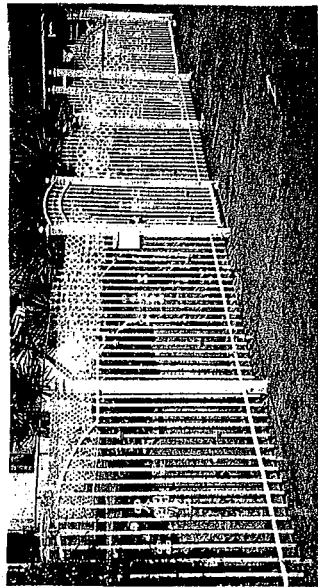
11.3 Avoid solid wood fences in front and the front portion of street side yards. Portions of fences/walls that are in these yards and taller than 42" should be at least 70% transparent, and the fence/wall as a whole should be at least 60% transparent.



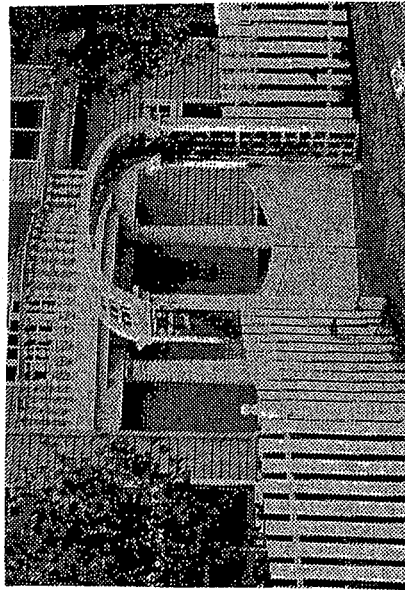
11.3 Avoid solid wood fences in front yards and front portions of street side yards.



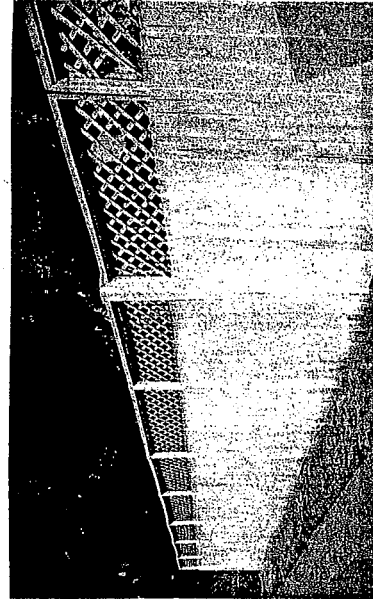
11.3 Fences that are taller than the Planning Code's 42" height limit should have an overall transparency of at least 60 percent to provide visibility of the building, promote security within street fronting yards by maintaining public surveillance and avoid walling in the streetscape.



11.1 Avoid fences that are overly dominant features within the streetscape.



11.2 Use fence/wall designs that complement and are consistent with the architecture of the building.



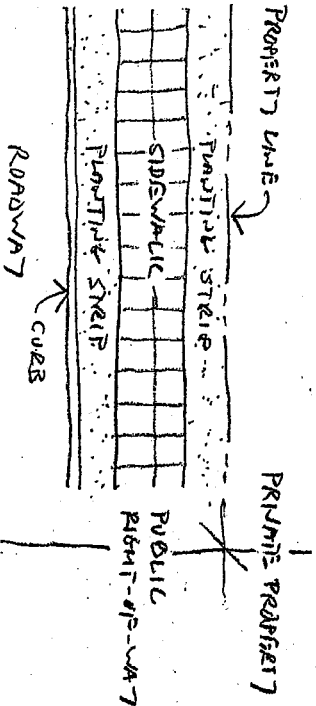
11.3 Avoid fences taller than the Planning Code's 42" height limit that have an overall transparency of less than 60 percent.

OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES **Criterion 11: Street Fronting Fences and Freestanding Walls**

11.4 Maintain a regular rhythm in the fence/wall design. Except for gates and other special situations, the length of fence sections between posts should be as equal as possible. Posts should usually all be the same height, except when the overall fence height changes.

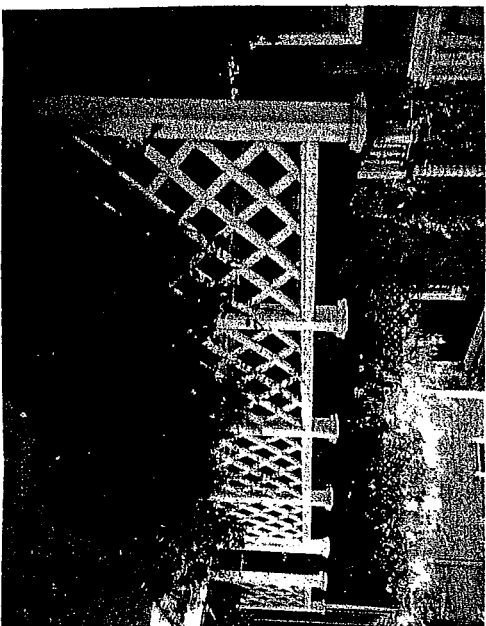
11.5 Design fence/wall entries to give visual prominence to the residence and direct attention to the building entry.

11.6 Set front or street side yard fences/walls out of the public right-of-way and at least 18" back from the edge of the sidewalk. Landscape the unpaved strip between the fence/wall and sidewalk. (Note: Fences/walls that are not set back at least to the lot line are within the public right-of-way and require an encroachment permit. On most streets, the sidewalk does not extend all the way to the lot line, resulting in a strip of unpaved right-of-way often over three feet wide that looks like it is part of the private property.)

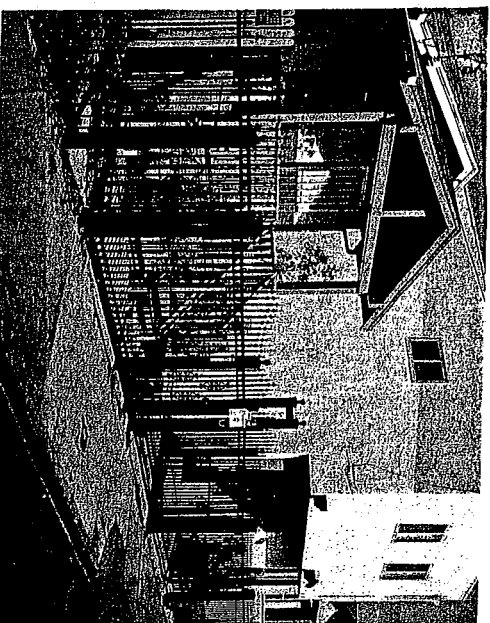


TYPICAL SIDEWALK RIGHT-OF-WAY CONFIGURATION

11.7 Whenever possible, maintain the same alignment as other street-fronting fences/walls along the block face. (Note: If all fences/walls were installed along the property line, they would automatically be aligned. However, since many street-fronting fences/walls are constructed within the public right-of-way, often illegally, maintaining such alignment will not always be possible.)



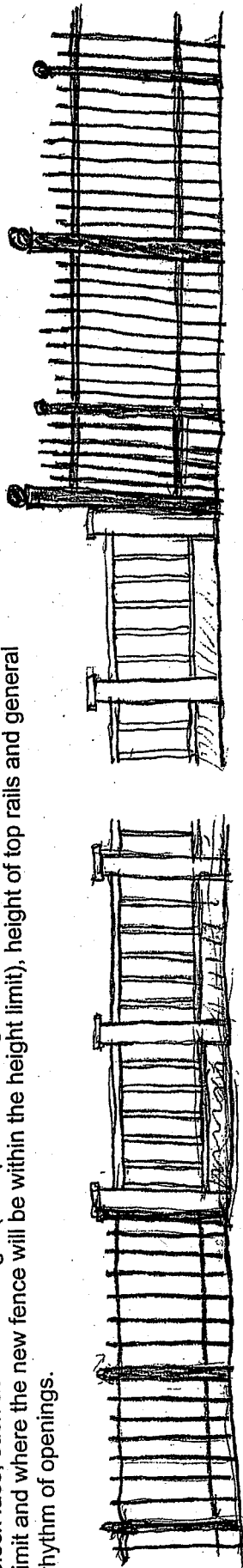
11.6 Set fences/walls out of the public right-of-way and at least 18" back from the sidewalk. Provide landscaping along the base of the fence/wall.



11.6 Avoid fences/walls in the public right-of-way.

Criterion 11: Street Fronting Fences and Freestanding Walls

11.8 Maintain the basic geometric characteristics of any other street fronting fences within the block face, such as overall height (except for existing fences over the Planning Code's 42" height limit and where the new fence will be within the height limit), height of top rails and general rhythm of openings.



Maintaining the basic patterns of existing fences/walls promotes a unified and well-ordered streetscape.

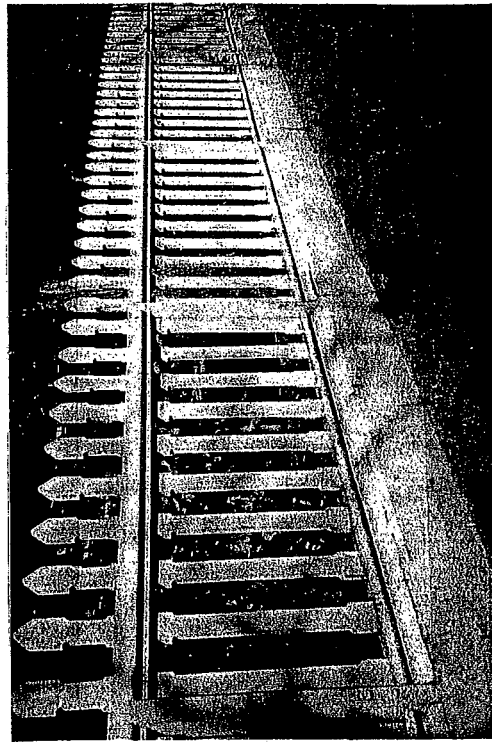
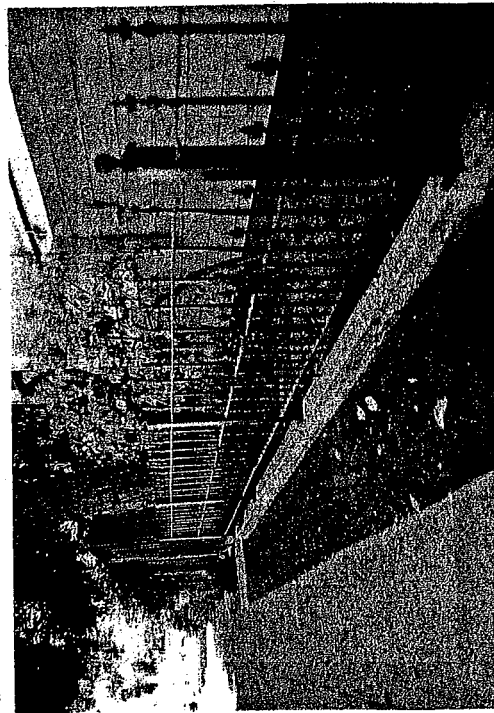
Significant changes from prevailing fence/wall patterns can be disruptive.

11.9 Use dark colors for metal fences.

11.10 Street-fronting chain link fences should either have a dark vinyl covering (available colors are usually dark green or black) or be painted a dark color. They should also be accompanied by climbing vines or other vegetation that will mask their visibility.

11.11 For street fronting fences/walls taller than 42", the required vegetation along the street side base should have an ultimate height of at least one-third of the fence/wall height to reduce the structure's visibility.

11.12 For wood or metal picket front and street side yard fences, consider a solid base up to about one-foot high. This gives a solid architectural quality to the fence and helps relate it better to surrounding buildings.



11.12 Consider a solid base up to about one foot high for wood or metal picket fences.

CRITERION 12: S-10 SCENIC ROUTE COMBINING ZONE

Project design in the S-10 Scenic Route Combining Zone shall be aimed at achieving an atmosphere of harmony with nature. The following design considerations shall be given special attention:

1. *Materials and architectural appointments;*
2. *Colors;*
3. *Landscaping;*
4. *Building mass and siting.*

(Note: This section is based on the S-10 Scenic Route Combining Zone Guidelines for Development and Evaluation, adopted by City Planning Commission September 19, 1973 and amended September 24, 1975)

INTRODUCTION:

The S-10 Zone is intended to create, preserve, and enhance areas where hillside terrain, wooded canyons and ridges, and fine vistas or panoramas of Oakland, neighboring areas, or the Bay can be seen from the road. The zone requires design review for all construction and changes of exterior appearance. It prohibits driveway access to Grizzly Peak Boulevard, Skyline Boulevard, Tunnel Road, and Shepherd Canyon Road, unless a Conditional Use Permit is granted. Along Grizzly Peak, Skyline, and Tunnel, it imposes a special height provision on downslope lots. Within the area covered by the Shepherd Canyon Corridor Plan, S-10 requires a Use Permit for all subdivisions and lot line changes, and also provides a procedure to waive or reduce lot area and certain other requirements. (See Planning Code Chapter 17.90 for the complete S-10 zoning text.)

Design Review should ensure that when man-made structures are introduced along the scenic route they are sensitively related to the natural setting and that special consideration has been given to their setting and design.

To facilitate siting and design of buildings, sensitively related to the natural setting, applications for design review of proposed development in the S-10 Zone should be accompanied by a Soils Report where suggested by the Office of Public Works.

Site plans should, in addition to normal siting, boundary and topographical information, show: (1) location of the paved portion of the public street adjoining the subject property; and (2) location, type, and size of the live trees on the property. Size is to be determined by measuring the diameter of the main trunk at a point four feet above the ground.

GUIDELINES:

12.1 Materials and Architectural Appointments.

- (a) Natural building materials, such as brick, stone, masonry, or wood, should be emphasized in the design of the exterior.
- (b) Uneven textures should predominate.

12.2 Colors.

- (a) Preference should be given to "earth" colors, such as olive, ochre, sienna, gray, gray-green, gray-blue, etc. although warm colors may be appropriate in small accessory treatment, or as design counterpoints.

12.3 Landscaping.

- (a) Preference should be given to planting and encouraging the growth of desirable low-combustion plant types found in the area. Contrived, non-native landscaping, such as cactus gardens, brightly colored gravel, extreme plant shaping, etc., are inappropriate.
- (b) Wherever removal of large live trees is necessary, they shall be replaced by planting, prior to building occupancy, of trees elsewhere on the property within view from the road.

12.4 Building Mass and Siting.

- (a) Foundations should be stepped to reflect the natural slope of the terrain. Excessive support members or mechanical systems should be covered or screened.
- (b) Large flat building planes should be avoided. The spatial arrangement of the building - including roof overhangs, for instance - should be used to achieve alternating light and dark building surfaces which will blend with similar contrasts found in the surrounding natural vegetation.
- (c) Rooflines and roof surfaces should be an important part of the building design. Sloped roofs should reflect the natural slope of the terrain. Flat roofs should be developed as open space, or as gardens serving nearby living space.
- (d) (For restrictions on the height of rooflines for buildings along Grizzly Peak Boulevard, Skyline Boulevard, or Tunnel Road, see Section 17.90.070 of the S-10 Zoning text.)
- (e) (For requirements on the siting of driveways, see Section 17.90.040 of the S-10 Zoning text.)
- (f) In the Shepherd Canyon Corridor, structures should be clustered or otherwise sited so as to maximize the conservation of those open portions of the property which are visually, recreational, or ecologically valuable or which pose topographical, geological, or hydrological hazards or problems. (See Sections 17.90.060 and 17.90.080 of the S-10 Zoning text, and the 'Illustrative Future Land Use Map' in the Shepherd Canyon Corridor Plan.) Every reasonable effort should be made to maximize the quantity, quality, and continuity of the open space along Shepherd Canyon Road.

