

2.	Location: 230 Bay Place, Cox Cadillac Site (APN: 010-0795-027-01)
	Proposal: Amendment to an Approved application, CMDV04-063, ER04-0001, at 230 Bay Place (Cox Cadillac site) consisting of the elimination of the residential component of the project and the redesign and enlargement of the grocery store component from a 28,300 sq. ft. addition to a 44,300 sq. ft. addition to the rear of the 11,700 sq. ft. Landmark Cox Cadillac showroom, including a two-story, parking structure, with the upper level as an open, roof parking area. The existing Landmark Cox Cadillac showroom would be rehabilitated as previously approved, with a modification to the location of the elevator/stair circulation within the showroom.
	Applicant: Bond CC Oakland, LLC
Contact Person/Phone Number:	Alan Chapman, Vice President/(312)853-0070
	Owner: Bond CC Oakland, LLC
	Case File Number: ER04-0001, CMDV04-063
Planning Permits Required:	Major Variances for reduced rear and side setbacks, two loading berths (where three are required), and reduced parking; Major Conditional Use Permit for the creation of more than one driveway to serve the project; Design Review.
	General Plan: Urban Residential and Neighborhood Center Mixed Use
	Zoning: C-30, District Thoroughfare Commercial and S-12, Residential Parking Combining Zone
Environmental Determination:	Addendum to 2001 Certified Final Environmental Impact Report for the AvalonBay at Lake Merritt Project Per CEQA Guidelines Sections 15162 and 15164.
	Historic Status: Designated City of Oakland Landmark, Cox Cadillac Showroom
Service Delivery District:	San Antonio 3
City Council District:	3
	Status: Pending
Action to be Taken:	Decision on application and adoption of Addendum to FEIR based on staff report.
Finality of Decision:	<i>Appealable to City Council</i>
For Further Information:	Contact case planner Joann Pavlinec at 510-238-6344 or be e-mail at jpavlinec@oaklandnet.com

INTRODUCTION

The 230 Bay Place, Cox Cadillac site proposal, reviewed and approved by the Planning Commission on March 3, 2004 has been modified and redesigned. Since the approval, the applicant has revised the project to eliminate the residential component of the project - up to 125 dwelling units, has enlarged and redesigned the proposed grocery store component from a 28,300 sq. ft. addition to a 44,300 sq. ft. addition to the rear of the 11,700 sq. ft. Landmark Cox Cadillac showroom, including a two-story parking structure, with the upper level as an open, roof parking area. This revised, approved project is before the Commission as an amendment to the recently approved project. The Landmarks Preservation Advisory Board (LPAB) and Planning Commission Design Review Committee has reviewed the amendment for Design Review and comments on historic and cultural resource issues as they relate to the City Landmark Cox Cadillac site, including the showroom building and new construction adjacent to the showroom building. Comments and recommendations are discussed in this report. Staff is recommending that the Commission review the amendment, discuss any issues raised by the Commission and Approve the proposed amendment subject to the revised Findings, Conditions of Approval and Mitigation Monitoring Program.

DESCRIPTION OF REVISED PROPOSAL

The revisions to the approved project include:

- Elimination of the residential units and podium open space;
- Enlargement of the grocery store addition from a 28,300 sq. ft. addition to a 44,300 sq. ft.(net increase of 16,000 sq. ft.) addition to the rear of the 11,700 sq. ft. Landmark Cox Cadillac showroom;
- Redesign of the addition architecture, including materials, colors, parking, landscape;
- Relocation of parking entries, truck loading;
- Relocation of the stair/elevator element in the Cox Cadillac historic

The chart below outlines differences between the Approved project and the amendment with respect to planning permits required.

	Previous Approved Project	Amendment
Use Permit	Construction of up to 125 residential units located in two to four-story buildings over a three story podium including a parking garage and grocery store addition and rehabilitation of the existing City of Oakland Landmark Cox Cadillac	Grocery store addition of 44,3000 sq. ft. (net increase of 16,000 sq. ft.) to the rear of the 11,700 sq. ft. Landmark Cox Cadillac showroom.

	showroom.	
Major Variance	Reduced rear ad side setbacks	
Major Variance	Two loading berths where three are required	Two loading berths where three are required
Major Variance	Reduced parking	Reduced parking
Conditional Use Permit	Creation of more than one driveway	Creation of more than one driveway
Design Review	Required	Required

Background

The City of Oakland Planning Commission certified an environmental impact report and approved the AvalonBay Communities Project for this site on December 5, 2001. The approved project rehabilitated the former Cox Cadillac showroom for commercial uses and residents' common areas, with demolition of the shed buildings related to the showroom, and called for construction of a seven-story residential structure on approximately two acres in the Adams Point Neighborhood. The approved project contained five residential levels built above a two-level parking garage podium, constructed to the north and east of the auto showroom. The approved project consisted of 176 residential units and 322 parking spaces.

March 04 Project - Grocery with Residential

Subsequent to the City's approval of the AvalonBay project, Bond Companies assumed control of the project site. The most recently approved project calls for the construction of up to 125 residential units in a series of two- to four-story residential structures over a three-story parking garage podium. The proposal would "L" around the auto showroom and demolish the shed structures along Harrison Street. The former Cox Cadillac showroom (11,000 square feet) would be rehabilitated with an addition to the rear (29,000 square feet) for a 40,000 square foot retail grocery store use (Whole Foods Market). The parking podium would contain a total of 338 parking spaces on three levels.

PROPERTY DESCRIPTION

The project site is an approximately two acre site located at 230 Bay Place. The site is located on an outer corner of Oakland' Adam's Point neighborhood, generally bounded by Harrison Street, Bay Place, Vernon Street, Vernon Terrace and a public stairway leading form Harrison Street to Vernon Terrace. The properties surrounding the site are a mix of commercial, residential and institutional uses.

The site currently contains the original Cox Cadillac showroom. The two auto service sheds have been demolished per the previous entitlements with conditions and mitigations. The rest of the site contains a paved surface parking lot.

The site itself is of an irregular shape (see the site location map on page 2), and slopes significantly upward from Bay Place toward Vernon Terrace. In addition, three sides of the site front on streets: Harrison Street, Bay Place and Vernon Street. The site is less than one mile from Interstate 580 and Interstate 980. The site is approximately three quarters of a mile from the 19th Street BART station. There are multiple AC Transit routes in the vicinity of the project, including a transbay bus, traveling from Oakland to San Francisco.

GENERAL PLAN ANALYSIS

The General Plan Land Use and Transportation Element (LUTE) classifies the portion of the property fronting Bay Place as Neighborhood Center Mixed Use. The intent of this classification is to “identify, create, maintain and enhance mixed use neighborhood commercial centers.” The LUTE states that future development in this area should be “commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor retail.” The remainder and majority of the site is classified Urban Residential. The site is located just outside the downtown district, as defined by the LUTE. The Urban Residential classification is intended to “create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services. Ground floor commercial uses are also encouraged.” The property is located within walking distance of the 19th Street BART station and sits on several major arterial roadways. Multiple AC Transit lines also serve the property. The project consists of ground floor retail with good access to transportation, and therefore conforms to the intent of both the Urban Residential and neighborhood Center Mixed Use General Plan classifications.

The proposed project is also consistent with many other General Plan objectives and policies applying to the project, including:

- *Provide mixed use, transit-oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes (Objective T.1).* Although the project is no longer mixed-use, the proposal is within walking distance of the 19th Street BART station and is one to two blocks away from at least seven AC Transit lines, including one transbay bus lines. The proposed major new grocery store in the central core of the City to meet the needs of residents in the project and residents of the surrounding neighborhoods.
- *High-quality design standards should be required of all new construction. Design requirements and permitted procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures (Policy N3.8, Required High-Quality Design).* The new proposed building bulk has been significantly reduced from the previously approved project. The applicant has made changes to the initial submittal based on preliminary comments from staff, LPAB sub-committee and Planning Commission Design Review sub-committee. The new changes have incorporated higher quality materials, roof-top trellises, relocation of the stair elevator

component to outside the historic showroom, and architectural articulation that respond more contextually to the Adams Point neighborhood architecture.

- *Preserving History and Community (Policy N9.8) and Respecting Architectural Integrity (Policy N9.9). Locations that create a sense of history and community within the City should be identified and preserved where feasible. The City encourages rehabilitation efforts which respect the architectural integrity of a building's original style.* The project will rehabilitate the historic City of Oakland Landmark Cox Cadillac Showroom.

GENERAL PLAN HISTORIC PRESERVATION ELEMENT

Historic Status

The site is a historic resource because it is listed on the Local Register of Historic Resources. Since the previous AvalonBay project, the City of Oakland designated the Cox Cadillac Showroom as an historical landmark on April 9, 2002.

Historic Preservation Element - Policy 3.5: Historic Preservation and Discretionary Permit Approvals

For any property involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that:

- (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or
- (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or
- (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

This revised proposal must also meet the findings. The demolition of the sheds has been completed under the previous project approval (Avalon Bay), subject to the required mitigation measures and conditions of approval and the Policy 3.5 findings based on the most recent proposal approved at the March 3, 2004 Planning Commission. Staff made these findings based on the March 3, 2004 approved proposal. The revisions to the approved project would also have to meet the Policy 3.5 findings. Staff believes that the Planning Commission is able to make findings (1) and (2).

The design of the new construction is of a high quality, employing design elements, colors and materials that are reflective of the architecture in the surrounding neighborhood. In addition, the project provides public benefits including a major new grocery store in the central core of the City, the provision of infill housing near transit, and the rehabilitation and adaptive reuse of a City Landmark

Environmental Review – Historic Resources

Modifications to Previously Approved Historic Rehabilitation of the Cox Cadillac Showroom

- Relocation of stair/elevator: The revision to the approval relocates the interior stair/elevator, leading from the showroom check-out area to the roof parking level above, in the historic Cox Showroom from a somewhat central location to outside of the showroom at the northeast corner. This location improves the interior historic space because it will not break up the interior space as it is completely outside of the Showroom, allowing the historic showroom to remain completely open.
- Addition of Porte Cochere to the Showroom: A porte cochere to the roof level parking area has been added at the upper rear side of the building. Since the initial revised submittal this has been revised in form and height so that it does not project above the ridge of the roof.
- Main entry doors added on east elevation: The LPAB sub-committee reviewed the initial revised concept and suggested that this entry include double doors. This current elevation reflects this.

EIR Mitigations

Staff has outlined below two Mitigations that need review with the current modified submittal.

