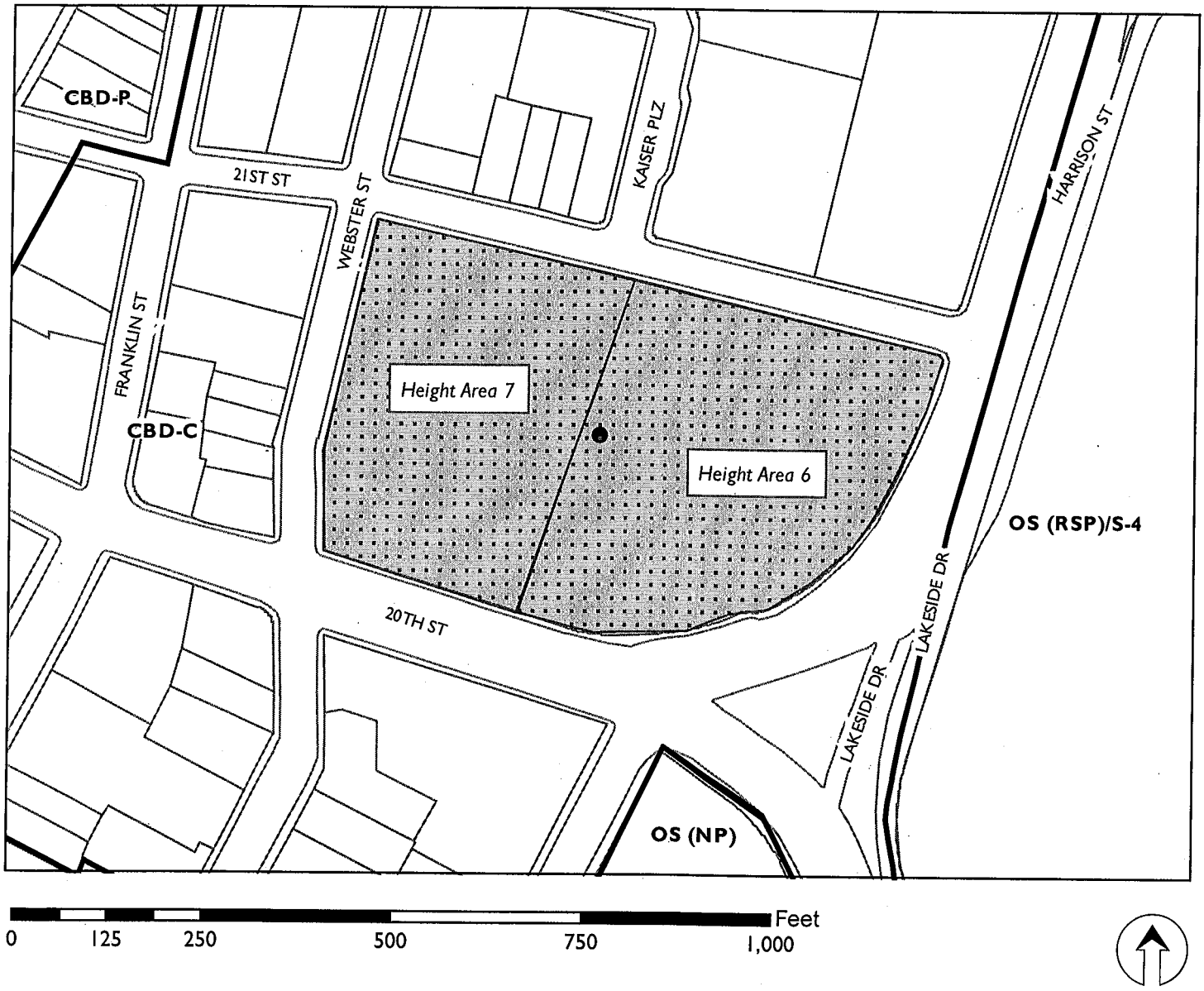
Location:	**300 Lakeside Drive – Kaiser Center (APN: 008-0652-001-05)**
Proposal:	Extension of entitlements for the Planned Unit Development (PUD) to construct approximately 1,500,000 square feet of new office development in two towers on the western side of the Kaiser Center.
Applicant:	Tomás Schoenberg
Phone Number:	(415) 291-1104
Owner:	SIC-Lakeside Drive, LLC
Planning Permits Required:	Extension of the Planned Unit Development and Tentative Parcel Map.
General Plan:	Central Business District
Zoning:	Current Zoning: CBD-C, Central Business District Commercial Prior Zoning from when application was deemed complete: C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space
Environmental Determination:	An EIR was Certified for the Project by the Planning Commission on May 4, 2011.
Historic Status:	Kaiser Center Building & Roof Garden are CEQA Historic Resources (Oakland Cultural Heritage Survey Rating A1+; listed on the Local Register of Historical Resources; appears eligible for the National Register individually and as part of the Lake Merritt District (code 3B))
City Council district	3
Status:	Planning Commission approval on May 4, 2011. Entitlements extended through December 31, 2018 by the Planning Commission.
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner **Pete Vollmann** at 510 238-6167 or by e-mail at pvollmann@oaklandnet.com.

SUMMARY

The Project applicant for the Planned Unit Development (PUD) at 300 Lakeside Drive has requested a one-year extension of the entitlements originally approved by the Planning Commission in 2011. The Project applicant has taken advantage of administrative extensions, as well as an extension by the Planning Commission extending the entitlements until December 31, 2018. Adopted Condition of Approval #2 allows for the Project applicant to request further extensions of the entitlements from the Planning Commission if an application is submitted prior to the expiration date. The Project applicant filed for an extension request on November 14, 2018.

The Project applicant is currently looking to amend the PUD and has filed for a revision to the application. The revised PUD will eventually appear before the Planning Commission for a decision. The Project would provide for new office opportunities and investment within the downtown lakeside office area and is clearly in conformance with the General Plan's goals and policies. Therefore, staff recommends that the Project's entitlements be extended for a one-year period.

CITY OF OAKLAND PLANNING COMMISSION



Case File:	PUD08103 & TPM9848
Applicant:	Tomás Schoenberg
Address:	300 Lakeside Drive (Kaiser Center)
Zone:	Current: CBD-C; Prior: C-55/S-4/S-17
Height Areas:	Height Area 6, no limit; Height Area 7, no limit

BACKGROUND

On May 4, 2018, the Planning Commission approved a PUD and Tentative Parcel Map that would allow the development of approximately 1,500,000 square feet of new office development in two new office towers. These entitlements were valid for a three-year period to May 4, 2014. At the May 4, 2011, public hearing the EIR for the project was also certified by the Planning Commission.

In 2014 the applicant took advantage of ministerial extensions adopted by Oakland City Council Resolutions due to the economic recession, which extended the approval up until December 31, 2015. Additionally, the Project applicant took advantage of the two one-year extensions allowed under Project condition of approval #2 to keep the entitlements active until December 31, 2017. The Planning Commission granted an additional one year extension keeping the entitlements active until December 31, 2018.

PROJECT DESCRIPTION

Extension Request

In conformance with adopted Condition of Approval #2, the Project applicant submitted a letter on November 14, 2018 requesting a one-year extension of the entitlements from the Planning Commission. The applicant is currently working with staff on a revision to the approved PUD. Unless the Planning Commission approves a time extension request, the approved permit will be deemed expired, and the Project applicant will need to apply for a new development permit.

Kaiser Center Office Approved Project

No changes were proposed to the existing 29-story Kaiser Center Office building and most of the existing roof garden. The proposed Project would redevelop 2.2 acres at the westernmost portion of the 7-acre Kaiser Center site in two phases. Phase I would demolish the existing 20th Street Mall and construct the 34-story South Tower (approximately 641,972 square feet). This phase also includes the construction of an additional 22,933 square feet of roof garden space and a publicly accessible exterior stairway to the roof garden from 20th Street. Phase II includes the demolition of the Webster Street Mall and construction of the 42-story North Tower (approximately 833,020 square feet), and the removal and replacement of a portion of the existing roof garden. In total, 1.47 million gross square feet of office, street-level retail 6th floor commercial uses, parking and enhanced open space would be constructed.

ZONING ANALYSIS

The zoning of the site at the time the approved application was submitted and deemed complete was C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space. Subsequently on July 21, 2009, the Oakland City Council adopted the Central Business District zones which changed the zoning of the site to CBD-C, Central Business

District Commercial. Nothing within the approved PUD would be restricted by the updated CBD-C Zoning designation. Furthermore, the applicant is looking to revise the approved PUD and any changes would also need to comply with the current CBD-C Zoning regulations.

CONCLUSION AND RECOMMENDATIONS

As noted above, the Project is still in conformance with the General Plan's goals and policies and the Planning Code. Staff believes that the one-year extension would allow the applicant keep the entitlements intact while proposing a revision to the entitlements for a project design that will be able to meet the office market demand.

Therefore, staff recommends that the Planning Commission:

1. Approve the extension of Project approvals until December 31, 2019, subject to the previously approved Findings and Conditions of Approval.

Prepared by:

Pete Vollmann, Planner IV

Reviewed by:

Catherine Payne, Acting Development Planning Manager
Bureau of Planning

Approved for forwarding to the Planning Commission:

Ed Manasse, Interim Deputy Director
Bureau of Planning

ATTACHMENTS:

A. Applicant's extension letter request, dated December 12, 2017
B. Planning Commission Staff Report from May 4, 2011

THE SWIG COMPANY

The Swig Company, LLC
220 Montgomery Street
Suite 950
San Francisco CA 94104

Tomas Schoenberg
Executive Vice President | Investments

415.291.1104
SwigCo.com

Via Hand Delivery and Electronic Mail

November 14, 2018

Ms. Robert D. Merkamp
Development Planning Manager
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: **Kaiser Center Project**
Case File Number ER-08-003, PUD 08-103, TPM 9848

Dear Mr. Merkamp:

Please let this letter serve as our request that the expiration date for all of the City of Oakland approvals for the above-referenced Project be extended for one (1) year until December 31, 2019. The Project was approved by The City of Oakland Planning Commission on May 4, 2011 (the "Project Approvals"). On March 26, 2014 and December 12, 2014, the Project applicant took advantage of the administrative permit extensions granted by The City and submitted requests for permit extensions. On December 18, 2015, December 19, 2016, and January 26, 2018, Applicant received subsequent Planning Approval Extension Letters extending the approvals by one year each to December 31, 2018. This extension request is being made pursuant to Section 2(e) of Project's "General Conditions of Approval" which states that:

> "Upon written request and payment of appropriate fees submitted no later than the applicable dates noted above, the Director of City Planning or his/her designee may grant (i) two one-year extensions of the PDP expiration date; and/or (ii) extensions of the VTPM. In addition, the approving body may grant further extensions of the PDP and/or the VTPM."

In connection with this extension request, the Applicant has submitted an application to amend the approved PDP. The Applicant is seeking to amend the PDP to incorporate an updated Master Plan for the Project area that reflects current market demand and an updated project design. This Application for amendment of the PDP is awaiting the City's response which we have been advised will likely not be until early 2019.

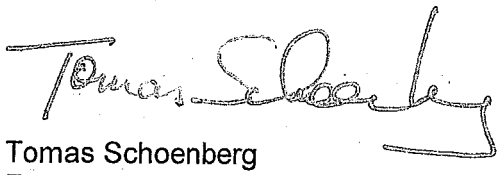
Upon receipt of this letter and subsequent receipt for all fees associated with processing this extension request, we ask that you confirm the following in writing: (a) the effectiveness of the extension and (b) that the extension of the Project Approvals pursuant to this request shall not

Attachment A

diminish, shorten or otherwise impact the additional extensions of the Project Approvals available to the Applicant pursuant to the existing Project Approvals.

Thank you for your prompt review and processing of this extension request.

Respectfully,



Tomas Schoenberg
Executive Vice President
The Swig Company on behalf of the Project Applicant

cc: Alexis Pelosi, Esq.
Deborah Boyer – Swig
Manan Shah - Gensler
Peter Vollmann – City of Oakland Planning Department

Case File Number ER 08-003, PUD 08-103, TPM 9848 **May 4, 2011**

Project Name:	**Kaiser Center Office Project**
Location:	300 Lakeside Drive, APN: 008-0652-001-05 Block bounded by 20th Street, Webster Street, 21st Street, and Harrison Street.
Proposal:	Redevelopment of a portion of the Kaiser Center Office site. The Project would add approximately 1,474,992 square feet of net new development in two phases. Phase I would (a) demolish the existing 20th Street Mall (approximately 58,190 square feet), (b) construct a 34-story office tower (approximately 641,972 square feet), and (c) reconfigure the 122,606 square foot roof garden by adding 22,933 square feet along 20th Street. Phase II includes the (a) demolition of the Webster Street Mall (approximately 38,190 square feet), (b) construction of a 42-story office tower (approximately 833,020 square feet), and (c) removal and replacement of a portion of the roof garden (resulting in a Project total net gain in roof garden space of 4,564 square feet). This Project also includes the addition of 697 parking spaces in a subterranean and above ground parking garage and construction of 46,200 square feet of retail at the street level and on the 6th floor of the towers.
Applicant:	The Swig Company on behalf of its affiliate, SIC-Lakeside Drive LLC
Contact Person/Phone Number:	Tomás Schoenberg, (415) 291-1100
Owner:	SIC-Lakeside Drive, LLC
Case File Number:	**ER 08-003, PUD 08-103, TPM 9848**
Planning Permits Required:	Vesting Tentative Parcel Map, Planned Development Permit, Preliminary Development Plan
General Plan:	Central Business District
Zoning:	CBD-C, Central Business District Commercial, adopted July 21, 2009. (The zoning when the application was deemed complete was C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space, which is applicable here)
Environmental Determination:	A Draft Environmental Impact Report (DEIR) was published for a 45-day review period from August 23, 2010 to October 7, 2010. The Final EIR will be published on April 21, 2011.
Historic Status:	Kaiser Center Building & Roof Garden are CEQA Historic Resources (Oakland Cultural Heritage Survey Rating A1+; listed on the Local Register of Historical Resources; appears eligible for the National Register individually and as part of the Lake Merritt District (code 3B))
Service Delivery District:	1 – Downtown/West Oakland/Harbor
City Council District:	3
Action to be Taken:	Adopt the CEQA findings, including Certification of the Environmental Impact Report and Statement of Overriding Considerations, and decision on the applications based on staff report.
Finality of Decision	Appeal to City Council within 10 days.
For Further Information:	Contact project planner **Heather Klein** at (510) 238-3659 or by email hklein@oaklandnet.com

SUMMARY

The Swig Company LLC (Project applicant), on behalf of the property owner, SIC-Lakeside Drive LLC and an affiliate of the Project applicant, seeks to redevelop a portion of the Kaiser Center site to add two new office towers (approximately 1.47 million gross square feet) with street level retail and sixth floor commercial areas.

Attachment B **#5**

(Contains map showing the project site and general vicinity)

The City is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and has the responsibility to prepare the Environmental Impact Report (EIR) for the Project. A Draft Environmental Impact Report (DEIR) was prepared for the Project, under the requirements of CEQA, pursuant to Public Resources Code Section 21000 et. seq. The Notice of Availability for the DEIR was prepared and released on August 23, 2010 beginning a 45 day public comment period. The DEIR was heard before the Landmarks Preservation Advisory Board on October 4, 2010 and the Planning Commission on October 6, 2010. The public review and comment period ended on October 7, 2010. A Final EIR (FEIR), responding to the comments received on the DEIR, was published on April 21, 2011.

The purpose of this meeting is to take any remaining public testimony concerning the Project and to consider the application submitted for the Project summarized in the Project Description section. Staff has prepared recommended actions for the Planning Commission to review and consider. These actions are listed below:

(1) Adoption of the enclosed CEQA findings, including Certification of the EIR, rejection of alternatives as infeasible and a Statement of Overriding Considerations. .

(2) Approval of the Planned Unit Development Permit, submitted Preliminary Development Plan, and Vesting Tentative Parcel Map for the Project as described in the Project Description section of this report subject to the conditions (including the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP), requirements, and findings contained in this staff report.

SITE DESCRIPTION

Existing Conditions

The approximately 7-acre Kaiser Center site comprises an entire city block bounded by 20th Street, Webster Street, 21st Street, and Lakeshore/Harrison Street, in Downtown Oakland. Existing development includes the Kaiser Center Office building, the 20th Street retail mall, the Webster Street retail mall, and a 2.81 acre roof garden above the parking garage. The existing Kaiser Center Office building will remain and is unaffected by the proposed Project.

The Kaiser Center site including the Kaiser Center Office Building, the retail Mall structures, and the roof garden, are CEQA historic resources (Oakland Cultural Heritage Survey Rating A1+; listed on the Local Register of Historical Resources; and appear to be eligible for the National Register individually and as part of the Lake Merritt District (code 3B)).

Surrounding Land Uses

The Project site is located within Oakland's Central Business District. To the east of the site is Lakeside Park opposite Harrison Street and Lakeside Drive, and Lake Merritt beyond. To the southeast of the Project site opposite Harrison Street and 20th Street is 4.2-acre Snow Park. Uses to the west of the Project opposite Webster Street include approximately four low- to mid-rise commercial structures (25 feet to 65 feet) and surface parking lots. Uses to the north of the Project site opposite 21st Street include the Pacific Bell/City National Bank Building (313 feet), the Ordway Building (404 feet), the AT&T Building (125 feet), and surface parking lots. The Cathedral of Christ the Light (57 feet) is located one block northeast of the Project site. Uses to the south of the Project site opposite 20th Street include Lake Merritt Plaza (371 feet).

PROJECT DESCRIPTION

No changes are proposed to the existing 29-story Kaiser Center Office building and most of the existing roof garden. The proposed Project would redevelop 2.2 acres at the westernmost portion of the 7-acre Kaiser Center site. Specifically, the proposed Project will be developed in two phases over a period of approximately eight years. Phase I would demolish the existing 20th Street Mall (approximately 58,190 square feet) and construct the 34-story South Tower (approximately 641,972 square feet). This phase also includes the construction of an additional 22,933 square feet of roof garden space and a publicly accessible exterior stairway to the roof garden from 20th Street. Phase II includes the demolition of the Webster Street Mall (approximately 38,190 square feet), construction of the 42-story North Tower (approximately 833,020 square feet), and the removal and replacement of a portion of the roof garden (resulting in a Project total net gain in roof garden space of 4,564 square feet). In total, 1.47 million gross square feet of office, street-level retail 6th floor commercial uses, parking and enhanced open space would be constructed (see Attachment A).

New and rebuilt parking areas will be integrated into the five levels of the existing Kaiser Center garage. At street level, the parking would be located behind the street-fronting commercial retail space and building lobbies. There are currently 1,340 parking spaces. The Project proposes to remove 155 parking spaces but replace those spaces and add 697 new spaces, for a total of 2,037 spaces. Specifically, during Phase I, no existing stalls would be demolished but 467 new spaces would be constructed. During Phase II, 155 parking stalls would be demolished and 385 spaces would be constructed, resulting in a net increase of 230 spaces. There would be no interim parking shortfall between Phase I and Phase II.

During Phase I, the 122,606 square foot (2.81 acre) roof garden will be reconfigured by adding 22,933 square feet to the southern portion of the site. Also, a new publicly accessible exterior stairway will be constructed on 20th Street which will provide access to the garden during business hours. During Phase II, 18,369 square feet of the roof garden will be removed from the westernmost portion of the site (including a structure currently housing the cooling equipment) which, when taken together with the square footage added during Phase I, results in a Project total net increase in roof garden area of 4,564 square feet.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element of the General Plan

The Land Use and Transportation Element (LUTE) General Plan designation for the Project site is the Central Business District (CBD). The 2.2 acre Project site has a maximum Floor Area Ratio (FAR) of 20.0 while the Project is only proposing an FAR of 15.4. The Project is under the maximum FAR permitted by the CBD designation.

The General Plan states the intent of the CBD designation is to "encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in northern California." The General Plan states that the desired character of future development in the area should include "a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses."

Among the General Plan Land Use and Transportation policies and objectives applicable to the proposed Project are the following:

- Policy D1.6: Planning for Kaiser Center. The Kaiser Center finance and office area should be strongly linked with the Broadway/19th St. office core, and sensitive to pedestrian-friendly open space amenities associated with Lake Merritt and Snow Park.
- Objective D3: Create a pedestrian friendly downtown.
- Objective D4: Increase the economic vitality of downtown.
- Objective 7: Facilitate and promote downtown Oakland's position as the primary office center for the region.
- Objective D8: Build near current office nodes near the 12th and 19th Street BART stations to establish these locations as the principal centers for office development in the city.
- Objective D13: Create and coordinate a well balanced regional and local transportation system to serve downtown.

The proposed Project meets the referenced policies and objectives; the general intent of the CBD land use designation; and is a good fit for this area because with the construction of the Project and approximately 1.5 million sq. ft. of new office and commercial space, Oakland will further progress toward becoming the primary office center for the region. This construction will occur in an appropriate location near 19th Street BART and other transit options This construction will add a significant amount of new jobs, increasing the economic vitality of downtown.

Pedestrian Master Plan Element (PMP)

The following Pedestrian Element policies and objectives apply to the proposed Project:

- Policy PMP 2.1: Pedestrian Route Network
- Objective PMP T4: Alternative Modes of Transportation

Bicycle Master Plan

The following Bicycle Master Plan Element action applies to the proposed Project:

- Action 1A.1 – Bicycle Lanes (Class 2)

Open Space Conservation and Recreation Element (OSCAR)

The following OSCAR Element policies and objectives apply to the proposed Project:

- Objective OS-12: Street Trees
- Policy CO-4.1: Water Conservation
- Objective CO-5: Water Quality
- Objective CO-12: Air Resources
- Objective CO-13: Energy Resources

Historic Preservation Element

The Historic Preservation Element of the General Plan is based on two broad "goals": to "use historic preservation to foster economic vitality and quality of life" and to "prevent unnecessary destruction of properties of special historical, cultural, and aesthetic value." The Element spells out these goals through policies and actions that govern how the City will treat historic properties.

The existing Kaiser Center office building and roof garden are primary contributors to the "Lake Merritt Historic District", an Area of Primary Importance (API). The building and garden are also Oakland Designated Historic Properties (DHP) with a rating of A1+. Therefore, several Historic Preservation policies apply to the proposed Project.

The Project will meet the Pedestrian and Bicycle Master Plan by compliance with the Conditions of Approval and Mitigation Measures including implementation of a Transportation Demand Management Program, increased sidewalk widths, ADA, and access to Snow Park and Lake Merritt as part of Measure DD. Furthermore, staff has included several recommended Conditions of Approval to increase the pedestrian and bicycle experience including bus stop improvements, construction of bicycle lanes, and increased signal timing for pedestrians.

The Project is also consistent with the OSCAR Element. The Project will include street trees and will improve and enhance the roof garden. Project Compliance with the Conditions of Approval and Mitigation Measures will ensure that water and air quality will not be impacted. Furthermore, the Project will meet the mandatory CALGreen green building standards, thereby conserving water and energy resources.

The final design for the base of the new buildings, the two towers, and the enhanced roof garden, which affect historic resources according to CEQA, has not been submitted at this time. However, compliance with the Mitigation Measures, Conditions of Approval and the City's Design Review criteria will ensure that the Project final design will be compatible with and appropriately differentiated from the existing historic resources.

ZONING ANALYSIS

The zoning of the site at the time the application was submitted and deemed complete was C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space. Subsequently on July 21, 2009, the Oakland City Council adopted the Central Business District zones which changed the zoning of the site to CBD-C, Central Business District Commercial. Per Section 6 of the adopting ordinance, the proposed Project is "grandfathered" under the previous C-55/S-4/S-17 zoning.

The C-55 zone is intended to "preserve and enhance a very high-intensity regional center of employment, shopping, culture, and recreation, and is appropriate to the core of the Central Business District." Administrative (office) uses, General Retail, and General Food Sales are permitted activities in the C-55 zone. Staff has calculated an FAR of 15.4 for the proposed Project, however there is no maximum FAR stated in the C-55 zone. The S-4 Design Review Combining Zone and the S-17 Downtown Residential Open Space Combining Zone are additional zoning designations overlaid on the site. The S-4 zone is intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance. The S-17 overlay zone is not applicable as this only relates to open space requirements for residential buildings.

The following table depicts the Project's comparison to the C-55 development standards:

Zoning Regulation Comparison Table

Criteria	Requirement C-55	Proposed	Comment
Height	No maximum	Max 573'	Meets the C-55 requirements.
Parking	0	2,037 spaces	Meets the C-55 requirements.
FAR	No maximum	15.4	Meets the C-55 requirements.

The criterion for review and approval of this Project includes the following: The Planned Unit Development Permit in Section 17.140.080, of the Oakland Planning Code and Tentative Parcel Map in Section 16.08.030 of the Oakland Municipal Code. All applicable criteria are analyzed and appropriate findings are made in the *Findings* Section of this report.

The applicant has requested a planned unit development permit. A "planned unit development" is a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way. "Any integrated development which is primarily designed for or occupied by Commercial Activities, which is located in any commercial zone, and which is developed under unified control, in accordance with a comprehensive plan, on a single tract with sixty thousand (60,000) square feet or more of land area, or on two or more tracts which total such area and which are separated only by a street or other right-of-way." The proposed Project meets the requirements of a Planned Unit Development Permit and a Preliminary Development Plan with staged Final Development Plans. However, the applicant has not submitted any detailed design plans at this time and one or more Final Development Plan will be need to be subsequently submitted. The Final Development Plans will be sufficiently detailed to show the ultimate operation and appearance of the development.

VESTING TENTATIVE PARCEL MAP

The applicant has submitted a vesting tentative parcel map (see Attachment B) to subdivide the current Kaiser Center property bounded by 20th Street, Webster Street, 21st Street, and Harrison Street into four parcels. Parcel 1 would be 2.9 acres and would contain the existing Kaiser Center office building. Parcel 2 would be 2.0 acres and would contain the existing parking garage and most of the existing roof garden. Parcel 3 would be .9 acres and would contain the proposed Phase II 42-story north office tower (approximately 833,020 square feet including the retail along Webster Street) and a portion of the reconfigured roof garden. Parcel 4 would be 1.3 acres and would contain the proposed Phase I 34-story south tower (approximately 641,972 square feet), the additional 22,933 square feet of roof garden space and a publicly accessible exterior stairway to the roof garden from 20th Street.