12.5 Accessory Equipment.

- (a) Television or radio antennas should be placed so they are not silhouetted against the view, preferably not mounted on the roof.
- (b) Fencing placed near the street should be of a height to allow for view; on downslope lots, fences should not violate the special height provisions for the S-10 Zone.
- (c) Swimming pools and equipment sheds should not be placed in the front yard area.

Appendix A: Projects Exempt from Design Review

APPENDIX A: PROJECTS EXEMPT FROM DESIGN REVIEW: STANDARDS FOR DETERMINING WHETHER AN ADDITION OR EXTERIOR ALTERATION "MATCHES" THE EXISTING BUILDING.

A project will be exempt from Design Review if it meets the thresholds established in the applicable zoning section and it "matches" the existing building in terms of all of the following standards (as described in detail in the next section):

- a. Windows (type, proportions, materials, trim, and composition);
- b. Siding;
- c. Roof (shape, form and materials);
- d. Scale and proportions;
- e. Style and character;
- f. Eaves and overhangs;
- g. Decorative elements.

Note: Projects that are exempt from Design Review must have their exempt status verified by the Planning Department prior to building permit application.

Standards for Determining Whether an Addition or Exterior Alteration "Matches" the Existing Building

In order for an addition or exterior alteration to be exempt from Design Review, it must "match" the existing building as described in the following standards. Note that projects that are not exempt from Design Review may, but are not necessarily required to, conform to these standards also.

1. Windows:

Windows are important elements in the composition of architectural elevations. In most cases, it is desirable to maintain consistency in window design. A façade of varied window types, proportions or materials, if not carefully designed, can easily end up looking unbalanced or poorly composed. Often windows incorporate detail found in other façade elements or proportions similar to those of the building as a whole. Through this practice, an overall balance and integration of forms and proportions can be achieved.

With this in mind, new windows should match those existing in terms of type, proportions, materials, trim, and composition, and should conform as closely as possible to the appearance of existing windows.

Often windows on the front façade are given special treatment. Therefore, if windows are to be added on the front façade, and there is a difference between the design and treatment of existing front-facing windows and those on other parts of the building, then the new windows should conform to those on the front wherever feasible and appropriate.

- A. Note the predominate window type used in the existing structure (or on the front façade): casement, fixed, double-hung (sash), horizontal sliding, Venetian (Palladian), or other. If windows contain mullions creating individual panes or lights, note the number, proportions and configuration of lights. If there is a consistent use of one (or more) window types(s), then additional windows should be of the same type(s).
- B. Note the predominate window proportions used in the existing structure (or on the front façade): square, rectangular or arched; horizontal or vertical; or other. If there is a consistent use of windows of substantially similar proportions, then additional windows should be of similar proportions.
- C. Note the predominate window material(s) used in the existing structure (or on the front façade): wood, aluminum or other. If there is a consistency in window material(s), then additional windows should be of the same material(s). Note that if, in the opinion of the Design reviewer, the detailing and treatment of the new windows conform in appearance to those of the existing building, this criterion will be determined to have been met.
- D. Note the predominate trim design: painted wood 1x3's, 1x4's or similar; painted wood trim incorporating projecting sills and headers; trim incorporating classical columns, colonettes, pilasters, window shields, keystones, garlands, palera, fluting or other architectural features; or other. If there is a consistent use of a particular trim design, then additional windows should incorporate a similar trim design. Note that proportional reproductions may be allowed if, in the opinion of the Design Reviewer, they will be consistent in appearance with that of the existing building.

Appendix A: Projects Exempt from Design Review

E. Note the predominate window composition: vertical windows grouped in pairs, narrow vertical windows flanking a larger vertical or square window (e.g. bay or Palladian windows), long horizontal series of windows (e.g. band windows), windows with fanlights or transoms above, windows centered under gables, or other. If there is a consistency in window groupings or composition, then additional windows should be grouped or composed similarly.

2. Siding:

Siding can be used to unify a building composition, to help reduce scale or perceived bulk, and/or to differentiate different building parts or individual dwelling units. Sometimes different siding is used to strengthen a building's base, to lighten the uppermost parts of a building, to articulate floor levels or window bands, or to emphasize an entrance. Care should be taken, however, that treatments are employed consistently and that they harmonize with adjacent treatments. When a variety of treatments are to be used, their selection and placement should be governed by a strong design rationale in order to avoid the appearance of a piecemeal application.

With this in mind, new siding should match the existing in terms of treatment (e.g. material; color; texture; orientation or pattern; and size, width and/or spacing of units) and should conform as closely as possible to the appearance of the existing building.

- A. Note the existing siding material: dimensional lumber, board and batten, wood shingles, stucco, brick, stone, pre-cast concrete masonry units, pressed hardboard resembling wood siding, glass or other. If siding is unpainted or stained wood, note variety: cedar, redwood, oak, pine, or other.
- B. Note the color pattern used on the existing building.
- C. Note the siding texture(s): smooth, rock-faced or vermiculated, plain or rusticated, polished or rough, glossy or matte, fine or coarse, striated, swirled, or other.
- D. Note the siding orientation, pattern or type (if applicable): vertical, horizontal, or diagonal (dimensional lumber) square butt, sawtooth, octagon, diamond, fishscale, or chisel (shingles); coursed or uncoursed rubble or bonded or random ashlar (masonry); drop,

bevel, clapboard, or board and batten (wood); Flemish or American bond (brick); or other.

- E. Note the size, width, or spacing of siding units (if applicable).
- F. If more than one material, color, texture, orientation, pattern, type, size, width, or spacing exists, note their respective locations on the building and their relationship to one another. Identify the predominate siding characteristics for each part of the building: the base, first floor, second floor, attic, entrance, trim, accents, and other. If there is a consistent use of a particular treatment on a particular building part, then new siding on a similar part should share that treatment.

3. Roof:

The design of a building's roof determines a building's basic form and its profile against the sky. The various massing elements of a building can be successfully integrated through the use of similar roof designs. Often the main roof design is repeated in the design of minor roof elements over wings, entryways and dormers. Elements with roofs that vary substantially from the design of the main roof run the risk of appearing tacked-on.

With this in mind, new roofing should match the existing in terms of shape, form, and materials and should conform as closely as possible to the appearance of the existing roof.

- A. Note the predominate roof shape: gable, hip, mansard, gambrel, shed, flat, or other.
- B. Note the predominate roof form: steeply sloped, moderately sloped, shallowly sloped, flat, or other.
- C. Note the predominate roof material: wood shingles (or shake), asphalt shingles, brick tile, pre-pre-cast units, metal, or other. Note that if, in the opinion of the Design Reviewer, the proposed roof material conforms in appearance to that of the existing building, this criterion will be determined to have been met.

Appendix A: Projects Exempt from Design Review

4. Scale and Proportion:

Architectural balance and integration can also be achieved through the incorporation of similarly sized and shaped elements.

With this in mind, additions and alterations should match the existing in terms of scale and proportions.

- A. Note height of building, arrangement of masses, shape and form of roof, location of setbacks, width of bays, extent of wall and roof planes, size and placement of major façade elements (e.g. porches, bays, dormers, balconies and other recesses and projections), and continuity of vertical and horizontal lines.

5. Style and Character:

Architectural style refers to a building's look or character and results from the consistent use of a rationally-selected combination of architectural treatments, forms and details. Successful building design often owes itself to a strong consistency in character. If the character of a building is not consistently maintained, or if ornament is not rationally applied, a building which lacks architectural integrity and unity may result.

With this in mind, additions and alterations should match the existing in terms of style and character.

- A. Note the predominate architectural style of the existing structure (e.g. Mission Revival, New England or Georgian Colonial Revival, Mediterranean Revival, Victorian, Italianate, Stick, Eastlake, Craftsman or Shingle, Queen Anne, Bungalow, Prairie, International, or other) by identifying the elements which lend the building its character: building form, material, treatment, texture, detailing, ornament, and design and composition of architectural elements such as columns, pilasters, pediments, cornices, friezes, molding, soffits, brackets, fascias, roofs, windows, doors, porches, porticos, banisters, and balustrades. Whenever any of these devices are consistently employed in the existing building, their use should be continued in the addition or alteration whenever feasible and appropriate.

- B. Note that different materials or proportional reproductions may be allowed if, in the opinion of the Design Reviewer, they will be consistent in appearance with that of the existing building.

6. Eaves and Overhangs:

One of the most important considerations in the design of a house involves the edge condition where the exterior wall and roof planes meet. Scale, style and sense of protection and enclosure all are affected by the roof's configuration relative to the walls below.

Employed consistently, the design of eaves and overhangs can also act as unifying elements and may be used to provide desirable shadows creating interest on and relief from blank, unbroken wall planes.

With this in mind, additions and alterations should match the existing in the design of eaves and overhangs.

- A. Note distance of overhang and design and composition of purlins, rafters, brackets, soffits, cornices, and/or fascia.

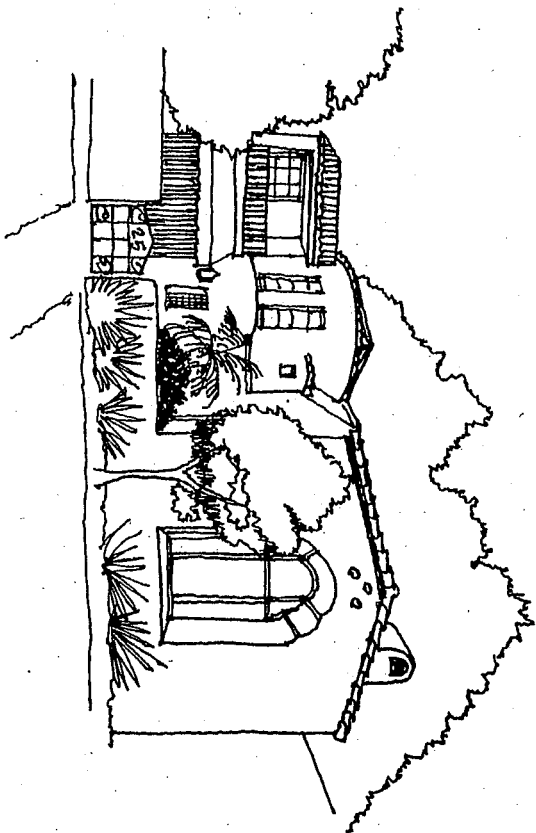
7. Decorative Elements:

Well composed and unified architectural designs are often marked by a consistency in placement, pattern (or rhythm), and design of decorative elements. Even the most ornate designs usually rely on a limited number of decorative elements used repeatedly in original or slightly adapted form. Piecemeal embellishments applied with no rationale on the one hand and flat unadorned additions which fail to reproduce the richness of the original design on the other should be avoided.

With this in mind, additions and alterations should match the existing in terms of use of decorative elements wherever feasible and appropriate.

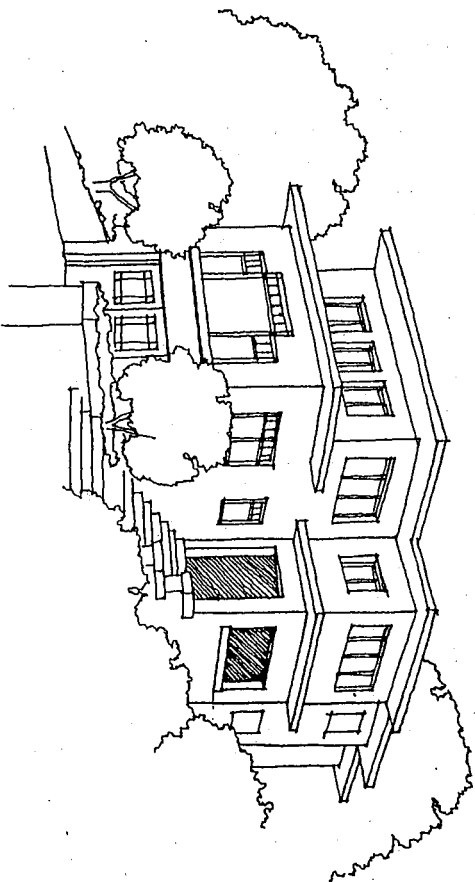
- A. Note design and composition of columns, capitals, colonettes, pilasters, cresting, brackets, panels, keystones, fanlights, sunbursts, garlands, dentils, scrolls, patera, festoons, fluting, friezes, pediments, banisters, balustrades, and the like.

- B. Note that different materials or proportional reproductions may be allowed if, in the opinion of the Design Reviewer, they will be consistent in appearance with that of the existing building.



Mediterranean Style (1920 - 1930)

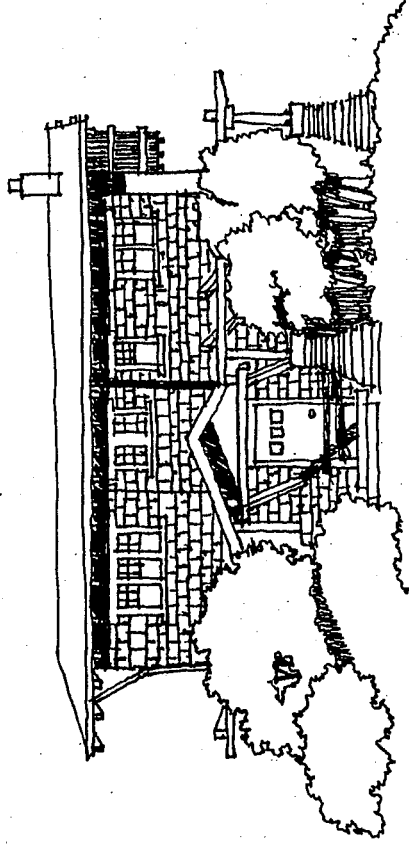
- ▶ An additive composition of masses which are related in form but vary in size
- ▶ Relatively shallow roof pitches
- ▶ Light colored stucco, terra cotta roof tiles
- ▶ Use of decorative hand painted tile near important places like the entrance
- ▶ Use of "tropical" vegetation around house
- ▶ Use of decorative ironwork (gate) and decorative woodwork (balcony)
- ▶ Attic space vented with terra cotta castings



Prairie School Style (1910 - 1925)

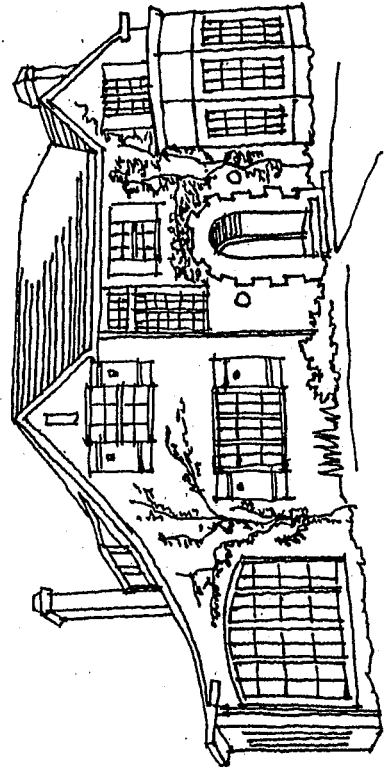
- ▶ Based on Frank Lloyd Wright Prairie Style
- ▶ Low pitch or flat roof with eave
- ▶ Main volume with lower wings/porches
- ▶ Detail emphasizing horizontal lines
- ▶ Massive square porch supports
- ▶ Horizontally grouped windows often recessed or with thick casements and decorative muntin designs
- ▶ Stucco

Craftsman Style (1905 - 1930)