Conformance with Secretary of Interior Standards

The certified EIR found one impact which could be affected by the revised submittal, as follows:

- E.1 The proposed project would rehabilitate the historic auto showroom. This is a significant but mitigable impact.

Mitigation Measure E.1: Final building permit plans and specifications for the auto showroom shall be reviewed and confirmed to be in conformance with the Secretary of Interior's Standards for Rehabilitation by a qualified historical architect identified by the City of Oakland.

Implementation of these measures would reduce Impact E.1 to less-than-significant.

Current Revisions: The LPAB and the historic architectural consultant's report found that this Mitigation Measure would be met.

Inclusion of Harrison Street Canopy-like gateway

E.2 The proposed project would demolish the Harrison Street Shed and two contributing, historic automobile service sheds to the north of the showroom building. This would be a significant and unavoidable impact.

Mitigation Measure E.2c: A canopy shall be constructed for the Harrison Street steps, and such design will be sensitive to the history of the site itself. The design will use the existing car stop at the intersection of Oakland Avenue and Perkins Alley as a Design reference.

Current Proposal: The developer of the AvalonBay project had committed to “construct a canopy-like gateway to help define the Harrison Street steps located to the immediate north of the project site. The design will be sensitive and complement both the auto showroom and the new construction.” The new developer, The Bond Companies, has committed to this mitigation measure with the approval and previous drawings. Although this detail is not shown on the current elevations, it will be required as part of the approved project.

Mitigation Measure E.2a: Based on the recommendation of the Landmarks Preservation Advisory Board, the applicant shall contribute funds to the City in the amount equal to the cost of salvaging the truss system and steel windows and storing it securely for a minimum period of 90 days, in lieu of salvaging and reusing the materials. These funds shall be used to fund historical interpretation materials and programs for the sites. The materials could include a publicly accessible plaque, tour materials, exhibits or sculptures that document the history of the site. The amount of the donation should be equal to what it would cost the project sponsor to salvage, store, and fund a new user for these materials.

Current Proposal: The applicant has advertised availability of materials for reuse at the site for 30 days. Although the Oak Center Neighborhood Association and the Redevelopment Agency worked with the applicant to salvage and reuse the trusses as gateway structures (and armature for signage) at four designated gateways to the Oak Center Historic District, the Public Works Agency has determined that this is not feasible due to the central truss support, which would need to be located in the street median strip.

It has been suggested that the trusses be salvaged and stored for an alternate project. Two issues remain. The trusses have been dismantled to 53 foot sections. The City’s trucks are 40’ bed trucks which cannot transport the sections. Second, the City has access to one crane for the job. If they unload the crane at the site, and load the trusses, they would not have access to unload the trusses at the storage site. Staff is continuing to work with these issues to find a satisfactory solution. If no alternative for storage is found, staff considers this mitigation measure to have been satisfactorily implemented to the extent it was feasible.

Mitigation Measure E.2b: The shed structures shall be documented according to the standards of the Historic American Building Survey (HABS) and made available to the Oakland Public Library, California Historic Society and other interested historic groups.

Current Proposal: The HABS documentation has been completed and distributed as outlined above.

ZONING ANALYSIS

The project is zoned C-30, District Commercial Thoroughfare with an S-12, Residential Parking Combining Zone overlay.

Conditional Use Permit

The project will require a Major Conditional Use Permit under Section 17.94.080D of the S-12 regulations which states “all activities located in the S-12 Zone shall be limited to a single driveway, except upon granting of a conditional use permit...” The proposed project will remove seven existing curb cuts on the site, but will create four new ones to serve the project. Despite an overall reduction in the number of driveways serving the project, a conditional use permit is still required. In order to grant the conditional use permit, the Planning Commission needs to make one of four specific findings related to the driveway, pursuant to Section 17.94.080D of the Planning Code (see attaché findings).

Design Review

Design Review is required for designated Landmarks under Section 17.102.030B.ning Code.

Landmark Design review approval may be granted subject to the determination that the proposal conforms to 1) and 2) below or to one or both of the criteria in 3).

- 1) That the proposal will not adversely affect the exterior features of the designated landmark;
- 2) That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their settings;
- 3) If the proposal does not conform to the criteria set forth in subdivisions 1 and 2:
 - a) That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or
 - b) That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by consideration of equity.

LPAB Sub-committee comments on revisions – April 6, 2004

The major differences between the approved project and the revised project are outlined on page 2 of this report. The LPAB Cox Cadillac subcommittee (Gilmartin, Hooks, Lee) reviewed the revisions to the approval, the concept drawings, on April 6, 2004 and made the following comments:

- The porte cochere height should be lowered to below the ridge of the showroom building.
The applicant has responded to this request.
- The shape of the porte cochere should duplicate the shape of the entries along Bay Place (not a hip gable shape).
The applicant has responded to this request.
- Lower height of stair/sign tower to below height of showroom. The architect should explain why there are two stairs adjacent to each other.
 - It should echo proportions of entries along Bay Place
 - It should be of different materials*The applicant has eliminated the sign tower from the proposal.*
- Add parking lot trellises with vines to break up vast expanse of the parking lot and to mark the edges of the parking lot.
The applicant has responded to this request.
- There is a traffic problem with the current parking lot single entry;
A second entry has been added at the northeast corner of the site.
The first floor parking area has been limited to employees only. The traffic study is discussed below.
- What is the material along the solid bays along Harrison (should not be metal grates); Please submit catalogue cut and material sample; should be integrated with vines;
The proposed trellises are wood. Integral planting shall be included in the landscape design.
- Signage
 - Ridge sign should be neon with antique gasses
 - Signage program to be submitted*The previous Conditions of Approval and LPAB recommendations address signage.*
- Show outdoor plaza area as shown on previous submittal.
This is included in the current submittal.
- Door along showroom east façade; show in elevation; should be double doors and centered;
The applicant has responded to this request
- Show height/articulation of mechanical room on parking lot roof. How is it buffered from homes to rear? From parking lot?
The applicant has responded to this request.

- Although foam cornices are *standard*, this requires landmark design review findings that the design quality of the proposed project is at least equal to that of the original structure.
The applicant has responded to this request
- Study layering of storefronts and framing elements along Harrison Street;
The applicant has responded to this request
- Submit catalogue cuts of proposed garage doors for three bays along Harrison Street.
The architects will present a color and material board at the Planning Commission meeting.

LPAB Comments from review of February 9, 2004 and May 10, 2004

The recommendations still applicable to the amended project, made by the LPAB at the February 9, 2004 and approved by the Planning Commission on March 3, 2004, are incorporated in the Conditions of Approval.

The LPAB reviewed the amended project at their May 10, 2004.

At that meeting the historic architectural consultant recommended that the elevator stair core be placed outside the east end of the showroom interior for the following reasons:

- Showroom space would be uninterrupted
- Whole Foods has approved this
- It will be visible from the outside but it is a better preservation approach because it allows the showroom to be uninterrupted.
- From a preservation perspective, the interior is more important than the blank east wall that been exposed for a long time but was originally covered by the Piedmont baths that was there till about 1938

They discussed how this element would be added, as a small addition to the parking lot that will be a little taller or as a free standing element away from the building. The historic architect recommended that it be a small addition to the building in order to not call attention to itself, although it will be taller. It will be higher, about the same as the ridge of the existing Cox Cadillac because the elevation of the parking is five feet higher than the previous design to allow a more generous grocery store height.

The project design architect informed the board that the cornice material had been changed from drawings EPS – Expandable Precoated Polystyrene Stucco to a built-up cement plaster of about one-half inch.. The foam is a void form so when the material is there the foam is no longer necessary. The foam has been used on the S.F. Wax Museum and it has been there for six years. No cracking, spalling, or falling has occurred at this project. The material has been in existence for quite some time. It is different than the thin veneer plaster finish over foam shapes. However, it will be a flat plaster smooth finish. It does not take a semi-gloss finish to emulate an alternate material and provide the appearance of a diversity of materials to the façade. The Board was satisfied with the cornice material.

They felt the historic building was accentuated by the understatement of the proposed design. They questioned the number of control joints along Harrison. The applicant's architect responded that the quantity of control joints can be modified. There is more than is required.

The LPAB recommended that the stair/core be removed from the showroom and relocated. Board Member Hooks recommended the same treatment as is illustrated on the Harrison Street façade be incorporated to the stair/elevator relocation outside the building. There is a small break from the historic showroom provided by a recessed wall area.

MOTION: To recommend approval with the following Conditions of Approval:

1) Staff shall review the design of the new addition for the elevator/stair core and prior to final approval and consult with the board sub-committee if necessary.

2)

ACTION: Ayes: Noes: Abstentions: Motion passes unanimously. 4-0-1-Abstention.

Planning Commission Review – May 12, 2004

The Planning Commission Design Review sub-committee reviewed the project and recommended approved with the above recommendations, to be forwarded to the full Planning Commission.

The rehabilitation of the Landmark Cox Cadillac showroom would proceed as outlined in the previous approval.

Staff believes that the Planning Commission is able to make the above findings.

Landscaping

A conceptual landscape plan has also been submitted for review and comment. This includes street trees along Harrison Street, Vernon Street and Vernon Terrace, podium level trees, and in front of the Cox Cadillac showroom, a proposed hardscape design, with areas for outdoor tables.

VARIANCES

Automobile Parking Requirements

Commercial: Per Section 17.116.080, one space for each 200 square feet of commercial floor area is required. For grocery store, 256 spaces are required by the Zoning Code. The traffic report updated for the project assessed the projected demand for a store in a central city location and estimated that approximately 210 spaces would be required. Plans show 210 off-street parking spaces.

The applicant is requesting a parking variance for up to 46 retail parking spaces as required by zoning code. Staff suggests that parking demand can be successfully accommodated through a parking management plan, and the traffic report identifies several key techniques, particularly restricting on-site employee parking. Most times of the day and week parking can be adequately accommodated by the spaces on site. During peak periods, the parking management plan can significantly accommodate demand (Mitigation Measure B.4). As outlined in the Addendum the proposed project would meet parking demand, per the traffic analysis, with Mitigation Measure B.4. The management plan requires alternate measures for employee (retail) parking spaces. In addition, a monitoring plan is also incorporated so that if required, other techniques could be employed such as valet parking and a further restriction on employees parking on-site. We note that the parking assessment concluded that the actual commercial demand of 172 spaces is less than the 210 spaces required by the zoning code.

