Oakland City Planning Commission AGENDA

Doug Boxer, Chair
Vien Truong, Vice Chair
Michael Colbruno
Sandra E. Gálvez
Vince Gibbs
C. Blake Huntsman
Madeleine Zayas-Mart

October 6, 2010
Regular Meeting

MEAL GATHERING *5:15 P.M.*

Saigon Restaurant, 326 Frank Ogawa Plaza, Oakland
Open to the public (Members of the public may purchase their own meals if desired. Consumption of food is not required to attend.)

BUSINESS MEETING *6:00 P.M.*

Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary ***"Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda".*** Speakers are generally l0imited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.

The order of items will be determined under "Agenda Discussion" at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **10:15 p.m.**, and the meeting will adjourn no later than **10:30 p.m.** unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

Please check with the Planning Department prior to the meeting regarding items that may be continued. Any agenda item may be continued, without the hearing on the matter being opened or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening devise, please call the ***Planning Department at 510-238-3941*** or **TDD 510-238-3254** at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

Staff reports for items listed on this agenda will be available by 3:00 p.m. the Friday before the meeting, to any interested party, at the Community and Economic Development Agency, Planning and Zoning Division, 250 Frank

H. Ogawa Plaza, Oakland, California 94612. **Reports are also available at the Strategic Planning Division on the 3rd floor (Suite 3315), which closes at 5:00 p.m.**

New web-site staff report download instructions

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at **www.oaklandnet.com**. Select the "Government" tab, scroll down and click on "Planning & Zoning" (under CEDA), click on "visit the Boards and Commissions page" under "Planning Commission". You will need to ensure that your computer will accept pop-ups from the host site (oaklandnet.com) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please call **510-238-3941**.

If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure Section1094.6, unless a shorter period applies.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

While attending Planning Commission Meetings, parking in the Clay Street Garage is free. Attendees should see staff at the meeting for validation of parking tickets.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 or Gwen Brown at gbrown@oaklandnet.com or 510-238-6194 at least 48 hours prior to the meeting.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report Presentation of 2010 Mills Act Applications

Committee Reports

Commission Matters

City Attorney's Report

OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

CONSENT CALENDAR

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

1.	
Location:	**5914 Telegraph Avenue (APN: 016-1386-012-03)**
Proposal:	Installation of a wireless facility consisting; four (4) equipment cabinets, located within proposed chain link fence enclosure at the ground floor, and eight (8) panel antennas at approximately 66' -2" high attached to an existing monopole tower with 8 existing antennas for a total of 16 telecommunication antennas located on Crown Castle monopole telecommunication facilities.
Applicant:	RS & L Consulting Services/T-Mobile Wireless.
Contact Person/Phone Number:	Steven J. Christenson (530)368-0730
Owner:	Crown Castle & Bautista Emilio
Case File Number:	**CMD10-072**
Planning Permits Required:	Regular Design Review to install 8 panel telecommunication antennas and four (4) equipment cabinets to be located within proposed chain link fence enclosure adjacent to an existing monopole. Major Conditional Use Permit for the antennas co-location on an existing Monopole Telecommunication Facility within 100' of Residential Zone.
General Plan:	Urban Residential
Zoning:	C-28 Commercial Shopping District Zone and within 100' of R-35 Special-One Family Residential Zone.
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property; Survey Rating: N/A
Service Delivery District:	2
City Council District:	1
Status:	Pending
Action to be Taken:	Decision of Application
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Jason Madani at **(510) 238-4790** or by email: **jsmadani@oaklandnet.com**

2.	**Location:**	**5329-5345 Foothill Boulevard (APN: 035-2389-017-03)**
	Proposal:	To install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one enclosed equipment cabinet at a site with 37 existing antennas for a total of 40 telecommunication antennas.
	Applicant:	Clearwire, Misako Hill of Cortel, LLC
	Contact Person/Phone Number:	Misako Hill /(415)533-2540
	Owner:	Fairfax Lighthouse Deliverance Center
	Case File Number:	**CMD10-215**
	Planning Permits Required:	Regular Design Review to install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one enclosed equipment cabinet. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	C-30 District Thoroughfare Commercial Zone S-4 Design Review Combining Zone R-70 High Density Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property; Survey Rating: Cb +2 +
	Service Delivery District:	5
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at **(510) 238-6935** or by email: **mbradley@oaklandnet.com**

PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the public hearing.