ENVIRONMENTAL DETERMINATION

The City is the Lead Agency pursuant to CEQA and has the responsibility to prepare the EIR for the Project, under the requirements of CEQA, pursuant to Public Resources Code Section 21000 *et. seq.* An Initial Study was not prepared for the Project, as permitted by Section 15060(d) of the CEQA Guidelines.

Publication and Distribution of the DEIR

The Draft EIR (DEIR) addresses all environmental topics identified in City of Oakland's CEQA Thresholds of Significance and each environmental topic at a level of detail warranted by each topic. A Notice of Preparation was issued on May 22, 2008 and a scoping session held before the Landmarks Preservation Advisory Board (LPAB) on June 9, 2008 and with the Planning Commission on June 18, 2008. The Kaiser Center Office Project DEIR was prepared and released on August 23, 2010 beginning a 45 day public comment period. The DEIR was heard before the LPAB on October 4, 2010 and Planning Commission on October 6, 2010. The public review and comment period ended on October 7, 2010. The following environmental topics are addressed in detail in the DEIR, as other topics (agriculture and minerals) were found to not be significant and not evaluated in detail in the DEIR (see DEIR page VI-7):

A. Aesthetics, Shadow and Wind
B. Air Quality and Greenhouse Gases
C. Biological Resources
D. Cultural Resources
E. Geology, Soils and Geohazards
F. Hazardous Materials
G. Hydrology and Water Quality
H. Land Use, Plans and Policies
I. Noise
J. Population, Employment and Housing
K. Public Services and Recreation Facilities
L. Transportation and Circulation
M. Utilities and Service Systems

Potentially Significant Impacts Identified in the DEIR

Other than the impacts discussed below, all of the environmental effects of the Project can be reduced to less than significant levels through implementation of Standard Conditions of Approval or recommended Mitigation Measures.

The DEIR identifies the following **significant and unavoidable** environmental impacts related to Wind Hazards, Air Quality, Cultural Resources, Noise and Transportation and Circulation:

Wind Hazards

Impact AES-6: The proposed Project would create winds exceeding the wind hazard criteria for more than 1 hour during daylight hours during the year at ground level and roof garden. This is conservatively deemed significant and unavoidable. However, after mitigation and pending final design, this impact could be reduced to a less than significant level.

Impact AES-7: Project construction activity and operations, in conjunction with other past, present, pending, and reasonably foreseeable development in downtown Oakland and the Lake Merritt shoreline would result in cumulative impacts related to wind hazards at the roof garden. This is conservatively deemed significant and unavoidable. However, after mitigation and pending final design, this impact could be reduced to a less than significant level.

Air Quality[1]

Impact AIR-3: The proposed Project would result in increased emissions of criteria pollutants (PM 10 operational emissions at Project build-out).

Impact AIR-8: Implementation of the proposed Project would contribute to a cumulative air quality impact in the Project area (for operational PM 10 emissions).

Cultural Resources

Impact CUL-1: The proposed Project would demolish the Mall Buildings, which are components of a qualified historical resource on the Project site. This is conservatively deemed significant and unavoidable. However, after mitigation and pending final design this impact could be reduced to a less than significant level.

Impact CUL-2: The proposed new construction would adversely affect the remaining portion of the qualified historic resource on the Project site. This is conservatively deemed significant and unavoidable. However, after mitigation and pending final design this impact could be reduced to a less than significant level.

Noise[2]

Impact NOI-4 Project traffic, in combination with cumulative traffic, could substantially increase traffic noise levels in the Project area.

Transportation and Circulation

The proposed Project would result in significant and unavoidable traffic impacts at several roadways and intersections under "Existing plus Project", "2015 plus Project Phase I Only", 2015 plus Project", and Cumulative 2030 plus Project" with Project being Phase I and II at build out. The following summary of these impacts is organized by intersection and roadway segment with the impact statement (e.g., TRANS-7a) and scenario (e.g., Cumulative 2030 plus Project) noted for easier comparison for the reviewer.

Intersection #2 (Oakland Avenue / Perry Place / I-580 Eastbound Ramps)

Added traffic would increase the v/c ratio by more than three percent during the PM peak hour and degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the AM peak hour for the following scenarios: Existing plus Project; 2015 plus Phase 1 Only; and 2015 plus Project.

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[1] The DEIR analyzed a proposed Transportation Demand Management Plan (TDM) with a 10% reduction in the number of single occupancy vehicle trips to/from the Project site. Since the DEIR was published, the final TDM was developed with a 15% reduction in the short-term and a 20% reduction in the long-term. With implementation of the final TDM and this reduction, several of the significant and unavoidable impacts noted in the DEIR would be reduced to less-than-significant. However, in order to maintain the most conservative analytical approach and one consistent with the DEIR, the Final EIR concludes that these impacts are still deemed significant and unavoidable. Memorandum from EIR preparer ESA to project planner Heather Klein, dated April 21, 2011 regarding Potential Significant Impact Reductions with Implementation of the TDM Plan, copy on file with City Planning and Zoning Division.

[2] As indicated in footnote #1 above, with implementation of the final TDM, several of the significant and unavoidable impacts noted in the DEIR would be reduced to less-than-significant. However, in order to maintain the most conservative analytical approach and one consistent with the DEIR, the Final EIR concludes that these impacts are still deemed significant and unavoidable.

Intersection #3 (Harrison Street / 27th Street / 24th Street)
Added traffic would increase the average intersection vehicle delay by more than four seconds during the PM peak hour and degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS E during the PM peak hour (2015); and increase the average intersection vehicle delay by more than two seconds during the AM peak hour and degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour (2030). *(Conservatively Deemed Significant and Unavoidable;*

Intersection #45 (Grand Avenue / El Embarcadero)
Added traffic would increase the v/c ratio by more than three percent during the PM peak hour for 2030 plus Project scenario.

Intersection #47 (Grand Avenue / MacArthur Boulevard (Eastbound) / I-580 Eastbound Off-Ramp

Added traffic would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour, increase the v/c ratio by more than three percent during the PM peak hour for the following scenarios: Existing plus Project; 2015 plus Project and 2030 plus Project.

Intersection #48 (Lakeshore Avenue / MacArthur Boulevard (EB) / I-580 Eastbound On-Ramp)
Added traffic would increase the v/c ratio by more than three percent during the PM peak hour for the following scenarios: 2015 Plus Project and 2030 Plus Project.

Intersection #50 (Harrison Street / MacArthur Boulevard (Westbound) / Santa Clara Avenue)
Added traffic would cause an increase in average intersection delay by more than two seconds during the AM peak hour for 2030 Plus Project.

Intersection #12 (Harrison Street / Grand Avenue)
Added traffic would increase the average intersection vehicle delay by more than two seconds during the PM peak hour and increase the average intersection vehicle delay by more than two seconds during the PM peak hour (2015); increase the average intersection delay by more than two seconds during the AM peak hour and degrade the vehicle level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour (2030) for the following scenarios: 2015 Plus Phase 1 Only; 2015 Plus Project; and Cumulative 2030 Plus Project.

Intersection #13 (Harrison Street / 21st Street)
Added traffic would degrade the vehicle level of service from LOS B to an unacceptable LOS F during the PM peak hour Cumulative 2030 Plus Project.

Intersection #44 (Oak Street / 5th Street / I-880 Southbound On-Ramp)
Added traffic would increase the v/c ratio by more than three percent during the PM peak hour, increase the average intersection vehicle delay by more than four seconds during the AM peak hour (2015); and increase the v/c ratio by more than three percent during the PM peak hour (2030) for the following scenarios: Existing Plus Project; 2015 Plus Project; and Cumulative 2030 Plus Project.

Segment #3 (I-880 from Oak Street to 5th Avenue) – Caltrans Facility
Added traffic would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during both peak hours for the Cumulative 2030 Plus Project[3]

Segment #9 (eastbound Grand Avenue from Harrison Street to El Embarcadero) – Non-Caltrans Facility

[3] See footnote #1 above.

Added traffic would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour, would increase the v/c ratio by more than three percent during the PM peak hour (2015); would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour (2030) for the following scenarios: Existing Plus Project; 2015 Plus Project; and Cumulative 2030 Plus Project.

Segment #10 (northbound Harrison Street / Oakland Avenue from 27th Street to I-580). – Non-Caltrans Facility
Added traffic would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour, increase the v/c ratio by more than three percent during the PM peak hour (2015); degrade the level of service from an acceptable LOS E to an unacceptable LOS F during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour for the following scenarios: Existing Plus Project; 2010 Plus Phase 1 Only; 2015 Plus Phase 1 Only; and Cumulative 2030 Plus Project).[4]

Project Alternatives

Chapter V of the DEIR includes the detailed analysis of four alternatives to the Proposed Project that meet the requirements of CEQA, to analyze a range of reasonable alternatives to the Project that would feasibly attain most of the Project's basic objectives and avoid or substantially lessen any of the significant effects of the Project. The four CEQA alternatives analyzed in Chapter V include: (a) the No Project/No Build Alternative; (b) Alternative 1: South Tower Build Only; (c) Alternative 2: Onsite Maximum Reduced Impacts; and (d) Alternative 3: Offsite Maximum Reduced Impacts.

The Environmentally Superior Alternative is the No Project/No Build Alternative. Under CEQA, if a No Project Alternative is identified as the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative development among the other alternatives. In this case, the environmentally superior development alternative is Alternative 3, the Offsite Maximum Reduced Impacts Alternative (one offsite 11-story office building with no retail), as it would avoid all of the Proposed Project's significant impacts that occur with the other development alternatives, except for wind hazards at ground level, which conservatively remain significant and unavoidable. However, the off-site location (across 21st Street) is owned by a separate entity, not affiliated with or controlled by the applicant, and might not be available for acquisition or development. This Alternative also would not achieve any of the objectives sought by the proposed Project of redeveloping the existing Kaiser Center. Therefore, the next environmentally superior alternative is Alternative 2, the Onsite Maximum Reduced Impacts Alternative (one onsite 11-story office building with reduced retail). This Alternative would reduce all the Project's significant impacts except those associated with wind hazards, demolition of the historic Mall buildings and a portion of the roof garden, and impacts to the integrity of historic resources resulting from the new construction. This Alternative would not achieve most of the fundamental objectives sought by the proposed Project.

Response to Comments Document

A Notice of Release and Availability along with the Response to Comments Document (which together with the DEIR make up the Final EIR (FEIR)) was published on April 21, 2011. The Response to Comments Document includes written responses to all comments received during the public review period on the DEIR and at the public hearings on the DEIR held by the LPAB and the Planning Commission. The FEIR was provided under separate cover for review and consideration by the Planning

[4] See footnote #1 above.

Commission, was sent to all commenters, and is available to the public at the Planning Department office and on the City's website at http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157 under item 9.

All impacts, City Standard Conditions of Approval and Mitigation Measures, as they may have been revised/clarified from the DEIR, identified in the FEIR are summarized in revised Table II-1 at the end of the Summary chapter, Chapter II of the FEIR. Table II-1 also identifies the level of significance of the impacts after City Standard Conditions of Approval and recommended Mitigation Measures are implemented.

KEY ISSUES

Recommended Conditions of Approval Regarding Pedestrian & Bicycle Improvements

The EIR contains five recommended transportation-related Conditions of Approval (Recommendations TRANS-1, -2, -3, -4, and -5) in the Transportation and Circulation section of the EIR. Although the Recommended Conditions relate to the analysis in the EIR, they are not required by CEQA and are not necessary to address or mitigate any environmental impacts of the Project. Nevertheless, they are recommended by City staff to improve pedestrian and bicycle conditions in the area and address public, LPAB and Commission comments on the DEIR. The recommended conditions include:

- Increasing the sidewalk capacity by removing parking and widening sidewalks adjacent to the Project between Broadway and Franklin; Widen the sidewalk between Franklin and Webster; Between Webster and Harrison, redesign the frontage to be pedestrian friendly. (TRANS-1)
- Reducing traffic signal cycle times at Franklin and 20th and Webster and 20th to facilitate pedestrian crossings from 80 seconds to 60 or 70 seconds. (TRANS-2)
- Complete the construction of a Class 2 bicycle lanes on 20th Street between Harrison Street and Franklin (TRANS-3)
- Improve bus waiting areas on 20th Street directly adjacent to the Project site by including a visible system map, bus schedules, real time arrival information, and wayfinding signage to transit facilities. (TRANS-4)
- Close the Stanley Place approach at Intersection #1 (Harrison Street / Stanley Place / I-580 EB Off-/Ramp) (TRANS-5)

The Project applicant has consistently expressed concerns that the City is seeking to make the Project applicant responsible for the installation of and payment for roadway and other transportation improvements that that do not result from environmental or other impacts attributable to the Project and that remedy existing substandard conditions in the City. City staff acknowledges the Project applicant's ongoing concerns in this regard. However, City staff believes that the Recommended Conditions are necessary to address the significant addition of new pedestrian and bicycle trips in the area and to and from the BART station, which may result from the Project (see DEIR page IV.L-49 for a discussion of the travel mode split). These Recommended Conditions will improve the operation of pedestrian/bicycle facilities in the immediate vicinity of the Project and are consistent with the City's Pedestrian and Bicycle Master Plan. The Recommended Conditions also will facilitate access to Lake Merritt and the future Measure DD improvements. Furthermore, City staff believes that the Recommended Condition regarding the Stanley Place approach to the I-580 Eastbound Off-Ramp is necessary to reduce vehicle queuing, prevent collisions resulting from the two minor-street approaches, and improve pedestrian access along the north side of Harrison Street.

Staff recommends approval of these Recommended Conditions and imposition of them on the Project as Project Specific Conditions of Approval.

Measure DD Roadway Realignment Project

Measure DD is a bond measure approved by Oakland voters that provides for a variety of public improvements to Lake Merritt, the waterfront, the Bay Trail, and Oakland's creeks and wetlands; bike and pedestrian circulation and access; water quality and wildlife habitat; existing buildings; and drainage facilities. One component of Measure DD related to improved access would realign Harrison Street, Lakeside Drive, and 20th Street, by effectively creating a "T" intersection and expanding Snow Park. This roadway realignment is immediately adjacent to the proposed Project site driveway entrance.

The analysis in the transportation section of the DEIR assumed two Measure DD roadway realignments as an existing condition in 2015 and 2030 because it is approved and fully funded. These roadway alignments measured in the DEIR included the original Measure DD configuration analyzed in the Measure DD EIR and an Alternative Measure DD configuration.

Since the DEIR was published, the City has studied and refined the Alternative Measure DD configuration analyzed in the DEIR which is essentially a refinement of the original plan. This new configuration is described in the FEIR as the Preferred Measure DD Configuration. The City has analyzed the effects of the Preferred Measure DD Configuration (Appendix F of the FEIR) with the proposed Project in the Existing Plus Project, Near-Term 2015 Plus Project, and Cumulative 2030 Plus Project scenarios. Four intersections that could potentially be impacted were analyzed, including Intersection #13: 21st Street and Harrison Street, Intersection #24: 20th Street and Harrison Street, Intersection #25: 20th Street and Kaiser Center Access Road, and Intersection #26: Harrison Street and Lakeside Drive. The FEIR concluded that the proposed Project along with the Preferred Measure DD Configuration would not result in any new significant or worsened impacts than those described in the DEIR with respect to the original Measure DD configuration or the Alternative Measure DD Configuration.

The Preferred Measure DD analysis concluded that:

- Mitigation Measure TRANS-1c would still be required in the Existing Plus Project scenario.
- Mitigation Measure TRANS-5e would still be required in the Near-Term 2015.
- Mitigation Measure TRANS-3d would still be required in the Near-Term 2015 if only Phase I was constructed.
- Mitigation Measure TRANS-7e requiring the prohibition of eastbound right turns from 21st Street to Harrison Street during the PM peak would not be required in the Cumulative 2030 Plus Project scenario.
- Mitigation Measure TRANS-7f would still be required in the Cumulative 2030 Plus Project scenario.

The City Planning Commission is **not** being asked to consider whether the original Measure DD configuration or the Preferred Measure DD configuration should be approved as part of its consideration of the Kaiser Center Office Project. Rather, this EIR discloses the environmental impacts of the Project, and recommended mitigation measures, if the original Measure DD configuration or the Preferred Measure DD configuration is implemented. Once the City Council decides on a Measure DD roadway configuration, the Project applicant will be responsible for the specific mitigation measures identified in the FEIR relating to the Measure DD roadway alignment that arise from the Project.

The Project applicant previously expressed concerns that the City is seeking to have the Project applicant responsible for the installation of and payment for Measure DD roadway and other transportation improvements that do not result from environmental or other impacts attributable to the Project.

However, it is now expected that Measure DD, including newly refined transportation improvements, will be constructed prior to the Kaiser Center Project and that the proposed Project will need to alter portions of Measure DD improvements, as such alterations are specified in the FEIR, to accommodate the Project. A summary of these Project-related Mitigation Measures include but are not limited to:

- Reconfiguring the Kaiser Center access to accommodate a new access, addition of southbound left turning movement at the 20th Street/Harrison Street intersection and constructing new triangular median to accommodate new staged crosswalk.
- Traffic signal work to accommodate Kaiser Center proposed entry/exit reconfiguration (new mast arms, heads, etc.) and timing/phasing changes for existing intersection design.
- Increasing Harrison Street to five travel lanes and then transition to four lanes by removing parking and restriping.
- Removing the 20th Street left turn pocket and reconfiguring the median for left turn lane to Kaiser Center. Provide staged crosswalk and restripe 20th Street west side of intersection.
- Modification of the southbound right turn lane to provide a channelized island for pedestrian refuge and stop sign control for the southbound right turning movement.

These items are now included in Mitigation Measure TRANS-1c.

Greenhouse Gases

The DEIR analyzed GHG emissions of the Project for both the Phase I Only Project and full Project build out of both towers. The Draft concluded that the proposed Project would have a significant cumulative GHG impact in Phase I (only) under CEQA because its emissions would exceed both the 4.6 MT CO2e per year service population threshold and the 1,100 MT CO2e per year threshold, based upon an assumed 10% reduction in Single Occupancy Vehicle (SOV) associated with the required (then proposed) Transportation Demand Plan (TDM) (see discussion below). However, the GHG analysis in the FEIR now accounts for the final TDM Plan included within the FEIR such that a 15/20% SOV reduction is expected. Thus, Phase I would not exceed the 4.6 MT CO2e per year service population threshold. Thus, the Project would result in a less than significant GHG impact under CEQA.

However, Oakland's Standard Conditions of Approval (SCA) require that a Greenhouse Gas (GHG) Reduction Plan be prepared to identify a set of targets to reduce GHG emissions (SCA GHG-1). This SCA applies to very large projects that also exceed either the 4.6 MT Co2e per year service population or the 1,100 MT CO2e. The SCA applies even if the proposed Project did not cause a CEQA impact, in order to achieve the City's GHG reduction goals. A Final Greenhouse Gas Emissions Reduction Plan (FEIR Appendix B) has been prepared that satisfies the SCA, and the applicant shall implement the approved plan.

Cultural Resources

The proposed Project would demolish the Mall Buildings which are components of the overall historic Kaiser Center and would also remove a portion (and expand and enhance) the historic roof garden. The proposed mitigation measures require that the Project applicant modify the design of the base of the new structures to ensure a historically and architecturally appropriate street level design and character of the mall buildings meeting the requirements under Policy 3.5 of the Historic Preservation Element of the General Plan and prepare a salvage program, complete a Historic American Building and Landscape Survey (HABS, HALS); make a financial contribution to a historic-related program if modifications do not satisfy the design mitigation measure; protect the historic resource from vibration, storage, and dust resulting from demolition and construction; retain a qualified Historic Landscape Architect to design the roof garden addition; and ensure that the proposed Project tower designs are compatible but clearly differentiated from the historic Kaiser Center Office Tower.

The Project applicant is not submitting any proposed Final Development Plan at this time and therefore has not submitted any detailed plans for the façade of the proposed structures that would replace the Mall buildings or a portion of the roof garden. With submittal of the final plans, staff expects that the cultural impacts will be reduced to a Less than Significant level. However, in the absence of a detailed plan, the EIR has conservatively deemed these impacts as Significant and Unavoidable even with implementation of the mitigation measures.

Transportation Demand Management Plan (TDM)

Oakland's Standard Conditions of Approval (SCA TRANS-1) require that a Transportation Demand Management Plan (TDM) be prepared which contain strategies to reduce single occupancy vehicle trips and potential parking shortfalls. Implementation of the TDM will help to reduce, but not eliminate, the Significant and Unavoidable noise, air quality, and traffic impacts as well as the GHG emissions from the Project.[5]

The DEIR assumed a 10% vehicle trip reduction for the TDM in the GHG analysis, but no such vehicle reductions were assumed in the traffic analysis (which results in a more conservative traffic analysis). The Final TDM is included in the FEIR and requires a 15% vehicle trip reduction either after an 85% tenant occupancy has been achieved or three years after a certificate of occupancy for the first tower. Furthermore, the Final TDM requires a 20% vehicle trip reduction either after an 85% tenant occupancy has been achieved or three years after a certificate of occupancy for the second tower. The Final TDM requires a 15% and 20% trip reduction even if only Phase I is constructed. A TDM Plan has been prepared that satisfies the SCA, and the applicant shall implement the approved plan.

Life of Approvals

As described above, the Project is anticipated to be developed in two stages (phases). In order to account for the size and complexity of the Project, as well as still highly volatile and variable market conditions, the applicant has requested approval of a staged development plan timeframe that provides for some flexibility with respect to the time periods for submitting Final Development Plans (FDP) and the Final

[5] As explained in footnotes 1 - 4, successful implementation of the TDM Plan will, in fact, reduce PM 10 emissions, roadway noise, and certain freeway segment traffic impacts to less than significant levels, but in order to maintain the most conservative analytical approach and one consistent with the DEIR, the Final EIR concludes that these impacts are still deemed significant and unavoidable. Memorandum from EIR preparer ESA to project planner Heather Klein, dated April 21, 2011 regarding Potential Significant Impact Reductions with Implementation of the TDM Plan, copy on file with City Planning and Zoning Division.

Parcel Map following approval of the Preliminary Development Plan and the VTPM and thereafter for commencing construction. This timeframe, summarized as follows and more particularly set forth in proposed Condition 2, would establish the following timing requirements:

(a) FDP:

Phase I - must be submitted within three years after approval of PDP

Phase II - must be submitted within two years after Phase I construction commences.

(b) Construction:

Phase I - must commence within two years after Phase I FDP approval.

Phase II - must commence within two years after Phase II FDP approval.

(c) Final Parcel Map - must be filed within three years after approval of VTPM.

Extensions of the above expiration dates would be considered upon applicant's timely request and payment of appropriate fees.

CONCLUSION AND RECOMMENDATION

In summary, based on the analysis contained within this report and the EIR, staff believes that the proposed Project, to develop approximately 1,474,992 square feet of net new office and commercial/retail space at Kaiser Center, is an appropriate urban in-fill re-development project which will further the overall objectives of the General Plan. Specifically, the development of the Project will help increase the economic vitality of downtown, promote downtown Oakland's position as a primary office center for the region, increase street level retail, and achieve a high density development near transit.

Staff recommends that the Planning Commission:

(1) Adopt the enclosed CEQA findings, including Certification of the EIR, rejection of alternatives as infeasible and a Statement of Overriding Considerations.

(2) Approve the Planned Unit Development Permit, Preliminary Development Plan and Vesting Tentative Parcel Map for the Project as described in this report subject to the conditions (including the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP))), requirements, and findings contained in this staff report.

Approved for forwarding to the
City Planning Commission:

ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

Prepared by:

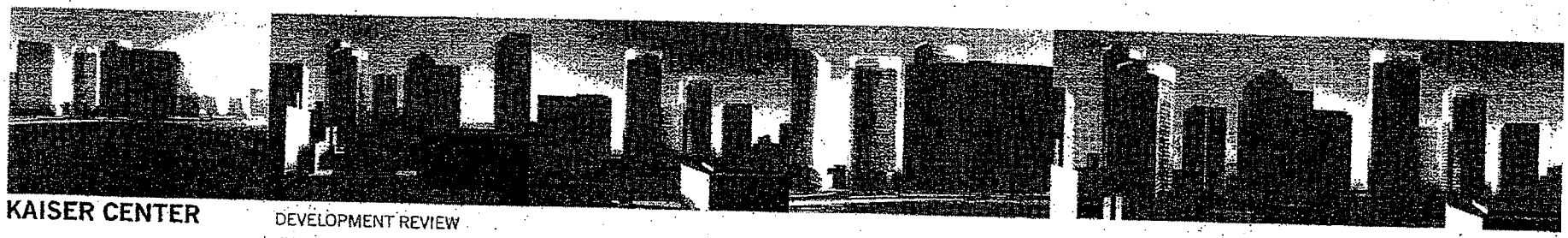
Heather Klein
Planner III

Attachments:

A. Project Plans
B. Vesting Tentative Parcel Map
C. Findings, including CEQA Findings
D. Conditions of Approval, including SCAMMRP

NOTE:

The Draft and Final EIRs were provided under separate cover for review and consideration by the Planning Commission, and is available to the public at the Planning Department office at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612 and on the City's website at http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157 under item 9 .