- ▶ Low pitch gable roof with deep eaves
- ▶ Exposed timber and wood joinery for rafters, brace supports and beams
- ▶ Trellis or porch at entry
- ▶ Battered (sloped) or stone skirt walls
- ▶ Stucco or wood shingle siding
- ▶ Windows taller than wide, with transoms and grouped horizontally

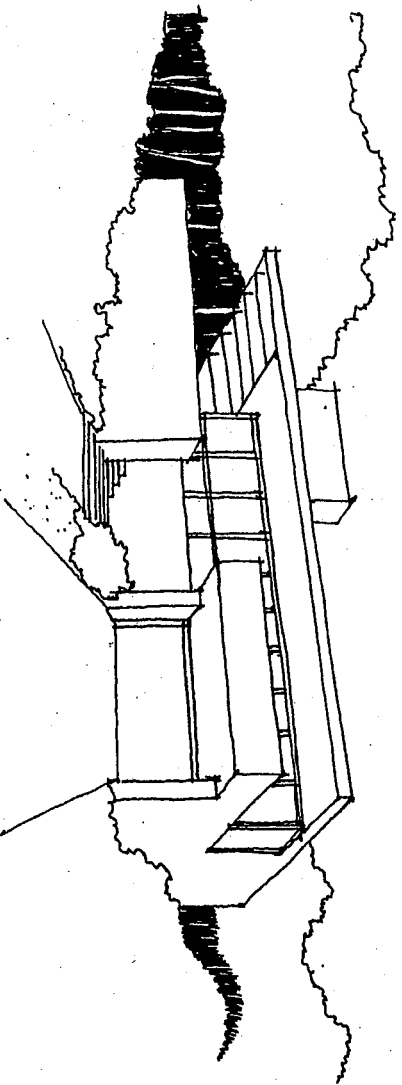
Period/French Style (1920-1935)



- ▶ Steeply pitched gable and peaked roofs in slate or composition shingle
- ▶ Flat, round and steep arches
- ▶ Rough stucco and decorative stone, brick or wood
- ▶ Vines growing on face of house
- ▶ "Tropical" vegetation around house
- ▶ Large muntin divided windows
- ▶ Other styles within this category are English Tudor and European eclectic

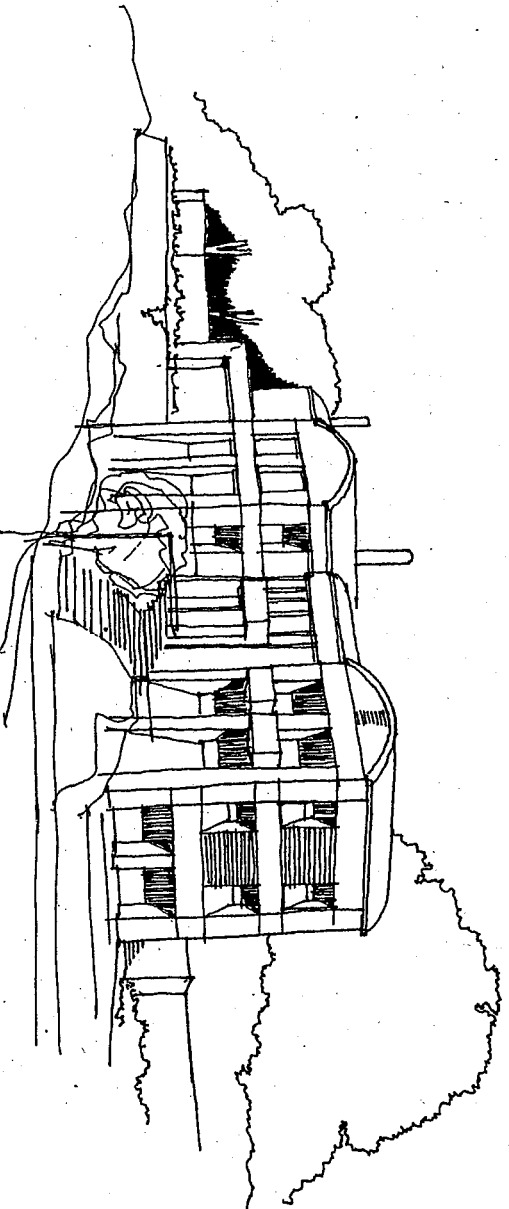
OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES
Appendix B: Architectural Styles

International Style



- ▶ Emphasis on vertical and horizontal planes including freestanding walls and cantilevered roofs and terraces
- ▶ Floor to ceiling windows
- ▶ Windows, usually metal casements, in horizontal bands
- ▶ Flat roofs often without coping
- ▶ Smooth, unornamented wall surface
- ▶ Lack of decorative details
- ▶ Dynamic asymmetrical facades

Eclectic Modern



- ▶ Joinery used as decorative detailing
- ▶ Often a composition of several simple or complex geometric forms
- ▶ Contrasting materials, textures and colors
- ▶ Distinctive window shapes and placements

DESIGN BIBLIOGRAPHY

PERIODICALS:

Architecture (National Journal of the American Institute of Architects), Progressive Architecture, and Architectural Record
See annual issues on Houses, review of contemporary architecture.

GA Houses (Global Architecture)

GA Houses 1 through 30 +, review of notable designs.

BOOKS:

Architecture: Form, Space and Order, Francis D.K. Ching
Thoroughly illustrated review of architectural principles.

Field Guide to American Houses, Virginia and Lee McAlester
Illustrations and pictures of historic/period styles.

The Good House, Jacobsen, Silverstein, Winslow
Information and illustrations on design process.

OTHER:

Community Voices: A Resource Guide for Rebuilding, C.E.D.A.T. (Sponsored by The East Bay Chapter, American Institute of Architects)
Information on pre-fire neighborhoods and design recommendations.

Claremont Pines Design Guidelines, Claremont Pines Design Guidelines Committee
Adopted Guidelines for Claremont Pines Neighborhood.

"Fireescape – Landscaping to Reduce Fire Hazard," East Bay Municipal Utility District
Adopted guidelines for fire resistive landscaping.

Sunset Publications
Guide book series on home and yard design. New Western Garden Book.

**REDLINED VERSION OF VIEW AND SOLAR ACCESS IMPACT SECTIONS OF 3-24-05 DRAFT 1-2
UNIT INTERIM RESIDENTIAL DESIGN REVIEW MANUAL SHOWING REVISIONS TO 10-13-04
DRAFT**

ATTACHMENT C

CRITERION 1: VIEWS

A project shall make a reasonable effort to maintain the most significant views from primary living spaces of existing residences of abutting lots and lots directly across the street (see Figure 1.1) on lots in close proximity to the project site. View protection is considered for views that are located within view corridors, subject to view protection limitations.

GUIDELINES:**1.1 DEFINITIONS**

A. "Significant views" are distant views of the following scenic sites, in order of priority:

1. Golden Gate Bridge, Bay Bridge, ~~the bridges downtown Oakland~~ or San Francisco skyline;
2. A large portion of San Francisco Bay and/or San Pablo Bay;
3. ~~A panoramic view of a major natural feature such as the Oakland Piedmont, Berkeley Hills, a large open hillside, Mount Tamalpais, Mount Diablo, Lake Merritt, or downtown Oakland;~~
4. ~~A prominent structure or landmark such as the U.C. Berkeley Campanile, Mormon Temple, etc.~~ or either a prominent structural landmark.

B. "Primary Living Spaces" include, in order of priority:

1. Main living room or family room;
2. Master bedroom;
3. View-oriented deck or patio;
4. Dining area or kitchen; or
5. If none of above, another bedroom having the only significant view.

C. "View Corridors" are sight lines from "primary living spaces" (1.1B) to "significant views" (1.1A) extending outward from the following designated viewpoints:

1. Rear elevations on down-slope lots at least one level (about 10 feet) above adjacent grade;
2. Front elevations on up-slope lots at least one level (about 10 feet) above the street pavement;
3. The front and rear 15 feet of upper level side-facing elevations, but only on cross-slope lots steeper than 20% and a change in elevation between abutting residences of at least 10 feet (about one story).

(See Figure 1.1C)

1.2 VIEW IMPACT EVALUATION

- A. View protection will be considered for all existing residences adjoining the project site or directly across the street (see Figure 1.2). View protection will also be considered for residences on lots within 300' of the project site in cases where the potential view impacts called to the City's attention.
- B. For purposes of the Manual, a "view impact" relates only to the potential view obstruction resulting from additions, alterations and/or new construction of one- and two-unit residences, and not from trees or other vegetation.
- C. If a significant view is wide angle or panoramic, then an obstruction of ten (10) degrees or more would usually be considered a view impact. If the view is instead toward a single object, such as the Golden Gate Bridge, then any level of obstruction may be considered a view impact.
- D. Sight lines toward a significant view begin at seated eye level (4' above floor level). Proposed roof lines should be a minimum of 2 feet below eye level but may need to be lower if significant distance separates the project and impacted building, due to the downward angle of views.
- E. Where more than one adjacent ~~existing~~ property has a view corridor over the project site, view protection priority will be given to the closer property(ies).
- F. Where an adjacent ~~existing~~ property has more than one view corridor over the project site, priority will be given to protecting the best available view as determined by the Guidelines.
- G. Story poles may be required, at staff's discretion, to adequately evaluate potential impacts on views.

1.3 VIEW PROTECTION LIMITATIONS- REASONABLE EFFORTS

View protection techniques as described in Guideline 1.4 below are typically *not* required if any of the following apply:

- A. The project maintains the best views from adjacent ~~existing~~ properties but other views are reduced or blocked, or
- B. View protection techniques would result in lesser or lower quality views for the project than adjacent ~~existing~~ properties, or
- C. View protection techniques would result in a house significantly smaller in floor area or height than adjacent ~~existing~~ residences on similar lots, or a house less than two stories in height (except for small portions that may need to be limited to one story to preserve a view), or
- D. View protection techniques would require reducing the project's height more than 20 percent below the Zoning Regulation's ~~maximum~~ height limit ~~or~~ ~~reducing the height of the building~~, and/or reducing the buildable area as defined by the ~~minimum~~ front, side or rear setbacks more than 20 percent.

1.4 VIEW PROTECTION TECHNIQUES

On the following pages are common design techniques affecting a home's height, siting, massing, or depth in order to maintain views from neighboring properties. These techniques should be used at the early stages of design.

Where a significant view is impacted by a proposed design, one or more of the following techniques may be required for mitigation.

CRITERION 2: SOLAR ACCESS

A project shall make a reasonable effort to minimize solar access impacts on actively used outdoor or indoor areas of adjoining residential properties.

GUIDELINES:

2.1 DEFINITIONS

A. An "actively used outdoor area" is a gathering space with a seating area, a sunning area, a pool/fountain, planters, or other similar amenities.

B. An actively used indoor area is a room typically used for entertainment functions, such as living rooms, dining rooms, kitchens, family rooms, etc. They exclude bedrooms and bathrooms.

B. A "solar access impact" exists when more than 50% of an actively used indoor area's exterior walls adjoining the project or when more than 50% of an "actively used outdoor area" is either:

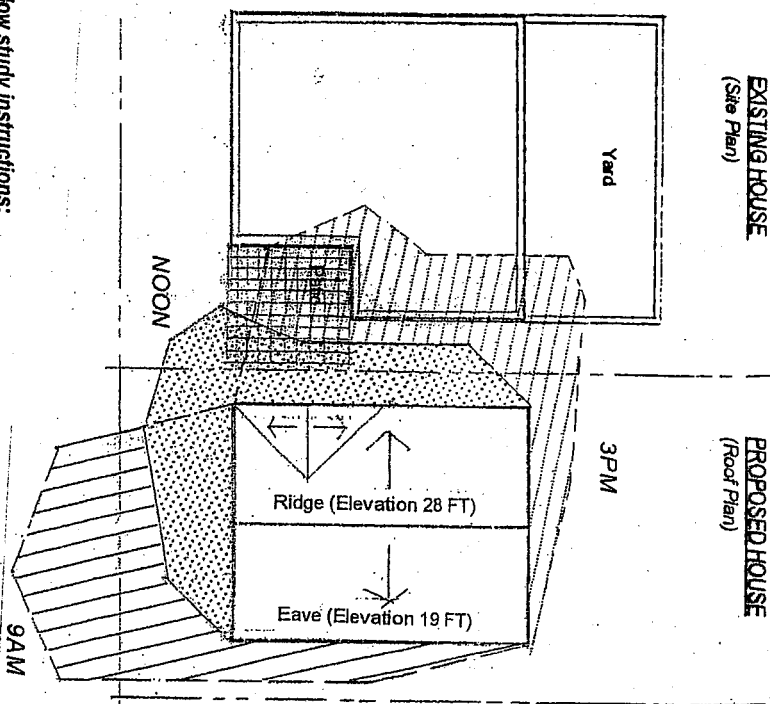
- i. In shadow created by the project structure as determined by a shadow study for the spring/fall equinox during at least two of the following three times of day: 9:00 a.m., Noon, and 3:00 p.m. (See Figure 2.1.)

OR

- ii. Beneath an inclined plane extending downwards at a 45 degree angle from the top of the proposed structure's northeast to northwest facing sides and roofs. (See Figure 2.2.)

When available from either the project sponsor or other interested party and determined to be accurate by City staff, method "i" above will be used; otherwise method "ii" will be used.

FIGURE 2.1: SHADOW STUDY ILLUSTRATION
Example of Shadow Study



Shadow study instructions:

- 1) Draw roof plan of proposed house & footprint of adjacent house. Indicate height of proposed ridges and eaves, and of neighbor's decks and/or patios. Draw a north arrow.
- 2) Draw lines from ridges and eaves in a direction 58 degrees to the right of north (for shadows at 9 a.m.).
- 3) Determine the length of each shadow by multiplying the distance between the ridges/eaves and the decks/patios by 1.44.
- 4) Connect the points where shadows have the greatest length to show the outline of the 9 a.m. shadow on the ground.
- 5) Repeat steps 2, 3, and 4 for noon and 3 p.m. For noon, draw lines directly north. For 3 p.m. use a direction 83 degrees to the left of north. For the length of the shadow at noon, multiply the height by .78; for 3 p.m. multiply by 1.44.

Note: Date from Architectural Graphic Standards

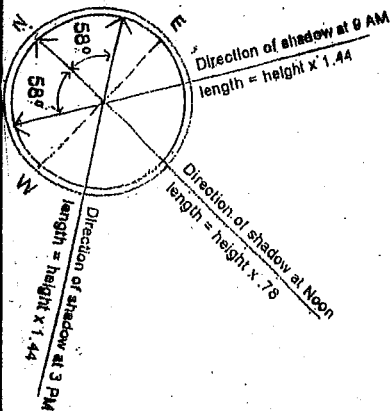
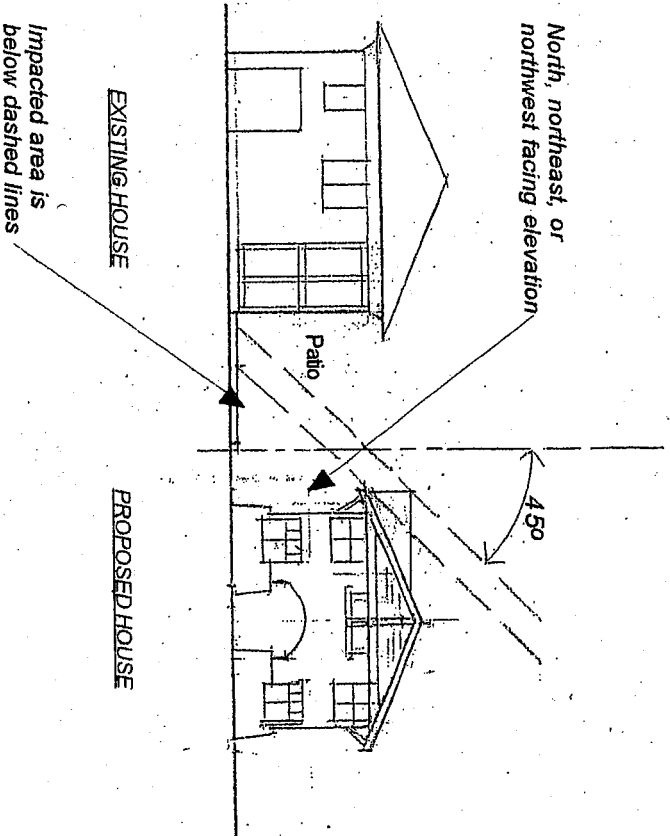


FIGURE 2.2: 45 DEGREE SOLAR INCLINE PLANE*Example shows same house as in Figure 2.1***45 degree solar incline plane instructions:**

- 1) Draw proposed house and adjacent house in elevation.
- 2) Draw lines at a 45 degree angle projecting down from eaves, gables, ridges, etc.
- 3) Calculate the percentage of the outdoor area impacted by shadows. (For multiple roof forms, as in this example, transfer the shadow line to the plan drawing before calculating this percentage.)