The Commission will then vote on the matter based on the staff report and recommendation. If the Commission does not follow the staff recommendation and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

If you wish to be notified on the decision of an agenda item, please indicate the case number and submit a self-addressed stamped envelope, for each case.

Planning Commission decisions that involve "major" cases (i.e., major variances, major conditional use permits) are usually appealable to the City Council. Such appeals must be filed within ten (10) calendar days of the date of the announcement of the Planning Commission decision and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude you from raising such issues during your appeal and/or in court.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies. Ukl;Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commission, staff, and the public, 25 copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, it should be received by the Commission.

3.	**Location:**	**2307 International Boulevard (APN: 020 -0105-014-00)**
	Proposal:	To allow a full-service restaurant (" Sea Blue") to serve beer and wine. The restaurant would close at 10:00pm and feature a 500 square-feet dining room (approx.) with 9 tables and a counter. The site does not contain off-street parking spaces. **The item was originally scheduled for the hearing of September 1, 2010 and continued at that time to allow additional opportunity for public review and comment**
	Applicant/	Don Duong
	Phone Number:	(510) 536-3114
	Owner:	Jeffrey Huynh
	Case File Number:	**CM10-211**
	Planning Permits Required:	Major Conditional Use Permit with 2 sets of additional findings to allow sale of alcoholic beverages at a Full-Service Restaurant located on a Restricted Street in the C-28 Zone (OMC Sec. 17.44.110, 17.44.210(E), 17.102.210(B)(2), 17.134.020(A)(2)(a)(viii))
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	C-28 Shopping Center Commercial Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
	Historic Status:	Potential Designated Historic Property; Survey rating: C2 + (Oakland Bank - 23rd Avenue Branch; ASI contributor, secondary importance or superior example; 23rd Avenue Commercial Historic District)
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Service Delivery District:	III – Central/Chinatown/Lower Hills
City Council District:	5 – De La Fuente
Date Filed:	August 2, 2010
Action to be Taken:	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner **Aubrey Rose, Planner II** at **(510) 238-2071** or arose@oaklandnet.com

4.	**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:	Public Hearing on the Draft Environmental Impact Report to obtain comments on the environmental analysis related to the 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 rooftop garden by removing 18,369 square feet and adding 22,933 square feet along 20th Street for a net gain of 4,564 square feet. Phase II includes the (a) demolition of the Webster Street Mall (approximately 38,190 square feet) and (b) construction of a 42-story office tower (approximately 833,020 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 ground 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, Tree Removal Permit
	General Plan:	Central Business District
	Zoning:	CBD-C, Central Business District Commercial, adopted July 21, 2009. (The zoning when the application was submitted was C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space)
	Environmental Determination:	Draft Environmental Impact Report was published for a 45-day review period from August 23, 2010 to October 7, 2010
	Historic Status:	Kaiser Center Building & Rooftop 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))

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Service Delivery District: 1 – Downtown/West Oakland/Harbor
City Council District: 3
Action to be Taken: Receive public and Planning Commission comments on the Draft Environmental Impact Report – No decision will be made on the project
For Further Information: Contact project planner **Heather Klein** at (510) 238-3659 or by email hklein@oaklandnet.com or **Darin Ranelletti** at (510) 238-3663 or by email dranelletti@oaklandnet.com

APPEALS

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Commission will vote on the report prepared by staff. If the Commission reverses/overturns the staff decision and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

(There are no appeals on this agenda)

COMMISSION BUSINESS

Approval of Minutes: September 1 and September 15, 2010

Correspondence

City Council Actions

OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

ADJOURNMENT By **10:30 P.M.** unless a later time is agreed upon by a majority of Commissioners present.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: October 20, 2010

Oakland City Planning Commission STAFF REPORT

Director's Report - Presentation of 2010 Mills Act Applications **October 6, 2010**

INTRODUCTION

Attached is background information on the Mills Act Contract Application Selection. The Landmarks Preservation Advisory Board reviewed the applications and made recommendations to the City Council at their, August 9th and September 13th, 2010 meetings for a total of five Mills Act Agreements.

BACKGROUND

Please see attached reports.

NEXT STEPS

The next step in the Mills Act application process is notification to the Planning Commission followed by City Council review and authorization to the City Administrator to execute the Mills Act Agreements.