KAISER CENTER

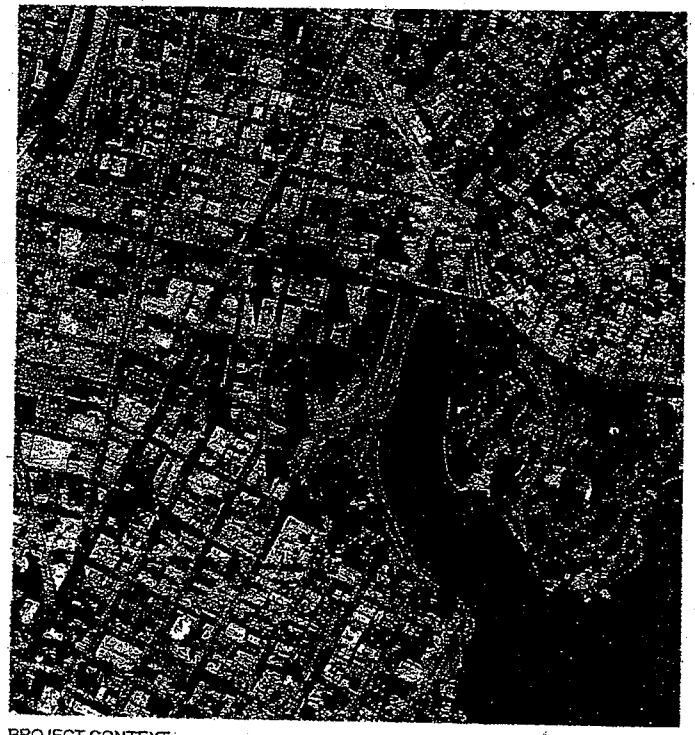
DEVELOPMENT REVIEW
JUNE 24 2009

ATTACHMENT A

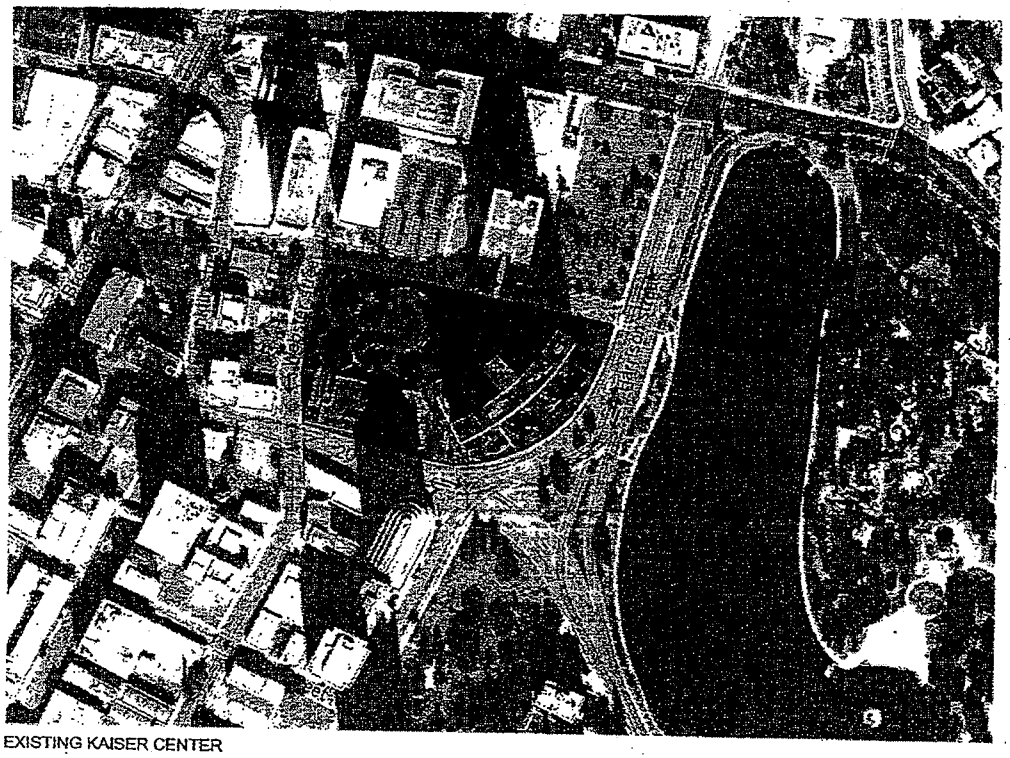
KAISER CENTER

INDEX

The following drawings are conceptual and for illustrative purposes only and remain subject to change.



PROJECT CONTEXT



EXISTING KAISER CENTER

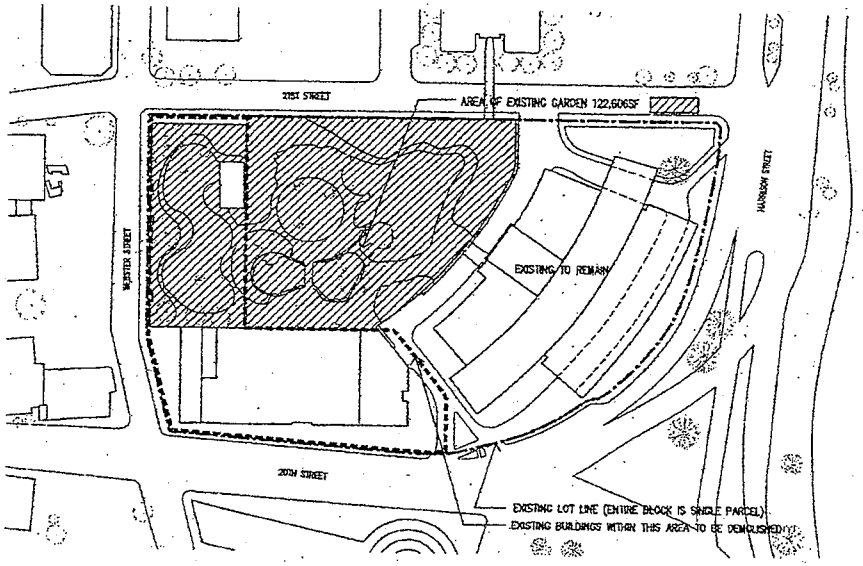
EXISTING & PROPOSED AREA OVERVIEW

	TOTAL EXISTING	- EXISTING TO BE DEMOLISHED	= EXISTING TO REMAIN	+ NEW	= TOTAL	% CHANGE
TOTAL LOT AREA*	311,741GSF	0	311,741GSF	0	311,741GSF	0%
TOTAL BUILDING FOOTPRINT AREA	197,460GSF	74,900GSF	122,560GSF	80,168GSF	202,728GSF	+3%
TOTAL FLOOR AREA	1,690,879GSF	280,002GSF	1,410,877GSF	1,830,984GSF	3,241,861GSF	+92%
BUILDING HEIGHT						
MAXIMUM STORIES	29	N/A	29	42	N/A	N/A
MAXIMUM FEET	386'	N/A	386'	±573.5'	±573.5'	+49%
NUMBER OF PARKING SPACES **	1340	155	1185	852	2037	+52%

* LOT AREA INCLUDES ALL FOUR POSSIBLE FUTURE PARCELS

** PARKING INCLUDES SPACES RESERVED FOR (E) KAISER CENTER TOWER AND ORDWAY BUILDING. SEE ASK-059

NOTE : POSSIBLE PARCELS SHOWN ON THIS DRAWING ARE FOR REFERENCE ONLY AND ARE INTENDED ONLY TO FACILITATE DESCRIPTION OF THE RELEVANT AREAS AND LOCATION OF THE PROPOSED PROJECT. THIS DRAWING DOES NOT SUGGEST OR PROPOSE A LEGAL SUBDIVISION.



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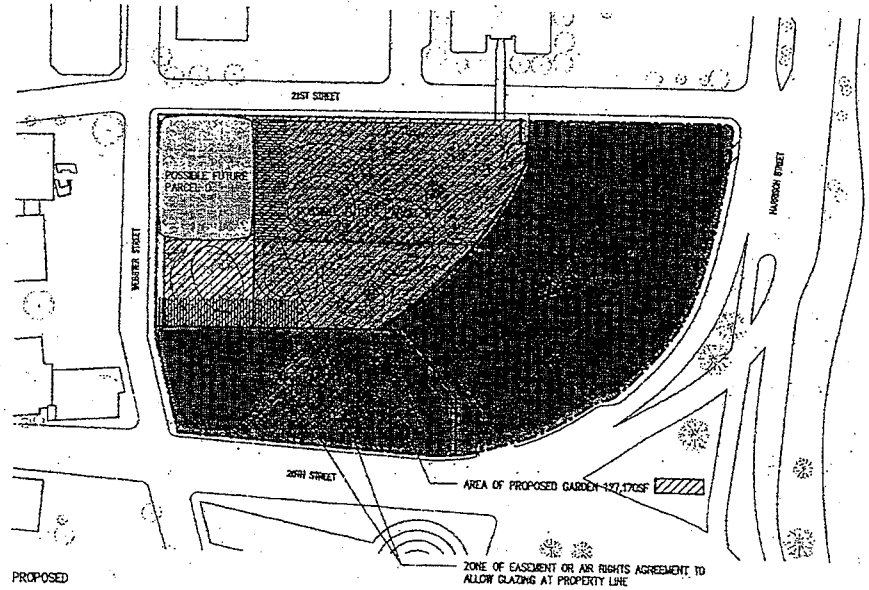
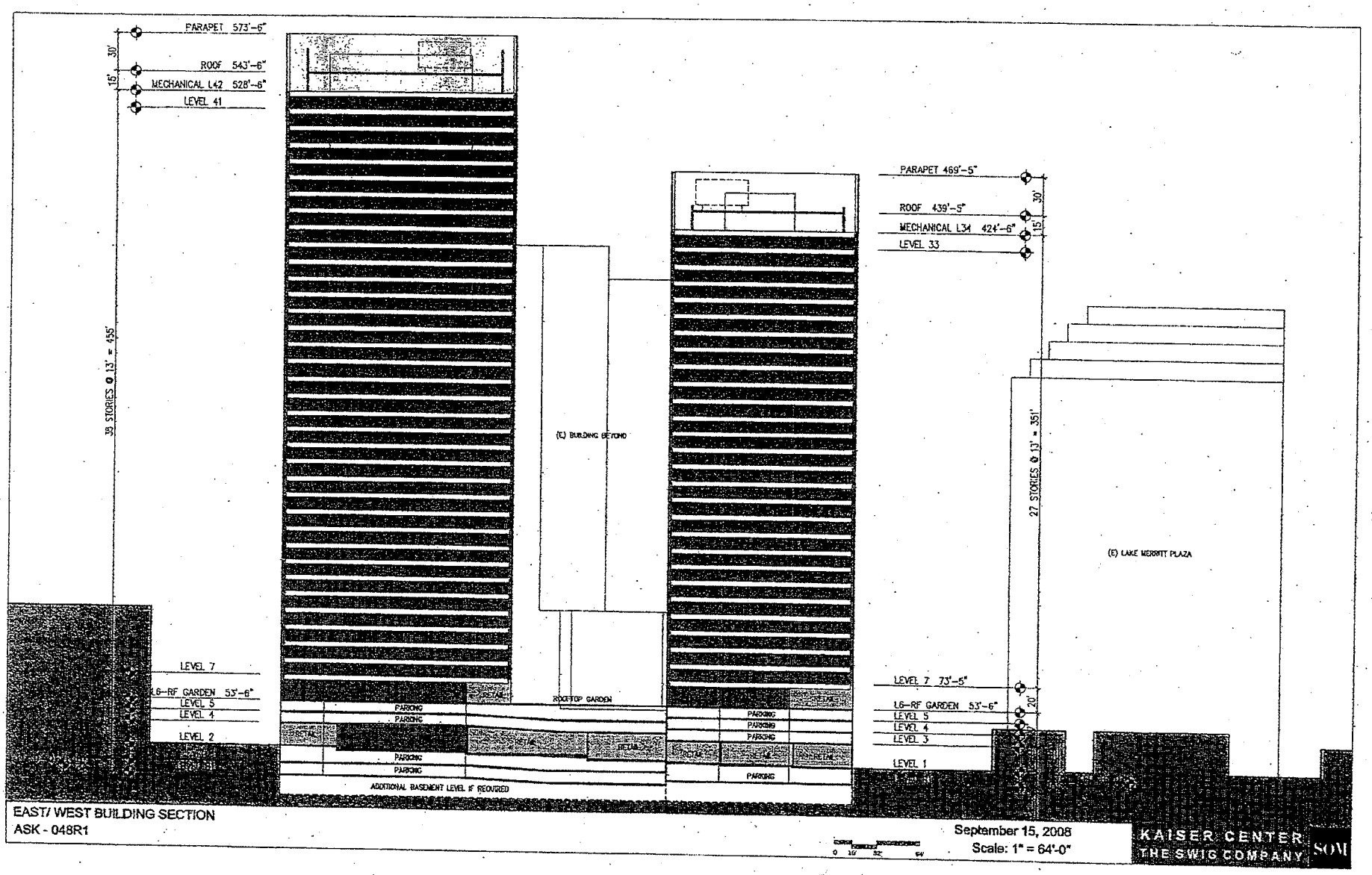


PROPOSED

PROJECT AND LOT INFORMATION
ASK - 047R2

May 29, 2009

KAISER CENTER
THE SWIG COMPANY
SOM



EAST/ WEST BUILDING SECTION
ASK - 048R1

September 15, 2008
Scale: 1" = 64'-0"

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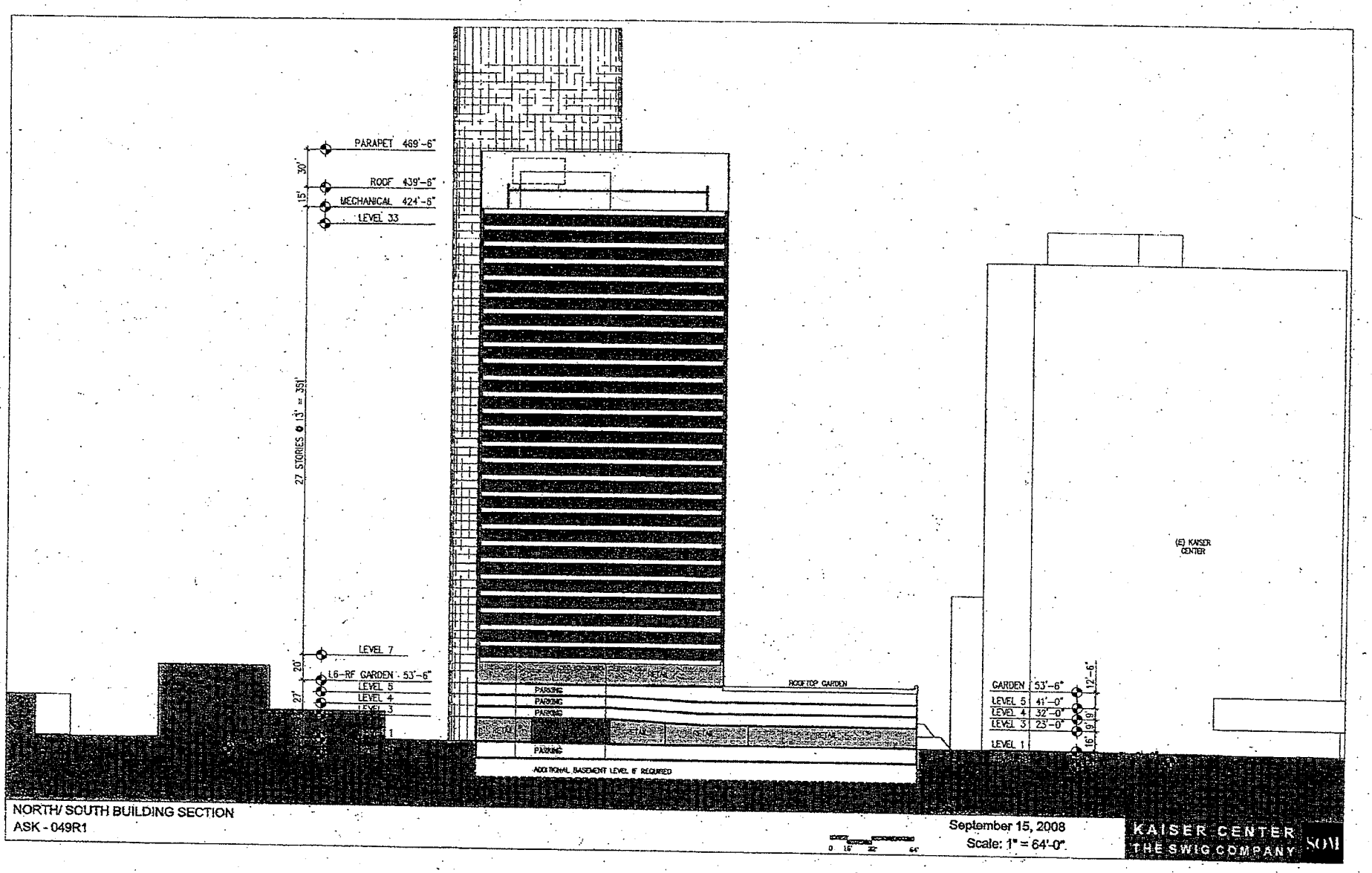

NORTH/ SOUTH BUILDING SECTION
ASK - 049R1

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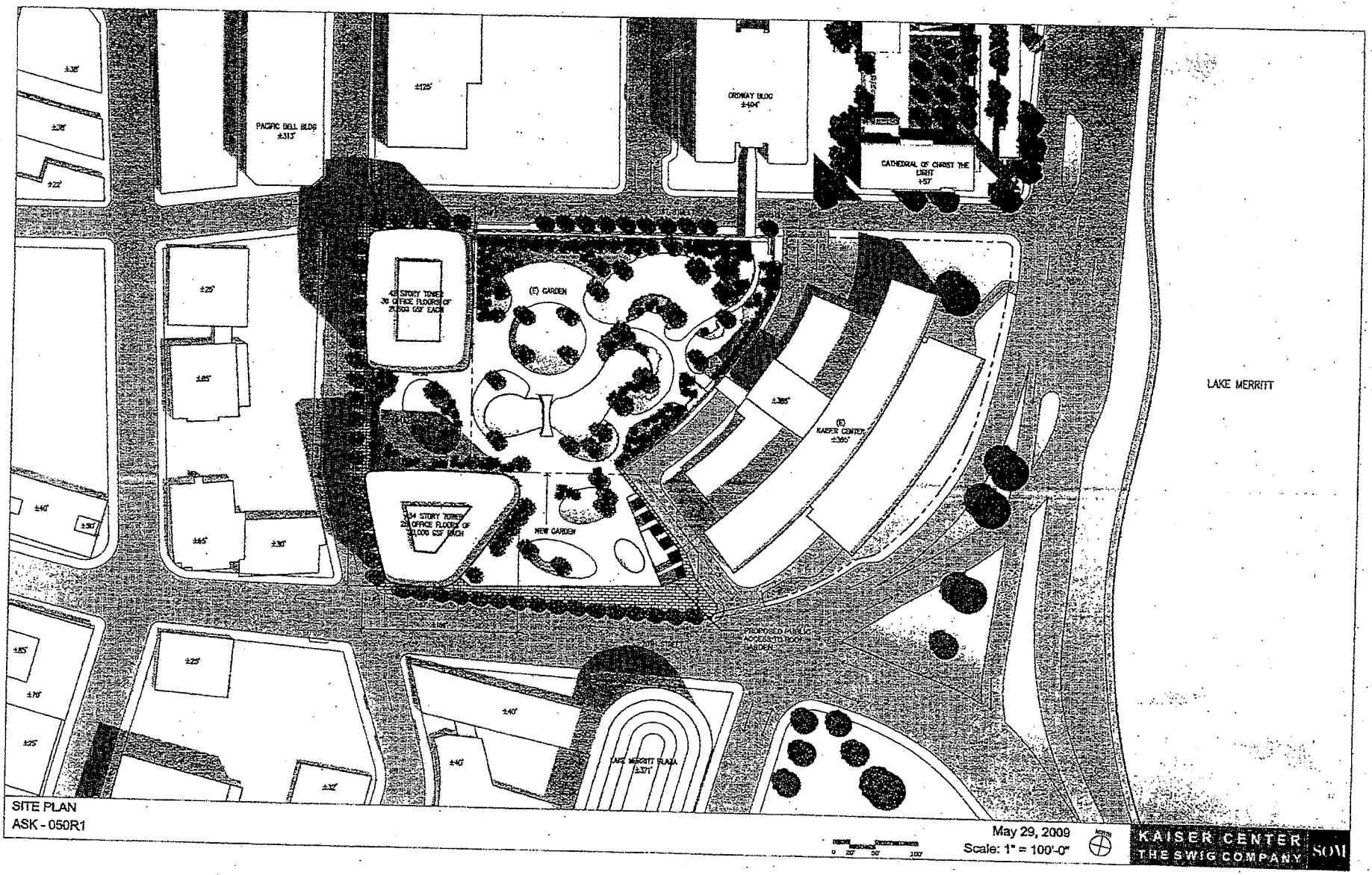

SITE PLAN
ASK - 050R1

May 29, 2009
Scale: 1" = 100'-0"

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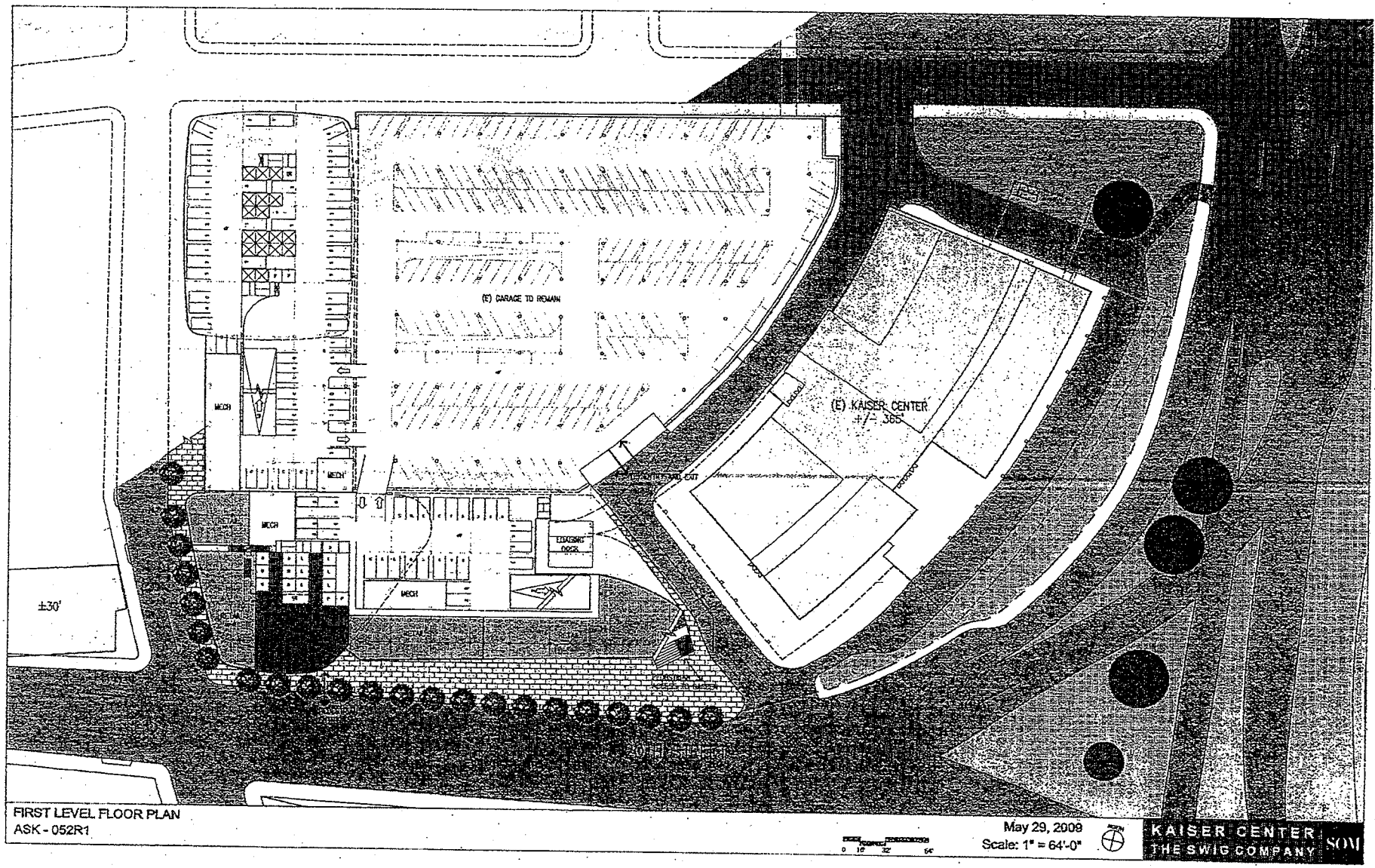

FIRST LEVEL FLOOR PLAN
ASK - 052R1

May 29, 2009
Scale: 1" = 64'-0"

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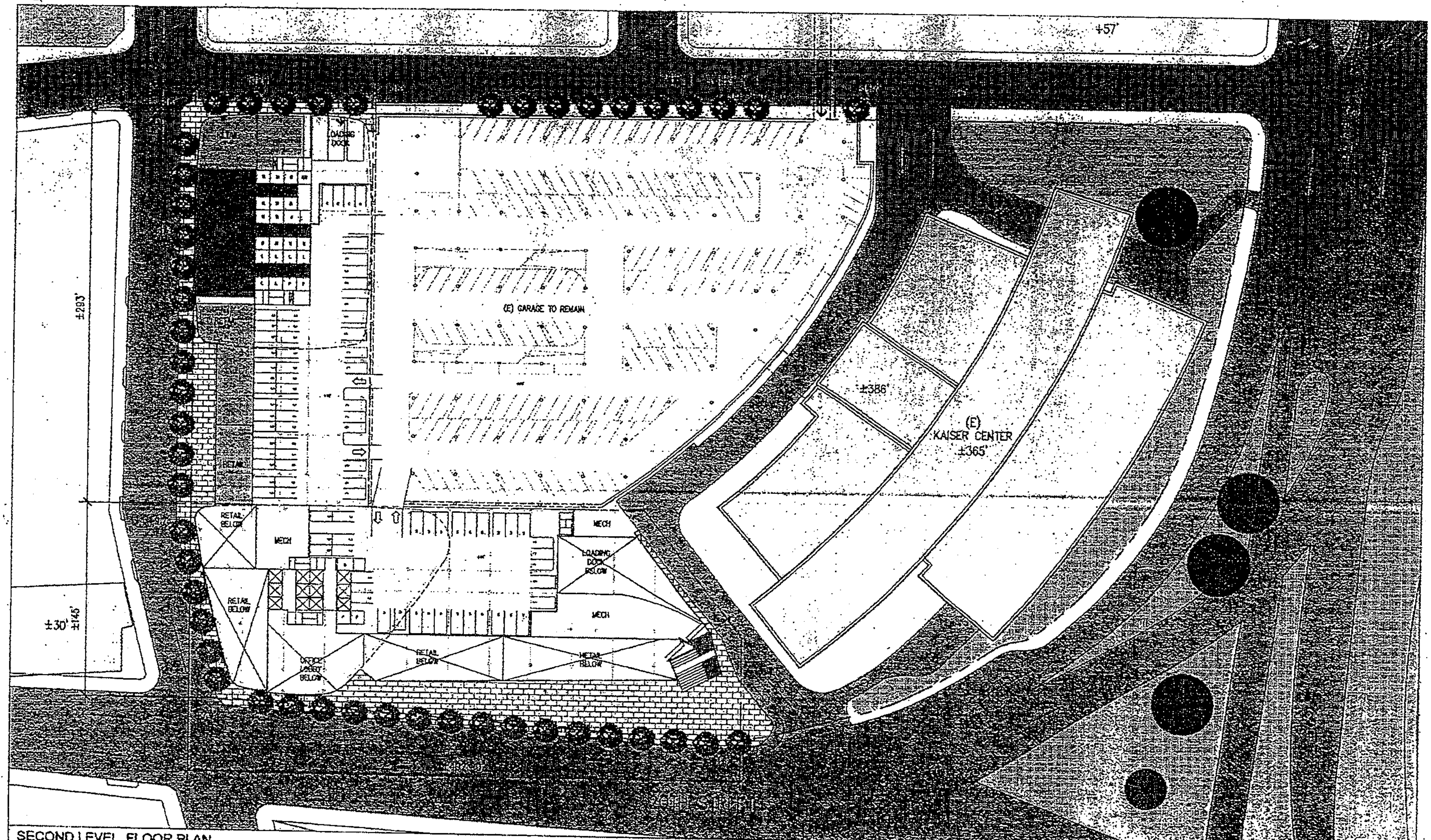