Note: Any shadow cannot cover more than 50 percent of an active outdoor area.

2.2 SOLAR ACCESS IMPACT MITIGATION MEASURES

Where a solar access impact is identified, mitigation measures may be required to preserve solar access. These measures are the same as those for view impacts in Section 1.4 above and include adjustments to building wall or roof height, siting, massing and similar measures.

However, mitigation measures will not be required for the situations listed in Section 2.3 below.

2.3 SOLAR ACCESS IMPACTS NOT REQUIRING MITIGATION

The following solar access impacts do not require mitigation:

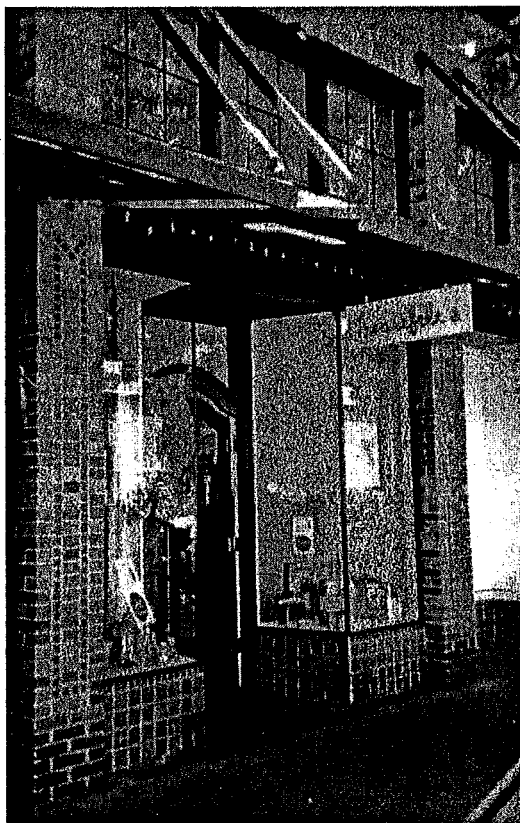
- A. Shadows cast by fences, landscaping, or one-story structures.
- B. When mitigation would restrict the property's development as described in Section 1.3 for view impacts (View Protection Limitations—Reasonable Efforts).

**SAMPLE PAGES FROM SMALL PROJECT DESIGN REVIEW
GUIDELINES**

ATTACHMENT D

Oakland

Small Project Design Guidelines



Prepared by
CANNON DESIGN GROUP
AND
CITY OF OAKLAND
COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY

Adopted by the City Council
April 23, 2002

General Sign Guidelines

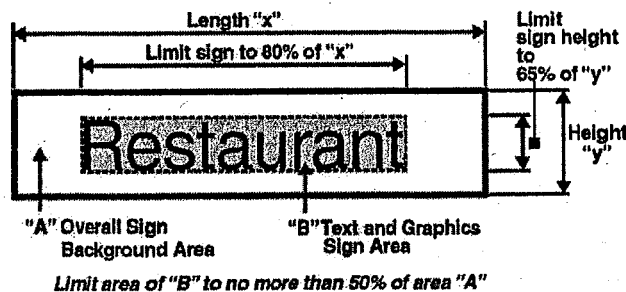
Guidelines

1.1.6 Use no more than two type fonts per sign.

The primary purpose of a sign is to quickly convey information to the pedestrian or motorist. More than two types of letter styles makes readability more difficult.

1.1.7 Keep the size of letters and graphics in proportion to the overall area of the sign.

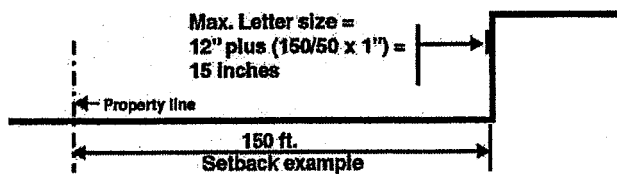
- Text and graphics are difficult to read if they crowd the borders of the sign. Smaller letters with adequate space around them will have more impact than large letters with limited space around them.
- Generally limit the width and height of lettering and graphics to 80% of the overall width and 65% of the height of the sign area. Information may be closer to sign borders if a significant amount of background area is provided. A good rule of thumb is to limit the amount of sign information to no more than 40 to 50% of the overall sign area.



- The maximum letter height should generally not exceed 12 inches. Capital letters used at the start of words may be larger if appropriate to the specific type style used.

Exception

Buildings set back substantially from front property lines may require larger letters. Letter size may be increased from the basic maximum of 12 inches by 1 inch for every 50 feet of distance from the sign to the facing street property line, measured perpendicular to that property line.

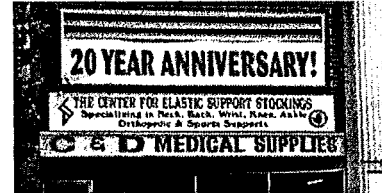


Letter size related to building setback example

1.1.8 Emphasize one line of text in multi-line signs. See illustration 1.1.8 for example.



1.1.6 Do this: Limit signs to two type styles maximum



1.1.6 and 1.1.7(a) Don't do this: This sign uses too many type styles and tries to communicate too much information in the signage space available



1.1.8

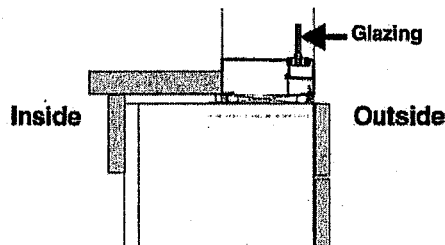
Storefronts

Guidelines

2.1.8 Storefront window frames and sills.

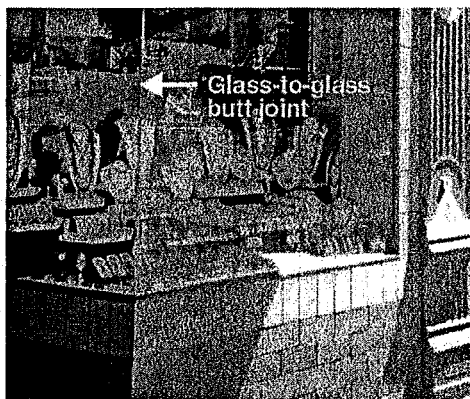
- a) Use slim profile storefront frames. Older buildings frequently have slim profile storefront window frame sections set at the face of the bulkhead as shown in fig. 2.1.8a.

Retain and repair existing storefront sections whenever possible. If display window frames must be replaced, select frames which are similar in section to the existing.

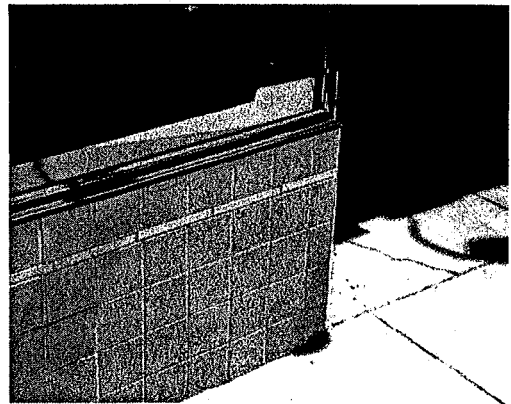


2.1.8a Place glazing near the exterior face of larger replacement frames

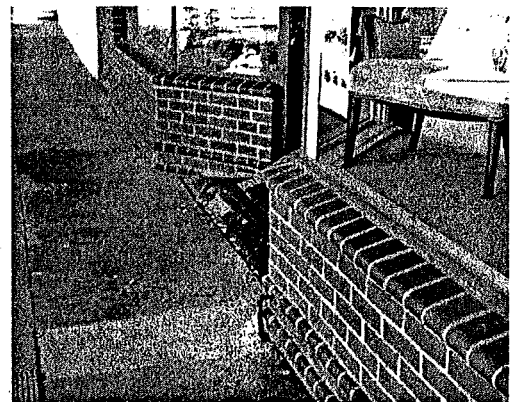
- b) Unless storefront windows are set at or near the face of the tile, stone or brick bulkheads, incorporate the bulkhead material into the sill detailing as shown in the adjacent illustration.
- c) Provide projecting wood sill detailing for wood storefront frames, and for wood or stucco bulkheads, as shown in the illustration to the right.
- d) The use of glass-to-glass butt jointed glass at display window corners is acceptable and encouraged.



2.1.8d Glass-to-glass butt joint corners allowed and encouraged



2.1.8a Example of older slim profile storefront window frame



2.1.8b Incorporate bulkhead materials in window sills for tile, stone and brick bulkheads



2.1.8c Use standard projecting wood sills at wood and stucco bulkheads

Ted C. Radosevich
5945 Taft Avenue
Oakland, CA 94618
658-1150

May 12, 2005

Members of the Oakland Planning Commission,
Community and Economic Development Agency
250 Frank Ogawa Plaza 2nd floor
Oakland, CA 94612

Re: Design Review Guidelines: Hearing May 18, 2005

Dear Members of the Oakland Planning Commission:

I am writing to express my concerns that the proposed draft design review regulations for 1-2 unit residences fail to address key issues to those living in the Rockridge area. The regulations reflect a strong bias towards development, and the approval of bigger and large homes at the expense of well established neighborhood living and building patterns.

Most notably, the new regulations provide no protection for views for those who live in more modest Rockridge or flatland homes. Even worse, the regulations on solar access and sunlight are a major step backwards as the regulations seem to reduce the very limited protection that currently exists.

The proposed regulation run counter to the position of most citizens in Rockridge area, and inconsistent with the detailed letter submitted by Rockridge Community Planning Council on the earlier draft (attached as Exhibit A).

Protection of a full range of views is needed in the regulations. The focus only "significant" or "million dollar" views shortchanges most Oakland residents.

The basic problem with the view regulations as proposed is that they take the position that only high end or "valuable" views deserve protection. Such a position was obviously developed without input from a true cross section of those who live in Oakland. While limiting view protection only to "significant views" maybe easier for the city staff, it is highly detrimental and prejudicial to the interests of the broad range of citizens in Oakland.

While there is nothing wrong with the concept of protecting views that expensive homes have of the Bay Bridge, San Francisco, and the like, the more modest views of the local area and scenery are equally, if not more important, to those who live in Rockridge or the flatlands. Those in small lots in dense urban areas need the views they do have to an even greater extent than those in large homes with panoramic views. There is a mistaken assumption that only those views of "picture postcard" quality are to be valued.

Local neighborhood scenery, modest views of green space, trees, blue sky, stars, etc., should be protected by these proposed rules. The vast majority of the homes in Rockridge/Temescal are built on small, flat lots. It is not physically possible for the identified "significant views" to even exist in these areas.

Staffs' concern seems to be that if modest views are protected, construction will be ground to a halt. This is simply not true. The same priority system that exists for "significant views" would be applied to those more modest views in flatland houses. The Planning Commission needs to take full account of the statement of Councilmember Jane Brunner modest flatland views need to be protected so that "flatland residents are not short-changed on these important quality of life issues".

Solar access and sunlight for indoor living spaces need priority protections.

People live in their houses. Sunlight is critical. No one lives in a house with no windows. Access to indoor light is critical for quality of life and livability.

No one disputes these statements.

Yet, the new regulations fail to provide adequate protections to indoor light. Indeed, the actual language of the draft regulations essentially limits it from any meaningful protections. Sunlight and solar access are important features in all homes and neighborhoods and need priority protection.

Solar access and sunlight that stream into one's home are vital to making the home livable. No one wants to live in a home in which the sunlight and solar access from windows are blocked by a new home or addition. One of the most sought after features in Rockridge with its small craftsman and bungalow homes is the sunlight and airy feeling that comes from sun streaming in windows. Not only do those who live in the homes value the sunlight, the real estate community places a top value as well. The value of sunlight and solar access is not speculative – it is recognized by all and must be protected as a very desirable characteristic in our urban setting.

There should be a hierarchy of protected solar access and sunlight to interior spaces that can then be balanced against proposed new building. Interior solar access and sunlight cannot simply be abandoned by the City in its new regulations. In these times of energy

shortages, conservation using natural light instead of electricity, opening shades and curtains to allow in sunlight to reduce energy use, and similar actions to reduce global warming must be encouraged.

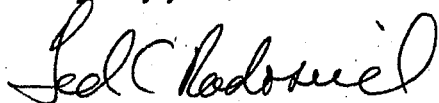
As a justification for **not** considering interior sunlight the staff has in the past stated "it is unreasonable to fully preserve a property's access to direct sunlight". Agreed! Not one person at the community workshop argued to "fully preserve" all direct, interior sunlight. Rather the many neighbors who spoke in favor of protecting interior sunlight recommended the same type of hierarchy that the City has applied to significant views. Sunlight to key interior living spaces needs merits protection and consideration.

Staffs' fundamental approach seems to be in the **builder** has all the rights, and the **neighbors none** when interior solar access is an issue. This is simply wrong. Just as determinations of views impacts **balance** the needs of both parties, so it can be with interior sunlight. As demanded by Rockridge neighbors, as advocated by RCPC and supported by Councilmember Brunner, access to interior sunlight must be fairly considered, and not cavalierly dismissed as it is in the current proposal.

Thank you for your consideration of these issues, and I would be pleased to work with the staff and Commission in any manner possible to assure that Oakland has design review criteria that will make it livable and vibrant now, and for decades to come.

The current draft Design Review are severely lacking in protections for light, view, and solar access. The goal of Design Review should be to preserve and enhance existing neighborhood values. Without these protections, neighborhood preservation will be another casualty of "more and bigger" economic development.

Very truly your,



Ted C. Radosevich

cc: Councilmembers
City staff

Enc.

Exhibit A

RCPC ROCKRIDGE COMMUNITY PLANNING COUNCIL

◇ 5245 COLLEGE AVENUE PMB 311 ◇ OAKLAND, CALIFORNIA 94618 ◇ 510•614•4228 ◇ www.rockridge.org ◇

October 7, 2004

Dear Members of the Planning Commission:

The Rockridge Community Planning Council (RCPC) has been closely following staff review of regulations for design review for 1-2 unit residences. Neighborhoods within the boundaries of RCPC have been within the City's heightened design review zoning in recognition of the important and desirable neighborhood characteristics that should be protected, preserved and enhanced in the face of new construction or additions. Preservation and enhancement of our neighborhood and its desirable characteristics is a primary goal of RCPC, and therefore strong and protective design review regulations are critical.

We understand that City staff will be presenting draft interim design review regulations to the Planning Commission's Design Review Committee on October 13, 2004. We offer these general comments for your consideration of the current proposal.