Prepared by: Joann Pavlinec, Planner III

Approved for forwarding to Planning Commission by:
Eric Angstadt, Deputy Director of CEDA

Attachments: A. Landmarks Preservation Advisory Report – August 9, 2010
B. Landmarks Preservation Advisory Report – September 13, 2010

Ref: MillsActApplications: Director'sReport-October6,2010

2.	**Proposal:**	**Mills Act Contract Application Selection: Recommendations for two 2010 Mills Act Program Contracts** 1) 2801 Harrison Street – MA10-001- Council District Nadel 2) 1081 53rd Street – MA10-002 - Council District Brunner
	Environmental Determination:	Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning
	Service Delivery District:	Citywide
	City Council District:	Citywide
	Action to be taken:	Forward to Planning Commission as Informational Item. Forward recommendation to City Council.
	For Further Information:	Contact **Joann Pavlinec (510)238-6344**, jpavlinec@oaklandnet.com

INTRODUCTION

A two-year Pilot Mills Act Property Tax Abatement Program (Program) was adopted by City Council in November 2006. In 2009 the City Council expanded and made the Program permanent. Currently there are sixteen Mills Act Contracts (2008 and 2009) recorded with the County of Alameda Assessor's Office. Under the current Ordinance, the Program limits impacts on City revenue to $25,000/year, and $25,000/year in any single redevelopment area with a cumulative limit of $250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, the Program limits impacts on Redevelopment revenues to $100,000/building/year with a cumulative limit of $250,000/year. Any Mills Act Program property applicant, who's estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council. The Program also stipulates that any property entering into a Mills Act Contract with the City must be a City Designated Historic Property (DHP).

2010 Mills Act Applications – Number and Historic Status

To date, two 2010 Mills Act applications have been submitted to the City. They are concurrently being reviewed and evaluated for City historic designation at the August 9, 2101 Landmarks Preservation Advisory Board (LPAB) meeting.

One of the properties is a Local Register property[1], and the other is a Potential Designated Historic Property, not on the Local Register. Both are Contributors in Areas of Secondary Importance (ASI). The individual applications are further described below, including the following:

- Historic Status: Listed on the National Register of Historic Places/ City of Oakland Landmark/City of Oakland Designated District (S-7, S-20)/ Study List/Oakland Cultural Heritage Survey rating;
- Redevelopment District;
- City Council District;

[1] A local register property is a building with an Oakland Cultural Heritage Survey rating of 'A' or 'B', a Potential Designated Historic Property (PDHP) located in an Area of Primary Importance, or a property listed on the Preservation Study List.

- Significance;
- Work Program;
- Application Strengths.

Historic Preservation Staff Review

Historic Preservation staff (Marvin, Pavlinec) have preliminarily reviewed and evaluated the applications for recommendation to the Board. They were evaluated according to Standards based on the Selection Criteria stated in the Mills Act Application, which were developed by the sub-committee during the first year of the Mills Act Pilot Program and then reviewed and approved by the full Board (**Attachment A**).

The review and evaluation is a multi-layered approach, including review of the application materials submitted, the Selection Criteria addressed in the application, the Standards developed by the sub-committee and approved by the Board, and site visits to each property. Evaluation focuses on the immediate necessity of the work to deter any further deterioration, the scope of the work in relation to the estimated tax reduction, visibility of the work being proposed to act as a catalyst for neighborhood revitalization and as a model for the Mills Act Program, neighborhood diversity to spread the program to as many neighborhoods as possible, building type diversity to illustrate the flexibility of the Mills Act for different types of properties, and the thoroughness of the application above and beyond being 'Complete'.

Staff is recommending approval of both applications.

2010 Mills Act Applications - Financial Impacts

Using the Mills Act Calculator as an estimator to check compliance with limits set out in the Ordinance, the 11 recommended applications result in the following revenue losses:

City Revenues	
(2 applications)	
Estimated Total	
Property Tax Reduction for 2 applicants	$4,666/year
Actual City Loss of Revenue	$1,400/year

The loss of revenue to the City would be less than the actual tax reduction to the property owner because the City receives only a portion of the taxes, approximately 30%. Loss of this dollar amount complies with the City revenue loss limit of $25,000/year.

Next Steps

Following the LPAB's selection and recommendation to the City Council, the Mills Act applications and recommendations will be presented to the Planning Commission as an Information Item prior to City Council review for approval and Contract execution. Both applications require Heritage Property Designation and are concurrently being reviewed by the LPAB at this meeting. Historic Preservation staff have reviewed all of the applications and preliminarily determined that they are eligible for Heritage Property designation.