SECOND LEVEL FLOOR PLAN

ASK - 053R1

May 29, 2009

Scale: 1" = 64'-0"

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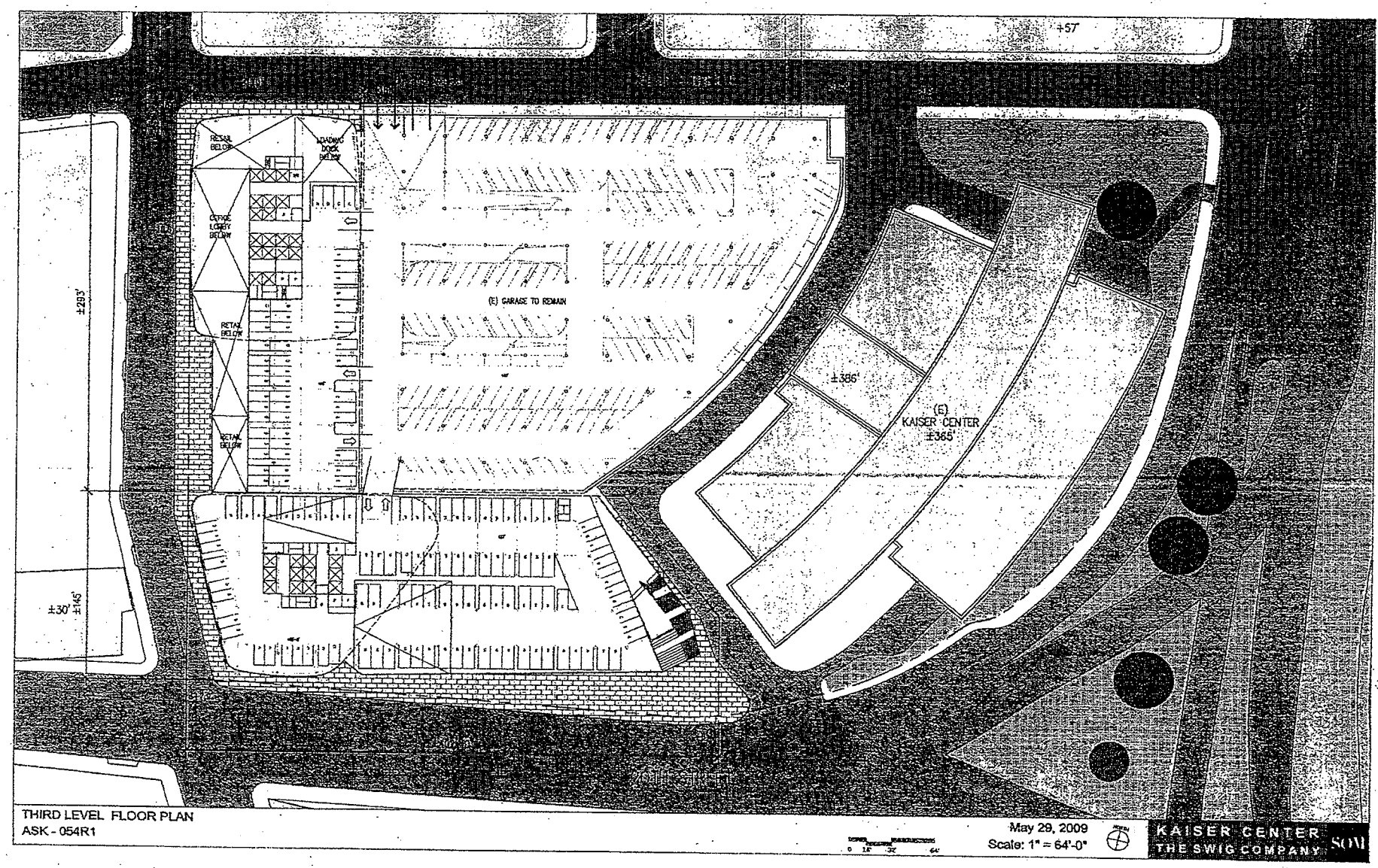

THIRD LEVEL FLOOR PLAN
ASK - 054R1

May 29, 2009
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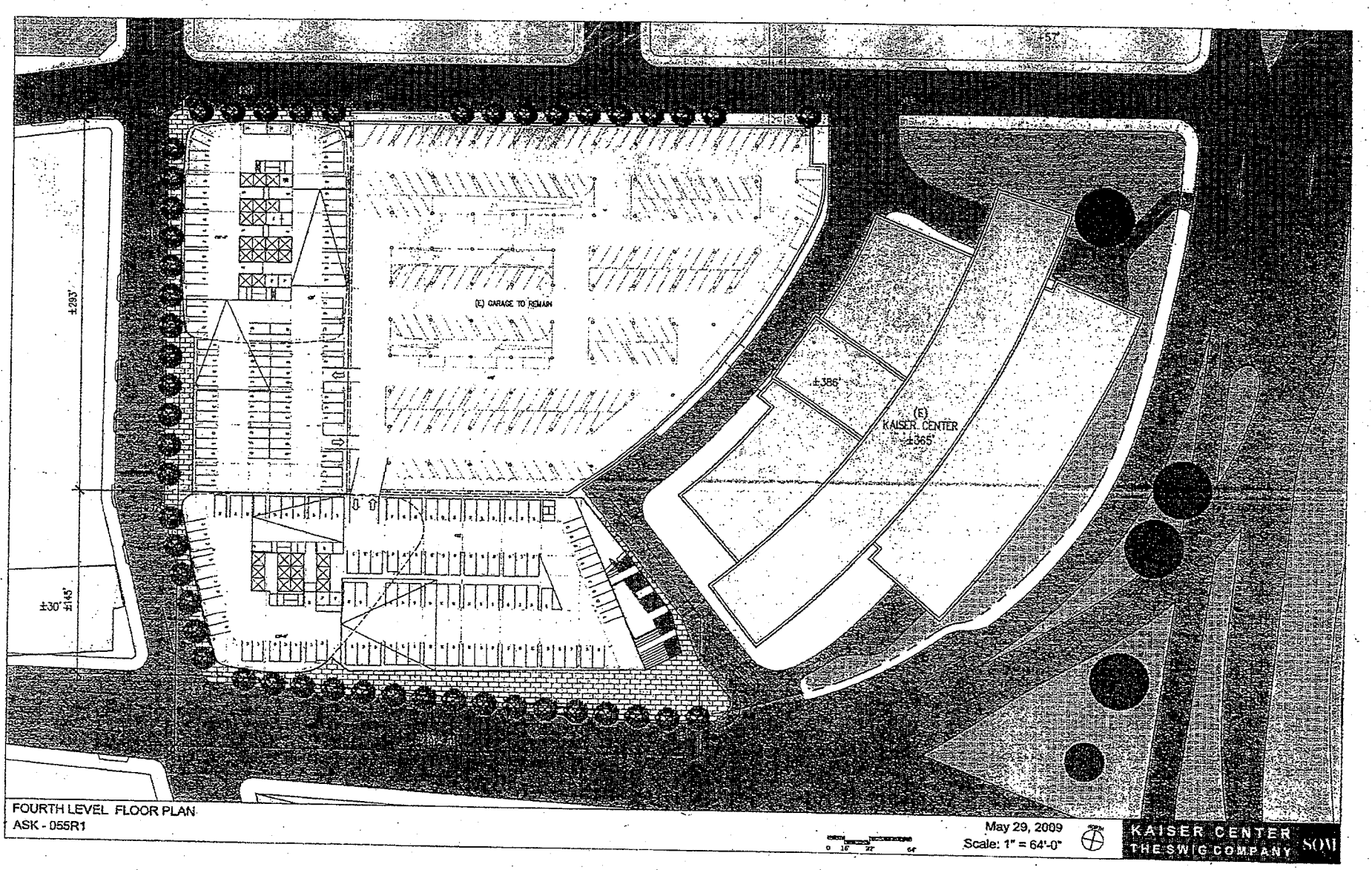

FOURTH LEVEL FLOOR PLAN
ASK - 055R1

May 29, 2009
Scale: 1" = 64'-0"

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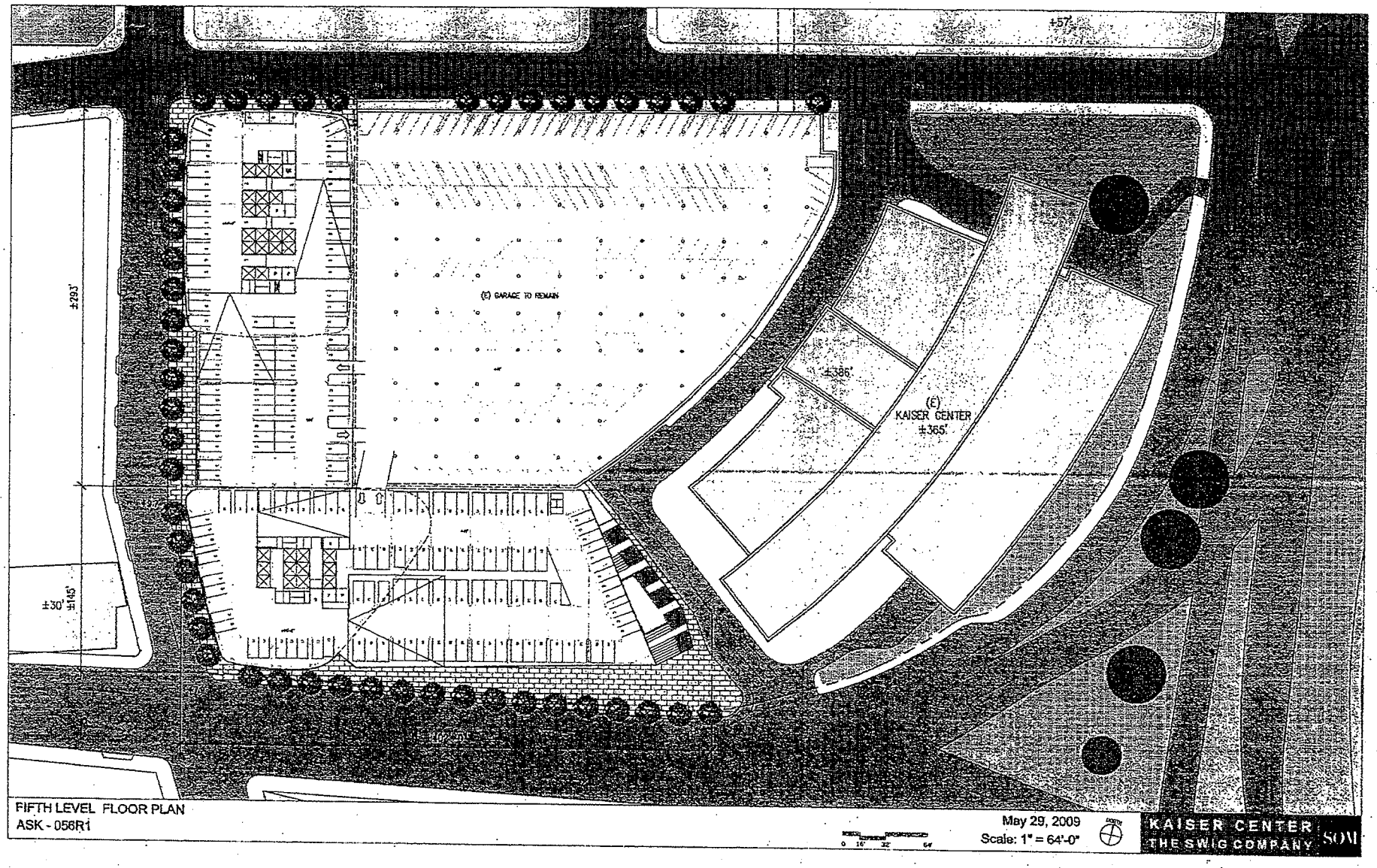

FIFTH LEVEL FLOOR PLAN
ASK - 056R1

May 29, 2009
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KAISER CENTER
THE SWIG COMPANY
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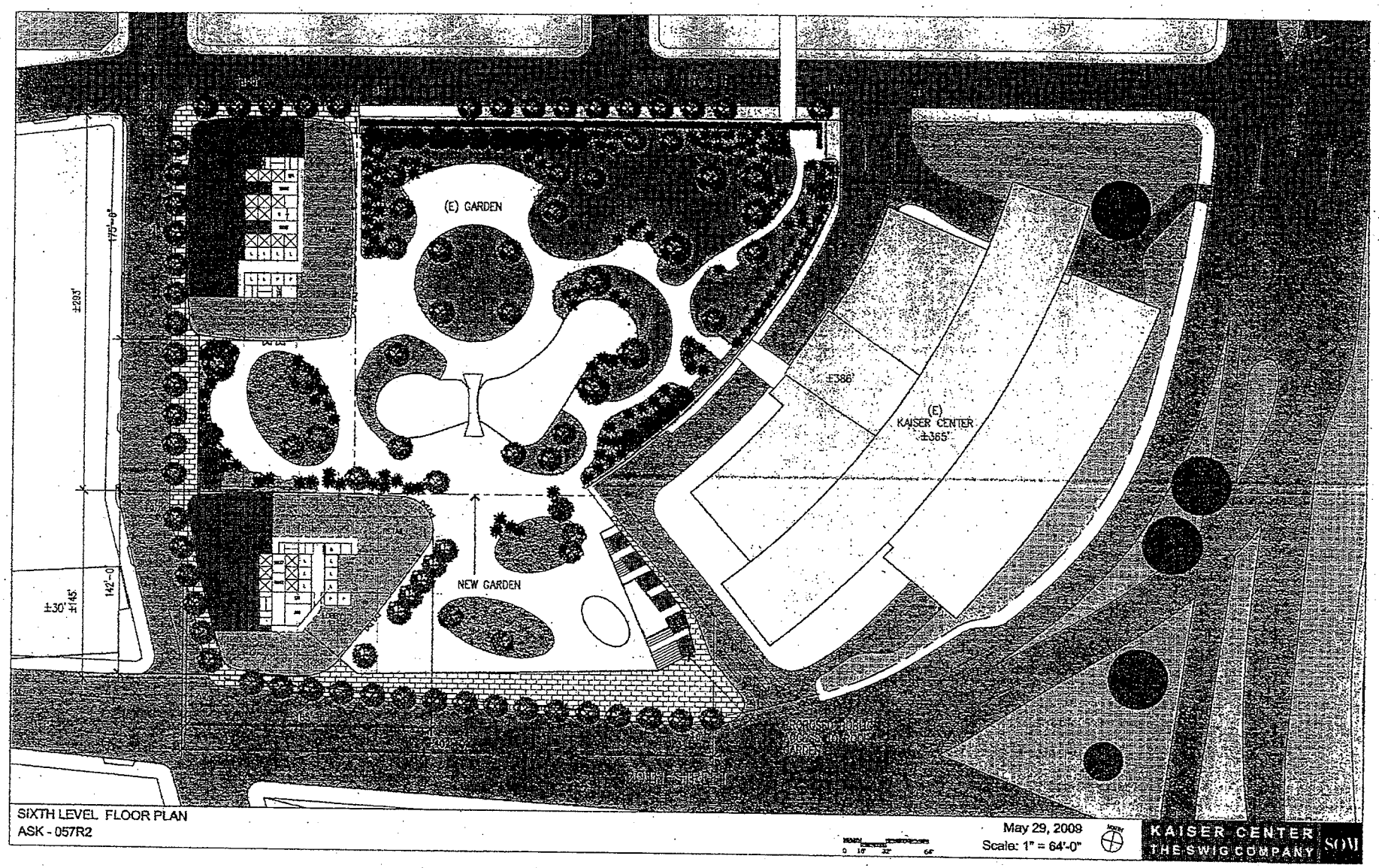

SIXTH LEVEL FLOOR PLAN
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KAISER CENTER
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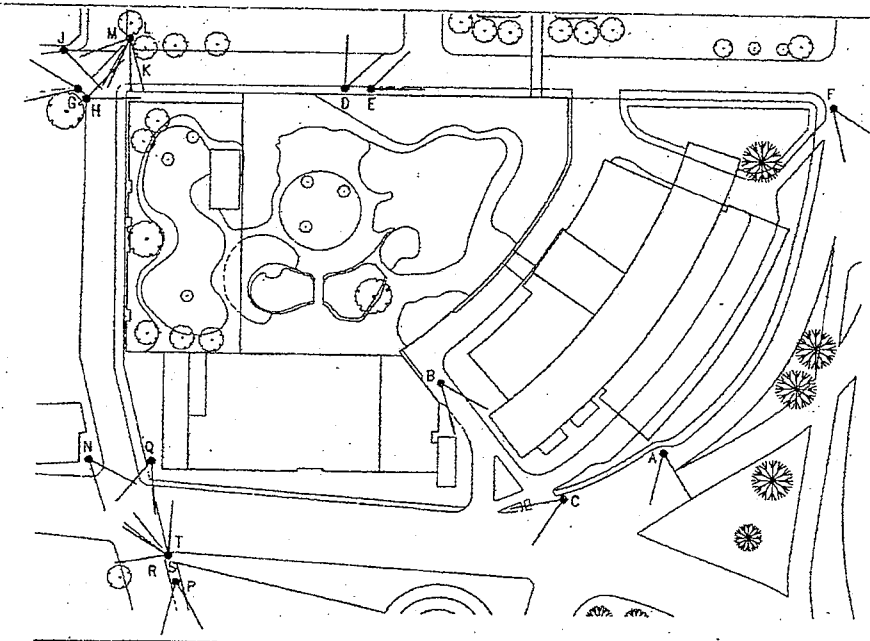

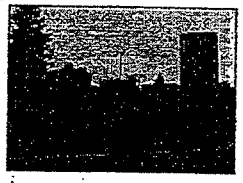
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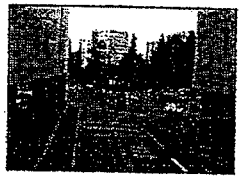
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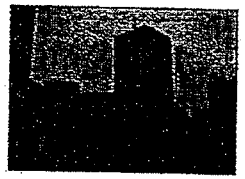
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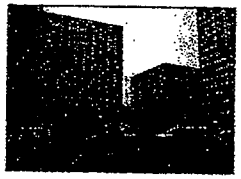
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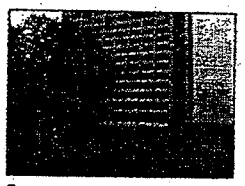
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H


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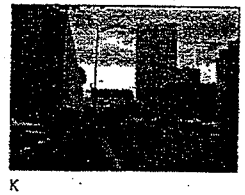
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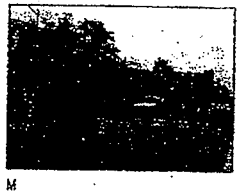
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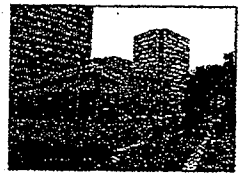
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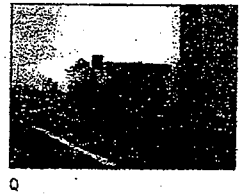
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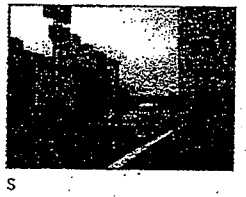

S


T

SITE CONTEXT PHOTOS
ASK 058

March 14, 2008
NTS

KAISER CENTER
THE SWIG COMPANY

PARKING SUMMARY

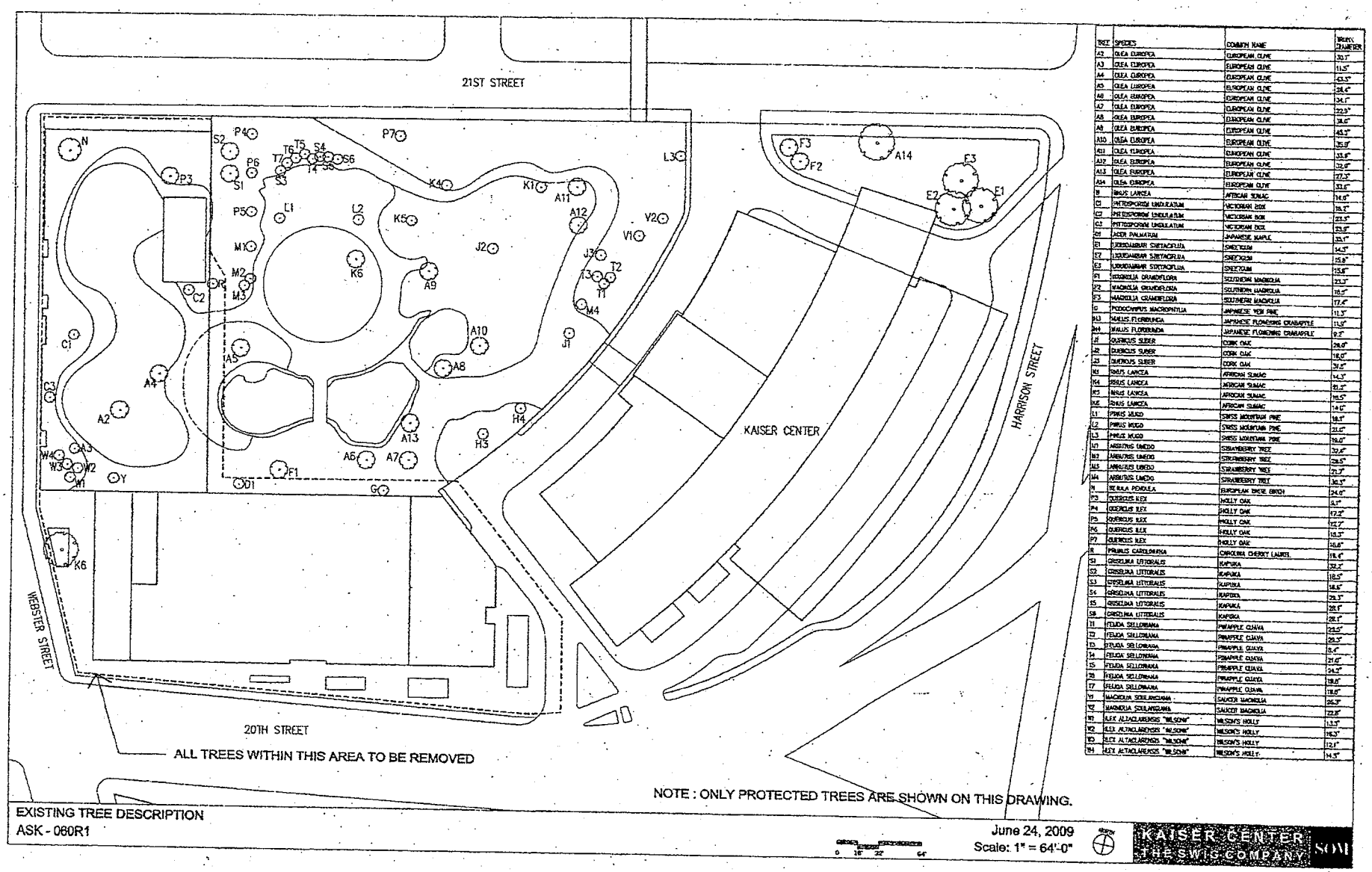
CURRENT CAPACITY	1340
STALLS TO BE DEMOLISHED FOR NEW CONSTRUCTION	−155
NEW STALLS @ 20TH STREET	467
NEW STALLS @ WEBSTER STREET	385
TOTAL PARKING WHEN CONSTRUCTION COMPLETE	2037
STALLS IN USE BY (E) BUILDING	−790
STALLS IN USE BY ORDWAY	−150
TOTAL STALLS AVAILABLE FOR NEW BUILDINGS	1097*
SPACES REQUIRED BY CODE	0
TOTAL OFFICE GSF	1,320,040
PREDICTED USABLE/GROSS	83%
PREDICTED NET SF	1,095,000
PARKING RATIO	.99 PER 1,000 NSF

*PARKING CALCULATIONS BASED ON ONE BASEMENT LEVEL. ADDITIONAL BASEMENT LEVELS MAY BE ADDED.