In our review of the draft interim design review guidelines, it is apparent that very important goals of protecting views, solar access, sunlight, privacy and the like are given high value and recognized at a "policy level". Protection of these values enhances the livability and desirability of our highly urbanized City, particularly in the crowded and dense Rockridge area.

Unfortunately, the actual guidelines fall well short of achieving protection for these desirable neighborhood characteristics, and in some cases eliminate the limited protections that currently exist. RCPC believes that the draft design review guidelines need to be rethought, and that City staff should form a Task Force of interested community members to develop guidelines that reflect neighborhood and community concerns while still allowing appropriate new construction and additions.

A fundamental problem with the draft design review regulations is that they do not address the many different design and neighbor impacts of additions and alterations in already fully developed "flatland" areas of Rockridge/Temescal and District 1. Rather, they seem to have been drawn primarily from the Hills post-1991 Fire regulations, and to address issues arising from very large new homes, and not those arising in the remainder of the largely older, built out areas of Oakland. The tight quarters and close spacing of Rockridge homes requires a much more sensitive focus on adverse impacts of new construction and additions, especially with respect to views and solar access.

In view of the length of the proposed regulations, which were issued barely a week ago, RCPC will focus its initial comments on the two issues that most impact local residents: Views and solar access/sunlight.

Criterion 1: VIEWS

The basic problem with the 'view regulations' is they have a very limited and frankly "elite" concept of those "views" that deserve protection. The draft regulations appear to be drawn from the S-14 Hills Fire standards where only high-end homes with expansive "million dollar" views are considered. Even within those regulations, it was not clear that the concerns of neighbors were adequately addressed when it came to view protection. The new, draft regulations simply fail in the Rockridge area.

The only "views" that covered by the proposal are "million dollar views" of bridges, the Bay, San Francisco, and the like. There is a mistaken assumption that only those homes, or perhaps only those individuals who can afford the most expensive best homes, are entitled to have views protected. The ability to look out ones windows, and not have primary views blocked by a wall or building, are critical to all residents, regardless of where they live, and regardless of whether the view is of San Francisco, or "merely" local streets and trees.

Local neighborhood views, trees, blue sky, stars, etc., should be protected by these proposed rules. Most of the homes in Rockridge/Temescal are built on small, essentially flat lots and physically cannot have the identified "significant views" protected by the draft regulations. The rights and values of more modest homeowners deserve consideration and protection in any regulations. **The Planning staff should put together a Task Force of homeowners from non-Hill areas to address view issues on smaller lots.** Obviously not all views and light can be protected, but the views of more modest homeowners on 40 x 100 foot flat lots merit protection and consideration in the same manner and under the same criterion as "million dollar views". Market value or "picture postcard views" should not be the determining factor on what the City protects.

An additional problem with the draft regulations is that they give little, if any, protection to cross views. In the narrow lots that typify Rockridge, cross views may be the only realistic window views that one can have. The regulations should give cross views similar protections as "significant views" using a priority system of use/livability so as not to unduly restrict adjacent additions/alternations. This is not to argue that all "cross views" should be protected: revised regulations with a similar priority scheme as with "significant views" could easily be adopted that would provide at least limited protections.

Criterion 2. SOLAR ACCESS

The criterion gives lip service to the importance of solar access, but the actual language of the draft regulations essentially removes it from any protection. Sunlight and solar access are vitally important characteristics in all homes and neighborhoods and need priority protection. Most disturbingly, the draft regulations **eliminate** the already limited protection that exist for interior solar access and sunlight by removing the protection that now exists in the Special Residential Design Review Criteria. This is a major step backwards and must be reversed.

The solar access draft regulations seem only to protect exterior patio and deck access to sunlight. Even this protection is virtually non-existent, as it seems to apply only in a narrow set of standards measured between 9:00 a.m. and 3:00 p.m.

It is solar access and sunlight **inside** one's house that is critical to making a home livable. No one wants to live in a home in which the addition to a neighboring building cuts off sunlight. The existing building patterns in "sunny Rockridge" provide a long-established balance among neighbors. Since people live **inside** homes most of the time, sunlight into key rooms, as with views, should be protected whenever possible and feasible. There should be a hierarchy of protected solar access and sunlight to interior spaces that can then be balanced against proposed new building. Interior solar access and sunlight cannot simply be abandoned by the City in its new

regulations.

The whole thrust of energy conservation is to use natural light instead of electricity, to open shades and curtains in the fall, winter and spring to reduce energy use and global warming. Regulations that provide little if any internal solar light protections are simply out of touch with reality, current energy needs, and do not protect the desirable light characteristics of smaller homes. Many single family homes in the Oakland flats (not just in Rockridge) are bungalows, all based in the Arts and Crafts movement. The basic philosophy was that bungalows would provide the opportunity for more people to live in decent housing. The driving design force was access to light and fresh air.

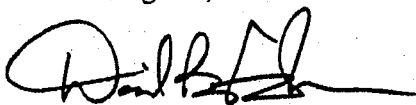
City staff has pointed out that evaluating the impacts on solar access and sunlight may, at times, be difficult. However, new builders, or those proposing additions should not be able to damage their neighbors' access to sun and light because staff finds the issue "hard". The burden must be on those proposing change to demonstrate no harm, or to show reasonable efforts to limit damage to sunlight and solar access. When the City presented a much earlier version of these draft design review regulations at an RCPC general meeting in the fall of 2003, there were no proponents of the many dozens of speakers who spoke in favor. We are extremely disappointed that **revised regulations, issued without any prior public input or workshop presentations, appear worse than the prior set.**

The proposed regulations should be thoroughly reviewed and revised with new, strengthened protections for solar access and sunlight **inside** homes being given priority over new construction and additions that would cut off solar access and light.

FURTHER COMMUNITY INPUT NEEDED:

RCPC would ask this Committee to send these regulations back to the drawing board and into a public Task Force process where consensus regulations can be prepared that reflect and protect the broader community interests. Anything short of such an open, public process is a disservice to all who work so hard to make Oakland a livable and desirable City. Members of RCPC and its Land Use Committee would welcome the opportunity to volunteer for a Task Force to address the issues raised in this letter.

Best Regards,



Daniel Ferdelman
Chair RCPC Board of Directors

Case File No.: ZT04-197

June 15, 2005

(Continued from the June 1, 2005 Planning Commission meeting)

Location:	Citywide
Proposal:	Consideration of conceptual proposals for revised design review process for one- and two-unit residences. Request for Planning Commission direction for preparation of zoning text. (Actual zoning amendments and related changes will be brought forward at a future date for public hearing).
Applicant:	City of Oakland
Environmental Determination:	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
Action to be Taken:	Provide recommendation on conceptual proposals for revised design review process to City Council.
Staff recommendation:	That the City Planning Commission recommend that the City Council accept the conceptual proposals.
For further information:	Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com .

This item was originally to be Item #4 on the City Planning Commission's May 18, 2005 meeting agenda, but due to the cancellation of the May 18th Planning Commission meeting, was rescheduled to the Commission's June 1, 2005 meeting.

The item was then re-noticed as Item #12 on the City Planning Commission's June 1, 2005 meeting agenda, but due to the length of that evening's Commission meeting, was unable to be heard, so the item was continued to June 15, 2005.

This item is now scheduled as Item #3 on the City Planning Commission's June 15, 2005 meeting agenda. There have been no substantive changes in the proposal throughout the continuances mentioned above, so the original May 18, 2005 staff report will therefore be considered by the Commission at its June 15, 2005 meeting to avoid unnecessary new printing costs.

Attached are the May 18, 2005 staff report and attachments, plus any comments received by staff on this item as of 5 p.m., Wednesday, June 8, 2005. Any comments received after 5 p.m., June 8, 2005 will be provided to the Commission at the meeting.

ATTACHMENTS:

- A. Any comments received as of 5 p.m. Wednesday, June 8, 2005.
- B. May 18, 2005 staff report, with attachments

Oakland City Planning Commission
Design Review Committee

STAFF REPORT

Case File Number: ZT04-197

May 18, 2005

Location:	Citywide
Proposal:	Consideration of conceptual proposals for revised design review process for one- and two-unit residences. Request for Planning Commission direction for preparation of zoning text. (Actual zoning amendments and related changes will be brought forward at a future date for public hearing).
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BACKGROUND AND SUMMARY

At its May 12, 2004, October 13, 2004 and February 23, 2005 meetings, the City Planning Commission's Design Review Committee considered staff proposals on how to make the 1- and 2-unit residential design review program more effective, easier to understand, and more consistent Citywide. These proposals have the following primary objectives:

- To simplify and refine the existing 1- and 2-unit residential zoning standards and design review processes to improve efficiency and ease of use while maintaining intent;
- To minimize the number of different design review procedures and establish uniform Citywide decision-making criteria; and
- To consolidate the many existing design review criteria and guidelines into a Citywide *Design Review Manual for 1-2 Unit Residences*.

Specific proposals presented at the Committee's May 12, 2004 meeting included:

- Replacing the current Special Residential Design Review (SRDR) New Construction Checklist with discretionary criteria that more effectively address issues such as building bulk; and view, privacy, and solar access impacts on neighbors.
- Changing the name of SRDR to "Basic Design Review."

- Replacing the Mediated Residential Design Review program adopted in 2001 for the newly created S-18 Zone (consisting of City Council District One and the 1991 Firestorm Area) with a variation of the City's Regular Design Review procedure.
- Improving notice for Regular Design Review, Conditional Use Permits, and Variances.
- Creating a new "*1-2 Unit Residential Design Review Manual*" that would establish the decision-making criteria for all design review cases Citywide; incorporate existing criteria and guidelines now used only for certain situations and geographic areas; and consolidate the existing criteria and guidelines with much-needed new provisions. The Design Review Manual would initially be in an "interim" version assembled from existing design review criteria and guideline documents and which would accompany the draft zoning text changes implementing Items 1-6 above. After a 6-12 month test period, the Interim Manual would be expanded and improved to create a final definitive version.
- Informational or "courtesy" notice to neighbors for Basic Design Review projects (which currently, under SRDR, have no notice at all).
- Allow more alterations, small additions and small accessory structures to be exempt from design review if they meet zoning requirements and match the exterior treatment of the existing building.

The above proposals received generally positive feedback at the Design Review Committee's May 12, 2004 meeting. However, the committee in response to public comments requested that the proposals be revised to further improve notification to neighbors for Basic Design Review and for exempt projects that could have view, privacy or solar access impacts on nearby properties.

In response to the Committee's requests, staff prepared revised proposals that the Committee endorsed at its February 23, 2005 meeting. Staff has since made further minor changes to the proposals, mostly in response to a meeting held March 28, 2005 between staff and Councilmember Jane Brunner and her constituents.

The existing 1-2 Unit Residential Design Review Procedures are summarized in **Attachment A** and the currently proposed revisions in **Attachment B** - (see **Attachment C** for the original proposal considered at the Design Review Committee's May 12, 2004 meeting and **Attachment D** for the proposal endorsed by the Committee on February 23, 2005).

Changes in the current proposal from the February 23, 2005 Committee-endorsed version are shown as shaded text in **Attachment B**. The current proposal is also presented in more detail in as flowcharts in **Attachments E through H**.

At its February 23, 2005 meeting, the Design Review Committee expressed especially strong support for converting the SRDR New Construction Checklist for discretionary criteria. The Committee requested that the schedule for City Council adoption of the design review process changes be expedited so that the conversion could occur as quickly as possible.

KEY ISSUES AND IMPACTS

Design Review Process Changes.

Following is a discussion of the key provisions of the currently proposed 1-2 unit residential design review process changes as set forth in Attachment B and Attachments E through H, including changes made to the original May 12, 2004 proposal.

- **Eliminating design review exemptions for small additions, and replacing the exemptions with a requirement for Small Project Design Review (SDR).**

Under the current proposal, small additions that match the existing building and are now processed as design review exemptions would instead require Small Project Design Review. (Small Project Design Review is now mostly used for small non-residential projects, such as signs and awnings). All project decisions would be based on either:

- ❑ *A revised version of the 'Oakland Small Project Design Guidelines' – with new sections added for small residential additions (exterior treatments must match existing building);*
- ❑ *Or as an alternative, the applicable sections in the new Interim 1-2 Unit Residential Design Review Manual.*

If a project does not meet the Small Project Design Review thresholds and/or review criteria, the applicable Design Review process for each zone would apply. A courtesy notice would be posted at the project site for at least ten days prior to issuance of a building permit.

- **Expanding the project types reviewed under Small Project Design Review to include: (a) front and street-side yard fences over 42 inches in height, but not exceeding 6 feet; (b) a secondary unit of 650 square feet or less on a lot with only one existing or proposed primary dwelling unit; and (c) either a one-story structure and/or addition not exceeding 15 feet in height or 650 square feet in floor area located to the rear and/or side of a primary facility, or an increase in floor area or footprint of no more than 20 percent.**

In the original 5-12-04 staff proposal, all of the above projects, except for fences over 42" in height, would have been exempt from design review.

Limiting one story structures and/or additions to those not exceeding 15 feet in height or 650 square feet in floor area was not included in the February 23, 2005 proposal endorsed by the Design Review Committee but was requested at the March 28, 2005 meeting with Jane Brunner and her constituents. As part of this change, the Committee-endorsed proposal's 15% limit on floor area or footprint expansions was increased to 20% to correspond to the existing 20% limit for projects eligible for SRDR's Additions and Alterations Checklist.

- **Replacing the current Special Residential Design Review (SRDR) New Construction Checklist with discretionary criteria that more effectively address issues such as building bulk; and view, privacy, and solar access impacts on neighbors. The proposal also includes changing the name of SRDR to "Basic Design Review".**

The above is unchanged from the original 5/12/04 staff proposal.

- **Adding a requirement to both Basic Design Review and Regular Design Review that applicants must provide (by mail or hand delivery) reduced sets of plans to all adjacent neighbors.**

In order to address the Design Review Committee's directive regarding increased public notice (especially for SRDR or Basic Design Review cases), the current proposal requires that applicants provide reduced sets of project plans directly to all adjacent neighbors.

- **Providing for an optional dispute resolution meeting between the project sponsor and neighbors for both Basic and Regular Design Review; and replacing S-18 Mediated Residential Design Review with Regular Design Review.**

If requested, staff will consider scheduling a meeting with the concerned parties for Basic and Regular Design Review cases. The circumstances justifying a meeting will be specified as part of the Planning and Zoning Division's Administrative Procedures.

In the original May 12, 2004 proposal, and the proposal endorsed by the Design Review Committee on February 23, 2005, a dispute resolution meeting would have been offered only for cases in the S-18 Mediated Residential Design Review Zone and would have served as a substitute for the S-18 Zone's currently required mediation process. In both of these proposals, Mediated Design Review would have been replaced by Regular Design Review, but with the dispute resolution meeting incorporated, into Regular Design Review for the S-18 zone only.

As a result of the March 28, 2005 meeting with Jane Brunner and her constituents, the possibility of dispute resolution meetings is now being expanded to all Basic and Regular Design Review cases involving 1-2 unit residences.

- **Requiring Regular Design Review for all new construction projects Citywide on footprint slopes over 20%.**

This is a significant change. In the original May 12, 2004 staff proposal, many steep slope or hillside projects would have continued to be processed as SRDR or Basic Design Review cases. But in response to the Design Review Committee's directive regarding increased public notice and staff's experience that steep slope or hillside projects are more likely to involve impacts to views, privacy or solar access, the current proposal specifies that all new construction Citywide on footprint slopes over 20% will trigger Regular Design Review.

Possible Revisions to Residential Zoning Standards, Including Changes to Existing Lot Coverage Limits and Consideration of a New Residential Floor-Area Ratio (FAR) Standard.