With respect to the environmental review completed for the modified project, a 2002 State Court of Appeal decision held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and the unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects (i.e., air and traffic). The Addendum has concluded (based on the traffic report) that there are no significant physical environmental impacts associated with the proposed on-site parking reduction. Based on the proposed parking management plan to mitigate the shortfall, the less than significant impacts would be further reduced.

Staff believes the findings for reduced parking can be met given:

- the irregular shape of the lot;
- the close proximity to public transportation;
- the location of neighborhood-serving commercial development within close proximity of established transit routes and nodes;
- balancing parking demands with promoting economic activities in neighborhood commercial areas;
- the promotion of pedestrian activity by the strong pedestrian oriented design;
- the project's modifications to the streets and signals to accommodate the heavier pedestrian traffic.

General Plan transportation policies and classification of this area also support a parking variance. The Adams Point Neighborhood is one of the most dense Oakland neighborhoods and thus typical of its General Plan Urban Residential classification, which characterizes this classification as having excellent access to shopping and services. This project will provide residents of this neighborhood with excellent pedestrian access to grocery shopping. The following transportation policy supports the parking variance, and parking management plan:

- *Transportation Policy T3.7 supports resolution of conflicts between public transit and single occupant vehicles in favor of transportation mode that has the greatest possibility to provide the greatest mobility and access for*

people, rather than vehicles, giving due consideration to the environmental, public safety, economic development, health, and social equity impacts.

This policy and others support economic vitality, the use of public transit, and a pedestrian oriented development over private vehicle use. In addition, staff notes that there is an established use pattern for grocery stores. After the initial opening, the overwhelming majority of users are repeat customers and will accommodate their schedules in the best way to avoid peak times. Further, given the central location of this site, it is expected that many customers can walk.

OTHER ISSUES:

Traffic Improvements

The change to the access points for the project, in particular the elimination of the parking exit off of Harrison Street, resulted in an increased number of projected trips using the Bay Place/Vernon Street intersection. Traffic improvements to realign this intersection, along with signalization improvements and pedestrian activation of signals.

Bicycle Parking Requirements

To meet the bicycle parking requirements, the city requires short-term spaces and long-term spaces for the retail portion of the project. Condition of Approval #13 requires that the location and method to meet these requirements be reviewed and evaluated by staff prior to issuance of a building permit. In addition, given other Whole Foods operations in the Bay Area, staff suggests that the bicycle parking demand be monitored during the first six months of operation. If necessary, bicycle parking spaces should be increased. The final building permit plans should indicate where other bicycle racks can be established if demand dictates.

Setback Requirements

The project requests a variance from the required setback regulations. As a historic mitigation to the loss of the Harrison Street auto shed, the applicant is proposing to build the new Harrison Street building base to the property line in order to maintain the strong street edge that the current shed buildings on the site, built to the property line, have historically created. The project therefore requests a variance from Section 17.46.160 of the Zoning code which requires a 7.5 foot side setback along this frontage.

In addition the project requests a variance from Section 17.46.150 of the Code which requires an increased rear setback where a residential building abuts an R-50 zone or lower and the height is greater than 30 feet. The building must be setback one foot for every foot it is above 30 feet. The northernmost end of the three-story building along Harrison Street abuts an R-50 zone. From the sidewalk along Harrison to the top of the building, the worst case, the building height is approximately 57 feet. This would require

a maximum setback along this edge of the required setback, 10 feet, plus an additional 27 feet at the corner. The proposed setback along this edge is 0 at the base and 10 feet at the podium.

Given the irregular shape of the lot and a design decision to set the project's height away from the historic showroom, the project is not meeting its required setback at the northern most west corner of the lot, adjacent to the public stairway leading to Vernon Terrace.

Because this corner abuts an R-50 zone, the more stringent setback requirements apply. At this point of the project, the proposed rear setback is zero at the garage podium (first 32 feet) and 10 feet at the podium level (32 to 62 feet in height). The Zoning Code requires a standard ten foot rear setback. The Code also requires that for every foot that building is above 30 feet, the portion of the height above 30 feet must be setback one foot resulting in a "wedding cake" design with increased setbacks as the building increases in height. At its highest point therefore, the building would need to be setback 42 feet from the property line. Staff believes the findings can be made to support the variance. The project meets its rear setback requirement adjacent to the R-60 zone, along the northeast corner. In addition the project design team's historic architects recommended locating the greatest height of the new construction away from the restored Cox Cadillac showroom. The majority of the two-story residential buildings are located around the showroom.

In addition, stepping the floors back with a "wedding cake" design would not be compatible with the architectural character of the area and could distract from the restored showroom. In order to be compatible with both the showroom and the neighborhood, staff believes the building façade should be without setbacks. The single plane presents a simpler backdrop for the restored showroom and allows the projecting bay windows, typical to the Adams point neighborhood architecture, to articulate the building façade. Finally, staff notes that the majority of the site is classified Urban Residential in the General Plan, which also has a "best fit" zone the R-70 and R-80 zones, neither of which require increased rear setbacks for building heights over 30 feet. The building height, as proposed, is therefore consistent with the General Plan, allowing the project to achieve a density in keeping with the Urban Residential classification.

Loading Zone Requirements

According to Section 17.116.120 of the Planning Code, projects that contain between 50,000 and 149,999 square feet of residential activities, require one berth. The proposal includes 141,485 square feet of residential space and therefore requires one on-site loading berth to serve the residential portion of the project. The application is requesting a variance for one less loading berth than is required.

According to Section 17.116.140, projects that contain 25,000 to 49,999 square feet of commercial space, require two berths. The proposal includes 40,000 square feet of commercial space, and therefore requires two on-site loading berths to serve the commercial portion of the project. Two loading berths are provided.

The traffic report completed for the revised project set forth a number of recommendations about the operation and design of the Harrison Street loading areas. As currently designed, trucks would not be able to maneuver successfully into the docks without interfering with southbound Harrison Street traffic. In addition, as with the previous application, truck delivery times should be restricted to avoid the morning and evening peak traffic hours and school drop off and pick up times.

RECOMMENDATION

Based on analysis contained in this report, the Addendum to the 2001 Certified Final Environmental Impact Report and elsewhere within the administrative record, staff believes that the proposed project is an appropriate mix of land uses at this location and an appropriate and attractively designed urban infill project that will further the overall objectives of the General Plan. Thus, staff recommends that the Commission

1. Approve the Addendum to the Final Environmental Impact Report as well as Fehr and Peers Report dated June 10, 2004 based on the attached findings;
2. Adopt the attached Mitigation Monitoring and Reporting Program for the Modified proposed project;
3. Approve the Major Conditional Use Permit, the Variances and Design Review subject to the attached findings and conditions of approval.
4. Review and comment on the Alternate proposal to rehabilitate the 11,700 square foot Cox Cadillac showroom with a 38,300 square foot addition to the rear for use as a retail grocery store, with required parking. (No residential use included.)

Respectfully submitted:

Claudia Cappio
Director of Development

Prepared by:

Joann Pavlinec, Planner III
Major Projects and Historic Preservation

- Attachments:
- A. Revised Plans and Elevations
 - B. Fehr and Peers Traffic Report dated June 10, 2004
 - C. Draft and Final Environmental Impact Report (Available under separate cover
Planning Division 250 Frank Ogawa Plaza, Suite #3330
Oakland, CA 94612)

FINDINGS FOR APPROVAL

This proposal meets the required findings under the following:

- Planning Code Section 17.134.050 (General Use Permit Criteria);
- Historic Preservation Element - Policy 3.5: Historic Preservation and Discretionary Permit Findings;
- Planning Code Section 17.102.030B (Landmark Design Review Findings);
- Planning Code Section 17.94.080D (Special Conditional Use Permit for more than one driveway);
- Planning Code Section 17.148.050 - Variances for:
 - reduced rear and side setbacks;
 - two loading berths (where three are required); and
 - reduced parking;

Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but includes all discussions in the report, the Environmental Impact Report, and elsewhere in the record.

Section 17.134.050 (General Use Permit Criteria):

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

The design and use is compatible with other recent commercial developments in the area. The design, flat roofs, and scale of façade articulation, reflects the historic architecture of the Cox Cadillac showroom that currently sits on the site and will be rehabilitated as part of the proposed project. The addition incorporates the same materials, stucco and is scaled and located on the site so as not to distract from the historic Landmark Cox Cadillac showroom. The site is located in an already developed, urbanized area of Oakland and is adequately served by civic facilities and public utilities. In addition, the project is located within walking distance of the 19th Street BART station and served by multiple AC Transit bus lines, reducing the dependence of its residents on the automobile. The proposed grocery store use with outdoor café seating of the restored showroom will add to the vitality of the streetscape and will create interest at the pedestrian level of the project. Finally, the project will address the parking demand for the project through the parking management plan and monitored to assure that it is effective.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic**

environment, and will be as attractive as the nature of the use and its location and setting warrant.

The project will provide a neighborhood serving retail food establishment close to a dense urban residential neighborhood, downtown, BART and served by multiple AC Transit lines. In addition, the project is located within walking distance of downtown employment centers. The proposed design is attractive and of a high quality, and is compatible with the historic Cox Cadillac showroom, reflects the existing as described above.

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

This grocery store will serve the residential community that already exists in the neighborhood. In addition, the project may act as a catalyst for additional commercial uses in the area, which would further enhance the basic community functions of the neighborhood. Finally, the project includes the extensive rehabilitation of an historic resource, the Cox Cadillac Showroom, which is currently in disrepair and therefore not contributing in an attractive way to the community.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedures at Section 17.136.040, 17.136.070 and 17.102.030B.

See Section 17.102.030B - Landmark Design Review Findings below.

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

The proposal conforms to numerous General Plan policies related to creating new grocery store to serve residents, and promoting infill development. The General Plan classifies the portion of the property fronting Bay Place as Neighborhood Center Mixed Use. The intent of this classification is to “identify, create, maintain and enhance mixed use neighborhood commercial centers.” The General Plan states that future development in this area should be “commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor retail.” The remainder and majority of the site is classified as Urban Residential. The Urban Residential classification is intended to “create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services. The classification also encourages mixed-use buildings. The property is located within walking distance of the 19th Street BART station and sits on several major arterial roadways. Multiple AC Transit lines, including a transbay bus line, also serve the property. The grocery store within walking distance of the BART and

located on several arterial roadways conforms to the intent of both the Urban Residential and Neighborhood Center Mixed Use General Plan classifications.