MILLS ACT CONTRACT RECOMMENDATIONS

1 - MA10-001 – 2801 Harrison Street

OCHS Rating: B-2+, Major Importance, Contributor to an Area of Secondary Importance

Redevelopment District: Not in a Redevelopment District

Council District: 3 (Nadel)

Significance: Built in 1903, this craftsman home is a neighborhood architectural anchor, with its striking gabled, flared roof, and shaped decorative rafters. Located at the split of Oakland Avenue and Harrison Street, the house is at a very visible, high-pedestrian and vehicular intersection. The porch, many faceted corner bay, dormers and tall clinker-brick chimney, appear most prominently. The Fairmount Avenue facing entry porch features three robust columnar supports sided like the rest of the house's exterior with cedar shingles.

Howard Pratt purchased Lot 3 of the Walsworth 100 Acres Tract and published a notice in the Edwards Transcript of Records that he was building a house at the northwest corner of Walsworth and Fairmount, and that he was the owner/contractor/builder. It was one of the first in the tract to be developed. Before these tracts were developed, they were sprawling estates of some of the most affluent Oaklanders of that time.

Work Program (attached):

- Remove four layers of roofing and re-roof;
- Window repairs and restoration, including leaded glass window;
- Shingle staining;
- Exterior painting;

- Floor leveling (new foundation completed in June 2009);
- Removal of duplex entry at front porch; restoration of porch.

Application Strengths:

- Prominent location for visibility of the work program;
- Catalyst for neighborhood revitalization;
- Conserving materials and energy embodied in existing building;
- Reversal of inappropriate work;
- Restoration of character defining features;
- Major repair/maintenance;

2 - MA10-002 – 1081 53rd Street

OCHS Rating: *D2+*, Minor Importance, Contributor to an Area of Secondary Importance
Redevelopment District: Not in a Redevelopment District
Council District: 1 (Brunner)

Significance: Built in 1907, this duplex is a typical example of colonial revival, with shingle siding and a gable roof, including a dormer window centered above the front of the house. Its mid-block location, amongst other turn of the century homes on either side, provides high potential to act as a catalyst in this Area of Secondary Importance. While the shingles and roof are showing signs of weathering, the envelope of the building is in good condition.

Work Program (attached):

- Seismic retrofit;
- Roof repair;
- Window restoration;
- Shingle siding repair;
- Front porch repair.

Application Strengths:

- Strong potential to act as catalyst for neighborhood revitalization/part of a continuous group/streetscape whose continuity would be improved;
- Scope of work;
- Stabilization (seismic retrofit);
- Major repair/maintenance;
- Restoration of character defining features;
- Conserving materials and energy embodied in existing building;
- Neighborhood diversity.

RECOMMENDATIONS

1. Receive any testimony from interested citizens;
2. Discuss recommendation on Mills Act Contracts for 2010; and
3. Based on the above discussion:
   - Select these applications for recommendation to the City Council, for the 2010 Mills Act Program;
   - Forward the same recommendations to the Planning Commission as an Information Item.

Respectfully submitted:

ERIC ANGSTADT
Deputy Director of CEDA

Prepared by:

Joann Pavlinec, Historic Preservation

Attachments:

A. Preservation Work Program and Time Line
B. Geographic Distribution Map

Ref: MillsActApplications/lpab2010

3. PRESERVATION WORK PROGRAM AND TIME LINE

Please list the improvements to take place over the next 10 years, in order of priority. Listed work should be limited to stabilization and/or maintenance of the historic structure or restoration and/or repair of exterior character defining features of the historic property. State the anticipated costs of the improvements, including but not limited to materials, labor, permits and fees. Anticipated construction must be equal to or greater than tax savings: see the Mills Act Property Tax Calculator on line at www.oaklandnet.com/historicpreservation for a rough estimate of potential property tax reduction. (Please attach additional pages to complete the below information.)

1. **Year:** 2012 **Cost:** $4-10K **Improvement:** Fairmont facing Roof & Shingles at dormers, remove 4 layers of roof, re-roof and re-shingle dormers

2. **Year:** 2013 **Cost:** $4-10K **Improvement:** Bay window re-roof remove layers of roof and re-roof and make some eve repairs

3. **Year:** 2014 **Cost:** $4-10K **Improvement:** Back facing roof and drive way facing re-roof and re shingle of damaged shingles

4. **Year:** 2015 **Cost:** $4-12K **Improvement:** Wooden Window repairs & replacements if needed

5. **Year:** 2016 **Cost:** $5-10K **Improvement:** Exterior painting or staining of shingles, windows, eves & porch

6. **Year:** 2017 **Cost:** $4-8K **Improvement:** Floor leveling, foundation done in 2009, but floors unlevel