Similar to the intent of proposed design review process changes, the goal of any comprehensive zoning code revision would be to improve efficiency and ease of use while maintaining intent. For instance, many of the new standards adopted in December 2001 have proven overly complicated, and in some cases, unnecessarily restrictive on design.

A review of notes and reports produced by the 'Working Group' that met regularly between 1996 and 2001 to craft the residential zoning changes finally adopted in December 2001 shows that a Floor Area Ratio (FAR) standard had at one time been proposed and endorsed by both the Working Group and the City Council as an alternative to many of the regulations that were finally adopted. Therefore, staff would like to bring forward again the idea of adopting a residential FAR standard as part of a comprehensive revision to the City's residential zoning code regulations.

Many communities, both locally and nationwide, have adopted residential FAR standards, and their experience indicates that it can be an effective supplement to height and setback regulations. The advantage of an FAR standard is that it sets a clear parameter for building size - making it a function of lot size - and is relatively easy to understand and administer.

In addition to a new FAR standard, staff is also studying possible revisions to the City's lot coverage standards. Possible lot coverage revisions include expanding the standard's applicability to slopes over 20 percent (lot coverage is now limited to slopes 20 percent or less); reducing the existing 40 percent lot coverage limit in the R-30 Zone to 35 percent; and reducing the maximum 2,000 square feet of lot coverage now allowed for any lot in zones R-1 through R-30 to 1,750 square feet.

The preliminary lot coverage and FAR proposals are shown in **Attachment I**. **Attachment J** compares the proposed FAR standard with FARs used in other cities for various lot sizes. The lot coverage and FAR proposals are still very tentative and are being submitted now to initiate discussion.

The revised lot coverage limits in conjunction with the new FAR are intended, among other things, to address the potential view, solar access and privacy impact concerns related to projects processed as Exemptions (DRX) or Small Projects (SDR). Projects with reduced lot coverage limits and subject to FAR are less likely to create these impacts.

Expanding lot coverage limits to sloped sites will also help address conversion of pervious to impervious surfaces in the hills and the adverse hydrological impacts associated with such conversion. In addition, the expanded lot coverage limits together with FAR will establish additional limits on building size and reduce the likelihood of excessively bulky buildings.

Timing for Next Steps

Conceptual design review process changes considered by City Planning Commission.

May 18, 2005

Conceptual design review process changes considered by City Council's Community and Economic Development Committee and full Council.

June-July, 2005

Staff prepares draft zoning text.

July-September, 2005

Public review of draft zoning text.

September-October, 2005

Public hearing and City Planning Commission recommendation on zoning text changes.

October-November, 2005

City Council adoption of zoning text changes.

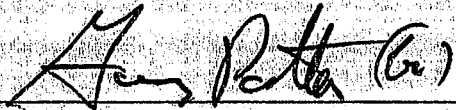
December 2005 – Feb. 2006

Although the above schedule extends over 8½ months, it still reflects the Design Review Committee's request that adoption of the design review process changes be expedited. A majority of the 8½ months represents the time required for City Council consideration and scheduling.

Much of the work on the Final 1-2 Unit Residential Design Review Manual, including public workshops, would occur within the above schedule's 8½ month time frame.

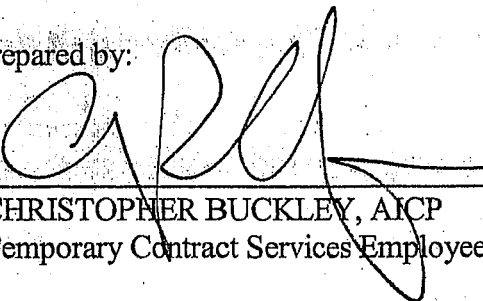
RECOMMENDATION: Recommend that the City Council endorse the revised conceptual design review process as set forth in Attachment B and Attachments E through H.

Respectfully submitted:



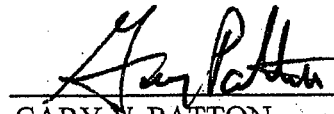
CLAUDIA CAPPIO
Development Director

Prepared by:



CHRISTOPHER BUCKLEY, AICP
Temporary Contract Services Employee

Approved by:



GARY V. PATTON

Deputy Director of Planning and Zoning

and:



EDWARD MANASSE

Planner IV- Design Review Supervisor

ATTACHMENTS:

- A. Existing 1-2 Unit Residential Design Review Process.
- B. 1-2 Unit Residential Design Review Process Changes to be considered by City Planning Commission on 5-18-05.
- C. 1-2 Unit Residential Design Review Process Changes as Presented at 5-12-04 DRC Meeting.
- D. 1-2 Unit Residential Design Review Process Changes Endorsed by DRC on 2-23-05.
- E. Proposed Small Project Design Review Flow Chart
- F. Proposed Basic Design Review Flow Chart
- G. Proposed Regular Design Review Flow Chart
- H. Proposed S-18 Design Review Flow Chart
- I. Proposed Lot Coverage and Floor Area Ratio Standards
- J. Comparison of Proposed Floor Area Ratios and Floor Area Ratios Used in Other Cities for Various Lot Sizes

From: Marjory F. Gibson Attorney at Law, Mediation Services
[mailto:mf6230gibson@pacbell.net]

Sent: Friday, May 13, 2005 10:46 AM

To: Ted Radosevich; CBuckley@oaklandnet.com; CCappio@oaklandnet.com;
EManasse@oaklandnet.com; jhorner@oaklandnet.com

Cc: JBrunner@oaklandnet.com; barry@staffordmortgage.com

Subject: Re: Fw: Planning Commission Hearing on Design Review

In lieu of mediated design review, the staff has substituted the following:
"If requested, staff will consider scheduling a meeting with concerned parties. The circumstances justifying a meeting will be specified as part of the Planning and Zoning Division's Administrative Proceedings."

There are at least two problems with this approach.

1. Because the requirement to meet is watered down this change also removes the incentive to settle things before the project is filed which was provided by mediation.

2. Because the circumstances justifying a meeting are not specified no one knows what process we are buying into. The prior proposed language which stated that "Parties with concerns about a project have the right to request a dispute resolution meeting attended by the applicant and chaired by staff." was better in that it at least gave some certainty to the process. It also continued the incentive for trying to resolve stuff before it got to staff.

Recommendation: Leave the prior proposed language alone.

Chris: Please forward this to the Planning Commission as my comment. Thank you. Marge Gibson

EXISTING 1-2 UNIT RESIDENTIAL DESIGN REVIEW PROCESS

If the zoning district of the property is...	And the project is of the following type(s)...	Then the following Design Review process currently applies...	And the following Design Review criteria applies...	Typical Processing Time
R-1, R-10, R-20, R-30, R-35, R-40, R-50, R-60, R-70, R-80, R-90, C-10, C-25, C-27, C-30, C-35, C-40, C-45, C-51, C-52, C-55, S-18 or S-20	<ul style="list-style-type: none"> Does not involve the addition of a dwelling unit and it: <ul style="list-style-type: none"> (a) Does not require a Building Permit; or (b) Involves only the repair or replacement-in-kind of a roof; or (c) Is certified by the City Planning Department to involve: <ul style="list-style-type: none"> i. An increase or decrease in wall area, floor area, or footprint of no more than 10 percent, or ii. Only replacement-in-kind of existing building components. 	Design Review Exemption (DRX) <ul style="list-style-type: none"> Over-the-counter sign-off by Zoning staff. 	"All exterior treatment matches the existing building" (factors include architectural style, building shape, siding materials, window type, trim and details).	1 day
R-1, R-10, R-20, R-30, R-35, R-40, R-50, R-60, R-70, R-80, R-90, C-10, C-25, C-27, C-30, C-35, C-40, C-45, C-51, C-52, or C-55	<ul style="list-style-type: none"> An addition of 10% - 20% to a single-family home or duplex; or Construction of a new single-family home or duplex. 	Special Residential Design Review - Checklist (DRC) <ul style="list-style-type: none"> Staff review No neighbor notice No appeal 	"Special Residential Design Review Checklist Standards"	38-41 days
R-36, C-5, C-20, C-28, C-31, C-36, S-1, S-3, S-4, S-7, S-8, S-10, S-11, S-13, S-15, or S-16	<ul style="list-style-type: none"> An addition of 20% or more to a single-family home or duplex; or Creation of one new detached unit on a lot that has one existing unit; or Development within any one-year period, on five or more lots contiguous or across the street from each other, and submitted by same owner or designer. Any addition or alteration that affects exterior appearance. 	Special Residential Design Review - Discretionary (DRD) <ul style="list-style-type: none"> Staff review No neighbor notice No appeal 	"Special Residential Design Review Discretionary Criteria"	38-41 days
S-18 overlay	<ul style="list-style-type: none"> An addition located on the ground floor of less than 500 square feet to a single-family home or duplex, and results in a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or A balcony or deck that is either less than ten feet in depth or is not on a side or rear elevation that faces a 1- or 2-unit residence on an adjacent lot. An addition of 500 square feet or more to a single-family home or duplex, and results in a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or New construction of a single-family home or duplex with a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or An upper-story or attic addition of any size (except that a balcony or deck that is less than ten feet in depth or is not on a side or rear elevation that faces a 1- or 2-unit residence on an adjacent lot triggers DRC review - see above). New construction of house or duplex 3,500 sq. ft. or more in floor area; Addition to existing home that results in 3,500 sq. ft. or more of floor area; or New construction or addition when accompanied by a Variance or Conditional Use Permit. 	Regular Design Review (DR) <ul style="list-style-type: none"> Staff review 300' Notification. 10 days to respond Decision appealable to Planning Commission 	Regular Design Review findings (Sec. 17.136.050), plus any special design criteria for the respective zone	53-58 days
	<ul style="list-style-type: none"> An addition located on the ground floor of less than 500 square feet to a single-family home or duplex, and results in a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or A balcony or deck that is either less than ten feet in depth or is not on a side or rear elevation that faces a 1- or 2-unit residence on an adjacent lot. An addition of 500 square feet or more to a single-family home or duplex, and results in a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or New construction of a single-family home or duplex with a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or An upper-story or attic addition of any size (except that a balcony or deck that is less than ten feet in depth or is not on a side or rear elevation that faces a 1- or 2-unit residence on an adjacent lot triggers DRC review - see above). New construction of house or duplex 3,500 sq. ft. or more in floor area; Addition to existing home that results in 3,500 sq. ft. or more of floor area; or New construction or addition when accompanied by a Variance or Conditional Use Permit. 	Special Residential Design Review - Checklist (DRC) <ul style="list-style-type: none"> Staff review 300' Notification. 10 days to respond Decision appealable to Planning Commission 	"Special Residential Design Review Checklist Standards"	38-41 days
	<ul style="list-style-type: none"> An addition located on the ground floor of less than 500 square feet to a single-family home or duplex, and results in a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or A balcony or deck that is either less than ten feet in depth or is not on a side or rear elevation that faces a 1- or 2-unit residence on an adjacent lot. An addition of 500 square feet or more to a single-family home or duplex, and results in a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or New construction of a single-family home or duplex with a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or An upper-story or attic addition of any size (except that a balcony or deck that is less than ten feet in depth or is not on a side or rear elevation that faces a 1- or 2-unit residence on an adjacent lot triggers DRC review - see above). New construction of house or duplex 3,500 sq. ft. or more in floor area; Addition to existing home that results in 3,500 sq. ft. or more of floor area; or New construction or addition when accompanied by a Variance or Conditional Use Permit. 	Mediated Design Review (MDR) <ul style="list-style-type: none"> Pre-application review required Applicant posts notice at site, and shows plans to neighbors Applicant submits for MDR 300' Notification. 10 days to respond Opportunity for mediation Limited appeal 	"Special Residential Design Review Checklist Standards and Discretionary Criteria"	83-118 days
	<ul style="list-style-type: none"> An addition located on the ground floor of less than 500 square feet to a single-family home or duplex, and results in a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or A balcony or deck that is either less than ten feet in depth or is not on a side or rear elevation that faces a 1- or 2-unit residence on an adjacent lot. An addition of 500 square feet or more to a single-family home or duplex, and results in a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or New construction of a single-family home or duplex with a cumulative floor area of less than 3,500 sq. ft. for all residential facilities on lot; or An upper-story or attic addition of any size (except that a balcony or deck that is less than ten feet in depth or is not on a side or rear elevation that faces a 1- or 2-unit residence on an adjacent lot triggers DRC review - see above). New construction of house or duplex 3,500 sq. ft. or more in floor area; Addition to existing home that results in 3,500 sq. ft. or more of floor area; or New construction or addition when accompanied by a Variance or Conditional Use Permit. 	Regular Design Review (DR) <ul style="list-style-type: none"> Staff review 300' Notification. 10 days to respond Decision appealable to Planning Commission 	Regular Design Review findings (Sec. 17.136.050), plus same SRDR criteria above	53-58 days

EXISTING 1-2 UNIT RESIDENTIAL DESIGN REVIEW PROCESS (CONTINUED)

S-20 overlay	<ul style="list-style-type: none"> An addition of 10% - 20% to a single-family home or duplex. 	Special Residential Design Review – Checklist (DRC) • (As described above)	<u>"Special Residential Design Review Checklist Standards", plus special design criteria for the S-20 overlay zone</u>	38-41 days
	<ul style="list-style-type: none"> An addition of 20% or more to a single-family home or duplex. 	Special Residential Design Review – Discretionary (DRD) • (As described above)	<u>"Special Residential Design Review Discretionary Criteria", plus special design criteria for the S-20 overlay zone</u>	38-41 days
	<ul style="list-style-type: none"> Construction of a new single-family home or duplex. 	Regular Design Review (DR) • (As described above)	Regular Design Review findings (Sec. 17.136.050), plus special design criteria for the S-20 overlay zone	53-58 days
	<ul style="list-style-type: none"> New construction or addition when accompanied by a Conditional Use permit; and New construction or addition when accompanied by certain types of Variances (however, many minor variances can now be processed instead with an SRDR permit). 	Regular Design Review (DR) • (As described above)	Regular Design Review findings (Sec. 17.136.050), plus any special design criteria for the respective zone	53-58 days
Citywide				