AREA SUMMARY

	20th STREET						WEBSTER STREET					
	OFFICE GSF	RETAIL GSF	PARKING GSF	# STALLS	OTHER/MECH GSF		OFFICE GSF	RETAIL GSF	PARKING GSF	# STALLS	OTHER/MECH GSF	
R						(+469.5')	R					(+573.5')
34					20,000	+439.5'	42					+543.5'
33	20,000					+424.5'	41	21,500			21,500	+528.5'
32	20,000					+411.5'	40	21,500				+515.5'
31	20,000					+398.5'	39	21,500				+502.5'
30	20,000					+385.5'	38	21,500				+489.5'
29	20,000					+372.5'	37	21,500				+476.5'
28	20,000					+359.5'	36	21,500				+463.5'
27	20,000					+346.5'	35	21,500				+450.5'
26	20,000					+333.5'	34	21,500				+437.5'
25	20,000					+320.5'	33	21,500				+424.5'
24	20,000					+307.5'	32	21,500				+411.5'
23	20,000					+294.5'	31	21,500				+398.5'
22	20,000					+281.5'	30	21,500				+385.5'
21	20,000					+268.5'	29	21,500				+372.5'
20	20,000					+255.5'	28	21,500				+359.5'
19	20,000					+242.5'	27	21,500				+346.5'
18	20,000					+229.5'	26	21,500				+333.5'
17	20,000					+216.5'	25	21,500				+320.5'
16	20,000					+203.5'	24	21,500				+307.5'
15	20,000					+190.5'	23	21,500				+294.5'
14	20,000					+177.5'	22	21,500				+281.5'
13	20,000					+164.5'	21	21,500				+268.5'
12	20,000					+151.5'	20	21,500				+255.5'
11	20,000					+138.5'	19	21,500				+242.5'
10	20,000					+125.5'	18	21,500				+229.5'
9	20,000					+112.5'	17	21,500				+216.5'
8	20,000					+99.5'	16	21,500				+203.5'
7	20,000					+86.5'	15	21,500				+190.5'
6	7,500	12,500				+73.5'	14	21,500				+177.5'
5			41,028	99	2,680	+53.5'	13	21,500				+164.5'
4			41,028	99	2,680	+41'	12	21,500				+151.5'
3			41,028	99	2,680	+32'	11	21,500				+138.5'
2			15,234	33	8,410	+23'	10	21,500				+125.5'
1	4,440	14,900	14,416	29	10,760	+14'	9	21,500				+112.5'
B1			41,488	108	15,422	+5'	8	21,500				+99.5'
B2			tbd	tbd	tbd	−5'	7	21,500				+86.5'
							6	10,100	11,400			+73.5'
							5		32,800	79	3,080	+53.5'
							4		32,800	79	3,080	+41'
							3		16,600	48	3,080	+32'
							2	5,500	16,600	48	5,500	+23'
							1		28,670	57	6,380	+14'
							B1		34,300	74	3,500	+5'
							B2		tbd	tbd	tbd	−5'
TOTAL	551,940	27,400	194,222	467	62,632		TOTAL	768,100	18,800	161,770	385	46,120

AREA ATTRIBUTABLE TO FAR*	641,972	833,020
*EXCLUDES PARKING		
TOTAL AREA ATTRIBUTABLE TO FAR*	1,474,992	



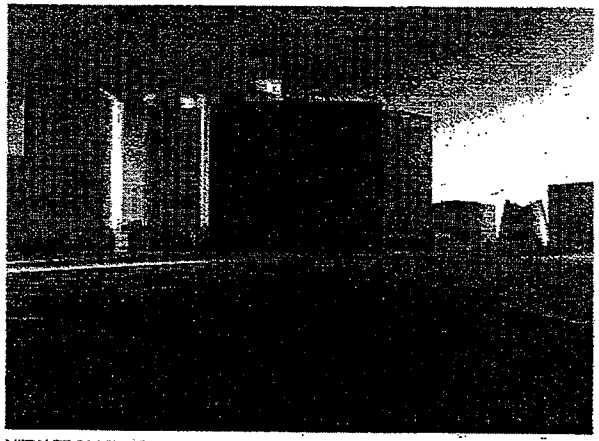
TREE	SPECIES	COMMON NAME	TRUNK DIAMETER
A2	OLEA EUROPEA	EUROPEAN OLIVE	30.1"
A3	OLEA EUROPEA	EUROPEAN OLIVE	11.5"
A4	OLEA EUROPEA	EUROPEAN OLIVE	43.5"
A5	OLEA EUROPEA	EUROPEAN OLIVE	38.4"
A6	OLEA EUROPEA	EUROPEAN OLIVE	24.1"
A7	OLEA EUROPEA	EUROPEAN OLIVE	22.9"
A8	OLEA EUROPEA	EUROPEAN OLIVE	38.6"
A9	OLEA EUROPEA	EUROPEAN OLIVE	45.9"
A10	OLEA EUROPEA	EUROPEAN OLIVE	35.9"
A11	OLEA EUROPEA	EUROPEAN OLIVE	33.8"
A12	OLEA EUROPEA	EUROPEAN OLIVE	32.6"
A13	OLEA EUROPEA	EUROPEAN OLIVE	27.3"
A14	OLEA EUROPEA	EUROPEAN OLIVE	33.6"
I1	RHUS LANCEA	AFRICAN SUMAC	14.6"
C1	HETEROMELES ARBUTIFOLIA	VICTORIAN BOX	18.2"
C2	HETEROMELES ARBUTIFOLIA	VICTORIAN BOX	23.5"
C3	HETEROMELES ARBUTIFOLIA	VICTORIAN BOX	23.9"
P1	ACER PALMATUM	JAPANESE MAPLE	20.1"
S1	LOPHOSTEMON CONFERTUS	QUEENSLAND BOX	34.3"
S2	LOPHOSTEMON CONFERTUS	QUEENSLAND BOX	15.8"
S3	LOPHOSTEMON CONFERTUS	QUEENSLAND BOX	15.8"
P1	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	23.3"
P2	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	16.5"
P3	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	17.4"
I2	PODOCARPUS MACROPHYLLA	JAPANESE YEW PINE	11.3"
M3	MALUS FLORIBUNDA	JAPANESE FLOWERING CRABAPPLE	11.0"
M4	MALUS FLORIBUNDA	JAPANESE FLOWERING CRABAPPLE	9.5"
I6	QUERCUS SUBER	CORK OAK	24.0"
I7	QUERCUS SUBER	CORK OAK	18.0"
I8	QUERCUS SUBER	CORK OAK	31.5"
I9	RHUS LANCEA	AFRICAN SUMAC	14.3"
I10	RHUS LANCEA	AFRICAN SUMAC	21.5"
I11	RHUS LANCEA	AFRICAN SUMAC	19.5"
I12	RHUS LANCEA	AFRICAN SUMAC	14.6"
L1	PINUS MUGO	SWISS MOUNTAIN PINE	18.3"
L2	PINUS MUGO	SWISS MOUNTAIN PINE	21.6"
L3	PINUS MUGO	SWISS MOUNTAIN PINE	19.0"
V1	ARBUTUS UNEDO	STRAWBERRY TREE	32.6"
V2	ARBUTUS UNEDO	STRAWBERRY TREE	28.5"
V3	ARBUTUS UNEDO	STRAWBERRY TREE	21.7"
V4	ARBUTUS UNEDO	STRAWBERRY TREE	30.3"
Y	BETULA PENDULA	EUROPEAN WHITE BIRCH	24.0"
K1	QUERCUS ILEX	HOLLY OAK	9.1"
K2	QUERCUS ILEX	HOLLY OAK	17.2"
K3	QUERCUS ILEX	HOLLY OAK	12.7"
K4	QUERCUS ILEX	HOLLY OAK	16.3"
K5	QUERCUS ILEX	HOLLY OAK	10.6"
K6	PRUNUS CAROLINIANA	CAROLINA CHERRY LAUREL	18.4"
S1	GREVILLEA LITTORALIS	KAPUKA	32.2"
S2	GREVILLEA LITTORALIS	KAPUKA	18.5"
S3	GREVILLEA LITTORALIS	KAPUKA	18.6"
S4	GREVILLEA LITTORALIS	KAPUKA	29.3"
S5	GREVILLEA LITTORALIS	KAPUKA	22.1"
S6	GREVILLEA LITTORALIS	KAPUKA	28.1"
T1	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	23.5"
T2	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	25.3"
T3	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	8.4"
T4	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	21.6"
T5	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	24.2"
T6	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	18.6"
T7	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	18.6"
V1	MAGNOLIA SOULANGIANA	SAUCER MAGNOLIA	26.3"
V2	MAGNOLIA SOULANGIANA	SAUCER MAGNOLIA	22.8"
W1	ILEX ALTACLARENSIS "WILSONII"	WILSON'S HOLLY	13.3"
W2	ILEX ALTACLARENSIS "WILSONII"	WILSON'S HOLLY	16.3"
W3	ILEX ALTACLARENSIS "WILSONII"	WILSON'S HOLLY	12.1"
W4	ILEX ALTACLARENSIS "WILSONII"	WILSON'S HOLLY	14.5"

NOTE : ONLY PROTECTED TREES ARE SHOWN ON THIS DRAWING.

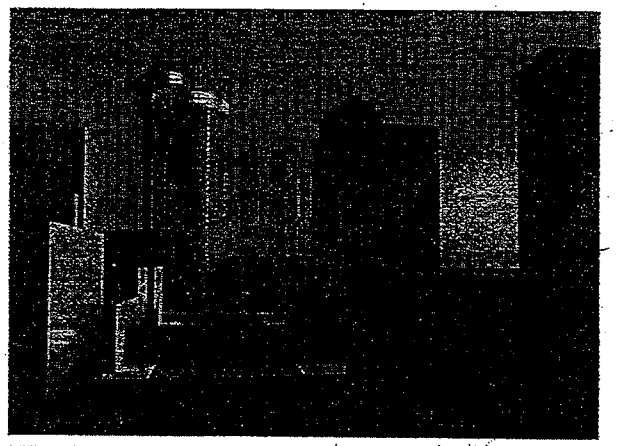
EXISTING TREE DESCRIPTION
ASK - 060R1

June 24, 2009
Scale: 1" = 64'-0"

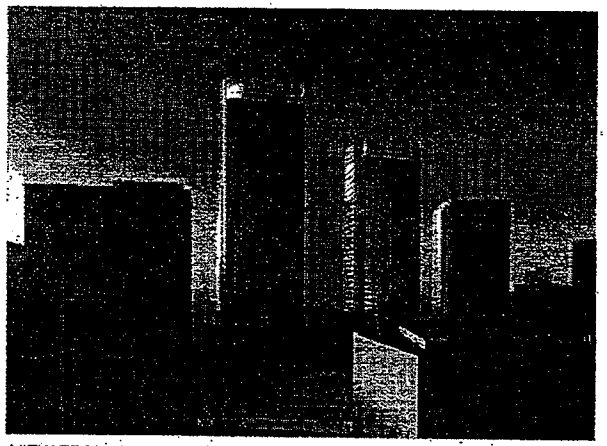
KAISER CENTER
THE SWIG COMPANY
SOM



VIEW FROM EAST



VIEW FROM SOUTH



VIEW FROM WEST

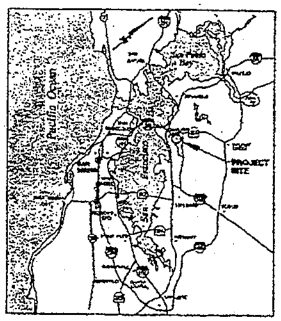
VESTING TENTATIVE PARCEL MAP NO. 9848

KAISER CENTER REDEVELOPMENT PROJECT

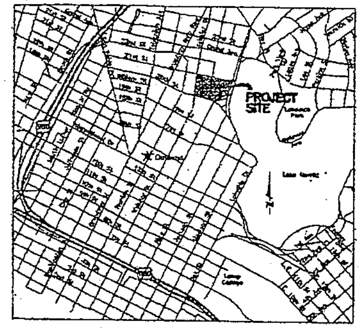
CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

LEGEND

	PROPOSED	EXISTING
PROPERTY LINE		
LOT LINE		
CENTERLINE		
CONTOUR LINE	10	
CONCRETE CURB AND GUTTER		
GAS LINE	8" GAS	G
ELECTRICAL	E	E
JOINT TRENCH	JT	EX JT
SANITARY SEWER MAIN	8" SS	
STORM DRAIN MAIN	30" SD	
TELEPHONE		EX TEL
WATER MAIN	8" W	
AREA DRAIN		
CATHODIC PROTECTION		
CLEANOUT		
DROP INLET (DI)		
FIRE HYDRANT		
STREET LIGHT		
MANHOLE		
POST INDICATOR VALVE		
REDUCE PRESSURE BACKFLOW PREVENTER		
SPOT ELEVATION	40.0	40.5
SURVEY MONUMENT		
WATER METER/DCM		
WATER VALVE		
BUILDING		



VICINITY MAP
NTS



LOCATION MAP
NTS

ABBREVIATIONS

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
@	AT	OC	ON CENTER
AB	AGGREGATE BASE	OH	OVERHEAD
AC	ASPHALT CONCRETE	PL	PROPERTY LINE
AD	AREA DRAIN	POC	POINT OF CONNECTION
BFPD	BACK FLOW PREVENTION DEVICE	PR	PROPOSED
BLDG	BUILDING	PUE	PUBLIC UTILITY EASEMENT
CB	CATCH BASIN	PVC	POLYVINYL CLORIDE
C&G	CURB AND GUTTER	R	RADIUS
℄, CL	CENTERLINE	RCP	REINFORCED CONCRETE PIPE
CL	CLASS	RIM	RIM ELEVATION
COM	COMMERCIAL	RPBFPD	REDUCED PRESSURE BACK FLOW PREVENTION DEVICE
DI	DROP INLET	R/W	RIGHT OF WAY
DDC	DOUBLE DETECTOR CHECK	S	SOUTH
DW	DOMESTIC WATER	SAP	SEE ARCHITECTURAL PLANS
E	EAST	SD	STORM DRAIN
E, EL	ELECTRICAL	SF	SQUARE FEET
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	SFPP	SEE FIRE PROTECTION PLANS
EX	EXISTING	SL	STREETLIGHT
FC	FACE OF CURB	SLP	SEE LANDSCAPE PLANS
FH	FIRE HYDRANT	SPP	SEE PLUMBING PLANS
FF	FINISH FLOOR	SS	SANITARY SEWER
FS	FIRE SERVICE	S/W	SIDEWALK
G	GAS	TC	TOP OF CURB
GB	GRADE BREAK	TEL	TELEPHONE
GFF	GARAGE FINISH FLOOR	TRANS	TRANSFORMER
HV	HIGH VOLTAGE	TYP	TYPICAL
INV	INVERT	VC	VERTICAL CURB
IRR	IRRIGATION	VG	VALLEY GUTTER
JT	JOINT TRENCH	W	WEST
L	LENGTH	W, WL	WATERLINE
LG	LIP OF GUTTER	WM	WATER METER
MH	MANHOLE	WMB	WATER METER BOX
N	NORTH	WV	WATER VALVE
(N)	NEW		

SHEET INDEX

SHT NO	DESCRIPTION
1	TITLE SHEET
2	EXISTING CONDITIONS PLAN
3	PARCELIZATION PLAN
4	PRELIMINARY SITE PLAN
5	SITE CROSS SECTIONS AND DETAILS

PROJECT DATA

OWNER: SIC-LAKESIDE DRIVE, LLC, A DELAWARE LIMITED LIABILITY COMPANY APN 008-0652-001-05

DEVELOPER/DIVIDER: THE SWIG COMPANY, 220 MONTGOMERY STREET, 20TH FLOOR, SAN FRANCISCO, CA 94104, (415) 291-1104, CONTACT: TOMAS SCHOENBERG

ENGINEER: BKF ENGINEERS, 255 SHORELINE DRIVE, SUITE 200, REDWOOD CITY, CA 94065, (650) 482-6300, CONTACT: TODD ADAIR

GEOTECHNICAL ENGINEER: TREADWELL & ROLLO, 501 14TH STREET, THIRD FLOOR, OAKLAND, CA 94612, (510) 874-4500, CONTACT: DEAN H. IWASA

VESTING TENTATIVE PARCEL MAP NO.: 9848

NAME OF TRACT OR GRANT: KAISER CENTER

ASSESSOR PARCEL NO: 008-0652-001-05

EXISTING ZONING: CBD-C, CENTRAL BUSINESS DISTRICT - COMMERCIAL ZONING IN EFFECT AT TIME OF PUD APPLICATION WAS COMPLETED WAS C-55 / S-17

EXISTING LAND USE: THE EXISTING SITE IS PRIMARILY BUILDINGS & PARKING LOTS

PROPOSED ZONING: CBD-C, CENTRAL BUSINESS DISTRICT-COMMERCIAL WITH PLANNED UNIT DEVELOPMENT PERMIT

PROPOSED LAND USE: TWO OFFICE TOWERS OF 42 AND 34 STORIES WITH 22,000 SQUARE FEET OF STREET LEVEL RETAIL INCLUDING GARDEN LEVEL COMMERCIAL USES AND ADDITIONAL STRUCTURED PARKING

LAND AREA: 7.15 ACRES

UTILITIES:
- WATER SUPPLY: EAST BAY MUNICIPAL UTILITY DISTRICT
- FIRE PROTECTION: EAST BAY MUNICIPAL UTILITY DISTRICT
- SEWAGE DISPOSAL: CITY OF OAKLAND
- STORM DRAIN: CITY OF OAKLAND
- GAS: PACIFIC GAS & ELECTRIC
- ELECTRIC: PACIFIC GAS & ELECTRIC
- TELEPHONE: AT&T
- CABLE TELEVISION: COMCAST

PUBLIC DEDICATIONS: EMERGENCY VEHICLE ACCESS EASEMENT (EVAE)

GENERAL NOTES

1. VESTING TENTATIVE PARCEL MAP: THIS VESTING TENTATIVE PARCEL MAP IS BEING FILED IN ACCORDANCE WITH CHAPTER 3, ARTICLE 2, SECTION 66452 OF THE SUBDIVISION MAP ACT.
2. BOUNDARY: ESTABLISHED BASED UPON A FIELD SURVEY AND ALTA/ ACSM LAND TITLE SURVEY DATED MAY 23, 2005.
3. SOURCE OF TOPOGRAPHY: BY CONVENTIONAL GROUND SURVEY METHODS COMPLETED NOV 19, 2002, UPDATED APRIL 13, 2005.
4. UTILITIES: UTILITY SIZING AND LOCATIONS, SITE GRADES, INCLUDING PADS AND STREETS AND LOT DIMENSIONS ARE SUBJECT TO FINAL ENGINEERING DESIGN.
5. PROJECT DESCRIPTION: PROPOSED WORK FOR THE KAISER CENTER PROJECT WILL CONSIST OF CONSTRUCTION OF TWO MULTI STORY OFFICE TOWERS WITH 22,000 SQUARE FEET OF STREET LEVEL RETAIL INCLUDING GARDEN LEVEL COMMERCIAL USES AND ADDITIONAL STRUCTURED PARKING.
6. FEMA DESIGNATED FLOOD ZONE: FLOOD ZONE C, AREAS OF MINIMAL FLOODING, PANEL NUMBER 065048 00158, DATED SEPT. 30, 1982.
7. MULTIPLE PARCEL MAPS: PURSUANT TO CHAPTER 3, ARTICLE 3, SECTION 66463.1 OF THE SUBDIVISION MAP ACT. THE DEVELOPER RESERVES THE RIGHT TO FILE MULTIPLE PARCEL MAPS BASED ON THIS VESTING TENTATIVE PARCEL MAP.
8. PROJECT ELEVATION DATUM: CITY OF OAKLAND DATUM.
9. GEOTECHNICAL REPORT: A PRELIMINARY GEOTECHNICAL EVALUATION HAS BEEN PREPARED BY TREADWELL & ROLLO FOR THIS PROJECT TITLED " GEOTECHNICAL EVALUATION, KAISER CENTER DEVELOPMENT ENTITLEMENTS PROJECT, 300 LAKESIDE DRIVE, OAKLAND, CALIFORNIA", DATED 20 OCTOBER 2008.

ENGINEER'S STATEMENT

THIS VESTING TENTATIVE PARCEL MAP SUBMITTAL HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

THOMAS R. MORSE
PROJECT MANAGER
P.E. #49457 EXP 9/30/10
BKF ENGINEERS

No. 49457 EXP. 9/30/10 CIVIL

3/8/10
DATE

SURVEYOR'S STATEMENT

THIS VESTING TENTATIVE PARCEL MAP SUBMITTAL HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD SURVEYING PRACTICE.

BILLY MARTIN
PRINCIPAL
P.L.S. #5797 EXP 6/30/10
BKF ENGINEERS

DATE

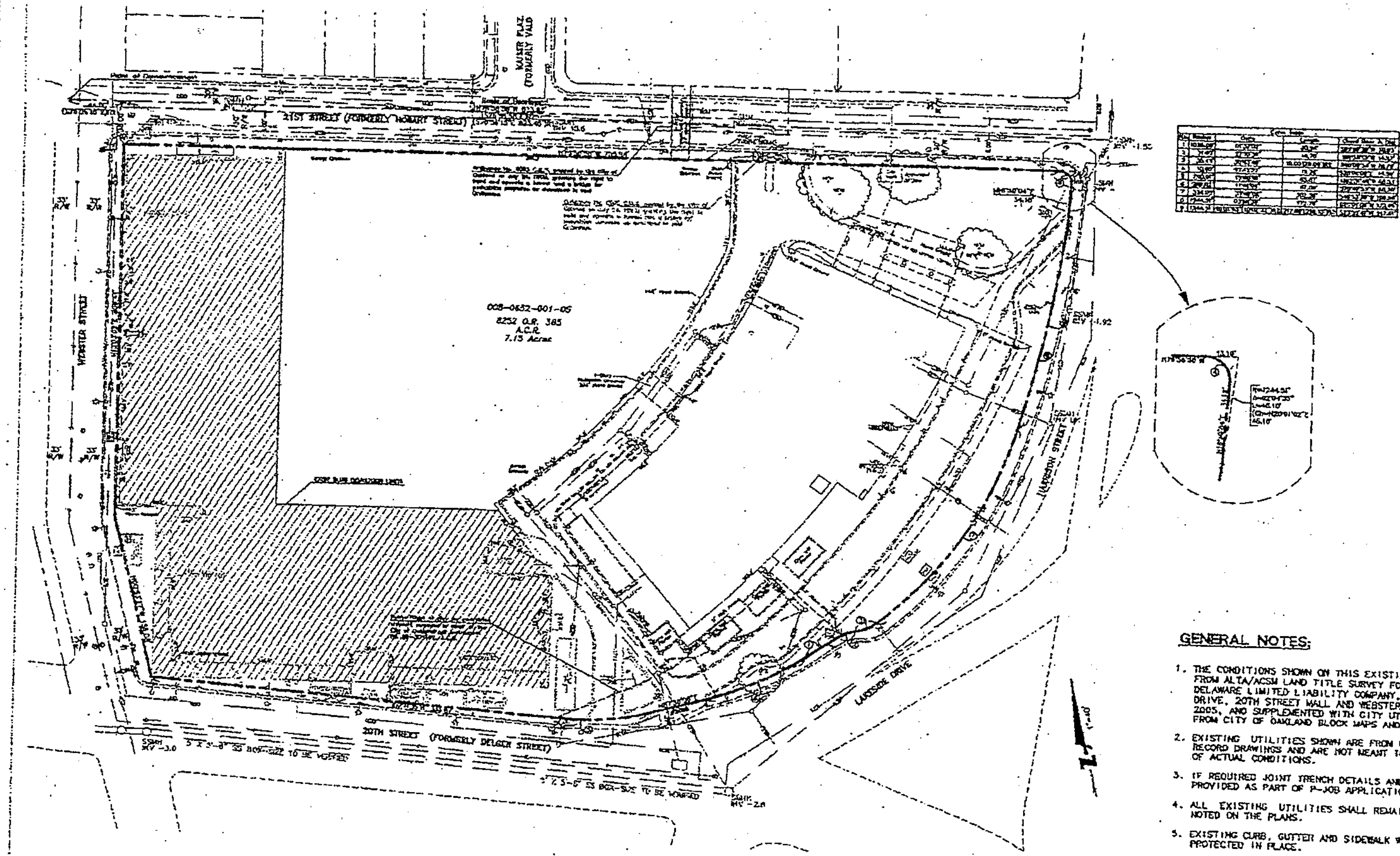
BASIS OF BEARING

THE BEARING OF N 78 56'58" W BETWEEN THE FOUND, CITY OF OAKLAND, MONUMENTS INDICATED HEREON AS A LINE PARALLEL TO AND FIVE (5) FEET NORTH OF THE CENTERLINE OF 21ST STREET AS SHOWN ON AN UNRECORDED ALTA SURVEY DATED DECEMBER 6, 1982, AND WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BKF

KAISER CENTER
VESTING TENTATIVE PARCEL MAP 9848
TITLE SHEET
CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA

ATTACHMENT B

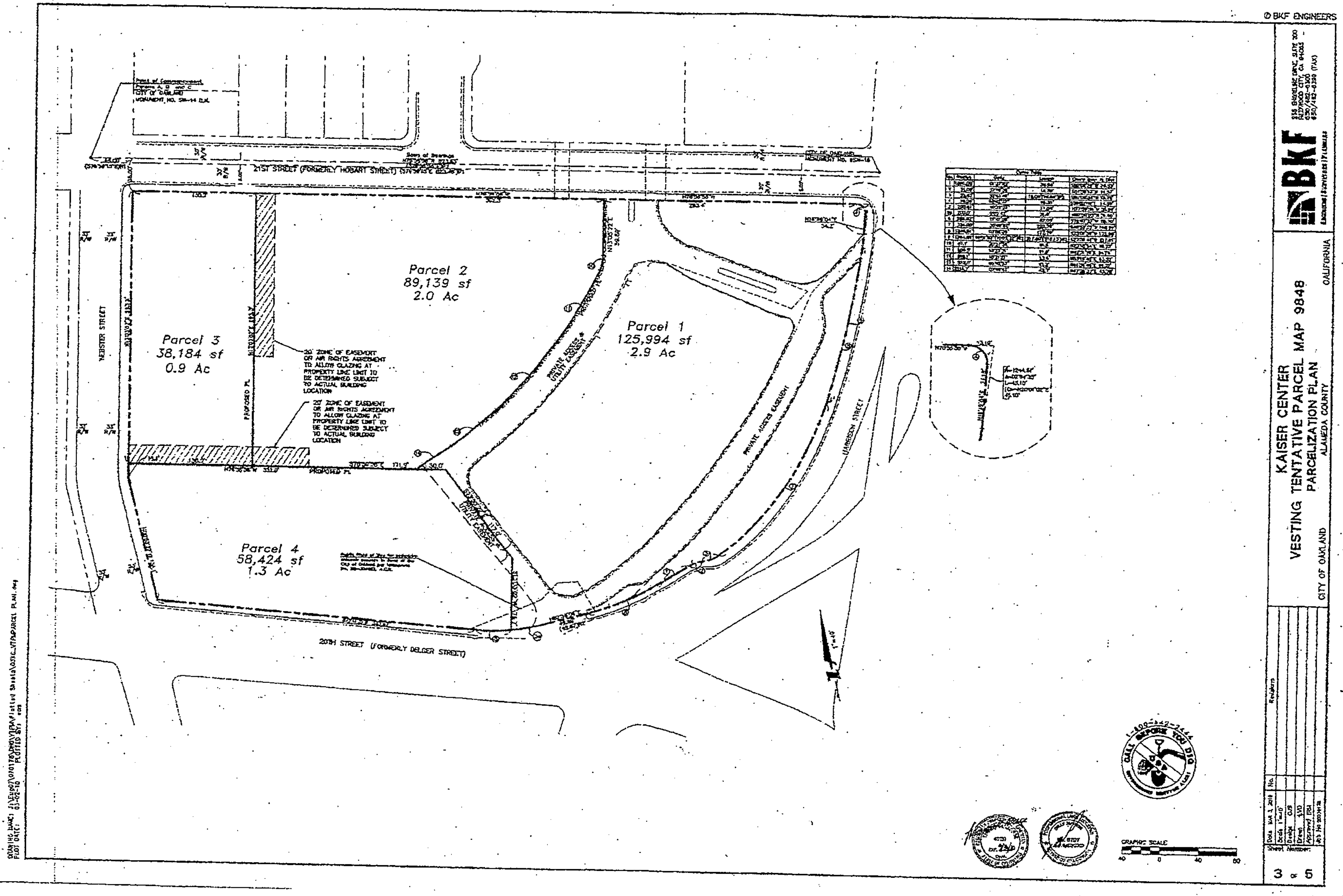


GENERAL NOTES:

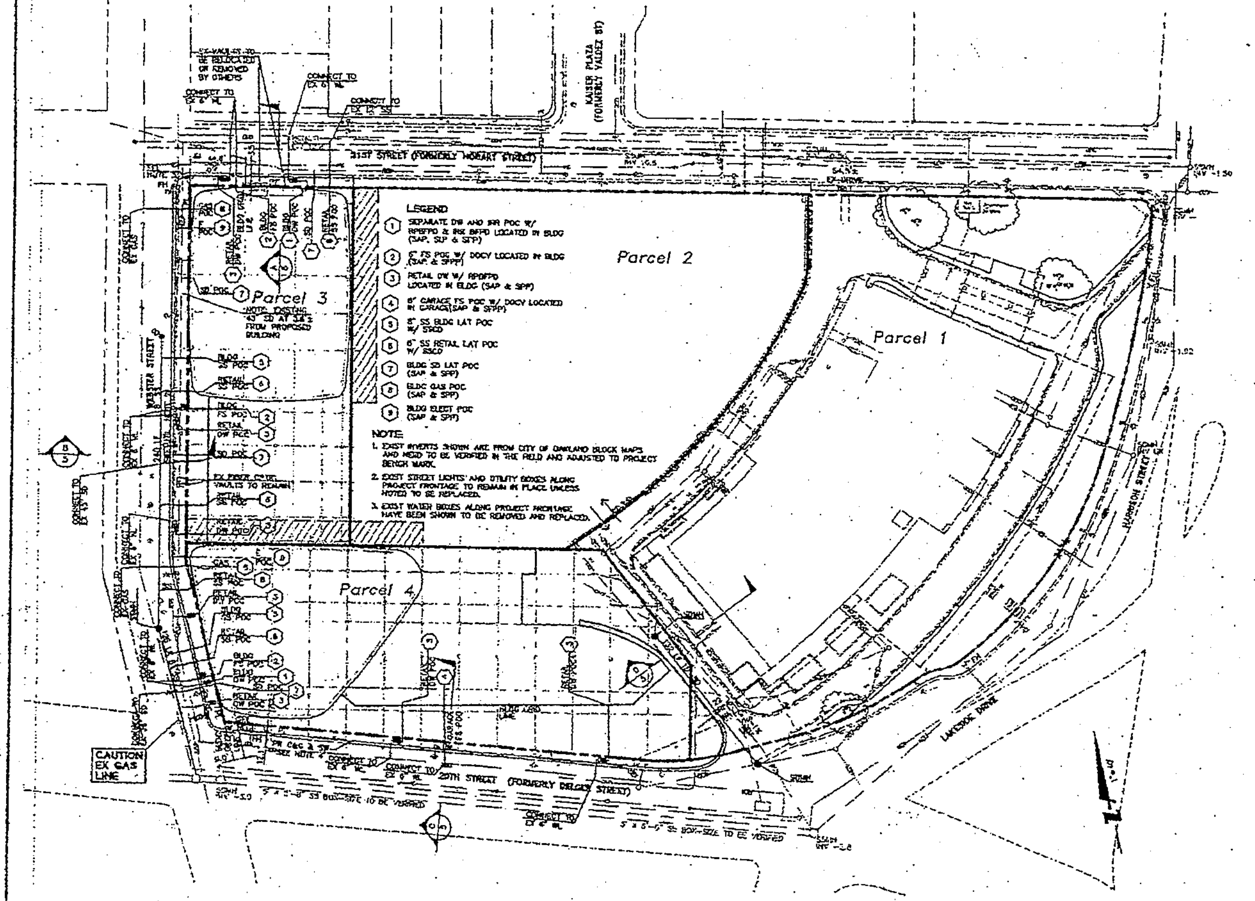
1. THE CONDITIONS SHOWN ON THIS EXISTING CONDITIONS PLAN ARE FROM ALTA/ACSM LAND TITLE SURVEY FOR SC-LAKESIDE DRIVE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, KAISER CENTER, 300 LAKESIDE DRIVE, 20TH STREET MALL AND WEBSTER STREET MALL DATED MAY 23, 2005, AND SUPPLEMENTED WITH CITY UTILITY INFORMATION OBTAINED FROM CITY OF OAKLAND BLOCK MAPS AND UTILITY PROVIDERS.
2. EXISTING UTILITIES SHOWN ARE FROM FIELD OBSERVATION & RECORD DRAWINGS AND ARE NOT MEANT TO BE A FULL CATALOG OF ACTUAL CONDITIONS.
3. IF REQUIRED JOINT TRENCH DETAILS AND STREET LIGHT PLANS WILL BE PROVIDED AS PART OF P-JOB APPLICATION.
4. ALL EXISTING UTILITIES SHALL REMAIN UNLESS OTHERWISE NOTED ON THE PLANS.
5. EXISTING CURB, GUTTER AND SIDEWALK WILL REMAIN AND SHALL BE PROTECTED IN PLACE.

BKF

KAISER CENTER
VESTING TENTATIVE PARCEL MAP 9848
EXISTING CONDITIONS PLAN
CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA



© BKF ENGINEERS
Point of Commencement
Parcels A, B and C
CITY OF OAKLAND
MONUMENT NO. SW-14 D.K.
21ST STREET (FORMERLY HOBART STREET)
WEBSTER STREET
HARRISON STREET
20TH STREET (FORMERLY DELGER STREET)
Parcel 1
125,994 sf
2.9 Ac
Parcel 2
89,139 sf
2.0 Ac
Parcel 3
38,184 sf
0.9 Ac
Parcel 4
58,424 sf
1.3 Ac
20' ZONE OF EASEMENT OR AIR RIGHTS AGREEMENT TO ALLOW GLAZING AT PROPERTY LINE LIMIT TO BE DETERMINED SUBJECT TO ACTUAL BUILDING LOCATION
PROPOSED PL
PRIVATE ACCESS & UTILITY EASEMENT
PRIVATE ACCESS EASEMENT
CITY OF OAKLAND MONUMENT NO. 85N-16
GRAPHIC SCALE
1-800-642-2444
CALL BEFORE YOU DIG
KAISER CENTER
VESTING TENTATIVE PARCEL MAP 9848
PARCELIZATION PLAN
CITY OF OAKLAND
ALAMEDA COUNTY
CALIFORNIA
BKF
Revisions
Sheet Number:
3 of 5



SITE PLAN NOTES:

1. REPLACE EXISTING DRIVEWAY CUTS AND CURB CUTS AS REQUIRED.
2. REFER TO LANDSCAPE ARCHITECTS PLANS FOR CITY STANDARD PAVING AND SCORING PLAN FOR SIDEWALKS.
3. PROPERTY CORNERS NOTED ARE NON STANDARD AND REQUIRE A DESIGN EXCEPTION.
4. REPLACE CURB, GUTTER AND SIDEWALK ALONG PARCEL 3 EAST SIDE OF WEBSTER STREET AND SOUTH SIDE OF 21 ST STREET FRONTAGE, AND PARCEL 4 EAST SIDE OF WEBSTER STREET AND NORTH SIDE OF 20TH STREET FRONTAGE. NO FRONTAGE IMPROVEMENTS ARE PLANNED FOR PARCELS 1 AND 2.

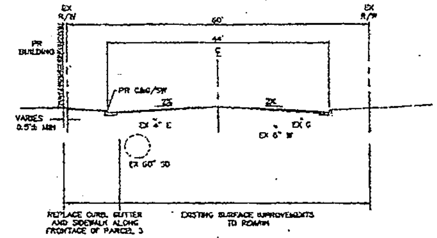
UTILITIES GENERAL NOTES:

1. PROPOSED DRAINAGE INLETS SHALL CONFORM TO CITY OF OAKLAND STANDARD DRAWINGS D-3 AND D-4. TYPE "A" AND "B" WHERE APPLICABLE.
2. PROPOSED SANITARY SEWER CLEANOUTS SHALL BE TWO WAY CLEANOUTS.
3. PROPOSED SEWER MANHOLES IF REQUIRED SHALL CONFORM TO CITY OF OAKLAND STANDARD DRAWING D-11. LIDS ARE AVAILABLE FROM PHOENIX IRON WORKS.
4. EXISTING UTILITIES SHALL BE ADJUSTED TO GRADE IN AREAS OF PROPOSED SIDEWALK IMPROVEMENTS.

GRAPHIC SCALE

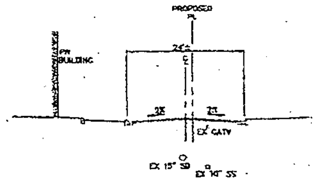
BKF
Engineers | Surveyors | Planners
255 SHORELINE DRIVE, SUITE 200
REDWOOD CITY, CA 94065
650/482-6300
650/482-6399 (FAX)

KAISER CENTER
VESTING TENTATIVE PARCEL MAP 9848
SITE PLAN
CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA



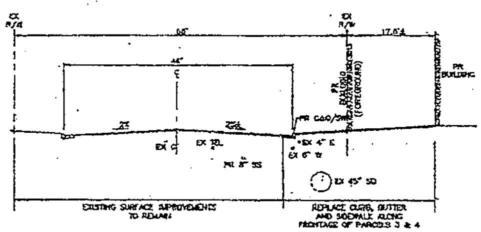
A STREET SECTION – 21 ST STREET

SCALE: 1"=10'



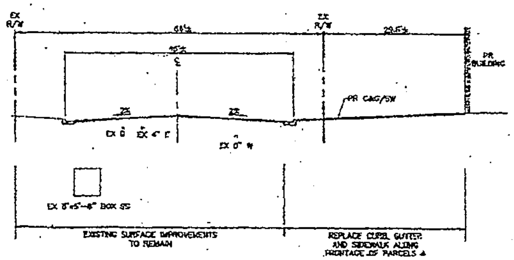
D STREET SECTION – ENTRANCE ROAD

SCALE: 1"=10'



B STREET SECTION – WEBSTER STREET

SCALE: 1"=10'



C STREET SECTION – 20 TH STREET

SCALE: 1"=10'

BKF

KAISER CENTER
VESTING TENTATIVE PARCEL MAP 9848
SECTIONS AND DETAILS

CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA

FINDINGS FOR APPROVAL:

The proposed project meets the required findings under Planning Code Section 17.140.080 (Planned Unit Development Criteria), Subdivision Regulations Section 16.08.030 (Tentative Parcel Map), and Historic Preservation Element Policy 3.5 Historic Preservation and Discretionary Approval findings, pursuant to California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.). Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. Required findings are also contained within other sections of this report and the administrative record, including the EIR.

Section 17.140.080 Planned Unit Development Permit criteria.

A Planned Unit Development Permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.142:

A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council;

The location, design, size, and uses (office and retail) are consistent with Oakland's General Plan and other policy documents adopted by City Council. The Land Use and Transportation Element (LUTE) and the Central Business District (CBD) land use designation for the Kaiser Center area specifically encourage a high-intensity of development and downtown transit-oriented developments in the Kaiser Center area because of its adjacency to BART (Policy D8.1, D8.3, and Objective D4). The proposed project meets these objectives by constructing approximately 1.5 million square feet of office and commercial/retail space in this area about two blocks from the 19th Street BART station. The proposed project will also increase economic activity in downtown and promote Oakland's position as a primary office center for the East Bay (Objective D7). With implementation of the Conditions of Approval, the project will be consistent with the Safety Element policies regarding structural issues for new buildings and fire safety. The project will meet the Pedestrian and Bicycle Master Plan by compliance with the Conditions of Approval and Mitigation Measures for sidewalk widths, ADA, and access to Snow Park and Lake Merritt as part of Measure DD. Furthermore, staff has included several recommended Conditions of Approval to increase the pedestrian and bicycle experience including bus stop improvements, construction of bicycle lanes, and increased signal timing for pedestrians.

The proposed project respects the Lake Merritt and Snow Park edge. The height of the proposed buildings would not noticeably contrast with the existing visual environment as other high-rise buildings have similar height and massing; the proposed towers are located behind other buildings; and are set back over 700' from the Lake Merritt Snow Park edge. Furthermore, no public park or public open space, other than the private but publicly accessible roof garden would be shaded by the proposed project, as shown in the Aesthetics section of the EIR.

While detailed design plans have not been submitted, the Conditions of Approval require the submittal of one or more Final Development Plans that will ensure that the design of the building is attractive and appropriately designed with high-quality materials. The City has imposed a Condition of Approval that the project will need to be consistent with Planning Code Section 17.140.060 and comply with the City's other design review related findings.

The proposed land uses are consistent with both zoning in existence at the time the project application was deemed complete (C-55, S-17 and S-4 zones) and new zoning (CBD-C zone), pursuant to which the project is "grandfathered" under the previous zoning, and thus the City is processing the application as such. The proposed project is also consistent with the zoning in existence as the time the project application was deemed complete, and, notwithstanding the project's grandfathered status, is generally consistent with the new zoning.

Attachment C
Findings

B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development;

As shown in the Aesthetics and Land Use Sections of the EIR and specifically from several vantage points around the City, the location and use of the proposed project is well integrated into the surrounding area. The EIR concludes that project will not result in a significant departure from the height and massing of many existing high-rise office building in the vicinity of the proposed project such as the existing Kaiser Center office building, the Ordway building, Lake Merritt Plaza, and 2100 Franklin. Furthermore, the LUTE and CBD designation encourage additional intensity of development and corporate headquarters in the Kaiser Center area based on its proximity to the 19th Street BART and other transit options.

The City will ensure through the Final Development Plan approval process the project will be consistent with Planning Code Section 17.140.060 and comply with the City's other design review related findings.

C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets;

As detailed in the EIR and the staff report, the proposed project, because of the large square footage, will create traffic impacts at a number of downtown intersections in both the Phase I Only Project and the full Project build-out of both towers. Several of the impacts can be reduced to less than significant with implementation of Standard Conditions of Approval (SCA) and Mitigation Measures. However, the EIR still concludes that potential impacts at a number of intersections will be Significant and Unavoidable even with implementation of SCA/Mitigation Measures. Thus, a Statement of Overriding Considerations regarding the traffic impacts is required.

The City of Oakland passed a "Transit First" resolution in 1996 recognizing the importance of a balance between economic opportunities and the ability of those to travel by transit. In the policy, priority is given to transit over single occupancy vehicles. The LUTE objectives and policies state that congestion can be lessened by promoting alternative transportation. Furthermore, Policy T.3 calls for allowing congestion in downtown and that the positive effect of traffic congestion coupled with an improved pedestrian experience promotes the use of transit.

Here, the project is located in one of the most transit rich areas of the City. It is located less than 5-minute walking distance from the nearest BART station, near many AC Transit lines with service in Oakland and to neighboring cities, and along the new Free Broadway Shuttle (the "B") that runs from nearby the project site to Jack London, the Amtrak, and the ferry. One of the SCA imposed on the project would require the developer to implement a Transportation Demand Management Plan (TDM). The TDM requires that the project applicant increase alternative modes of travel and reduce the number of single occupancy vehicle trips by 15% in the short-term and 20% in the long-term by implementing a menu of different strategies including: sale of transit passes, bike parking and changing facilities, preferential parking for carpools and vanpools and a ride matching program, and contribution to the existing shuttle. The TDM will reduce the traffic impacts but not eliminate them entirely.

In addition to the TDM, the staff report also outlines several standard conditions and recommended conditions that will improve the pedestrian and bicyclist experience. These conditions include increasing the size of the sidewalks, reducing traffic cycle times to facilitate pedestrians, completing bicycle lanes, improving bus stops, and installing ADA compliant facilities.

In sum, the project traffic can be accommodated safely and the resulting congestion to some City streets is acceptable in light of overall benefits of the Project. In order to reduce these traffic impacts to less than significant levels, a significant reduction in the proposed density/FAR is required, which would then defeat the purpose of having higher density/FAR in the Central Business District.

Findings

D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services;

The LUTE contains several objectives and policies related to downtown Oakland (and especially areas near the BART, transit, and commercial corridors) becoming a premier destination for office uses within the region. As detailed in the finding above, the project's use and location is more than adequately served by transit. The project is also located near adequate open space such as Lake Merritt and Snow Park which will enhance employee enjoyment. Additional amenities and facilities in the area include the Broadway Valdez retail corridor, shops, a variety of restaurants and night life, and close proximity to housing. The Project with approximately 3,300 new employees would enhance and support these existing businesses, while likely resulting in additional business growth. The project itself, with the inclusion of street level retail and roof garden-level commercial as well as an enlarged roof garden (with improved access), will also provide services/facilities to the proposed tenants/employees and nearby residents. Furthermore, the project site is already adequately served by utilities.

E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations;

The location, design, size and use of the project will result in a healthful, efficient, and stable environment for shopping and working. The proposed project also includes an expansion of the rooftop garden, along with improved access, for the employees and the public's enjoyment.

As discussed in the EIR, the project applicant is required to implement a greenhouse gas reduction plan as a SCA in order to meet both the state and the City's greenhouse gas reduction goals. The proposed project will be built according to the new state green building standards which will reduce energy and water consumption. In addition, the new state green building code mandates limits on Volatile Organic Chemicals (VOC) for paints, adhesives, and coatings and requires resilient flooring, green carpeting, among other items that will reduce harmful indoor air quality.

The EIR concludes that all air quality impacts, except PM10, will be reduced to less than significant with implementation of the SCA. The cumulative PM10 operational impact is a result of increased traffic to the project site after construction, and, as noted above, the project applicant is required to implement a TDM. [1] Only the TDM plus compliance with the new state Clean Car Standards would reduce the impact to a less than significant level. The increase in PM10 is acceptable in light of overall benefits of the Project. In order to reduce this impact to less than significant levels without the TDM, a significant reduction in the proposed density/FAR is required, which would then defeat the purpose of having higher density/FAR in the Central Business District.

The EIR also concludes that the project would potentially have a wind impact on the surrounding streets and at the roof garden level. However, implementation of a wind reduction plan which could include trees, plants, wind screens or other design elements would likely reduce this impact to less than significant, but the EIR conservatively deems this impact significant and unavoidable. While detailed street level and garden design plans and a wind reduction plan have not been submitted, design review will ensure that the wind reduction elements are integrated into the final design and will create an attractive and healthful environment.

[1] The DEIR analyzed a Transportation Demand Management Program (TDM) with a 10% reduction in the number of single occupancy vehicle trips to/from the Project site. Since the DEIR was published, the TDM was developed with a 15% reduction in the short-term and a 20% reduction in the long-term. With implementation of the TDM and this reduction, several of the significant and unavoidable impacts noted in the DEIR, including PM10, would be reduced to less-than-significant. However, in order to maintain the most conservative analytical approach and one consistent with the DEIR, the Final EIR concludes that these impacts are still deemed significant and unavoidable.

The applicant has requested a planned unit development permit in order to construct the proposed project. Based on the preliminary development plan drawings, it is likely that the same project could have been approved under the zoning regulations in place at the time the project was deemed complete. However, approval of an integrated and comprehensive development plan will ensure a consistent approach and aesthetic to the block. This is important given that the project site includes the existing Kaiser Center office building, garage, and a portion of the rooftop garden and these will not be altered.

F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.

The Project will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices. Specifically, the proposed project will occur on an already developed parcel in downtown long planned for this type and intensity of development. The project will require demolition of the existing Mall Buildings; grading; and dirt removal in order to construct the parking and possible basement levels. However, this will only affect a small portion of the 7 acre site. There are no desirable natural features on the project site.

The project will result in two tall towers (34 and 42 stories) but these new buildings will already be surrounded by existing tall structures and will not be visually obtrusive. The EIR analyzed the effects of the project on scenic vistas and views and concluded that short range views to Lake Merritt and long range views to the Oakland hills would be affected. However, these views are already limited by existing buildings and landscaping and therefore, the impact is less than significant. As stated above, the City will ensure through the Final Development Plan approval process the project will be consistent with Planning Code Section 17.140.060 and comply with the City's other design review related findings.

16.08.030 - TENTATIVE MAP FINDINGS (Pursuant also to California Government Code §66474 (Chapter 4, Subdivision Map Act)

The Advisory Agency shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

A. That the proposed map is not consistent with applicable general and specific plans as specified in the State Government Code Section 65451.

The proposed subdivision is consistent with the Central Business District Land Use Designation as detailed in the findings above.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The proposed design/and improvement is consistent with the Central Business District Land Use Designation as detailed in the findings above.

C. That the site is not physically suitable for the type of development.

The site is flat, in an urban area, and future development can be easily accommodated. As detailed in the findings above and in the EIR, there are no natural features on the project site. The proposed project involves the infill re-development of a portion of a fully developed urban site. A relatively minor portion of the historic roof garden would be replaced and

the overall roof garden expanded as part of the proposed project. The project is located within a seismic hazard zone per Section 2696 of the Public Resources Code and within a FEMA Flood zone. However, implementation of SCA will mitigate the potential seismic and flooding issues.

D. That the site is not physically suitable for the proposed density of development.

The location and orientation of the parcels are physically suitable for the proposed development considering that the site is flat, located in an urban area where infill development is encouraged; and is surrounded by existing high-rise commercial buildings. Two of the proposed parcels already contain existing development where no changes are proposed. The other two parcels will increase the intensity of development on those sites. However, the Planning Code and the General Plan encourage this increased intensity.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and the proposed increase in square footage on two of the parcels will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The EIR concludes that impacts to wildlife habitat within Lake Merritt will not be affected with implementation of SCA related to water quality. The EIR concludes that the proposed project would not result in increased shadows on the Lake. The SCA's also require implementation of a plan to reduce bird strikes on the high-rises due to the adjacency of the Lake Merritt Wildlife Refuge and the rooftop garden.

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The subdivision is not expected to cause serious public health problems. The proposed development would be served by public water and sewer service, and would therefore, not require the use of on-site sewage disposal or domestic water well. The project site is not located on the state's Cortese List for hazardous waste. However, a Phase I report and other conditions of approval will be implemented to reduce any risk of hazardous materials.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.)

No such easements exist on the subject property.

H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The subdivision does not exclude the possibility of for future passive or natural heating or cooling opportunities.

Historic Preservation Element Policy 3.5 Historic Preservation and Discretionary Approvals

For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that:

1) **The design matches or is compatible with, but not necessarily identical to the property's existing and historical design; or**

2) **The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or**

3) **The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.**

Finding 1 and 2 can be met with compliance with Mitigation Measures CUL-1.1 regarding the design of the base of the new structures, CUL-2.1 regarding the design of the roof garden, and CUL-2.2 regarding the design of the new towers. These Mitigation Measures provide a framework of performance standards that the applicant must meet with submittal of the final development plan(s). The final development plan(s) will provide the design details necessary to further evaluate and fully ensure compliance with Policy 3.5 with respect to the historic garden and buildings. The final development plan(s) will need to be reviewed and approved by the LPAB and the Planning Commission and meet the City's Design Review related criteria.

CEQA FINDINGS:

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the EIR prepared for the Kaiser Center Office Project ("the Project"), SCH #2008052103.

2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval the Project.

3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

4. The Project, which is the subject of the EIR, is located on 2.2 acres at the westernmost portion of the approximately 7 acre Kaiser Center site. The Project studied in the EIR would add approximately 1,474,992 square feet of office, street-level retail, 6th floor commercial uses, parking, and enhanced open space to the project site in two phases of staged development. No changes are proposed to the existing 29-story Kaiser Center Office building and most of the roof garden. Phase I would (a) demolish the existing 20th Street Mall (approximately 58,190 square feet), (b) construct a 34 story office tower (approximately 641,972 square feet), and (c) reconfigure the 122,606 square foot rooftop garden by adding 22,933 square feet along 20th Street. This phase also includes the construction of a publicly accessible exterior stairway to the roof garden from 20th Street during business hours. Phase II includes the (a) demolition of the Webster Street Mall (approximately 38,190 square feet), (b) construction of a 42-story office tower (approximately 833,020 square feet), and (c) removal and replacement of a portion of the roof garden. New and rebuilt parking areas will be integrated into the five levels of the existing Kaiser Center garage. There are currently 1,340 parking spaces. The Project proposes to remove 155 parking spaces but replace those spaces and add 697 new spaces, for a total of 2,037 spaces. At street level, parking would be located behind the street-fronting commercial retail space and building lobbies.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

5. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft EIR (DEIR) was published on May 22, 2008. An Initial Study was not prepared for the Project, as permitted by Section 15060(d) of the CEQA Guidelines. The NOP was distributed to state and local agencies, posted at the project site, and mailed to property owners within 300' of the project site. On, June 18, 2008 the Planning Commission conducted a duly noticed EIR

scoping session concerning the scope of the EIR, and a further scoping session was held at the June 9, 2008 meeting of the Landmarks Preservation Advisory Board. The public comment period on the NOP ended on June 23, 2008.

6. A DEIR was prepared for the Project to analyze its environmental impacts. The Notice of Availability/Notice of Release of the DEIR was distributed to appropriate state and local agencies, posted at the project site, mailed to property owners within 300' of the project site, and e-mailed to individuals who have requested to specifically be notified of official City actions on the project. Copies of the DEIR were also distributed to appropriate state and local agencies, City officials including the Planning Commission, and made available for public review at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website. The DEIR was properly circulated for a 45-day public review period on August 23, 2010. A duly noticed Public Hearing on the DEIR was held at the October 6, 2010 meeting of the Planning Commission and the October 4, 2010 meeting of the Landmarks Preservation Advisory Board.