7. **Year:** 2018 **Cost:** $4-8K **Improvement:** Window restoration, additional repairs & replacements of windows

8. **Year:** 2019 **Cost:** $5-8K **Improvement:** Removal of old duplex entry and restoration of large porch area

9. **Year:** 2020 **Cost:** $4-8K **Improvement:** repairs and restoration to back of building that neighbor is closest to neighbor, mostly re-shingles

10. **Year:** 2021 **Cost:** $4-8K **Improvement:** remove old penetrations from roof and exterior old vents & conduit Maintenance & restore Leaded glass window

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

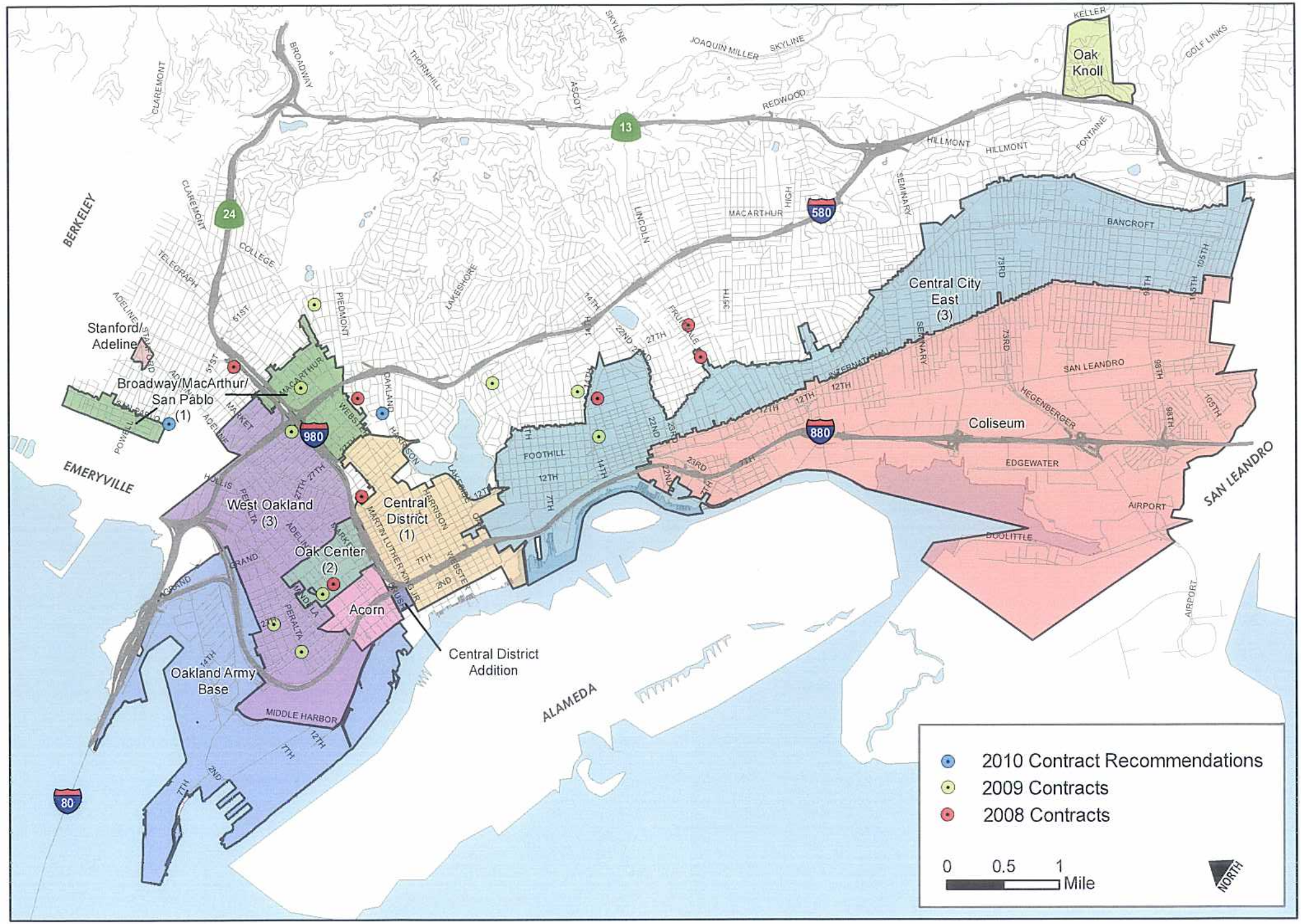
1081 - 53RD STREET

3. PRESERVATION WORK PROGRAM AND TIME LINE

Please list the improvements to take place over the next 10 years, in order of priority. Listed work should be limited to stabilization and/or maintenance of the historic structure or restoration and/or repair of exterior character defining features of the historic property. State the anticipated costs of the improvements, including but not limited to materials, labor, permits and fees. Anticipated construction must be equal to or greater than tax savings: see the Mills Act Property Tax Calculator on line at www.oaklandnet.com/historicpreservation for a rough estimate of potential property tax reduction. (Please attach additional pages to complete the below information.)