1-2 UNIT RESIDENTIAL DESIGN REVIEW: PROCESS CHANGES TO BE CONSIDERED BY CITY PLANNING COMMISSION ON 5/18/05

Review Procedures	Project Types	Review Process	Decision Criteria
DESIGN REVIEW EXEMPTION (DRX) <i>Processing Time: 1 day</i>	<input type="checkbox"/> Projects not requiring a Building Permit. <input type="checkbox"/> Projects involving only repair or replacement-in-kind of existing building components.	Design Review Exemption (DRX): <input type="checkbox"/> Over-the-counter review by Zoning staff.	<input type="checkbox"/> The project conforms to all applicable zoning code standards, and all exterior treatments match the existing building.
Design Review Type 1: SMALL PROJECT DESIGN REVIEW (SDR) <i>Typical Processing Time: 1-7 days</i>	<input type="checkbox"/> Front yard fences over 42 inches in height, but not exceeding 6 feet. <input type="checkbox"/> A Secondary Unit of 650 square feet or less on a lot with only one existing or proposed primary dwelling unit. <input type="checkbox"/> Projects certified by Zoning to involve only one of the following: (1) A one-story structure and/or addition not exceeding 15 feet in height or 650 square feet in floor area, located to the rear and/or side of a primary facility. (2) An increase in floor area or footprint of no more than 20%*. <i>* Additions within an existing building envelope will not be considered new floor area for purposes of this threshold, except when the addition adds to or creates a secondary unit, or involves raising an existing structure by more than 1 foot. Also, the 20% SDR threshold will not apply if the sum of all additions on site over the previous three years has already exceeded 20% of floor area or footprint.</i>	Small Project Design Review (SDR): <input type="checkbox"/> Zoning reviews project plans for conformance with all applicable zoning standards and the 'Oakland Small Project Design Guidelines', and issues decision, usually at counter for immediate consideration required, within 10 days of submittal of a complete application. <input type="checkbox"/> For residential additions only, Small Project decision letters will include a completed courtesy notice, and instructions to the applicant that such notice must be displayed on site for at least 10 days prior to issuance of Building Permit.	<input type="checkbox"/> Existing: 'Oakland Small Project Design Guidelines' - with new sections added for small residential additions (exterior treatments must match existing building); and for front- and street-side yard fences over 42 inches in height but not exceeding 6 feet. If project does not meet the Small Project thresholds and/or review criteria, the applicable Design Review process listed below shall apply:
Design Review Type 2: BASIC DESIGN REVIEW (BDR) <i>Typical Processing Time: 3-7 days</i>	<input type="checkbox"/> Additions or alterations to a site with no more than 1 or 2 units which do not meet criteria for Design Review Exemption (DRX) or Small Project Design Review (SDR). * <input type="checkbox"/> New construction of a single-family home, duplex, or >100% footprint addition on a footprint slope of less than 20%.* <i>* Projects accompanied by a Variance or CUP, involving a designated City Landmark, or located in any Reg. Design Review zone will not qualify for Basic Design Review, but will instead require Reg. Design Review (as described below.)</i>	Basic Design Review (BDR): <input type="checkbox"/> Prior to submittal, applicant provides adjacent neighbors with reduced sets of plans. <input type="checkbox"/> Applicant submits plans to Zoning (with verification of neighbor contact). <input type="checkbox"/> Applicant displays a prepared Project Description Poster on site for at least 10 days. If requested, staff will consider a meeting with concerned parties. <input type="checkbox"/> Zoning reviews plans for code conformance, and issues a written final decision.	For 1 or 2 units only: <input type="checkbox"/> New: "Design Review Manual for One- and Two-Unit Housing" (Organized as a handout manual, w/ chapters such as: 'Site Planning'; 'Building Design'; 'View, Privacy, and Solar Access Impacts'; 'Parking'; and 'Neighborhood Compatibility'). Chapter titles are subject to change.
Design Review Type 3: REGULAR DESIGN REVIEW (DR) <i>Typical Processing Time: 28-63 days</i>	<input type="checkbox"/> Projects accompanied by a Variance or Conditional Use Permit. <input type="checkbox"/> A Secondary Unit between 650-1200 sq. ft. in floor area on a lot with only one existing or proposed primary dwelling unit. <input type="checkbox"/> New construction of a single-family home, duplex, or >100% footprint addition on a footprint slope of 20% or more (citywide). <input type="checkbox"/> Projects involving any zone or project requiring Regular Design Review*, including Designated City Landmarks, and not meeting criteria for Design Review Exemption (DRX) or Small Project Design Review (SDR). <i>* Proposed changes include turning the S-18 Mediated Design Review overlay into one of the zones requiring Regular Design Review.</i>	Regular Design Review (DR): <input type="checkbox"/> Prior to submittal, applicant provides adjacent neighbors with reduced sets of plans. <input type="checkbox"/> Applicant submits plans to Zoning (with verification of neighbor contact). <input type="checkbox"/> Applicant displays a prepared Notice Poster on site. Once installed, Zoning mails notice to all property owners within 300 feet. <input type="checkbox"/> Public has 15 days to comment. If requested, staff will consider a meeting with concerned parties. <input type="checkbox"/> Zoning reviews plans for conformance with codes and criteria, and issues a written, appealable decision.	<input type="checkbox"/> Design Review findings (17.136); <input type="checkbox"/> Variance findings (17.148); and/or <input type="checkbox"/> Conditional Use Permit (CUP) findings (17.134). Plus, as applicable - For 1 or 2 units: <input type="checkbox"/> New: "Design Review Manual for One- and Two-Unit Housing" (same as above) For 3 or more units: <input type="checkbox"/> Existing: "Design Review Criteria for High Density Housing" (High-Density Criteria to be revised at a later date)

Shaded text reflects substantive changes from proposal considered by the Design Review Committee on February 23, 2005.

ATTACHMENT B

DRAFT - 5/5/05

1-2 UNIT RESIDENTIAL DESIGN REVIEW: PROCESS CHANGES PRESENTED AT 5-12-04 DESIGN REVIEW COMMITTEE MEETING

If the project is of the following type(s)...	Then the following Design Review process will apply...	And the following Design Review criteria will apply...	Typical Processing Time
<ul style="list-style-type: none"> Does not require a Building Permit; Involves only repair or replacement-in-kind of existing bldg. components; Is certified by the City Planning Department to involve only: <ol style="list-style-type: none"> (1) Structures and/or additions 12 feet or less in wall height and 15 feet or less in roof height located to the rear and/or side of a residential facility; OR (2) An increase in floor area or footprint of no more than 10 percent; and if part of a series of addition projects, the additions do not cumulatively exceed the 10% threshold over any three-year period. <i>Addition of floor area within an existing building envelope will not be considered floor area for purposes of this requirement, except when the addition adds to or creates a 'secondary unit' or involves raising an existing structure by more than 2 feet.</i> (3) A 'secondary unit' of 650 square feet or less in floor area located either within an existing building envelope, or resulting from new construction, addition, and/or alteration that does not exceed the exemption criteria established in items 1 or 2 above. 	<p>Design Review Exemption (DRX):</p> <ul style="list-style-type: none"> Over-the-counter sign-off by Zoning staff. 	<ul style="list-style-type: none"> Project conforms to all applicable zoning standards (as certified by Planning staff through the use of a "Zoning Conformance Checklist"); plus: All exterior treatments match the existing building, (as certified by staff through the use of a "Design Review Exemption Checklist"). If a project does not meet the DRX thresholds and/or review criteria, the applicable design review process listed below shall apply: 	<p>1 day</p>
<ul style="list-style-type: none"> Proposals exceeding the design review exemption thresholds and/or not conforming to exemption review criteria in any zone not requiring Regular Design Review and not on an existing 3 or more-unit site; Construction of a new single-family home or duplex when <u>not</u> accompanied by a Variance or Conditional Use Permit; or Except for a 'secondary unit', creation of one new unit on a lot that has one existing unit. <p>Note: <i>In the S-20 overlay, alterations and additions conforming to the Historic District criteria will require Basic Design Review; whereas new construction in the S-20 will require Regular Design Review.</i></p>	<p>Basic Design Review (BDR):</p> <ul style="list-style-type: none"> Applicant submits BDR application; Zoning Dept. mails applicant a prepared notice poster that must be displayed on site; Applicant provides (by mail or hand delivery) reduced sets of plans to all adjacent neighbors; Staff reviews plans for conformance with codes and criteria, and issues written decision; Decision final immediately and not appealable. 	<p>For 1 or 2 units only:</p> <ul style="list-style-type: none"> New: BDR criteria (similar to current SRDR criteria- Ch. 17.146), plus - New: "Design Review Manual for One- and Two-Unit Housing" (Designed as handout manual, w/ chapters such as: 'Site Planning'; 'Mass & Bulk'; 'Off-Site Impacts'; 'Neighborhood Fit'; 'Details and Materials'; & 'Streetscape.') Chapter titles are subject to change. 	<p>44-56 days</p>
<ul style="list-style-type: none"> Proposals exceeding the design review exemption threshold and/or not conforming to exemption review criteria in any zone requiring Regular Design Review or on an existing 3 or more-unit site; New construction or addition when accompanied by a Variance or Conditional Use Permit; New construction of 3 or more units, or adding unit(s) for a total of 3 or more on site; New construction or addition involving a designated City landmark, or properties in the S-7 zone; or New construction, addition, and/or alteration which creates a 'secondary unit' between 650 and 1200 sq. ft. in floor area (<i>also requires CUP</i>). 	<p>Regular Design Review (DR):</p> <ul style="list-style-type: none"> Applicant submits DR, Variance, and/or CUP application; Zoning Dept. mails applicant a prepared notice poster that must be displayed on site; Zoning Dept. mails notice to all property owners within 300 feet. Public has 15 days to respond; Staff reviews plans for conformance with codes and criteria, and issues a written, appealable decision. <p>Additional 1-2 unit DR Procedures in the S-18 Zone:</p> <ul style="list-style-type: none"> Applicant provides (by mail or hand delivery) reduced sets of plans to all adjacent neighbors; Parties with concerns about project have the right to request a dispute resolution meeting attended by the applicant and chaired by staff. 	<p>For 1 or 2 units:</p> <ul style="list-style-type: none"> DR (17.136), Variance (17.148), and/or CUP (17.134) findings, plus - New: "Design Review Manual for One- and Two-Unit Housing" (same as above) <p>For 3 or more units:</p> <ul style="list-style-type: none"> DR (17.136), Variance (17.148), and/or CUP (17.134) findings, plus - "Design Review Criteria for High Density Housing" (High-Density Criteria to be revised at a later date) 	<p>64-79 days In all zones except S-18</p> <p>64-84 days In the S-18 zone only</p>

Review Procedures	Project Types	Review Process	Decision Criteria <small>(INCLUDING NEW "NOT GOVERNED" AND "FLOOR AREA RATIO (FAR) STANDARDS")</small>
DESIGN REVIEW EXEMPTION (DRX) Processing Time: 1 day	<ul style="list-style-type: none"> Projects not requiring a Building Permit Projects involving only repair or replacement-in-kind of existing building components. Changes to existing non-residential buildings as specified in Section 17.136.025. 	Design Review Exemption (DRX): <ul style="list-style-type: none"> Over-the-counter review by Zoning staff. 	<ul style="list-style-type: none"> The project conforms to all applicable zoning code standards, and all exterior treatments match the existing building.
Design Review Type 1: SMALL PROJECT DESIGN REVIEW (SDR) Typical Processing Time: 1-10 days	<ul style="list-style-type: none"> Signs and storefront changes as specified in Section 17.136.020. Front yard fences over 42 inches in height, but not exceeding 6 feet. A Secondary Unit of 650 square feet or less on a lot with only one existing or proposed primary dwelling unit. The secondary unit shall not exceed 50% of the floor area in the primary unit. Projects certified by Zoning staff to involve only <u>one</u> of the following: <ol style="list-style-type: none"> A one-story structure and/or addition located to the rear and/or side of a primary facility. An increase in floor area or footprint of no more than 15 percent. <p>Note: Item (2) above will not apply if the sum of all additions on site over the previous three years has already exceeded 15% of floor area or footprint.</p>	Small Project Design Review (SDR): <ul style="list-style-type: none"> Staff reviews project plans at counter for conformance with all applicable zoning standards and design review criteria, and completes Review Checklist; If project conforms, staff prepares courtesy notice at counter and instructs applicant that notice must be displayed on site until Building Permit is finalized; Staff then issues a decision (usually at counter), which is final immediately. 	<ul style="list-style-type: none"> The project conforms to all applicable zoning code standards. All exterior treatments (such as windows, siding, roof elements, and decorative details) match the existing building. <p>If project does not meet the SDR thresholds and/or review criteria, the applicable Design Review process listed below shall apply:</p>
Design Review Type 2: BASIC DESIGN REVIEW (BDR) Typical Processing Time: 42-47 days	<ul style="list-style-type: none"> Additions or alterations to a site with no more than 1 or 2 units which exceed the Small Project Design Review (SDR) thresholds. New construction of a single-family home, duplex, or >100% footprint addition on a slope of less than 20%. <p>Note: Projects accompanied by a Variance or CUP, involving a designated City Landmark, or located in any Reg. Design Review zone will not qualify for Basic Design Review, but will instead require Reg. Design Review (as described below.)</p>	Basic Design Review (BDR): <ul style="list-style-type: none"> Applicant submits BDR application; Zoning Dept. mails applicant a prepared courtesy notice poster that must be displayed on site until Building Permit is finalized; Applicant provides (by mail or hand delivery) reduced sets of plans to all adjacent neighbors; Staff reviews plans for conformance with codes and criteria, and issues a written decision, which is final immediately. 	<p>For 1 or 2 units only:</p> <ul style="list-style-type: none"> New: "Design Review Manual for One- and Two-Unit Housing" (Organized as a handout manual, w/ chapters such as: 'View, Privacy, and Solar Access Impacts'; 'Site Planning'; 'Parking'; 'Building Design'; and 'Neighborhood Compatibility'). Chapter titles are subject to change.
Design Review Type 3: REGULAR DESIGN REVIEW (DR) Typical Processing Time: 57-62 days	<ul style="list-style-type: none"> Projects accompanied by a Variance or Conditional Use Permit. Projects involving a Micro and Mini Telecommunications Facility. A Secondary Unit between 650-1200 sq. ft. in floor area on a lot with only one existing or proposed primary dwelling unit. The secondary unit should not exceed 50% of the floor area in the primary unit. Projects exceeding the Small Project Design Review (SDR) thresholds when involving: <ol style="list-style-type: none"> Any business, civic or residential sign; Any zone or project requiring Regular Design Review*, including Designated City Landmarks; Projects involving or resulting in 3 or more units on site; New construction of a single-family home, duplex, or >100% footprint addition on a footprint slope of 20% or more. <p>* Proposed changes include turning the S-18 Mediated Design Review overlay into one of the zones requiring Regular Design Review.</p>	Regular Design Review (DR): <ul style="list-style-type: none"> Applicant submits DR, Var. and/or CUP app.; Zoning mails applicant a prepared notice poster that must be displayed on site; then mails notice to all property owners within 300 feet. Public has 15 days to respond; Concurrent with mailed notice, applicant provides (by mail or hand delivery) reduced sets of plans to all adjacent neighbors; Staff reviews plans for conformance with codes and criteria, and issues a written, appealable decision. <p>Additional Procedure in the S-18 Zone:</p> <ul style="list-style-type: none"> Parties with concerns about a project have the right to request a dispute resolution meeting attended by the applicant and chaired by staff. 	<ul style="list-style-type: none"> Design Review findings (17.136); Variance findings (17.148); and/or Conditional Use Permit (CUP) findings (17.134). <p>Plus, as applicable –</p> <p>For 1 or 2 units:</p> <ul style="list-style-type: none"> New: "Design Review Manual for One- and Two-Unit Housing" (same as above) <p>For 3 or more units:</p> <ul style="list-style-type: none"> Existing: "Design Review Criteria for High Density Housing" (High-Density Criteria to be revised at a later date)

FLOW CHART FOR PROPOSED REVISIONS TO SMALL PROJECT DESIGN REVIEW

EXISTING PROCESS

PROJECT TYPES: The current Small Project Design Review procedure is limited to minor changes to existing commercial, civic, or industrial facilities, and the nonresidential portions of mixed-use development projects. To qualify for Small Project Design Review under current regulations, a project must be limited to the following kinds of work:

- ☐ New or modified Signs.
- ☐ New or modified Awnings.
- ☐ Color changes to buildings, signs, awnings, or other facilities.
- ☐ Changes to storefronts or ground-floor facades that do not involve properties determined to be historic.
- ☐ Sidewalk café facilities having no more than 5 tables and 15 chairs, and no permanent structures within the public right-of-way.

ZONING REVIEW (1-37 days): Zoning reviews project plans for conformance with all applicable zoning standards, and the existing 'Oakland Small Project Design Guidelines' handbook.

Currently, Zoning may either issue a Small Project decision at counter, or if further review required, take in as case and process according to the following timeline:

- ☐ **Completeness Determination** - within 7-30 days* of submittal.
- ☐ **Decision on Project** - within five (5) working days of application being deemed complete.