Historic Preservation Element - Policy 3.5: Historic Preservation and Discretionary Permit Findings

For any property involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that:

- 1. The design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood;**

The design of the new construction is of a high quality, employing design elements, colors and materials that are reflective of the architecture in the surrounding Adams Point neighborhood. The design incorporates proportions and scale of building elements and architectural articulation that responds contextually to Historic Cox Cadillac showroom. The grocery store maintains the edge previously maintained by the sheds. The proposed addition to the historic showroom offers interest with a more limited and subtle set of variations of building form, color and articulation. The new construction limits the major materials to stucco also the major building material from the Cox showroom.

- 2. The public benefits of the proposed project outweigh the benefit of retaining the original structure;**

The project provides public benefits including a major new grocery store in the central core of the City near transit, and the rehabilitation and adaptive reuse of a City Landmark.

Section 17.102.030B (Landmark Design Review Findings)

Design Review is required for designated Landmarks under Section 17.102.030B of the Planning Code. Design review approval may be granted subject to the determination that the proposal conforms to 1) and 2) below or to one or both of the criteria in 3).

- 1. That the proposal will not adversely affect the exterior features of the designated landmark;**

The new proposed building bulk has been significantly reduced from the previously approved project. Rehabilitation of the Cox Cadillac Showroom has been found to meet the Secretary of Interior Standards.

- 2. That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in**

themselves and in their settings;

The Harrison Street façade base maintains the building edge previously maintained by the sheds, and incorporates the same size and rhythm of the storefront openings along the grocery store area of this facade. The buildings forms, roof terminations, building materials and color allow the Cox Cadillac showroom to radiate its own importance, while the proposed addition still offers interest with a more limited and subtle set of variations of building form, color and articulation. The new construction limits materials to stucco also the main building material from the Cox showroom. The proposed colors for the addition adjacent to the showroom allow focus on the historic Cox Cadillac showroom. Proportion and scale of building elements and architectural articulation responds to the historic Cox Cadillac showroom.

- 3. If the proposal does not conform to the criteria set forth in subdivisions 1 and 2:**
 - a. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or**
 - b. That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by consideration of equity.**

Not Applicable.

Section 17.136.070A (Residential Design Review Findings)

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

See above Landmark Design Review Findings.

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

The proposed project will preserve and enhance the character of the neighborhood and will add neighborhood-serving retail where there is currently a dearth of such uses. In addition, the design of the project reflects architectural vocabulary currently found in the area.

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

The majority of the project site is flat, containing four interconnected buildings and a surface parking lot. The grade of the site increases from Bay Place towards the north

along Harrison and Vernon Street, culminating in a retaining wall along the northern perimeter. In order that the bulk and height of the project be kept some trees will be removed. However, these will be replaced in a planted buffer area along the same edge of the site.

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

See Discussion under #3 directly above.

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

See response E, Conditional Use Permit Findings above.

Section 17.94.080D (Special Conditional Use Permit Criteria for more than one driveway)

According to Section 17.94.080D, **one of four** findings must be made in order to permit more than one driveway to serve the project site. It should be noted that there currently exist seven curb cuts serving the site that will be removed as part of the proposed project. Four new ones will be created to serve the project. One of the four findings must be made to grant a Conditional Use Permit to create more than one driveway to serve the project:

1. One or more of the driveways providing ingress to and egress from the required parking spaces would be one-way; **or**
2. The activity occupies a facility which contains two or more separate parking areas between which direct vehicular travel is not possible; **or**
3. The number of parking spaces served is greater than or equal to twice the minimum number of spaces for which a two-lane driveway is required by subsection B of this section, in which case one two-lane driveway may be provided for each multiple of such minimum number; **or**
4. The City Traffic Engineer determines that more than one driveway is necessary to ensure the safe and efficient operation of the activity.

Both the traffic consultant and the City Traffic Engineer have determined that more than one driveway is necessary to ensure the safe and efficient operation of the activity (Finding #4). Thus, overall circulation in and out of the parking structure will be more efficient and likely result in fewer potential conflicts. Therefore, the findings for a conditional use permit to permit more than one driveway are met.

Section 17.148.050 (Major Variance Criteria) for:

- a. reduced rear and side setbacks;**
- b. two loading berths (where three are required); and**

c. reduced parking;

- 1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design;**

a. reduced rear and side setbacks;

Strict compliance with the rear and side setback requirements, loading requirements, and parking requirements would preclude an effective design with a project design that is in character and scale with the neighborhood. Maintaining the required rear setback would require locating additional height to the project closer to the showroom, which would again detract from and overshadow the historic landmark. Maintaining the required side setback would also preclude an effective design solution given the historic significance of the site. Holding the base along Harrison to the property line maintains the strong street edge that the Cox Cadillac sheds maintained.

b. two loading berths (where three are required); and

The site sits on one major arterial and two residential streets. The two commercial on-site loading berths are accessed off Harrison Street. Adding a third loading berth off of Vernon Street or Bay Place would encourage truck travel on residential streets and could create circulation conflicts on Vernon Street where site distances traveling down Vernon Street to Bay Place are already limited.

c. reduced parking;

The applicant is requesting a parking variance for up to 46 retail parking spaces. The parking demand for the project will be met through a parking management plan that minimizes shortfalls during peak periods, as outlined in Conditions of Approval #11 and 12. Monitoring requirements have been set forth within the Condition of Approval to assure that the parking measures instituted are effective, and further measures may be applied if required.

Findings for the variance for reduced parking include the irregular shape of the lot, the proximity to public transportation, location of neighborhood-serving commercial development within close proximity of established transit routes and nodes, balancing parking demands with promoting economic activities in neighborhood commercial areas, and the promotion of pedestrian activity by the strong pedestrian oriented design, and the project's modifications to the streets and signals to accommodate and ease heavier pedestrian traffic.

General Plan transportation policies and classification of this area also support a parking variance. The Adams Point Neighborhood is one of the most dense Oakland neighborhoods and thus typical of its General Plan Urban Residential classification, which characterizes this classification as having excellent access to shopping and services. This project will provide residents of this neighborhood with excellent

pedestrian access to grocery shopping. The following transportation policy also support the parking variance, and parking management plan:

- Transportation Policy T3.7 supports resolution of conflicts between public transit and single occupant vehicles in favor of transportation mode that has the greatest possibility to provide the greatest mobility and access for people, rather than vehicles, giving due consideration to the environmental, public safety, economic development, health, and social equity impacts.

This policy and others support economic vitality, the use of public transit, and a pedestrian oriented development over private vehicle use.

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property;

a. reduced rear and side setbacks

Strict compliance with the setback regulations would not result in an effective design solution as described above.

b. two loading berths (where three are required); and

Similarly, adding a third loading berth on-site would create operational conflicts and therefore would not fulfill the basic intent of the loading regulations.

c. reduced parking

Reuse of the historic landmark building has restricted the size, configuration and layout of the parking. Accommodation of additional parking would require a third level parking area and would make the grocery use economically infeasible.

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

a. reduced rear and side setbacks

The setback variance will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area. Granting of the variance will ensure that the design of the project is compatible with the architectural character of the area. In addition, the site is surrounded by roadways on three sides, minimizing the impact of the development on abutting properties.

b. two loading berths (where three are required); and

Similarly, the granting of the variance for the third loading residential dock will improve the livability of the area by limiting truck loading on Harrison Street, thereby reducing truck travel on Vernon Street, a residential street.

c. reduced parking

The reduced parking variance would not adversely affect the character, livability, or appropriate development of abutting properties. The Parking Management Plan will provide alternate means of meeting the parking demand. The proposal will enhance desired pedestrian activity in the area and provide a highly desired and needed grocery store to a densely populated area. The site location has excellent access to multiple bus routes, a transbay route from Oakland to San Francisco, and is within walking distance from the 19th Street BART station. This location, surrounded by excellent transit service, a high density neighborhood, and with the enhanced pedestrian amenities provided by the project, will encourage pedestrian and transit access to the site.

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

a. reduced rear and side setbacks

The granting of the proposed variances will not constitute a granting of special privilege nor will the granting of the variance be inconsistent with the purpose of the zoning requirements, but rather will aid in a design that is compatible in scale with the historic Cox Cadillac showroom.

b. two loading berths (where three are required); and

The granting of a variance of the loading berths will ensure that the proposed project does not have an adverse impact on the surrounding neighborhood. Supplying a third on-site loading berth would create undue truck traffic on a residential street, which is contrary to the purpose of the zoning regulation.

c. reduced parking

The granting of a variance for reduced parking will not constitute a granting of special privilege or be inconsistent with the zoning regulations because the Parking Management Plan will address the shortfall.

Environmental Findings. In approving the Addendum for the Modified Project, the City Planning commission must make the following findings based on this staff report and the administrative record as a whole.

1. That the FEIR was previously certified by the City of Oakland as the Lead Agency, on December 5, 2001.
2. That the Certified Final EIR and Addendum was independently reviewed and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make of the Addendum, the Final EIR and the administrative record as a whole); that the Planning Commission recognizes that the Addendum contains certain additions, clarifications, modifications or other revisions (as the result of modifications to

the approved project); but no supplement or subsequent EIR is required; that the Planning Commission relies upon the Addendum and its findings and conclusions as its source of environmental information.

3. The Certified Final EIR and Addendum was presented to the Planning Commission, including the Fehr and Peers Traffic Report, dated June 10, 2004, which reviewed and considered the information contained therein prior to acting on any of the development approvals for the Modified Project.

Based on the analysis and discussion contained in this staff report and the administrative record as a whole, staff believes that the above listed findings can be made.

Mitigation Monitoring: The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring Program. Adoption of the 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, the applicant or other identified public agencies of responsibility.

CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

1. Mitigation Measures

All mitigation measures identified in the EIR Addendum are included in the Mitigation Monitoring Program (MMRP) which is incorporated herein by reference as conditions of approval of the project. The MMRP, in certain instances, has been further refined and/or clarified by the following Conditions of Approval. Thus, to the extent there is an inconsistency between the MMRP and the following conditions, the conditions shall govern. The applicant shall be responsible for compliance with all mitigation measures adopted and with all Conditions of Approval set forth below at their sole cost and expense. The MMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning Department.

2. Approved Use.

a. Ongoing

This project shall be constructed and operated in accordance with the authorized use as described in this staff report and in the plans prepared by MBH Architects, dated June 16, 2004, dated Landscape Plans prepared by Cliff Lowe Associates dated 4-04 and historic plans prepared by Muller & Caufield and as amended by the following conditions. Any changes or modifications to these drawings, including colors and materials shall be reviewed and approved by the Planning Director. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval.