7. The City received written and oral comments on the DEIR. The City prepared responses to comments on environmental issues and made changes to the DEIR. The responses to comments, changes to the DEIR, and additional information were published in a Final EIR (FEIR) on April 21, 2011. The DEIR, the FEIR and all appendices thereto constitute the "EIR" referenced in these findings. The FEIR was made available for public review on April 21, 2011, thirteen days prior to the duly noticed May 4, 2011 public hearing. The Notice of Availability/Notice of Release of the FEIR was distributed to those state and local agencies who commented on the DEIR, posted on the project site, to property owners within 300' of the project site, and e-mailed to individuals who have requested to specifically be notified of official City actions on the project. Copies of the DEIR and FEIR were also distributed to those state and local agencies who commented on the DEIR, City officials including the Planning Commission, and made available for public review at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies at least 10 days prior to hearing. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed project.

IV. THE ADMINISTRATIVE RECORD

8. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

a. The EIR and all documents referenced in or relied upon by the EIR.

b. All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the approvals, and the Project.

c. All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR or incorporated into reports presented to the Planning Commission.

d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.

e. All final applications, letters, testimony and presentations presented by the project sponsor and its consultants to the City in connection with the Project.

f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.

g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

h. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.

i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

9. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Community and Economic Development Agency, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

10. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

11. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

12. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the May 4, 2011 Planning Commission staff report. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

13. The Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that the FEIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the FEIR and all of this information. The FEIR does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the DEIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the DEIR. Thus, recirculation of the EIR is not required.

14. The Planning Commission finds that the changes and modifications made to the EIR after the DEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

15. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the May 4, 2011 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA.

16. The standard conditions of approval (SCA) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

17. The Planning Commission will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

18. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

19. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the project sponsor as may be modified by these findings.

20. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

21. As a separate and independent basis from the other CEQA findings, pursuant to CEQA section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998; (b) feasible mitigation measures

identified in the LUTE EIR were adopted and have been, or will be, undertaken; (c) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts (as detailed below); and (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts.

IX. POTENTIALLY SIGNIFICANT BUT MITIGABLE IMPACTS

22. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval, referenced in the DEIR (which are an integral part of the SCAMMRP):

23. Aesthetics: Construction of the new high-rise office towers could have impacts on existing visual quality, and create new sources of light and glare, as noted in the DEIR (Chapter IV-A). Implementation of landscape improvements around the site and SCA BIO-1 through 4, which requires special action around protected trees, will mitigate the impacts to visual quality, to a less than significant level. Any potential impact of new lighting will be reduced to a less than significant level through implementation of SCA AES-3 and BIO-5, which requires approval of plans to adequately shield lighting to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties and minimize mirrored or reflective façade surfaces. Moreover, compliance with various policies, and goals contained in the City's general plans and mitigation measures contained in the Land Use and Transportation Element EIR would ensure there would not be significant adverse aesthetic impacts.

24. Air Quality and Green House Gases: The proposed project would generate fugitive dust and equipment exhaust emissions as noted in DEIR (Chapter IV-B). The project would also create new Greenhouse Gas (GHG) emissions. However, compliance with the City's Standard Conditions of Approval SCA AIR-1 and 3, which would require the project applicant to develop a dust control plan and address asbestos in structures, would reduce these impacts to a less-than-significant level. Implementation of SCA TRANS-1, UTIL-1, as well as standard conditions of approval related to landscape requirements and a greenhouse gas reduction plan would reduce GHG emissions to less than significant.

25. Biological Resources: Development of the proposed project would result in the removal of existing vegetation around the site and on the roof garden, could potentially affect migratory birds, and potentially impact Lake Merritt as noted in DEIR (Chapter IV-C). However, compliance with the City' SCA BIO-1 through 4, requiring special action around protected trees), BIO-5 (related to bird collision reduction measures), and GEO-1, HAZ-1, HYD-1 through 3 (requiring creek protection measures) would reduce these impacts to a less than significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse biological impacts.

26. Cultural Resources: Significant impacts to archeological, paleontological, and human remains could result if the proposed project were to be constructed in a manner that was not sensitive to historic resources, as noted in DEIR (Chapter IV-D). Any such impact would be reduced to a less than significant level, through application of SCA CUL-1 through 3, as well as the implementation procedures in SCA CUL1a-1d, which requires the project applicant to either implement an Intensive Pre-Construction Survey or a Construction Alert Sheet. If in either case a high-potential presence of archeological resources or an archeological resource is discovered, the project applicant shall also implement Construction Period Monitoring, Avoidance and/or Find Recovery, and update and provide more specificity to the initial

the Construction Alert sheet originally implemented. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse cultural resource impacts.

27. Geology and Soils: Development of the proposed project could expose people or structures to seismic hazards such as groundshaking or liquefaction, could be subjected to geologic hazards including expansive soils, subsidence, seismically induced settlement and differential settlement, or could result in erosion, as noted in DEIR (Chapter IV-E). These impacts will be reduced to a less than significant level through the implementation of SCA GEO-1 through 4, which require erosion and sedimentation control, soils reports and geotechnical investigations and reports to be prepared, best management practices for soil and groundwater hazards, and for vibrations next to historic structures to be limited and monitored. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements, including compliance with all applicable building codes, would ensure there would not be significant adverse geology and soils impacts.

28. Hazards and Hazardous Materials: Construction of the proposed project could result in exposure of construction workers, project occupants and/or the public to hazardous materials due to demolition of structures that could contain hazardous materials, disturbance of soil and groundwater that could have been impacted by historic hazardous material use, and onsite use of hazardous materials such as solvents during construction activities and operations, as noted in DEIR (Chapter IV-F). This impact will be reduced to a less than significant level through implementation of Standard Conditions of Approval HAZ-1 through 11 and AIR-3, which impose best management practices to protect groundwater and soils from new impacts and appropriate handling of existing impacted groundwater and soils, proper removal of asbestos containing materials and soils, and requirements for lead, asbestos, radon, preparation of a health and safety plan, and other vapor intrusion assessment and remediation, as well as Fire Services review and preparation of a Hazardous Materials Business Plan for the project. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hazards and hazardous materials impacts.

29. Hydrology/Water Quality: The proposed project would involve activities that could result in erosion and generation of pollutants that could be carried off site and/or alter the existing drainage pattern of the site and surrounding area, as noted in DEIR (Chapter IV-G). Implementation of Standard Conditions of Approval HYD1 through 4 would ensure that project would have a less than significant impact on hydrology and water quality. These Standard Conditions require: practices to reduce erosion and pollutants during construction and pollutant discharge during project operation; preparing an erosion and sedimentation control plan; filing a Stormwater Pollution Prevention Plan; preparation of a post-construction Stormwater Pollution Management Plan; and a maintenance agreement for stormwater treatment measures. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hydrology and water quality impacts.

30. Noise: Project construction and operation would potentially increase construction and traffic noise levels as well as excessive ground borne vibration. This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval, which require practices and procedures to reduce noise generation during construction and project operational noise on the surrounding area. Specifically, compliance with SCA NOI-1 (limiting hours and days of construction); NOI-2 (construction contractors use a site- specific noise reduction program); NOI-3 (applicants track and respond to noise complaints); NOI-4 (applicant to construct and operate the building to limit noise), NOI-5(applicants attenuate pile-driving and other extreme noise generators); NOI-6 (same as GEO-2 and CULT-5 (project applicants determine threshold levels of vibration and cracking that could damage fragile historic buildings during construction)); and NOI-7 (compliance with applicable performance standards specified in the Oakland Code) would reduce construction noise impacts from development to a less-than-significant level Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse noise impacts.

Findings

31. Public Services: Project construction and occupancy would result in increased demands on public services, particularly on Fire services, as noted in DEIR (Chapter IV-K). These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval PUB-1 and 2 which require conformance with federal, state, and local requirements, and building plans for development to be submitted to Fire Services for review and approval, to ensure that the project adequately addresses fire hazards. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse public services impacts.

32. Traffic and Transportation:

a) Intersection #24 (Harrison Street /20th Street / Kaiser Center Access Road) Added traffic would degrade the vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour. *(Impacts TRANS-1c, Existing plus Project; TRANS-3d, 2015 plus Phase 1 Only; TRANS-5e, 2015 Plus Project; TRANS-7f, 2030 Plus Project)* Implementation of Mitigation Measure TRANS-1c which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level.

b) Intersection #45 (Grand Ave and El Embarcadero) Added traffic would increase the average intersection delay by more than two seconds during the PM peak hour. *(Impacts TRANS-1e, Existing plus Project; TRANS-5g, 2015 Plus Project)* Added traffic would increase the v/c ratio by more than 3% during the PM peak hour. *(Impact TRANS-7h, 2030 Plus Project)* Implementation of Mitigation Measure TRANS-1e which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level.

c) Intersection #49 (Oakland Ave / MacArthur Blvd (Westbound) / Santa Clara Ave / I-580 Westbound Off-Ramp: Added traffic would increase the average intersection vehicle delay by more than four seconds during the AM peak hour. *(Impact TRANS-3e, 2015 plus Phase 1 Only)* Added traffic would degrade the vehicle level of service from acceptable LOS E to an unacceptable LOS F during the PM peak. *(Impact TRANS-5j, 2015 Plus Project)* Added vehicle traffic would increase the v/c ratio by more than 3% during the AM peak period. *(Impact TRANS-7k, 2030 Plus Project)* Implementation of Mitigation Measure TRANS-3e which would require restriping the northeast Oakland Ave approach, optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level.

d) Intersection #5 (Telegraph Ave / 27th Street): Added traffic would degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS E during the PM peak hour. *(Impact TRANS-5c, 2015 plus Phase 1 Only)* Added traffic would degrade the vehicle level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour. *(Impact TRANS-7c, 2015 Plus Project)* Implementation of Mitigation Measure TRANS-5c which would require optimize signal timing, upgrade the intersection, install traffic hardware, and give the northbound left turn movement protected-permitted phasing would reduce this impact to a Less than Significant level.

e) Loading Docks, Vehicular Access and Pedestrian Bicycle Hazards: The proposed project could create a conflict between loading dock operations vehicular access and pedestrians and bicycles *(Impact TRANS-9)*. Implementation of Mitigation Measure TRANS-9 which would prohibit loading dock operations during the AM and PM peak periods, adequate management staff, and preparation of a loading dock plan would reduce this impact to a Less than Significant level.

f) Vehicular Site Access: Vehicular site access out of the garage along 21st Street could be hazardous for pedestrians *(Impact TRANS-10)*. Implementation of Mitigation Measure TRANS-10 which would require the project applicant to redesign the project east exit to increase visibility and install warning devices would reduce this impact to a Less than Significant level.

Findings

g) Short-Term Construction Period Impacts: The proposed project could result in construction traffic impacts and there also may be a need to temporarily close traffic lanes, prohibit parking, and/or block traffic lanes (*Impact TRANS-11*). Implementation of SCA TRANS-1 would ensure that construction period impacts are reduced to a Less than Significant level and require consultation with AC Transit about construction activity.

33. Utilities/Service Systems: The proposed project would result in increased solid waste, stormwater and wastewater generation, as noted in DEIR (Chapter IV-M). These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval UTIL-1 and 2 and HYD-2 and 3, which requires solid waste reduction and recycling, confirmation of the state of repair of the City's surrounding stormwater and sanitary sewer system, and the applicant to make the necessary infrastructure improvements to accommodate the proposed project. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse utilities/service systems impacts.

X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

34. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures, as set forth below.

35. Aesthetics: The proposed Project would create winds exceeding the wind hazard criteria for more than 1 hour during daylight hours during the year at ground level and roof garden (*Impacts AES-6 and 7*). After implementation of Mitigation Measure AES-1, (which requires that the applicant develop a wind reduction plan) and pending final design, this impact could be reduced to less than significant levels. However, without the design details at this time, this impact is conservatively deemed Significant and Unavoidable. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

36. Air Quality: The proposed project would result in increased emissions of criteria pollutants (PM 10 operational emissions at Project build-out) and would contribute to a cumulative air quality impact in the Project area (for operational PM 10 emissions) (*Impacts AIR-3 and 8*). PM10 emissions are most effectively reduced by reductions in motor vehicle trips. Implementation of SCA TRANS-1, which requires the applicant to prepare and implement a transportation demand management plan, would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.[2]

37. *Cultural Resources:* The proposed project would demolish the Mall Buildings, which are components of a qualified historical resource on the Project site and would adversely affect the remaining portion of the qualified historic resource on the Project site (*Impacts CUL-1 and 2*). Implementation of SCA CUL-4 and/or Mitigation Measures CUL-1.1 through 1.3 and CUL2.1 through 2.3 requires property relocation or a modified design of the building base, sensitive garden and building design, HABS/HALS documentation, a financial contribution to a historic related program, and protection of the resources during construction. Although it is possible that property relocation or modification of the building base, and a sensitive tower and garden design could reduce the cultural impacts to a less than significant level, without the design details at this time, this is conservatively deemed significant and unavoidable. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

[2] The DEIR analyzed a Transportation Demand Management Program (TDM) with a 10% reduction in the number of single occupancy vehicle trips to/from the Project site. Since the DEIR was published, the TDM was developed with a 15% reduction in the short-term and a 20% reduction in the long-term. With implementation of the TDM and this reduction, several of the significant and unavoidable impacts noted in the DEIR would be reduced to less-than-significant. However, in order to maintain the most conservative analytical approach and one consistent with the DEIR, the Final EIR concludes that these impacts are still deemed significant and unavoidable.

38. Noise: Project traffic, in combination with cumulative traffic, would substantially increase traffic noise levels in the Project area (*Impact NOI-4*). Implementation of SCA TRANS-1, which requires the applicant to prepare and implement a transportation demand management plan, would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.[3]

39. Traffic and Transportation - The proposed Project would result in significant and unavoidable traffic impacts at several roadways and intersections under "Existing plus Project", "2015 plus Project Phase I Only", 2015 plus Project", and Cumulative 2030 plus Project" with the Project being Phase I and II at build out. The following summary of these impacts is organized by intersection with the impact statement (e.g., TRANS-7a) and scenario (e.g., Cumulative 2030 plus Project) noted for easier comparison for the reviewer.

a) Intersection #2 (Oakland Avenue / Perry Place / I-580 Eastbound Ramps)

Added traffic would increase the v/c ratio by more than three percent during the PM peak hour and degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the AM peak hour. *(Impacts TRANS-1a, Existing plus Project; TRANS-3a, 2015 plus Phase 1 Only; TRANS-5a, 2015 plus Project; TRANS-7a Cumulative Plus Project)* Implementation of Mitigation Measure TRANS-1a which would require the applicant to optimize signal timing and upgrade the intersection and install traffic hardware would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

b) Intersection #3 (Harrison Street / 27th Street / 24th Street)

Added traffic would increase the average intersection vehicle delay by more than four seconds during the PM peak hour and degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS E during the PM peak hour (2015); and increase the average intersection vehicle delay by more than two seconds during the AM peak hour and degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour (2030). *(Impacts TRANS-1b, Existing plus Project; TRANS-3b, 2015 Plus Phase 1 Only; TRANS-5b, 2015 Plus Project; and TRANS-7b, Cumulative 2030 Plus Project)* Implementation of Mitigation Measure TRANS-1b which would prohibit westbound left turns and require the applicant to optimize signal timing and upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level. All other options to mitigate the project's impacts at this intersection would have included the addition of a through-movement lane on each of the northbound and southbound Harrison Street approaches, which could potentially result in safety issues for other users (pedestrians and bicyclists), and thus no other feasible mitigation measures were identified. Therefore, this impact is Conservatively Deemed Significant and Unavoidable. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

c) Intersection #44 (Oak Street / 5th Street / I-880 Southbound On-Ramp)

Added traffic would increase the v/c ratio by more than three percent during the PM peak hour, increase the average intersection vehicle delay by more than four seconds during the AM peak hour (2015); and increase the v/c ratio by more than three percent during the PM peak hour (2030). *(Impacts TRANS-1d, Existing Plus Project; TRANS-5f, 2015 Plus Project; and TRANS-7g, Cumulative 2030 Plus Project)* Implementation of Mitigation Measure TRANS-1d which would require the applicant to optimize signal timing and upgrade the intersection and install traffic hardware would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

[3] See Footnote 2 above

d) Intersection #47 (Grand Avenue / MacArthur Boulevard (Eastbound)/ I-580 Eastbound Off Ramp

Added traffic would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour, *(Impacts TRANS-1f, Existing plus Project; TRANS-5h, 2015 plus Project; and TRANS-7i, Cumulative 2030 plus Project)* Implementation of Mitigation Measure TRANS-1f which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

e) Segment #9 (eastbound Grand Avenue from Harrison Street to El Embarcadero) – Non-Caltrans Facility Added traffic would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour, would increase the v/c ratio by more than three percent during the PM peak hour (2015); would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour (2030). *(Impacts TRANS-2a, Existing Plus Project; TRANS-6a, 2015 Plus Project; and TRANS-8b, Cumulative 2030 Plus Project)* Implementation of Mitigation Measure TRANS-2a which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.[4]

f) Segment #10 (northbound Harrison Street / Oakland Avenue from 27th Street to I-580). – Non-Caltrans Facility Added traffic would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour, increase the v/c ratio by more than three percent during the PM peak hour (2015); degrade the level of service from an acceptable LOS E to an unacceptable LOS F during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour *(Impacts TRANS-2b, Existing Plus Project; TRANS-4a, 2010 Plus Phase 1 Only; TRANS-6b, 2015 Plus Phase 1 Only; and TRANS-8c, Cumulative 2030 Plus Project))* Implementation of Mitigation Measure TRANS-2b (Mitigation Measure TRANS-1a and TRANS-1b) which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.[5]

g) Intersection #12 (Harrison Street / Grand Avenue)

Added traffic would increase the average intersection vehicle delay by more than two seconds during the PM peak hour and increase the average intersection vehicle delay by more than two seconds during the PM peak hour (2015); increase the average intersection delay by more than two seconds during the AM peak hour and degrade the vehicle level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour (2030). *(Impacts TRANS-3c, 2015 Plus Phase 1 Only; TRANS-5d, 2015 Plus Project; and TRANS-7d, Cumulative 2030 Plus Project)* Implementation of Mitigation Measure TRANS-3c which would require the applicant to optimize signal timing, upgrade the intersection, install traffic hardware, and prohibit southbound left turns in the PM peak period would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

[4] See Footnote 2 above: The Project (Phase I and II) with 15/20 Percent TDM would not result in a significant impact in the eastbound direction. However, in the westbound direction during the AM peak hour, the Project (Phase I and II) with 15/20 Percent TDM would still result in a significant impact.

[5] See Footnote 2 above: The Project (Phase I and II) with 15/20 Percent TDM would not result in a significant impact in the southbound direction. However, the Project (Phase I and II) with 15/20 Percent TDM would result in a significant impact in the northbound direction during the PM peak hour.

h) Intersection #48 (Lakeshore Avenue / MacArthur Boulevard (EB) / I-580 Eastbound On-Ramp)

Added traffic would increase the v/c ratio by more than three percent during the PM peak hour. *(Impacts TRANS-5i, 2015 Plus Project; TRANS-7j, Cumulative 2030 Plus Project)* Implementation of Mitigation Measure TRANS-5i which would require the applicant to optimize signal timing, upgrade the intersection, and install traffic hardware would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

i) Intersection #13 (Harrison Street / 21st Street) Added traffic would degrade the vehicle level of service from LOS B to an unacceptable LOS F during the PM peak hour *(Impact TRANS-7e, Cumulative 2030 Plus Project)* Implementation of Mitigation Measure TRANS-7e which would require the applicant to optimize signal timing, upgrade the intersection, install traffic hardware, and prohibit eastbound right turns from 21st to Harrison Street during the PM peak period would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

j) Intersection #50 (Harrison Street / MacArthur Boulevard (Westbound) / Santa Clara Avenue) Added traffic would cause an increase in average intersection delay by more than two seconds during the AM peak hour. *(Impact TRANS-7l, Cumulative 2030 Plus Project)* Implementation of Mitigation Measure TRANS-7l which would require the applicant to optimize signal timing, upgrade the intersection, and install traffic hardware would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

k) Intersection #45 (Grand Avenue / El Embarcadero)

Added traffic would increase the v/c ratio by more than three percent during the PM peak hour. *(Impact TRANS-7h, Cumulative 2030 plus Project)* Implementation of Mitigation Measure TRANS-1e which would require the applicant to optimize signal timing, upgrade the intersection, and install traffic hardware would reduce this impact but not to a Less than Significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

l) Segment #3 (I-880 from Oak Street to 5th Avenue) – Caltrans Facility Added traffic would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during both peak hours. *(Impact TRANS-8a, Cumulative 2030 Plus Project)* There are no feasible Mitigation Measures to reduce this impact. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.[6]

XI. FINDINGS REGARDING ALTERNATIVES

40. The Planning Commission finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project as described in the EIR despite remaining impacts, as more fully set forth in the Statement of Overriding Considerations below.

41. The EIR evaluated a reasonable range of alternatives to the project that was described in the DEIR. The four potentially feasible alternatives analyzed in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project. These alternatives include: the No Project/No Build Alternative, Alternative 1: South Tower Build Only, Alternative 2: Onsite Maximum Reduced Impacts, and Alternative 3: Offsite Maximum Reduced Impacts. As presented in the EIR, the alternatives were described and compared with each other and

[6] See Footnote 2 above: The Project (Phase I and II) with 15/20 Percent TDM would not result in a significant impact in the eastbound direction. However, in the westbound direction during the AM peak hour, the Project (Phase I and II) with 15/20 Percent TDM would still result in a significant impact.

with the proposed project. Alternative (3) Offsite Maximum Reduced Impacts was identified as the environmentally superior alternative. However, the off-site location is owned by a separate entity, not affiliated with or controlled by the applicant, and might not be available for acquisition or development. Therefore, the next environmentally superior alternative is Alternative 2, the Onsite Maximum Reduced Impacts.

42. The Planning Commission certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the project sponsor's objectives, the City's goals and objectives, and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project does predict some significant and unavoidable environmental impacts, the EIR and City's SCAs mitigate these impacts to the extent feasible. The four alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

43. No Project / No Build Alternative: Under the No Project Alternative, the Project would not be undertaken and the existing buildings and a portion of the historic garden would not be demolished. This alternative would not result in any significant impacts. The No Project/No Build Alternative is rejected as infeasible because (a) it would not achieve **any** of the objectives sought by the Project; (b) it would not construct an appropriate urban in-fill project; (c) it would not increase the economic vitality of downtown or promote downtown Oakland's position as a primary office center for the region (d) it would not achieve a high density development in the CBD near transit; d) it would not attract any additional employment opportunities for highly trained workers to Downtown; (e) it would not promote or achieve many of the goals, objectives and actions of the City's Energy and Climate Action Plan; and (f) it would not fulfill a long-tem City goal established 28 years ago with approval of the Kaiser Master Plan and reapproved with the 1986 master plan amendment to increase the intensity of the Kaiser Center site.

44. Alternative 1: South Tower Build Only: Under the South Tower Build Only Alternative, the project applicant would only construct the 34-story south tower with 552,000 sq. ft. of office space and 27,000 sq. ft. of retail space. The roof garden space would be expanded and improved access to the roof garden would occur under this alternative. This alternative would result in Significant and Unavoidable impacts related to cultural resources, traffic, and wind. This alternative is rejected as infeasible because (a) it would not achieve most of the fundamental objectives sought by the total Project; (b) it would not revitalize the Kaiser Center Office area to the high-intensity promoted for this area in the General Plan and easily accommodated on the project site; (c) it would only develop 552,000 sq. ft. of commercial space which would not cement Oakland's position as the premier location for commercial office in the East Bay and the region; (d) it would not re-develop the Webster Street Mall with a modern and attractive retail experience; and (e) it would not provide as many construction and permanent jobs as this alternative would be a third of the size of the proposed Project; (f) it would only add approximately 1,300 new employees and thereby not achieve a better jobs/housing balance; (g) it would not provide enough employees or shoppers capable of supporting, revitalizing, and promoting the Kaiser Center, Lake Merritt, and nearby Broadway Valdez Retail Districts; and (h) it would not provide as much retail as the Project, thereby decreasing anticipated sales tax revenue.

45. Alternative 2: Onsite Maximum Reduced Impacts: This alternative would be similar to Alternative 1 in that only the south tower would be built. However, to reduce all of the Significant and Unavoidable traffic impacts the height of the south tower would be reduced from 34 down to 11 stories. The tower would have only 222,000 sq. ft. of office space and 27,000 sq. ft. of retail space. The roof garden would be expanded, and improved access to the garden would occur under this alternative. This alternative would still result in Significant and Unavoidable impacts related to cultural resources and wind. This alternative is rejected because (a) it would not achieve most of the fundamental objectives sought by the total Project; (b) it would not revitalize the Kaiser Center Office area to the high-intensity promoted for this area in the General Plan and easily accommodated on the project site; (c) it would not re-develop the Webster Street Mall with a modern and attractive retail experience; (d) it will only add approximately 555 new employees and thereby not achieve a

better jobs/housing balance; (e) it would not provide enough employees or shoppers capable of supporting, revitalizing, and promoting the Kaiser Center, Lake Merritt, and nearby Broadway Valdez Retail Districts; (f) it would not provide as many construction and permanent jobs as this alternative would be 1/6 the size of the proposed Project; (g) it would not promote transit as the employees could more easily drive and park at the site because 467 new parking stalls would still be constructed; and (h) it would not provide as much retail as the Project, thereby decreasing anticipated sales tax revenue.

46. Offsite Maximum Reduced Impact: This alternative assumes that Alternative 2 would be constructed but at an off-site location to avoid the Significant and Unavoidable impacts associated with wind impacts at the garden level and historic resources. This alternative would construct an 11-story building with 268,000 sq. ft. of office space (and no retail space) on an interior parcel across 21st Street from the proposed Project. No street level or other retail or commercial space would be constructed. No improvements would be made to the existing Kaiser Center Office site. This alternative would result in Significant and Unavoidable impacts related to wind. This alternative is rejected as infeasible because (a) it would not achieve **any** of the objectives sought by the Project of redeveloping the existing Kaiser Center; (b) it would not revitalize the Kaiser Center Office area site to the high-intensity promoted in the General Plan and easily accommodated on the project site; (c) it would not create any street level retail space thereby enhancing the pedestrian's experience; (d) it would not improve public access or expand the roof garden; (e) it would it will only add approximately 670 new employees and thereby not achieve a better jobs/housing balance; (f) it would not provide enough employees or shoppers capable of supporting, revitalizing, and promoting the Kaiser Center, Lake Merritt, and nearby Broadway Valdez Retail Districts; (g) it would not provide as many construction and permanent jobs as the project would be about 1/5 the size of the proposed Project; (h) it would not provide any retail use, thereby decreasing or eliminating anticipated sales tax revenue; and (i) it would not fulfill a long-tem City goal established 28 years ago with approval of the Kaiser Master Plan and reapproved with the 1986 master plan amendment to increase the intensity of the Kaiser Center site. Finally, the off-site location is currently a private pay parking lot which is not owned or controlled by the applicant and may not be available for acquisition or use. Therefore, the site may practically be infeasible for any such development.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

47. The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

48. The Project will develop a high-quality office and commercial/retail project which implements many of the City-wide General Plan goals, objectives, and policies.