TYPICAL PROCESSING TIME: 1-37 days

- * Zoning Code does not currently specify length of time to determine completeness of Small Project (30 days is maximum by State law).

PROPOSED PROCESS

PROJECT TYPES: Small Project Design Review will be required for projects involving the same minor changes to existing commercial, civic, or industrial facilities, and the nonresidential portions of mixed-use development projects as currently reviewed under Small Project Design Review, plus the following new residential project types:

- ☐ Front and street-side yard fences over 42 inches in height, but not exceeding 6 feet.
- ☐ A Secondary Unit of 650 square feet or less on a lot with only one existing or proposed primary dwelling unit.
- ☐ Projects certified by Zoning staff to involve only one of the following:
 - (1) A one-story structure and/or addition not exceeding 15 feet in height or 650 square feet in floor area located to the rear and/or side of a primary facility.
 - (2) An increase in floor area or footprint of no more than 20 percent.

ZONING REVIEW (1-17 days): Zoning will review Small Projects for conformance with all applicable zoning standards, and a revised 'Oakland Small Project Design Guidelines' handbook - with new sections added for small residential additions (exterior treatments must match existing building); and for front- and street-side yard fences over 42 inches in height but not exceeding 6 feet.

Zoning will usually issue a Small Project decision at counter. If further review required, the project will be taken in as case and processed according to the following timeline:

- ☐ **Completeness Determination** - within 7 days of submittal.
- ☐ **Decision on Project** - within 10 days of application being deemed complete.

TYPICAL PROCESSING TIME: 1-17 days

COURTESY NOTICE (10 days):

- ☐ For residential additions only: Small Project decisions letters will include a completed courtesy notice, and instructions to the applicant that such notice must be displayed on site for at least 10 days prior to issuance of Building Permit. (Building Permit will not be issued without verification of posting).

FLOW CHART COMPARING SPECIAL RESIDENTIAL DESIGN REVIEW (SRDR) WITH ITS PROPOSED REPLACEMENT - BASIC DESIGN REVIEW (BDR)

EXISTING PROCESS

APPLICANT CONTACTS CITY WITH A DEVELOPMENT PROPOSAL. An application for either Special Residential Design Review – Checklist (DRC), or Special Residential Design Review – Discretionary (DRD) is required for all 1- or 2-unit projects exceeding the Design Review Exemption (DRX) thresholds, and not involving any of the following: a Conditional Use Permit; certain types of Variances; any S-18 project requiring Mediated Design Review; and any zone or project requiring Regular Design Review, including Designated City Landmarks.

COMPLETENESS DETERMINATION (30 days). Zoning reviews application to assure that all required permit information has been submitted. Applications deemed 'Incomplete' are sent letter listing missing information, and processing of permit ceases until the additional material is submitted.

ZONING REVIEW (5-7 days): Zoning reviews application for conformance with zoning standards, plus permit findings and/or checklist. In some cases, applicant may need to modify design to meet approval criteria; (any required plan revisions will add to processing time).

DECISION ON PROJECT (3-4 days): Zoning completes plan review, and issues a written final decision.

TYPICAL PROCESSING TIME: 38-41 days

PROPOSED PROCESS

APPLICANT CONTACTS CITY WITH A DEVELOPMENT PROPOSAL. An application for Basic Design Review (BDR) will be required for 1- or 2-unit projects exceeding the Small Project Design Review (SDR) thresholds, and not involving any of the following: a Variance or Conditional Use Permit; any zone or project requiring Regular Design Review, including designated City Landmarks; and new construction on a footprint slope over 20%.

- ☒ Prior to submittal, applicant provides (by mail or hand delivery) reduced sets of plans to all adjacent neighbors;
- ☒ BDR applications submitted to Zoning will require verification of neighbor contact.

COMPLETENESS DETERMINATION (30 days): Zoning will review application to assure that all required permit information has been submitted. Applications deemed 'Incomplete' will be sent letter listing missing information, and processing of permit will cease until the additional material is submitted.

PROJECT DESCRIPTION POSTER DISPLAYED ON SITE (10 days): Once the application is deemed complete, Zoning will prepare a Project Description Poster to accurately describe project. Applicant must install and display the poster in a prominent location on site for at least 10 days.

ZONING REVIEW (5-7 days): Zoning will review application for conformance with zoning standards, permit findings, and the new 'Design Review Manual' decision criteria. In some cases, applicant may need to modify design to meet approval criteria; (any required plan revisions will add to processing time).

If requested, staff will consider scheduling a meeting with concerned parties. The circumstances justifying a meeting will be specified as part of the Planning and Zoning Division's Administrative Procedures.

DECISION ON PROJECT (3-4 days): Zoning will complete plan review, and issue a written final decision.

TYPICAL PROCESSING TIME: 48-51 days

FLOW CHART FOR PROPOSED REVISIONS TO REGULAR DESIGN REVIEW**EXISTING PROCESS****APPLICANT CONTACTS CITY WITH A DEVELOPMENT PROPOSAL:**

An application for Regular Design Review (DR) is required for projects: (1) located in a Regular Design Review zone; (2) involving a designated City Landmark; (3) exceeding certain thresholds in the S-18 and S-20 zones; or (4) when accompanied by a Conditional Use Permit and/or certain Variances.

COMPLETENESS DETERMINATION (30 days):

Zoning reviews application to assure that all required permit information has been submitted. Applications deemed 'Incomplete' are sent letter listing missing information. (Processing of permit ceases until the additional material is submitted).

PUBLIC NOTICE PREPARATION (3-4 days):

Once the application is deemed complete, Zoning mails public notice to all property owners within 300 feet, and posts multiple notice flyers (usually on telephone poles) within the neighborhood surrounding the project area.

PUBLIC COMMENT PERIOD: 10 days

ZONING REVIEW (5-7 days): Zoning reviews application for conformance with zoning standards, permit findings, and any special criteria for the respective zone or use. In some cases, applicant may need to modify design to meet approval criteria; (any required plan revisions will add to processing time).

DECISION ON PROJECT (5-7 days): Zoning issues written decision, which is appealable by any party within 10 days from date of issuance.

TYPICAL PROCESSING TIME: 53-58 days

PROPOSED PROCESS**APPLICANT CONTACTS CITY WITH A DEVELOPMENT PROPOSAL:**

Regular Design Review (DR) will be required for projects: (1) located in any Regular Design Review zone and exceeding threshold for Small Project Design Review; (2) accompanied by a Conditional Use Permit or Variance; (3) involving a designated City Landmark; or (4) involving 1-2 unit new construction on a footprint slope of 20% or more.

- ☐ Prior to submittal, applicant must provide (by mail or hand delivery) reduced sets of plans to all adjacent neighbors;
- ☐ DR applications submitted to Zoning will require verification of neighbor contact.

COMPLETENESS DETERMINATION (30 days):

Zoning will review application to assure that all required permit information has been submitted. Applications deemed 'Incomplete' will be sent letter listing missing information. (Processing of permit ceases until the additional material is submitted).

NOTICE PREPARATION (3-4 days):

Once the application is deemed complete, Zoning will prepare a Notice Poster to accurately describe project. Applicant must install and display the poster in a prominent location on site. ~~Once Notice Poster is installed~~ Zoning will mail public notice to all property owners within 300 feet.

PUBLIC COMMENT PERIOD: 15 days

ZONING REVIEW (5-7 days): Zoning will review application for conformance with zoning standards, permit findings, any special criteria for the respective zone or use, and the new 'Design Review Manual' decision criteria. In some cases, applicant may need to modify design to meet approval criteria; (any required plan revisions will add to processing time).

~~If requested, staff will consider scheduling a meeting with concerned parties. The circumstances justifying a meeting will be specified in part of the Planning and Zoning Division's Administrative Procedures.~~

DECISION ON PROJECT (5-7 days): Zoning will issue a written decision, which is appealable by any party within 10 days from date of issuance.

TYPICAL PROCESSING TIME: 58-63 days

FLOW CHART FOR PROPOSED REVISIONS TO MEDIATED DESIGN REVIEW (S-18)**EXISTING PROCESS**

APPLICANT CONTACTS CITY WITH A DEVELOPMENT PROPOSAL: Zoning staff determines if project is either exempt from design review; requires Special Residential Design Review (SRDR); Regular Design Review (DR); or Mediated Design Review (MDR).

IF PROJECT TRIGGERS MDR, APPLICANT FIRST SUBMITS FOR PRE-APPLICATION REVIEW (30 days): Zoning provides applicant with written determination of zoning conformance; list of names and addresses of adjacent owners; and forms for obtaining adjacent owner's signatures.

APPLICANT POSTS 'NOTICE OF PROPOSED DEVELOPMENT' AT SITE, and provides plans to neighbors for review and signature.

APPLICANT SUBMITS MDR APPLICATION: Application must include plans with adjacent owners' signatures (or certification of applicant's attempt to obtain signatures), plus photo and copy of posted notice.

COMPLETENESS DET.: Within 30 days of submittal

PUBLIC NOTICE PREPARATION (3-4 days): Once application is deemed complete, Zoning mails notice to all owners within 300 feet, posts notices in area, and notifies neighbors of right to request mediation.

PUBLIC COMMENT PERIOD: 10 days

IF NO mediation requests are received, Zoning will begin review of application as indicated below.

If mediation requested, parties have 30 days to complete, but may extend.

ZONING REVIEW (5-7 days): Zoning reviews application for conformance with zoning standards, SRDR criteria; any mediated agreements; and guidelines for view, privacy, solar access, and bulk.

DECISION ON PROJECT (5-7 days): Zoning issues written decision, which is appealable only if one party refused to mediate and other party appeals, or mediation occurred, but agreed to design must be changed to meet zoning standards.

TYPICAL PROCESSING TIME: 83-88 days (no mediation)
or 113-118 days (with mediation)

PROPOSED PROCESS

REPLACE THE EXISTING "MEDIATED DESIGN REVIEW" PROGRAM IN THE S-18 OVERLAY ZONE WITH "REGULAR DESIGN REVIEW".

In order to implement this procedure change, the S-18 overlay will be either converted to one of the zones requiring Regular Design Review, or to eliminate redundancy, replaced with an existing zone requiring Regular Design Review within the overlay.

"Flowchart for Proposed Revisions to Regular Design Review"



PROPOSED LOT COVERAGE AND FAR STANDARDS – RESIDENTIAL ZONES R-1 TO R-50

Zone	Min. Lot Size (Existing)	Max. Lot Coverage (Existing)	Max. Lot Coverage (Proposed)	Floor Area Ratio/FAR (Proposed)																														
R-1	43,560 sf. (one acre)	2000 sf, or 15% of lot area (whichever is greater)	1750 sf, or 15% of lot area (whichever is greater)	<table><tr><th>Lot Size</th><th>FAR formula</th></tr><tr><td>0-5,000 sf</td><td>.50 FAR</td></tr><tr><td>5,001-15,000 sf</td><td>.25 FAR + 1,250 sf</td></tr><tr><td>>15,000 sf</td><td>.10 FAR + 3,500 sf</td></tr></table> (Proposed FAR formula results in.) <table><tr><td><5000 sf.</td><td>.50</td></tr><tr><td>6000 sf.</td><td>.46</td></tr><tr><td>7000 sf.</td><td>.43</td></tr><tr><td>8000 sf.</td><td>.41</td></tr><tr><td>9000 sf.</td><td>.39</td></tr><tr><td>10,000 sf.</td><td>.38</td></tr><tr><td>12,500 sf.</td><td>.35</td></tr><tr><td>15,000 sf.</td><td>.33</td></tr><tr><td>20,000 sf.</td><td>.28</td></tr><tr><td>25,000 sf.</td><td>.24</td></tr><tr><td>1 acre (43,560 sf.)</td><td>.17</td></tr></table>	Lot Size	FAR formula	0-5,000 sf	.50 FAR	5,001-15,000 sf	.25 FAR + 1,250 sf	>15,000 sf	.10 FAR + 3,500 sf	<5000 sf.	.50	6000 sf.	.46	7000 sf.	.43	8000 sf.	.41	9000 sf.	.39	10,000 sf.	.38	12,500 sf.	.35	15,000 sf.	.33	20,000 sf.	.28	25,000 sf.	.24	1 acre (43,560 sf.)	.17
Lot Size	FAR formula																																	
0-5,000 sf	.50 FAR																																	
5,001-15,000 sf	.25 FAR + 1,250 sf																																	
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15,000 sf.	.33																																	
20,000 sf.	.28																																	
25,000 sf.	.24																																	
1 acre (43,560 sf.)	.17																																	
R-10	25,000 sf.	2000 sf, or 20% of lot area (whichever is greater)	1750 sf, or 20% of lot area (whichever is greater)																															
R-20	12,000 sf.	2000 sf, or 25% of lot area (whichever is greater)	1750 sf, or 25% of lot area (whichever is greater)																															
R-30	5,000 sf.	2000 sf, or 40% of lot area (whichever is greater)	1750 sf, or 35% of lot area (whichever is greater)																															
R-35	5,000 sf.	2000 sf, or 40% of lot area (whichever is greater); up to 50% w/ CUP for 2 units	2000 sf, or 40% of lot area (whichever is greater); up to 50% w/ CUP for 2 units	No FAR proposed																														
R-36	5,000 sf.	2000 sf, or 40% of lot area (whichever is greater); up to 50% w/ CUP for 2 units	2000 sf, or 40% of lot area (whichever is greater); up to 50% w/ CUP for 2 or more units	No FAR proposed																														
R-40	5,000 sf.	2000 sf, or 40% of lot area (whichever is greater); up to 50% w/ CUP for 2 units	2000 sf, or 40% of lot area (whichever is greater); up to 50% w/ CUP for 2 or more units	No FAR proposed																														
R-50	4,000 sf.	2000 sf, or 50% of lot area (whichever is greater)	2000 sf, or 50% of lot area (whichever is greater)	No FAR proposed																														

COMPARISON OF PROPOSED FLOOR AREA RATIO (FAR) WITH FARs USED IN OTHER CITIES FOR VARIOUS LOT SIZES

LOT SIZE	FAR							PROPOSAL
	Ross	Orinda	Mill Valley	Tiburon ③	Palo Alto	San Jose ②	San Rafael ①	Piedmont
≤ 5000 sq. ft.	.20	.28	.35	.35	.45	.45	.60	.50
6000 sq. ft.	.20	.27	.35	.34	.43	.45	.52	.50
7000 sq. ft.	.20	.26	.35	.33	.41	.45	.46	.50
8000 sq. ft.	.20	.25	.35	.32	.39	.45	.41	.50
9000 sq. ft.	.20	.24	.32	.31	.38	.45	.38	.50
10000 sq. ft.	.20	.23	.30	.30	.37	.45	.35	.45
12500 sq. ft.	.10	.22	.26	.26	.36	.45	.30	.45
15000 sq. ft.	.10	.21	.23	.23	.35	.45	.27	.45
20000 sq. ft.	.10	.20	.20	.20	.34 (.30) ④	.45	.23	.45
25000 sq. ft.	.10	.20	.17	.18	.33 (.24) ④	.45	.18	.45
1 acre	.10	.20	.12 (.16) ⑤	.15	.32 (.14) ④	.45	.16 (.15) ⑥	.45
(43,560 sq. ft.)								

- ① Hillisides Only
- ② .45 - .65 FARs require Discretionary Review. FARs over .65 require City Council Public Hearing
- ③ Tiburon uses FAR only as a guideline in 1-2 unit residential areas.
- ④ DeFacto FAR based on 6,000 sq. ft. maximum house size.
- ⑤ DeFacto FAR based on 7,000 sq. ft. maximum house size.
- ⑥ DeFacto FAR based on 6,500 sq. ft. maximum house size.

1/21/2005
REV 1/28/05