3. Effective Date, Expiration, and Extensions

a. Ongoing

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire on June 16, 2006 unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the zoning administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

4. Scope of This Approval: Major and Minor Changes

a. Ongoing

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes, requirements, regulations and guidelines, including but not limited to those imposed by the City's Building Services Division and the City's Fire Marshall. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

5. Modification of Conditions or Revocation

a. Ongoing

The City planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the

approved facility or use if violating any of the Conditions of Approval, any applicable codes, requirements, regulations or guidelines, or operates as or causes a public nuisance.

4. Recording of Conditions of Approval

a. Prior to issuance of building permit or commencement of activity

The applicant shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

7. Reproduction of Conditions on Building Plans

a. Prior to issuance of building permit

These conditions of approval, including the MMRP, shall be reproduced on page one of any plans submitted for a building permit for this project, except the MMRP measure which has been refined/clarified by a condition need not be reproduced.

8. Indemnification

a. Ongoing

The applicant shall defend, indemnify, and hold harmless the City of Oakland, the City of Oakland Redevelopment Agency, the Oakland Planning Commission and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, Oakland Redevelopment Agency, Oakland City Planning Commission and their respective agents, officers or employees to attack, set aside void or annul, an approval by the City of Oakland, the Planning and Zoning Division, Oakland City Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

9. Litter Control

a. Prior to issuance of building permit

A litter control plan that ensures that the premises and surrounding area are kept free of litter shall be submitted to and approved by the Zoning Administrator prior to application or a building permit. The plan shall include, but not be limited to:

- Distribution of proposed locations of litter receptacles on site and in the public right of way.
- A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
- Daily sweeping and trash collection of the premises, sidewalk and gutter area within the commercial parking area.

10. Electrical Facilities

a. Prior to installation

All electric and telephone facilities, fire alarm conduits, streetlight wiring, and similar facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Department.

SPECIFIC PROJECT CONDITIONS

11. On-site parking management

a. Commercial - First two months of grocery store operation

During peak periods, the applicant shall provide a traffic monitor/attendant capable of directing traffic in coordination with the Oakland Police Department Traffic Division.

c. Commercial – Prior to issuance of building permit

The garage design shall include automated signage to indicate a retail parking full situation.

12. Employee parking management plan

a. Prior to issuance of first occupancy permit and ongoing

Pursuant to the recommended mitigation measure B.4 in the Addendum, the applicant shall establish and implement a parking management plan (subject to review and approval by the City) including shared parking and measures that minimizes automobile trips to the site through measures designed to promote alternative transportation modes and minimizes parking demand through employee scheduling. The program may include, but is not limited to development of a rideshare program, preferential carpool parking spaces, bicycle trip-end facilities, provisions of transit information and subsidization of transit passes for employees. The plan shall include at least the following transportation demand Management measures:

- Assignment parking spaces shall be allocated in response to an employee shift schedule that takes into consideration a mix of employees who arrive by automobile in balance with those employees who arrive by alternate means of transportation in order to utilize the spaces most efficiently
- The employer shall provide public transit subsidies/or a parking waiver benefit for those employees that utilize transportation means other than automobiles, as an incentive to reduce parking demand.
- Informing employees that there is only primarily metered, time-limited parking on-street for several blocks around the project location, and indicate that they are therefore discouraged from on street parking.

This plan shall be evaluated after the first six months of full operation by an independent, qualified traffic engineer, approved by the City and hired at the applicant's expense. As a result of this evaluation, the Planning Director, at his or her sole discretion, shall have the authority to institute other parking management measures, such as valet service during peak periods, to accommodate parking demand or the leasing of spaces in an off-site facility to accommodate the employee parking.

13. Bicycle Parking

a. Prior to issuance of building permit

The Building Permit drawings shall show location of a minimum of 18 short-term spaces and 3 long-term spaces for the retail portion of the project, for review and approval by the Planning Director. Applicant shall pay for the cost and installation of any bicycle racks in the public right of way intended to serve the project.

b. At six months of full operation of the grocery store

The demand for bicycle spaces shall be monitored after six months of full operation of the grocery store, and additional bicycle parking facilities shall be added, as deemed feasible by the Planning Director. Improvement plans shall include additional locations for short-term bicycle parking.

14. Construction Management Plan

a. Prior to issuance of a building permit.

Prior to the start of construction or demolition, the Project sponsor shall develop a construction management plan (which ensures, to the maximum feasible extent, that impacts to pedestrians, bicyclists, motorists, and neighbors are minimized) for review and

approval by the City Traffic Engineering Division. The plan shall, at a minimum, include the following (Please also see Conditions of Approval #20 and #21):

- Provisions for either on-site or nearby parking for construction workers;
- Off-site parking of construction vehicles;
- Traffic control plan identifying traffic re-routing, detours and main truck routes and noticing of such;
- A temporary construction fence around the property to prevent vandalism, and school children and other non-authorized persons from accessing the site;
- Defined construction staging areas on and surrounding the site, including any projected street or sidewalk closures;
- Main ingress and egress routes for construction equipment, vehicles and materials, particularly during demolition;
- A pre-construction meeting, at least 30 days before the start of construction, specifically with Westlake Middle School to notify the school in advance of construction activities and timeframes;
- Provision of a pedestrian management plan, including the dedication of safe pedestrian pathways along the site;
- Provision of adequate notification procedures for any road closures, including the following minimum requirements: 1. Posting of street signs at least 72 hours in advance of the closure and 2. Notification of adjacent residents and businesses or other facilities within 300 feet of the site through a mailed notice (72 hours minimum prior to closure) or dropped notice (48 hours prior to closure);
- Construction noise measures as set forth in Condition of Approval #21;
- The following requirements and standards apply if Saturday construction or construction not within the standard weekday time frame is requested by the applicant:
 - Saturday hours may be permitted on a routine basis once the building is closed in, including doors and windows, subject to the prior approval of the Building Official and the Planning Director. Construction activity shall be limited to interior work, only, and hours shall be limited to 9:00 am to 5:00 pm.
 - In the event of an extraordinary construction activity, such as the need for a continuous concrete pour, Saturday construction hours may be allowed for exterior work, subject to approval by the Building and Planning Departments and the condition set forth below.
 - No construction is permitted on Sunday.
 - Prior to allowing construction during Saturdays or outside of standard weekday time frames, the applicant shall:
 - Notify the Building and planning Department regarding dates, duration and why this work is required. The applicant shall also notify adjacent property owners and residents about the proposed construction activity, along with information about an on-site complaint manager and telephone numbers for reaching the complaint manager during the weekend and off-hours.
 - Establish a deposit account with the Building Department to fund a special, on-call inspector who shall

be available during those construction hours being requested.

15. Hazardous and Toxic Substances

a. Prior to issuance of building permits for construction or demolition

Prior to the issuance of permits for new construction, all applicable documentation, plans, and approvals from the Regional Water Quality Control Board, the Alameda County Public Health Department, the City of Oakland Fire Department, and other appropriate regulatory agencies regarding remediation of the contaminated soil and groundwater identified on the site shall be submitted to the Planning and Zoning Division. The documentation shall demonstrate that each agency with jurisdiction is satisfied that all applicable standards and regulations have been met for the construction and site work to be undertaken pursuant to the permit.

b. Prior to issuance of demolition permit

Written documentation that all asbestos containing materials (ACMs) have been removed from the site prior to the start of any demolition activities shall be submitted to the Planning and Zoning Division. The removal of ACMs shall be conducted by a licensed asbestos abatement firm in accordance with the BAAQMD's Regulation 11, Rule 2.

16. Lighting Plan

a. Prior to issuance of building permit

The applicant shall submit a lighting plan for review and approval by the Director of City Planning, with referral to other departments or divisions as appropriate. The plan shall include the design and location of all lighting fixtures or standards. The plan shall utilize lighting fixtures that prevent unnecessary glare and prevent light and glare on adjacent properties. The plan shall not include dramatic lighting beyond what is required for the safety and security of residents and pedestrians and to attractively light pedestrian amenities. Generally, lights shall be cast down, not up to protect dark sky facilities such as the Chabot Observatory.

17. Landscaping Plan

a. Prior to issuance of building permit

The applicant shall prepare a final detailed landscaping plan for the project and shall submit such plans to the Planning Director for review and approval prior to the issuance of building permits. Landscaping shall be used to screen any and all utility meters from view from any public right-of-way.

b. Prior to issuance of Certificate of Occupancy and ongoing

All landscaping identified on the detailed on-site landscaping plan shall be installed 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. All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in good growing compliance with all applicable landscaping requirements. All paving or other impervious surfaces shall occur only on approved areas.

18. Cultural Resources

a. Prior to issuance of any grading permits and throughout construction

In accordance with CEQA Guidelines Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work in the immediate area until such time as a qualified archaeologist, and the City of Oakland, can assess the significance of the find and make mitigation

recommendations, if warranted. To achieve this goal, the contractor shall instruct the construction personnel on the project as to the potential for discovery of cultural or human remains. The contractor shall ensure that all construction personnel understands 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.

19. Waste Diversion and Recycling

a. Prior to issuance of a building or demolition permits

In order to avoid an adverse effect on achievement of the City's waste diversion goal the proposed project shall implement the following measures:

- Prior to issuance of building permits, the project sponsor shall submit a "Waste Reduction and Recycling Plan" and a plan to divert 50 percent of the construction waste generated by the project from landfill disposal for review and approval by the Public Works Agency; and
- Prior to issuance of building permits, the project sponsor shall submit a plan to divert 50 percent of the solid waste generated by operation of the project for review and approval by the Public Works Agency;
- For more information and assistance contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073.

20. Construction dust mitigation measures

a. Throughout construction period

- Water all active construction areas at least twice daily.
- Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

During demolition, the following practices should be required:

- Dust-proof chutes should be used for loading construction debris onto trucks.
- Watering should be used to control dust generation during demolition of structures and break-up of pavement.
- Cover all trucks hauling demolition debris from the site.

21. Construction Noise Conditions

a. Throughout construction period

- The applicant shall post signs 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 in the event of problems or complaints.
- The applicant shall designate an on-site complaint and enforcement manager to respond to and track complaints.
- The applicant shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager, to confirm that noise mitigation measures

and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.)