49. The Project, with construction of approximately 1.5 million new square feet of office and commercial/retail space and location near other existing high-rise office buildings, will help facilitate Oakland's position as the premier economic center for the East Bay and the region.

50. The Project, with the addition of approximately 3,300 new employees and potential shoppers and residents, will further develop, support, revitalize, and promote the Kaiser Center, Lake Merritt, and nearby Broadway Valdez Retail Districts.

51. The Project will add many temporary construction jobs and approximately 3,300 jobs for other highly trained workers after project construction, thereby achieving a better job-housing balance in the City.

52. The Project will further the City's long-term goal of increasing the intensity of development at the Kaiser Center site as demonstrated by approval of the Kaiser Center Master Plan 28 years ago and subsequently reapproved in 1986 with the Master Plan PDP Amendment.

53. The Project will revitalize the Kaiser Center Office site, retain and enhance the cohesive integrity of the project site through implementation of a comprehensive plan, and respect the character defining features of the Kaiser Center Office site and the historic Lake Merritt District.

54. The Project will increase the size of and improve public access to the rooftop garden by creating a better link from the street to the garden while maintaining the garden's historic integrity.

55. The Project will enhance the pedestrian experience by creating a modern and attractive street level promenade along 20th and Webster Street, which will include retail, street trees, and landscaping.

56. The Project will promote the City's transit-first goals, by constructing the project in a transit-rich area near the 19th Street BART line, multiple AC Transit lines, and the Broadway Shuttle and will further promote the use of alternative transportation by implementing a robust Transportation Demand Management Program that will reduce single occupancy vehicles by 15% in the short-term and 20% in the long-term.

57. The Project's overall height and massing, which will be further developed with the submittal of a Final Development Plan, will create a visually interesting and effective project design in harmony with the neighborhood which would provide an attractive and lasting contribution to Oakland's urban fabric and skyline.

58. The Project will meet the contemporary energy and green building objectives of the City and the State by ensuring that the new towers meet mandatory performance standards of CALGreen, and provide the opportunity for the Project, as part of the Greenhouse Gas Reduction Plan to exceed these standards where feasible.

59. The Project will provide more retail opportunities and increase the City's sales tax revenue.

60. The Project, through implementation of its approved Transportation Demand Management (TDM) Plan and approved Final Greenhouse Gas Emissions Reduction Plan, will help achieve many of the goals, objectives and actions of the City's Energy and Climate Action Plan.

GENERAL CONDITIONS OF APPROVAL

1. **Approved Use**
   Ongoing
   a) The Project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated **May 4, 2011** and submitted on **June 26, 2009**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the Project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

   b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes:
   I. Approval of a Planned Unit Development ("PUD") for the Kaiser Center Office Project PUD, under Oakland Municipal Code Section 17.140
   II. Approval of a Vesting Tentative Parcel Map, under Oakland Subdivision Regulations Section 16.08.030.
   III. Approval of the Preliminary Development Plan

2. **Effective Date, Expiration, Extensions and Extinguishment**
   Ongoing
   The Vesting Tentative Parcel Map (VTPM) shall expire three years from the date of this Approval (May 4, 2014) subject to any additional extensions pursuant to Section 16.12.020 of the Oakland Code or otherwise pursuant to applicable provisions of the Subdivision Map Act or other law, in accordance with subsection (e) below. Nothing herein shall be in derogation of any additional extensions to the VTPM arising by operation of law under the Subdivision Map Act. The Preliminary Development Plan (PDP) Approval for the Planned Unit Development Permit shall expire if each stage (phase) of Final Development Plan is not submitted within the time frame for the Final Development Plan staging set forth below.

   FDP Staging Submittal and Expiration Dates

   Submittal of Final Development Plans (FDP's) shall be permitted in two (2) stages (phases) as set forth below.

   (a) Each stage (phase) of the FDP is described below:

   i. **Phase I.** Phase I FDP for the project will include demolition of the existing 20th Street Mall building, and construction of the 34-story South Tower and additional roof garden space adjacent to the existing garden, a publicly accessible exterior stairway to the roof garden from 20th Street, and 467 parking stalls. Phase I FDP shall be submitted to the Planning and Zoning Division for review and processing within three years from the date of this approval (May 4, 2014) and thereafter the applicant shall make regular and consistent progress toward approval of Phase I FDP. If approved, demolition and construction associated with Phase I FDP shall commence in earnest by no lafer than two years from the date of Phase I FDP approval.

   ii. **Phase II.** Phase II FDP for the project will include demolition of the Webster Street Mall and 155 parking stalls, and construction of the 42-story North Tower and 385 parking

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stalls, and removal and replacement of a portion of the roof garden. Phase II FDP shall be submitted to the Planning and Zoning Division for review and processing within two years from the date demolition and construction associated with Phase I FDP commences in earnest and thereafter the applicant shall make regular and consistent progress toward approval of Phase II FDP. If approved, demolition and construction associated with Phase II FDP shall commence in earnest by no later than two years from the date of Phase II FDP approval.

(b) For purposes of this condition, the term "commence in earnest" shall mean to initiate activities based on City-issued demolition or building permit(s) and other necessary permit(s) and diligently prosecute such permit(s) in substantial reliance thereon and make regular and consistent progress toward completion of construction and issuance of final certificate of occupancy, including successful completion of building inspections to keep the building permit and other permits active without benefit of extension.

(c) For purposes of this condition, the term "complete" or "completion" means issuance of a final certificate of occupancy.

(d) Phase II FDP may be combined and reviewed with Phase I FDP. However, if each stage (phase) of FDP is not submitted within the time frame outlined above, the PDP shall be considered null and void.

(e) Upon written request and payment of appropriate fees submitted no later than the applicable dates noted above, the Director of City Planning or his/her designee may grant (i) two one-year extensions of the PDP expiration date; and/or (ii) extensions of the VTPM. In addition, the approving body may grant further extensions of the PDP and/or the VTPM.

(f) Upon written request and payment of appropriate fees submitted no later than the applicable dates noted above, the approving body may grant one or more extensions of the FDP construction timeframes concurrently with or subsequent to approval of each FDP Stage.

(g) If, subsequent to this approval, a Development Agreement for this project is adopted by the City, the phasing and construction timeframes prescribed within the Development Agreement shall supersede this condition of approval and govern construction phasing for the project.

3. **Scope of This Approval; Major and Minor Changes**

Ongoing

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

4. **Conformance to Approved Plans; Modification of Conditions or Revocation**

Ongoing

a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.

b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built Project conforms to all applicable

zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the Project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.

c) Violation of any term, Conditions/ Mitigation Measures or Project description relating to this Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke this Approval or alter these Conditions/ Mitigation Measures if it is found that there is violation of any of the Conditions/ Mitigation Measures or the provisions of the Planning Code or Municipal Code, or the Project operates as or causes a public nuisance. This provision is not intended to, nor does it limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The Project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

5. **Signed Copy of the Conditions/ Mitigation Measures**
With submittal of a demolition, grading, and building permit
A copy of the approval letter and Conditions/ Mitigation Measures shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this Project.

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

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

7. **Compliance with Conditions of Approval**
Ongoing

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

8. **Severability**

Ongoing

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

9. **Job Site Plans**

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

11. **Landscape Requirements for Street Frontages.**

Prior to issuance of a final inspection of the building permit

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

12. **Landscape Maintenance.**

Ongoing

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

13. **Underground Utilities**

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

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

b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition and mitigations.

c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final occupancy permit.

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

15. **Improvements in the Public Right-of-Way (Specific)**
Approved prior to the issuance of a grading or building permit
Final building and public improvement plans submitted to the Building Services Division shall include the following components:

a) Install additional standard City of Oakland streetlights.
b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
c) Reconstruct drainage facility to current City standard.
d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
e) The public right-of-way surrounding the development, including curbs and gutters, sidewalks, driveways and street crossings, shall be improved as needed to comply with the Americans with Disabilities (ADA) requirements. The developer shall further improve the public right-of-way as needed to comply with the City of Oakland Curb Ramp Transition Plan and with the standards for right-of-way construction administered by the Public Works, Design and Construction Services Division
f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.

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g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

16. **Payment for Public Improvements**
Prior to issuance of a final inspection of the building permit.
The Project applicant shall pay for and install public improvements required for the Project by this approval, including damage caused by construction activity.

17. **Compliance Matrix**
Prior to issuance of a demolition, grading, or each building permit
The Project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation Measures compliance matrix that lists each condition of approval and mitigation measure, the City agency or division responsible for review, and how/when the Project applicant has met or intends to meet the conditions and mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The Project applicant shall update the compliance matrix and provide it with each item submittal.

18. **Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)**
Ongoing
All mitigation measures and Standard Conditions of Approval identified in the Kaiser Center Office Project EIR are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as Attachment D, and are therefore not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern; to the extent any mitigation measures and/or Standard Conditions of Approval identified in the Kaiser Center Office Project EIR were inadvertently omitted, they are automatically incorporated herein by reference. The Project applicant (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the Project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

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PROJECT SPECIFIC CONDITIONS

19. **Sidewalk Capacity**
Prior to issuance of a P-job permit
The Project applicant shall submit a plan to increase the sidewalk capacity by removing parking and widening sidewalks adjacent to the Project between Broadway and Franklin; widen the sidewalk between Franklin and Webster; and between Webster and Harrison, redesign the frontage to be pedestrian friendly. (Recommendation TRANS-1) The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy.

20. **Reduce Traffic Signal Cycle Times for Pedestrians**
Prior to the issuance of a building permit
The Project applicant shall submit a plan, specifications, and estimates (PS&E) to reduce the traffic signal cycle times from 80 seconds to 60 or 70 seconds at Franklin and 20th and Webster and 20th in order to facilitate pedestrian crossings. (Recommendation TRANS-2). The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy.

21. **Construction of Class 2 Bicycle Lanes**
Prior to issuance of a P-job permit
The Project applicant shall submit a plan, specifications, and estimates (PS&E) to complete the construction of Class 2 bicycle lane on 20th Street between Harrison Street and Franklin (Recommendation TRANS-3). The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy.

22. **Improvement to Bus Stop**
Prior to issuance of a final inspection of the building permit
The Project applicant shall submit a plan to improve the bus waiting areas on 20th Street directly adjacent to the Project site by including a visible system map, bus schedules, real time arrival information, wayfinding signage to transit facilities. (Recommendation TRANS-4) The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy.

23. **Stanley Place Closure**
Prior to the issuance of a grading or building permit

The Project applicant shall submit a plan, specifications, and estimates (PS&E) to close the Stanley Place approach at Intersection #1 (Harrison Street / Stanley Place / I-580 EB Off-/Ramp). (Recommendation TRANS-5) The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy.

24. **Tenant-Specific Zoning Approvals.**
Prior to occupancy of tenant space.

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The applicant shall use reasonable efforts to ensure that the tenant of each space shall obtain all required zoning approvals and clearances, and may be subject to separate zoning permits as required by the Oakland Planning Code.

25. **Components of Final Development Plans.**
Prior to approval of Any Final Development Plans
In accordance with the Planning Code Chapter 17.140, each stage (phase) of FDP shall:
(a) Conform in all major respects with the approved Preliminary Development Plan;
(b) Comply with development standards of the C-55/S-4 and other zoning regulations (such as loading docks) unless a Variance application is submitted.
(c) Include all information included in the approved Preliminary Development Plan plus the following:
i. the location of water, sewerage, and drainage facilities;
ii. detailed building floor plans, elevations and landscaping plans;
iii. the character and location of signs;
iv. plans for street improvements; and
v. grading or earth-moving plans.
(d) Be sufficiently detailed to indicate fully the ultimate operation and appearance of the development stage including the quality of exterior materials and windows; and
(e) Include with each Final Development Plan copies of legal documents required for dedication or reservation of group or common spaces, or for performance bonds, shall be submitted with each Final Development Plan.
(f) Comply with all of the City's design review related findings.

26. **Historic Maintenance.**
a. Ongoing
The owner, property manager, future tenants, or other person in actual charge of the designated historic resource shall keep in good repair all of the exterior portions thereof, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion.

27. **Demolition Permit for Demolition of Historic Resources**
Concurrent with Building Permit Issuance for each Phase.
A demolition permit to demolish the historic resources (Mall Buildings or roof garden, or as described in the record), shall not be issued prior to payment and issuance of the building permit for such phase and demonstrated compliance with applicable SCAMMRP related conditions/mitigation measures.

28. **Master Signage Program.**
a. Prior to sign permit
The Project applicant shall submit a master signage plan for review per the Planning and Zoning regulations, including but not limited to location, dimensions, materials and colors.

29. **Pre-construction Meeting with the City**
a. Prior to issuance of a grading, demolition, or building permit.
A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site Project manager with the City's project building coordinator to confirm that conditions of approval that must be completed prior to issuance of a grading,

demolition, or building permit have been completed (including pre-construction meeting with neighborhood, construction hours, neighborhood notification, posted signs, etc.). The applicant shall coordinate and schedule this meeting with City staff.

30. **Structures within a Floodplain**

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

a) The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established within a 100-year flood event.

b) If required by the Building Services Division, the project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.

31. **Relocation of Bus Stop During Construction**

Prior to issuance of a P-Job Permit

a) The Project applicant shall coordinate with AC Transit and the City of Oakland Public Works Department Traffic Services Department to identify an appropriate temporary location, if necessary, for the existing bus stop(s), which would likely be adversely affected by Project construction. The Project sponsor shall implement all steps necessary to establish temporary bus stop(s), including replacing any bus shelters that will be removed during the construction period, to a location mutually agreed upon by the City of Oakland and AC Transit.

b) The project applicant shall coordinate with AC Transit and the City of Oakland Public Works Department Traffic Services Department to identify the possibility of providing bus bulb outs for the new bus stops. During the P-job permit the applicant shall submit a plan to AC Transit and the City of Oakland Public Works Department Traffic Services Department for review showing the bus bulb outs. If approved, the applicant shall implement the approved plan.

After Construction

The project applicant shall relocate any temporary bus stop(s) back to its original locations and make improvements to the bus stops per AC Transit's guidelines and Condition of Approval number 23.

32. **Fire Safety**

With submittal of each Building Permit, comply with following requirements of Fire Prevention Bureau:

a) Comply with the Federal Aviation Administration regulations on maximum building heights on new buildings located within the radius limits to adjacent airports.

b) Comply with local amendments to the 2010 adopted building and fire codes. The codes in effect at the time of the filing of the building permit will determine the applicable codes for this Project.

c) Obtain separate demolition permit(s) from Building Services and observe fire safety during demolition/construction work per California Fire Code Sections 1401 through 1417 as amended per City Ordinance No. 13052, and per 2004 NFPA 241. Selective explosions to accelerate demolition work are not permitted. Hot works (when cutting metals with high temperature flame torches) during demolition or construction require fire code permits. The applicant shall provide a dedicate fire watch per CFC Code Sections 1404.5 and 2601 through 2609. Reference 2010 CFC Chapters 14 and 26.

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d) When walls are required to be of fire resistive construction, the wall construction shall be completed (with all openings protected) immediately after the occupancy is sufficiently weather-protected at the location of the wall(s).

e) Each level above the first story in new multi-story buildings shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and existing, occupied buildings shall be lighted and maintained clear of debris and construction at all times. Exception: For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.) All new buildings under construction shall have one unobstructed means of egress. All means of egress shall be identified in the Fire Protection Plan.

f) The developer and all other city agencies shall hold the demolition permit until the Fire Prevention Bureau's Hazardous Materials Group as approved the method of demolishing the existing improvements as part of the total scope of the Project. Demolition by way of controlled explosion or implosion is prohibited due to air quality concerns. Please coordinate with the Bureau's Hazardous Materials Group for approved methods, i.e. demolition without impacting the integrity of nearby structures, public utilities and the surrounding environment.

g) Trees at the property frontage, when provide, shall have limited growth not to exceed 30' high or have tree limbs, branches obstructing roadway access at less than 13'-6" high. The subdivision owners of this parcel map or the city's Public works Agency shall maintain the maximum tree height and openings to allow the fire truck ladder to operate effectively.

h) Public hydrants serving the properties shall meet the number of hydrants, hydrant spacing and minimum required fire flow per 2010 CFC Appendix Chapters B and C. The existing public hydrants surrounding the property presently exceed the maximum 300-foot spacing that the Fire Department recommends for new construction. Hydrants are also recommended to be at least 100 to 200 feet away from any building's fire department connections.

i) Fire crew and fire apparatus access to the site shall comply with the 2010 CFC Appendix D as amended per 2011 Ordinance 13052. Fire truck access to the existing site by way of Harrison Street is constrained. The current code requires 26 feet minimum road width.

j) The developer shall underground all power cables and utility lines serving the proposed development to minimize potential hazards to operating the fire apparatus ladder for rescue and suppression. A clear and unobstructed road surface 26 feet wide is required to extend the apparatus stabilizers to safely rise and lower the crew equipment and/or rescued person by the ladder trucks.

k) Backflow preventers or approved backflow equipment shall be provided to prevent the contamination of underground fire service mains due to the site's proximity to the lake. The developer shall coordinate with the water service provider (EBMUD) for approved, tested equipment.

l) Drains from standpipes and automatic fire sprinkler systems, including on-site water storage tanks of high-rise buildings shall discharge to the sanitary sewer system. No drains discharges are permitted to lead to the Lake or to the storm water lines.

m) Any encroachments below street levels or public sidewalks shall have a load bearing capacity capable of withstanding 75,000 pounds. The developer/owner needs to address

the city's Ordinance 8005 that granted the right to build and operate a tunnel and a bridge for pedestrian use. The structure supporting the road for the pedestrian tunnel needs to be certified by a qualified structural engineer to meet the current fire code provision to sustain a minimum load of 75,000 pounds, as noted: in Section D102.

n) The general contractor shall coordinate with the Fire Department's Emergency Dispatch Center to effect pre-planned fire apparatus response to the site.

o) Coordinate with the city's Building Services and Fire Department Bureau on: (1) site-related soil remediation, (2) demolition-related permit(s) where hazardous materials, i.e. asbestos or fuel tanks are disposal or abandonment, (3) water run-off related to construction activities.

p) The building permit plan application shall be reviewed by the Fire Prevention Bureau for related 2010 California Building Code provisions on CBC matrix-related sections, 2010 CFC compliance and code variances as applicable.

q) The following fire code review/permits shall be obtained as part of the proposed on-site / building improvements:

- On-site fire apparatus access
- Underground fire services and their appurtenances (i.e., backflow devices and on-site hydrants)
- Fire sprinkler system installation
- Standpipe system installation
- Fire alarm system
- Hazardous Materials Business Plan for handling combustible fuel(s), Class II for stand-by diesel generator set(s), subject to review of building permit plan submittals, Fire Department review of the proposed building plans
- Building Code and Fire Code variances, per plan review
- EBMUD hydrant and fire service requirements
- Fire safety and evacuation plans per 2010 CFC Section 404.2 as amended per City Ordinance 13052.

r) Cordoned /fenced areas for site demolition and construction shall provide 20-foot road widths and 13'-6" vertical clearances for fire apparatus access on public streets, clear at all times. Public Works Agency and OFD Dispatch Center shall be informed of requests on temporary street closures.

s) Obtain EBMUD with OFD sign-off on required temporary water supply (temporary) connection to public hydrants) to limit dusts and other hazardous air-borne debris generated at the site during demolition work. Temporary water supply during demolition work and progress of construction may only utilize the 2 ½" hydrant outlet, or hand line. All 4 ½" hydrant hose lines shall remain available and accessible to the suppression crew at all times.

t) The code and the code standards for the installation of the fire protection systems noted on item 1 above shall be the adopted codes in effect at the time of adoption of the CBC when building permits are filed.

u) The owner/developer shall provide EBMUD's findings for available water flow (either by hydraulic simulation or actual flow tests) for firefighting before any water based extinguishing systems are installed.

v) A proposed final site plan is needed to continue the Fire Prevention Bureau's review of the proposed development.

33. <u>Vesting Tentative Parcel Map 9848 –</u>
The following items will be required at the time of Final Map(s) submittal:

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Except as otherwise provided in these Conditions of Approval, an application for a Final Map shall be made and all fees paid prior to any other application with City of Oakland Building Services. The Final Map shall address the following:

Engineering Services Division

a) The existing parking structure and other existing structures appear to lie close enough to the proposed property lines to be impacted by the requirements of the 2010 California Building Code (CBC). If required, the buildings shall be brought into compliance with the CBC prior to the City signing the Final Map or issuing any demolition, grading or building permits
b) A condition of the City's approval for this Project is the requirement for 12-foot public sidewalks. The applicant shall dedicate public right-of-way as needed to meet this requirement. Note the 12-foot dimension is measured from the back-of-gutter to the back-of-walk or to the right-of-way.
c) Show location, purpose, and width of all existing and proposed easements.
d) Major and Minor Encroachment Permits shall be obtained prior to the approval of the Final Map or the issuance of Grading, Demolition, or P-job permits.
e) Obstruction permits for parking meter removal and/or temporary blocking of the parking lane shall be obtained prior to obtaining Grading, Demolition, or P-job permits.
f) Copies of utility agreements regarding relocation shall be provided to the City prior to approval of the Final Map or issuance of any permits.
g) Obtain approval from the City for the location of any joint trench and utility box locations within the public right-of-way.
h) Shoring and/or tie-backs if used in construction may require Major Encroachment permits.
i) Utility vaults may require Major Encroachment permits.
j) The existing street lights adjacent to the Project may require removal and/or relocation during construction. To meet City Street Light design criteria light may have to be installed. Obtain approval for any removal and/or relocation of lights from the City.
k) New sidewalks and wheelchair ramps shall conform to City of Oakland standards. Provide a minimum of 5-feet of clearance between any obstructions on the sidewalk.
l) Driveways openings and vehicular access shall conform to City of Oakland Standard Plans.
m) Provide documentation for the existing overhead causeway and tunnel and their right to cross public right-of-way. A Major Encroachment Permit may be required for the both facilities.
n) Provide written, photographic, and survey documentation showing the location of the existing buildings do not extend beyond the existing and new property lines into the public right-of-way. If the buildings or portions of the buildings extend into the adjacent properties an easement shall be obtained for the encroachments prior to approval of the Parcel Map.
o) Note the location of the proposed property lines and air rights shall be in conformance with setback requirements as specified in the California Building Code current at the time of Building Permit application.
p) As more detailed design is developed it may be determined that emergency vehicle access easements are required for approval of the final map. Widths of such easements may be 26-feet wide. This may impact the footprint of the proposed structures.

q) If easements for air rights are created as part of this Project the City of Oakland shall be named as third party beneficiary.
r) Note the Project is located within a seismic hazard zone to Section 2696 of the Public Resources Code and within a FEMA Flood Zone. The design of your Project may be impacted by considerations pertaining to the two zones.

Public Works Agency: Department of Engineering and Construction, Watershed and Stormwater Division, and Transportation Services Division

s) That portion of the sidewalks along Harrison, Webster, 20th and 21st that edge the Project, shall be increased to not less than 12' from the edge of curb and with 8' clearance. If necessary, the Project sponsor shall dedicate a portion of the property to comply with this minimum. The offer of such dedication shall be on the owner's statement on the Final Parcel Map.
t) Roadway cross sections shall be revised to reflect the 12' minimum width noted above.
u) The Project sponsor shall include root barriers when installing trees within sidewalk areas.
v) The Project applicant shall provide preliminary sanitary sewer plans as well as built plans in both AUTOCAD and pdf format for right of way locations only.
w) The sanitary sewer main fronting the property on 20th Street shall be located in the street for maintenance accessibility. If the applicant is not connecting to this line and if it does not serve any other purpose, this line shall be abandoned or removed during construction and shall be capped off. If there is a spur that continues, a clean-up needs to be installed for maintenance access.
x) Fat Oil and Grease (FOG) related issues may need to be addressed if a restaurant or food establishment is constructed with the retail space. A grease interceptor may need to be installed in addition to the required grease trap. Please review EBMUD's website for guidance and the Alameda County Health Department.

Public Works Agency: Office of the City Land Surveyor

y) The existing tunnel and bridge should be identified and dimensioned on the Final Map as they represent an underground/aerial easement over and under the right of way. This should be dimensioned in three dimensions (x, y, and z) to adequately site the structures. If a specific easement was granted or Ordinance establishing such right was approved, then that may be shown but must be sited with location, dimensions, and bearings.
z) The Basis for Elevations should cite the specific benchmark which has been used on the map (General Note #8)
aa) If there are existing easements in place for light, air, etc., they should be shown with their "Z" component (elevations: from where to where) as well as their horizontal position.
bb) During construction, new City monuments shall be set to establish the easterly limit of Webster Street by placing additional ones at 20th Street and mid block.
cc) During construction, a new city monument shall be placed at a location determined by the City Surveyor a point of inter-visibility between the new monument at Webster and the existing monument at 21st and Harrison.
dd) During construction, two new benchmarks shall be established. One at Webster/21st St. and one along Lakeside Drive as located by the City Surveyor. These monuments must

be in place before any approval of the Final or Parcel Map of parcels shown on TPM9848.

ee) If new or replacement or adjusted easements in place for Light, air, etc., (if any) as approved in this application or subsequent redesigns shall be shown upon their respective final map(s) with elevation components.

ff) All PAE's (Private Access Easements) (if any) shall be clearly defined with bearings, distances and tied to the boundary lines of the respective parcels, and shown upon all final maps or shown upon the first map recorded and referenced on subsequent maps.

APPROVED BY:
City Planning Commission:_____(date)_____(vote)
City Council:_____(date)_____(vote)

Applicant and/or Contractor Statement
I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on May 4, 2011. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the Project.

Signature of Owner/Applicant: _____(date)
Signature of Contractor _____(date)

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