- The applicant shall limit construction to 7:00 am to 7:00 pm, Monday through Friday. Saturday construction hours and any other construction activity outside of the standard work hours of 7:00 am to 7:00 pm Monday through Friday shall be regulated as set forth in Condition of Approval #14.
- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

b. Prior to pile driving or other extreme noise generating activity

In the event that piling driving or other extreme noise generating activity is necessary at the project site, the following conditions shall be implemented prior to the commencement of any such activities :

- Pile driving or other extreme noise generating activity (90 dBA or above) shall be limited to 8:00 am to 4:00 pm, Monday through Friday, with no pile driving or other extreme noise generating activity permitted between 12:30 and 1:30 pm., or other mid-day hour as established and noticed. No pile driving or other extreme noise generating activity is permitted on Sundays and holidays. Pile driving on Saturdays will be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of residents and businesses preferences for whether Saturday activity is acceptable if the overall duration of the pile driving is shortened.
- A site-specific set of noise attenuation measures, as directed by a qualified acoustical consultant, to decrease the noise impacts to the greatest extent feasible (e.g., shrouds, noise insulation blankets, etc.) is required and shall be submitted to the Director of Planning and Zoning for review and approval. The definition of “feasible” will be based upon the definition as set forth in the California Environmental Quality Act (CEQA) Guidelines Section 15364 (“*Feasible*” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors). This feasibility analysis must also include an examination and analysis of the trade-offs of using certain mitigation measures.

c. Throughout demolition and construction period

All stationary noise sources, to the greatest extent practical, should be located as far away as possible from sensitive receptors, (i.e., residential uses)

22. Public Improvements

a. Prior to issuance of building permit for the structure

The applicant shall submit public improvement plans that meet City specifications for modifications, repairs, and improvements to curbs, gutters, street trees, and sidewalks made necessary by the project. These plans shall reflect all recommendations and requirements of the Fehr and Peers Traffic Report dated June 10, 2004.

b. Prior to receiving first occupancy permit

The applicant shall pay for and install all modifications, repairs, and improvements to curbs, gutters, street trees, and sidewalks made necessary by the project.

23. Final Design Review

a. Prior to receiving building permit

The final project design, including, without limitation, all exterior design details, window types, proposed signs, and the final selection of exterior materials, colors and textures shall be submitted to and approved by the Director of City Planning, or his or her designee. Specifically, this submittal shall include a description of the final design plan for the ground-floor elevations including specifications regarding materials, specifications for any planters and awnings used at the ground floor level and any other pedestrian level design details. The final design plan must also show window details, including a required four inch recess for street-facing, exterior façade windows.

24. Tree Removal Permit

a. Prior to receiving building permit

The applicant must secure a tree removal permit, and abide by the conditions of that permit, prior to removal of any trees on the project site. The applicant would make every effort to relocate the affected date palm tree to a location within the project site.

25. Signage

a. Prior to issuance of a building permit

The applicant shall submit a sign program (subject to Chapter 17.104 - General Limitations on Signs and Ordinance 12563 – New sign Regulations effective December 17, 2002) for review and evaluation. Window signs shall be limited to Oakland's Small Project Design Guidelines Section 1.7 _ Maximum window sign area is 20% of any single window, and 10% of the aggregate ground floor window area, but no more than twelve square feet per window. Any sign lighting shall be directed away or shielded from view of residential units.

26. Visual Access

a. Ongoing

The applicant shall keep the retail windows clear of visual obstructions including, but not limited to signage beyond that described in Condition #28, any advertising displays, chip/product racks, refrigerated equipment, cardboard, trash, wire mesh/security bars, reflective coatings, or other materials. The property shall maintain good sight lines in and out of the store to allow police to monitor activity inside and to allow store staff to monitor and discourage inappropriate activity in front of the store. Note that this is more restrictive than the state regulations related to signage.

27. Historical Plaques

a. Prior to issuance of Occupancy Permit

A minimum of two historical plaques, such as early photos of the Cox Cadillac showroom, shall be placed in the elevator lobby. The applicant shall also place in a prominent location a plaque commemorating the original use of the building as the winding-spool room for the Consolidated Piedmont Cable Railroad. This plaque is to be erected jointly by Cal-Nevada and the SF Cable Car Museum.

28. Stucco Finish

a. Prior to issuance of a building permit

The building specifications and working drawings shall indicate that the exterior stucco texture of the Cox Cadillac showroom shall show.

29. Roof Material – Cox Cadillac Showroom

a. Prior to issuance of building permit

The applicant shall review and consider the type of roofing for the Cox Cadillac showroom, including looking at rolled roofing or shingle roofing as an alternate to the proposed metal roof.

30. Fire Exits – Cox Cadillac Showroom

a. Prior to issuance of building permit

Any additional/new required fire exits shall be designed so as not to look exactly like other windows, in order to avoid false historicism, to be reviewed and approved by the Planning Director.

31. Mechanical Equipment/Rooftop Utilities

a. Prior to issuance of building permit

All mechanical equipment shall be located so as to not be visible from views above.

32. Ceiling Finish – Cox Cadillac Showroom

a. Prior to issuance of building permit

Discretion of the computer generated wall paper vs. stenciling shall be left to the discretion of the applicants.

33. Loading Area Restrictions

Commercial loading docks shall be time restricted, with appropriate signs posted so as not to interfere with peak hour traffic along Harrison, as approved by the Public Works Agency.

32. Protection of Existing Oak Tree at northeastern most corner of project

a. Prior to issuance of building permit

The applicant shall submit a Tree Protection Plan for the existing Oak Tree to remain, prepared by a licensed arborist, to be reviewed by the Planning Director.

33. Street Trees

a. Prior to issuance of building permit

The applicant shall provide street trees as indicated on the plans with review and approval of species, size at the time of planting, and placement in the right-of-way, subject to review and approval by the office of Parks and Recreation and Building Services.

34. Meter Shielding

a. Prior to issuance of building permit

The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing the location of any and all utility meters, transformers, PGE equipment, and the like

located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right-of-way.

35. Number of Tables and Chairs

a. Ongoing

The approved Sidewalk Café shall include a maximum number of tables and chairs as shown on The landscape drawings (L-1) dated 2/4/04 located in the public right-of-way, but not to within less than six and one-half feet of unobstructed improved sidewalk remains available for pedestrian purposes, as specified in Section 17.136 of the Oakland Planning Code.

36. Encroachment Permit

a. Prior to installation of furniture in the right-of-way

The operator of the Sidewalk Café shall obtain an encroachment permit from the City's Building Services Division, and shall comply with all requirements imposed by other affected departments. The encroachment permit shall include language that a waste receptacle be placed outside and all garbage/litter associated with Sidewalk Cafes must be approved within twenty-four hours, and a requirement to obtain liability insurance. The city shall be named as an additional insured and the amount of the insurance shall be determined by the City's Risk Manager.

37. Traffic Improvements

a. Prior to the issuance of a building permit

The applicant shall enter into a formal agreement with the City to implement the following traffic and circulation improvements, at the applicant's sole expense for design, engineering and construction, as set forth in the Fehr and Peers Traffic Report, dated June 10, 2004:

1. Reconfigure westbound Bay Place approaching Harrison Street to include one left turn, one through lane and one right turn lane. The existing parking meter that must be moved to accommodate these improvements shall be relocated to an on-street space acceptable to the City.
2. Restripe eastbound 27th street approaching Harrison Street to include two left turn lanes, one through lane and one right-turn lane.
3. Extend the southbound Harrison Street left-turn lane bay at the Bay Place intersection to provide at least 150 feet of storage.
4. Modify the Harrison Street/Bay Place intersection signal to include protected left-turn phasing for all four approaches and optimize the signal operations with the adjacent signals at Grand Avenue and the proposed signal at Vernon Street.
5. Modify the Harrison Street/Bay Place intersection to provide pedestrian actuation, adequate pedestrian crossing times and proper placement of pedestrian signal heads.
6. Design the main project driveway to intersect Vernon Street and Bay Place such that the resulting intersection could operate as either a signalized or an all-way stop-controlled intersection. Install the traffic hardware and equipment needed at this intersection, including safety lighting and pedestrian and bicycle actuation.

b. Prior to certificate of occupancy

The traffic and circulation improvements shall be completed as set forth in 37a. at the applicant's expense.

38. Reuse of Historic Cox Cadillac Exterior doors along Bay Place

a. Prior to the certificate of occupancy

The applicant shall reuse the historic Cox Cadillac, Bay Place entry doors for this project, if feasible. If they are not reused, they shall be stored at the site.

39. Stabilization/Protection of Historic Resource

The applicant shall insure that should the project construction be delayed or not proceed in a reasonable amount of time (expected construction start time late spring of 2004), that the site will be secured and protected so as to stabilize and prevent any deterioration of the historic Cox Cadillac Showroom building and the site.

40. Review of Modified Project

If the applicant modifies the application (as discussed at this meeting, a grocery store only with appropriate parking) the applicant shall resubmit for review and approval of an alternate to the approved project to all appropriate Boards and Commissions

41. Improvement of Bicycle Access

The developer shall work with the City and neighbors on the improvement of bicycle and pedestrian access to the site.

42. Truck Routing

To the extent feasible, the applicant shall work the leasee, Whole Foods, to direct truck routing to 27th Street.

43. Alcoholic Beverage Sales Commercial Activities

Prior to Certificate of Occupancy

The applicant shall apply for a Conditional Use Permit as outlined in the Planning Code 17.102.210.

44. Cornice Material

Prior to sign-off of the building permit

The drawings shall reflect that the cornice material is a built-up cement plaster, minimum ½" thick, as the presented sample at the LPAB and PCDRC meetings.

45. Control Joints Along Harrison

Prior to sign-off of the building permit

The number of control joints along Harrison shall be reduced. This shall be reviewed and approved by historic preservation staff, in consultation with the LPAB sub-committee, if necessary.

46. Design of stair/elevator tower

prior to sign-off of the building permit

Staff shall review the design of the new addition for the elevator/stair core prior to final approval and consult with the board sub-committee if necessary.

MITIGATION MONITORING AND REPORTING PROGRAM - CASE FILE ER04-0001 230 BAY PLACE

Mitigation measures (below) included in the 2001 FEIR (ER01-0001) would remain applicable to the Modified Project. Following are the Approved Project's Mitigation Measures which have been revised for the Modified Project.

The project sponsor also shall establish an on-site parking management plan (subject to review and approval by the City) to monitor parking usage, and to make other adjustments, if needed, use the on-site parking spaces in a manner which accommodates customer demand to the greatest feasible extent. The goal of the plan would be to accommodate project-generated parking demand on-site, or within reasonable walking distance of the project.

This parking management plan shall be monitored six months full occupancy of the project building to ensure that the parking demand for the project does not exceed the on-site parking supply. The monitoring study, and further recommendations (as needed) to meet unmet demand, shall be submitted for review and approval by the City, and the project sponsor shall implement the approved modifications to the plan.

- 1) The project sponsor also shall establish an on-site parking management plan (subject to review and approval by the City) to monitor parking usage, and to make other adjustments, if needed, to how on-site parking spaces are**

This parking management plan shall be monitored one year after final occupancy of the project buildings to ensure that the parking demand for the project does not exceed the on-site parking supply. The monitoring study, and further recommendations (as needed) to meet unmet demand, shall be submitted for review and approval by the City.

Mitigation Measure B.7b: Truck loading in the on-site loading spaces shall be prohibited during peak traffic hours (i.e., 7:00 to 9:00 a.m., and 4:00 to 6:00 p.m.) and during the start and end of the school day for the Westlake Middle School. A flagger shall be provided to direct traffic on Harrison Street when delivery trucks are backing into the loading dock.

- Truck loading in the on-site loading spaces and on-street loading space shall be prohibited during peak traffic hours (i.e., 7:00 to 9:00 a.m., and 4:00 to 6:00 p.m.) and during the start and end of the school day for the Westlake Middle School, and the on-street space shall revert to a regular parking space at night. A flagger shall be provided to direct traffic on Harrison Street when delivery trucks are backing into the loading dock.**

The loading management plan shall be monitored one year after final occupancy of the project buildings to ensure that the loading demand for the project does not substantially affect traffic flow and traffic safety in the project area. The monitoring study, and further recommendations (as needed) to ensure safe and efficient loading activity, shall be submitted for review and approval by the City.

Mitigation Measure B.9: Prior to construction activity, the project sponsor and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project sponsor shall submit develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include, but is not limited to, at least the following items and requirements:

- 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. In addition, the information shall include a construction staging plan for areas required for encroachment within the public right-of-way, including sidewalk and lane intrusions and/or closures.
- Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- Identification of any transit stop relocations.
- Identification of parking eliminations and any relocation of parking for employees and public parking during construction.
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur, including the following minimum requirements:
 1. Posting of street signs at least 72 hours in advance of the closure;
 2. Notification of adjacent residents and businesses or other facilities within 300 feet of the site through a mailed notice (72 hours minimum prior) or dropped notice (48 hours prior) to closure.
- Provisions for accommodation of pedestrian flow, including the dedication of safe pedestrian pathways along the site.
- Location of construction staging areas for materials, equipment, and vehicles.
- Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.

- **Posting of signs 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 of Oakland in the event of problems.**
- **Designation of an on-site complaint and enforcement manager to respond to and track complaints.**
- **Provision of adequate notification procedures for any road closures.**
- **Identification of routes for the movements of construction vehicles that would minimize the impacts on vehicular traffic circulation in the area;**
- **Staging of the movements of construction materials and equipment so as not to hinder the general flow of traffic in the immediate vicinity of the project site;**
- **Identification of areas required for encroachment within the public right-of-way;**
- **Accommodation of on-site placement of construction equipment and construction vehicles;**
- **Provision of off-street parking for construction workers' vehicles that cannot be accommodated on-site;**
- **Posting of signs 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 of Oakland in the event of problems;**
- **Designation of an on-site complaint and enforcement manager to respond to and track complaints;**

Mitigation Measure D.1a: To avoid the potential for significant nighttime noise impacts due to construction, the project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) shall require their construction contractors to limit standard construction activities Standard construction activities shall be limited to between to 7:00 a.m. and 7:00 p.m., Monday through Friday. Without prior authorization of the Building Services Division, no construction activities shall be allowed on weekends until after the building is enclosed, and no extreme noise generating activities shall be allowed on weekends and holidays.

Mitigation Measure D.1b: To reduce daytime noise impacts due to construction, the City shall require construction contractors to implement the following measures:

- **A pre-construction meeting shall be held, at least 30 days before the start of construction, specifically with Westlake Middle School to notify the school in advance of construction activities.**

Impact H.1: The project could result in the removal and /or loss of coast live oak, which is a and other protected trees per the Oakland Tree Ordinance. This would be a potentially significant impact.

Mitigation Measure H.1: The project sponsor shall apply for and obtain a tree

removal permit and shall also design and implement a tree protection plan, subject to review and approval of the Office of Parks and Recreation, to, where feasible, replace and preserve protected trees on the project site and immediately adjacent to Harrison Street.

MITIGATION MONITORING AND REPORTING PROGRAM CASE FILE NO. ER01-0001 AVALONBAY AT LAKE MERRITT PROJECT

B. Traffic, Circulation and Parking

IMPACT B.7: The project would create an additional driveway for site access and provide on-site parking and loading that would generate vehicle circulation on the project site. This would be a significant but mitigable impact.

Mitigation Measure B.7a: The Vernon Street approach to its intersection with Bay Place shall be reconstructed to provide a more perpendicular alignment. This reconfiguration would have the dual effect of (1) slowing the speed at which drivers make a left turn from Bay Place to Vernon Street and (2) increasing the available sight distance (and related response/reaction time for drivers) at the project's lower driveway on Vernon Street. Those improvements would allow left turns to be made into and out of the lower Vernon Street driveway. The project sponsor would design and pay for design and construction of this improvement, subject to approval by the City's Traffic Engineer (if this alternative were implemented).

Alternatively, access at the lower driveway shall be restricted (through turn prohibition signs) to right-turn in/ right-turn out access only. To improve sight distance at project site driveways on Vernon Street, ten feet of parking space on the uphill side and three feet on the downhill side of each driveway shall be removed, and the curb painted red.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division, and City of Oakland Public Works Agency, Traffic Engineering Division

Monitoring Timeframe: Implementation of this measure shall be complete prior to the issuance of an occupancy permit for the project.

Mitigation Measure B.7b: The final location of the proposed on-street loading space shall be determined by the City's Traffic Engineering Division of the Public Works Agency, based on a formal on-street loading zone request by the project sponsor to the City traffic engineer once the development project is completed, as is standard City procedure. However, the loading zone shall be operated under the following conditions, restrictions and requirements:

- As part of the requirements for a loading zone, the project sponsor shall establish a loading management plan (subject to review and approval by the City), whereby use of the on-site and on-street loading spaces would be coordinated through the property manager to ensure the use of the on-site space is given first priority, and that the on-street space is used efficiently and safely to minimize impedance of traffic flow on Harrison Street.
- Truck loading in the on-street space shall be prohibited during peak traffic hours (i.e., 7:00 – 9:00 a.m. and 4:00 – 6:00 p.m.), and the space shall revert to a regular parking space at night.
- In addition, if deemed necessary by the City traffic engineer, Harrison Street shall be re-stripped along the project frontage to provide an 11-foot-wide lane next to the center median (thereby increasing the width of the travel lane next to a parked truck to a minimum of 10 feet).

The loading management plan shall be monitored one year after the final occupancy of the project buildings to ensure that the loading demand for the project does not substantially affect traffic flow and traffic safety in the project area. The monitoring study, and further recommendations (as needed) to ensure safe and efficient loading activity, shall be submitted for review and approval by the City.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division, and City of Oakland Public Works Agency, Traffic Engineering Division

Monitoring Timeframe: Implementation of this measure shall be complete prior to the issuance of an occupancy permit for the project and monitored one year after the final occupancy of the project.

Implementation of these measures would reduce Impact B.7 to less-than-significant.

Impact B.9: Project construction could result in temporary circulation impacts in the project vicinity. This would be a significant but mitigable impact.

Mitigation Measure B.9: Prior to construction activity, the project sponsor shall submit a construction management plan for review and approval by the City's Traffic Engineering Division. This plan shall include, but is not limited to, the following items:

- Identification of routes for the movements of construction vehicles that would minimize the impacts on vehicular traffic circulation in the area;
- Staging of the movements of construction materials and equipment so as not to hinder the general flow of traffic in the immediate vicinity of the project site;
- Identification of areas required for encroachment within the public right-of-way;
- Accommodation of on-site placement of construction equipment and construction vehicles;
- Provision of off-street parking for construction workers' vehicles that cannot be accommodated on-site;
- Posting of signs 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 of Oakland in the event of problems;
- Designation of an on-site complaint and enforcement manager to respond to and track complaints;
- Provision of adequate notification procedures for any road closures, including the following minimum requirements:
 1. Posting of street signs at least 72 hours in advance of the closure;
 2. Notification of adjacent residents and businesses or other facilities within 300 feet of the site through a mailed notice (72 hours minimum prior) or dropped notice (48 hours prior) to closure.
- Provision of a pedestrian management plan, including the dedication of safe pedestrian pathways along the site.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division, and Building Services Division.

Monitoring Timeframe: Implementation of this measure shall occur throughout the duration of all construction and grading activities on the site.

Implementation of these measures would reduce Impact B.9 to less-than-significant.

C. Air Quality

Impact C.2: Construction activities associated with demolition, renovation, and new construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. This would be a significant but mitigable impact.

Mitigation Measure C.2: During construction, the project sponsor shall require the construction contractor to implement BAAQMD's basic dust control procedures for sites smaller than four acres, such as the project site, to maintain construction-related impacts at acceptable levels. Elements of the dust abatement program shall include, but not be limited to, the following:

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division.

Monitoring Timeframe: Implementation of this measure shall occur throughout the duration of all construction and grading activities on the site.

Implementation of these measures would reduce Impact C.2 to less-than-significant.

IMPACT C.3: Demolition activities during project construction could lead to short-term exposure to hazardous materials such as asbestos and lead-based paint. This would be a significant but mitigable impact.

Mitigation Measure C.3: Demolition and disposal of any asbestos-containing building material shall take place in accordance with the procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing) of BAAQMD's regulations.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division.

Monitoring Timeframe: Implementation of this measure shall occur throughout the duration of all construction and grading activities on the site.

Implementation of these measures would reduce Impact C.3 to less-than-significant.

D. Noise

IMPACT D.1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. This would be a significant but mitigable impact.

Mitigation Measure D.1a: Standard construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction activities shall be allowed on weekends until after the building is enclosed without prior authorization of the Building Services and Planning Divisions of the Community and Economic Development Agency.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division.

Monitoring Timeframe: Implementation of this measure shall occur 30 days prior and throughout the duration of all construction and grading activities on the site.

Mitigation Measure D.1b: To reduce daytime noise impacts due to construction, the City shall require construction contractors to implement the following measures:

- 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 in the event of problems.
- An on-site complaint and enforcement manager shall be posted to respond to and track complaints.
- 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.).
- A pre-construction meeting shall be held, at least 30 days before the start of construction, specifically with Westlake Middle School to notify the school in advance of construction activities.
- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- 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.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division.

Monitoring Timeframe: Implementation of this measure shall occur throughout the duration of all construction and grading activities on the site.

Mitigation Measure D.1c: For 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. No construction activities shall be allowed on Saturdays, Sundays, or holidays.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division.

Monitoring Timeframe: Implementation of this measure shall occur throughout the duration of all construction and grading activities on the site.

Mitigation Measure D.1d: To further mitigate potential construction noise 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 City to ensure that maximum feasible noise attenuation is achieved. 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:

- Implement “quiet” pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions;
- Erect temporary plywood noise barriers around the entire construction site;
- Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division.

Monitoring Timeframe: Implementation of this measure shall occur throughout the duration of all construction and grading activities on the site.

Mitigation Measure D.1e: A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving construction noise:

- A procedure for notifying City Building Division staff and Oakland Police Department;
- A list of telephone numbers (during regular construction hours and off-hours);
- A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;
- Designation of a construction complaint manager for the project; and
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division.

Monitoring Timeframe: Implementation of this measure shall occur throughout the duration of all construction and grading activities on the site.

Implementation of these measures would reduce Impact D.1 to less-than-significant.

E. Historic Resources

IMPACT E.1: The proposed project would rehabilitate the historic auto showroom. This is a significant but mitigable impact.

Mitigation Measure E.1: Final building permit plans and specifications for the auto showroom shall be reviewed and confirmed to be in conformance with the *Secretary of Interior's Standards for Rehabilitation* by a qualified historic architect identified by the City of Oakland.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division, Oakland Cultural Heritage Survey (OCHS) and CEDA, Building Services Division.

Monitoring Timeframe: Implementation will occur prior to the issuance of any building permits for the restoration of the auto showroom.

Implementation of these measures would reduce Impact E.1 to less-than-significant.

IMPACT E.2: The proposed project would demolish the Harrison Street shed and two contributing, historic automobile service sheds to the north of the showroom building. This would be a significant and unavoidable impact.

Mitigation Measure E.2a: Based on the recommendation of the Landmarks Preservation Advisory Board, the applicant shall contribute funds to the City in the amount equal to the cost of salvaging the truss system and steel windows and storing it securely for a minimum period of 90 days, in lieu of salvaging and reusing the materials. These funds shall be used to fund historical interpretation materials and programs for the sites. The materials could include a publicly accessible plaque, tour materials, exhibits or sculptures that document the history of the site. The amount of the donation should be equal to what it would cost the project sponsor to salvage, store, and fund a new user for these materials.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division, Oakland Cultural Heritage Survey (OCHS) and CEDA, Building Services Division.

Monitoring Timeframe: Implementation of this measure shall begin once the project applicant requests a demolition permit for the three sheds from the Building Services Division.

Mitigation Measure E.2b: The shed structures shall be documented according to the standards of the Historic American Building Survey (HABS) and made available to the Oakland Public Library, California Historic Society, and other interested historic groups.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division, Oakland Cultural Heritage Survey (OCHS).

Monitoring Timeframe: Implementation of this measure shall begin at least 30 days prior to when the project applicant requests a demolition permit for the three sheds from the Building Services Division.

Mitigation Measure E.2c: A canopy shall be constructed for the Harrison Street steps, and such design will be sensitive to the history of the site itself. The design will use the existing car stop at the intersection of Oakland Avenue and Perkins Alley as a design reference.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division, Major Projects Division.

Monitoring Timeframe: Implementation of this measure shall be ongoing during the construction period.

Following implementation of the above mitigation measures, Impact E.2 will continue to be significant and unavoidable.

G. Hazardous Materials

IMPACT G.1: Residual levels of petroleum-impacted soil and groundwater remain at the site as a result of past petroleum storage and automotive repair activities at the former Cox Cadillac Auto Showroom. Soil

and groundwater containing elevated concentrations of hydrocarbons (above regulatory action levels set by the LOP) could be encountered during project construction. These petroleum-impacted soils and groundwater could pose a hazard to construction workers if encountered during construction, and possibly to future residents if not properly assessed and removed. This is a significant but mitigable impact.

Mitigation Measure G.1a: Prior to obtaining necessary building permits or commencing construction activities, the project applicant shall consult the Alameda County Health Department and/or other applicable regulator/agencies regarding the potential residual petroleum-impacted soil and groundwater related to the former USTs, and shall implement the measures as required by the agency with jurisdiction.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Engineering Services Division; Alameda County Department of Environmental Health and/or Regional Water Quality Control Board; City of Oakland Emergency Services Agency

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site.

Mitigation Measure G.1b: An environmental site health and safety plan shall be created to address worker safety hazards that may arise during construction activities.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Engineering Services Division; Alameda County Health Department of Environmental Health and/or Regional Water Quality Control Board; City of Oakland Emergency Services Agency

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site.

Mitigation Measure G.1c: The project applicant shall comply with all applicable regulatory agency requirements, including those set forth by Alameda County and the California DTSC regulations regarding the storage and transportation of hydrocarbon-impacted soil and groundwater.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Engineering Services Division; Alameda County Health Department of Environmental Health and/or Regional Water Quality Control Board.

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site.

Implementation of these measures would reduce Impact G.1 to less-than-significant.

IMPACT G.2: Demolition or renovation of the existing structures could expose construction workers and the public to lead-based paint and asbestos. This is a significant but mitigable impact.

Mitigation Measure G.2a: The health and safety plan described above in Measure G.1b shall apply to potential lead-based paint risks present during construction.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Bay Area Air Quality Management District (BAAQMD); Alameda County Health Department of Environmental Health; California Occupational, Safety and Health (CAL-OSHA).

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site.

Mitigation Measure G.2b: A lead-based paint abatement plan containing the following elements shall be implemented:

- Acquisition of necessary approvals from the City of Oakland or the Alameda County Environmental Health Department for specifications or commencement of abatement activities.
- Preparation of a site health and safety plan, as needed.
- Containment of all work areas to prohibit off-site migration of paint chip debris.
- Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and disposal of intact lead-based paint on all equipment to be cut and/or removed during the demolition.
- Provision of on-site air monitoring during all abatement activities and background monitoring to ensure no contamination of work areas or adjacent properties.
- Cleanup and/or HEPA of vacuum paint chips.
- Collection, segregation, and profiling of waste for disposal determination.
- Providing for appropriate disposal of all waste.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Bay Area Air Quality Management District (BAAQMD); Alameda County Health Department of Environmental Health; California Occupational, Safety and Health (CAL-OSHA).

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site.

Mitigation Measure G.2c: Asbestos abatement shall be conducted prior to demolition or renovation of the existing buildings.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Bay Area Air Quality Management District (BAAQMD); Alameda County Health Department of Environmental Health; California Occupational, Safety and Health (CAL-OSHA).

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site.

Implementation of these measures would reduce Impact G.2 to less-than-significant.

H. Tree Resources

IMPACT H.1: The project could result in the removal and/or loss of coast live oak, which is a protected tree per the Oakland Tree Ordinance. This is a significant but mitigable impact.

Mitigation Measure H.1: The project sponsor shall apply for and obtain a tree removal permit and shall also design and implement a tree protection plan, subject to review and approval of the Office of Parks and Recreation, to replace and preserve protected trees on the project site and immediately adjacent to Harrison Street.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Life Enrichment Agency, Office of Parks and Recreation, Tree Division.

Monitoring Timeframe: Implementation will occur prior the issuance of a building permit for the project.

Implementation of these measures would reduce Impact H.1 to less-than-significant.

Mitigation Measures from the Initial Study for Avalon Bay at Lake Merritt Project

IV. BIOLOGICAL RESOURCES

If there is any removal or replacement of a protected tree:

- All debris created as a result of any tree removal work shall be removed by the applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
- Replacement plantings shall be required in order to prevent excessive loss of shade, erosion control, groundwater replenishment, visual screening and wildlife habitat in accordance with criteria specified in the Oakland Tree Ordinance.

For protected trees retained on site:

- Before the start of any cleaning, excavation, construction or other work on the site, every protected tree shall be securely fenced off at a distance from the base of the tree to be determined by the Tree Reviewer. (Fencing could be placed at the dripline or greater). Such fences shall remain in place for duration of all such work and all trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients (e.g., use of hand equipment for trenching). Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the Tree Reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.

- If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Office of Parks and Recreation of such damage. If, in professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Life Enrichment Agency, Office of Parks and Recreation, Tree Division.

Monitoring Timeframe: Implementation will occur prior the issuance of a building permit for the project.

V. CULTURAL RESOURCES

- If archaeological or paleontological resources or human remains are discovered during the project excavation or construction, the project sponsor shall ensure that excavation or construction work is halted and a qualified cultural resource consultant has evaluated the situation, who can assess the significance of the find and provide mitigation recommendations, if warranted.
- Any identified cultural resources found shall be recorded on DPR 523 (historic properties) forms.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site.

VI. GEOLOGY AND SOILS

- The project applicant will be required to comply with the guidelines set by CDMG Special Publication 117.
- Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils; and
- Final project landscaping plans shall be submitted to the Planning Director for review and approval.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division, Building Services Division

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site. A final landscaping plan shall be submitted prior to the issuance of the first building permit.

VIII. HYDROLOGY AND WATER QUALITY

- The project applicant shall obtain a discharge permit from East Bay Municipal Utilities District (EBMUD).
- The applicant shall be required to pay fees to compensate the City for the cost of any system upgrades required to accommodate increased runoff from the proposed project; and
- The applicant shall be required to grade unpaved areas to control surface drainage and redirect surface water away from areas of activity during excavation and construction; and
- The applicant shall be required to comply with provisions of the Clean Water Act, if applicable, with regard to preparing a storm water discharge plan.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division, Engineering Services; City of Oakland, Public Works Agency; East Bay Municipal Utilities District

Monitoring Timeframe: Implementation will occur for the duration of all construction and grading activities on site.

XVI. UTILITIES AND SERVICE SYSTEMS

- The project sponsor shall submit a plan which demonstrates a good faith effort to divert at least 50 percent of the solid waste generated by operation of the project from landfill disposal.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division; City of Oakland, Public Works Agency, Environmental Services Division

Monitoring Timeframe: Implementation will ongoing through the life of the project.