1. Year: ~~2009~~ 12 Cost: 2,360 Improvement: Seismic Retrofit
2. Year: ~~2010~~ 13 Cost: 2,360 Improvement: Seismic Retrofit and Roof Repair
3. Year: ~~2011~~ 14 Cost: 2,360 Improvement: Roof Repair and Seismic
4. Year: ~~2012~~ 15 Cost: 2,360 Improvement: Roof Repair and Window Restoration
5. Year: ~~2013~~ 16 Cost: 2,360 Improvement: Window Restoration
6. Year: ~~2014~~ 17 Cost: 2,360 Improvement: Window Restoration
7. Year: ~~2015~~ 18 Cost: 2,360 Improvement: Repair Shingle Siding
8. Year: ~~2016~~ 19 Cost: 2,360 Improvement: Repair Shingle Siding
9. Year: ~~2017~~ 20 Cost: 2,360 Improvement: Front Porch Repair
10. Year: ~~2018~~ 21 Cost: 2,360 Improvement: Front Porch Repair

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.



Mills Act Contracts & Contract Recommendations

July 29, 2010

2.	**Proposal:**	**Mills Act Contract Application Selection: Recommendations for three 2010 Mills Act Program Contracts** 1) 1926 Martin Luther King Jr. Way - Council District Nadel 2) 2651 22nd Avenue - Council District Kernighan 3) 1615 Broadway – Council District Nadel
	Environmental Determination:	Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning
	Service Delivery District:	Citywide
	City Council District:	Citywide
	Action to be taken:	Forward to Planning Commission as Informational Item. Forward recommendation to City Council.
	For Further Information:	Contact **Joann Pavlinec (510)238-6344**, jpavlinec@oaklandnet.com

INTRODUCTION

A two-year Pilot Mills Act Property Tax Abatement Program (Program) was adopted by City Council in November 2006. In 2009 the City Council expanded and made the Program permanent. Currently there are sixteen Mills Act Contracts (2008 and 2009) recorded with the County of Alameda Assessor's Office. Under the current Ordinance, the Program limits impacts on City revenue to $25,000/year, and $25,000/year in any single redevelopment area with a cumulative limit of $250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, the Program limits impacts on Redevelopment revenues to $100,000/building/year with a cumulative limit of $250,000/year. Any Mills Act Program property applicant, who's estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council. The Program also stipulates that any property entering into a Mills Act Contract with the City must be a City Designated Historic Property (DHP).

2010 Mills Act Applications – Number and Historic Status

The Landmarks Board recommended two Mills Act applications to the City Council at the August 9, 2010 meeting. Three more applications have been submitted.

The 1615 Broadway property application is a resubmit from the first year of the Mills Act Pilot program. Under implementation of the Pilot Program, it was discovered that large commercial properties' estimated tax revenue losses exceeded the loss limits, and therefore three 2008 applications were not able to move forward. Following last year's City Council approved increases for tax revenue loss limits in the Central Business District, staff inquired if the previous three applicants wished to resubmit. The 1615 Broadway application is the only one of three 2008 applicants to resubmit. The 1615 Broadway property, the Cathedral Building, is a City of Oakland Landmark, listed individually on the National Register of Historic Places, and a contributor to the National Register Downtown Historic District.

The other two properties submittals, 1926 Martin Luther King Jr. Way and 2651 22nd Avenue, are concurrently being reviewed for Heritage Property designation. Neither of these properties is located in an historic district.

The individual applications are further described below, including the following:

- Historic Status: Listed on the National Register of Historic Places/ City of Oakland Landmark/City of Oakland Designated District (S-7, S-20)/ Study List/Oakland Cultural Heritage Survey rating;
- Redevelopment District;
- City Council District;
- Significance;
- Work Program;
- Application Strengths.

Historic Preservation Staff Review

Historic Preservation staff (Marvin, Pavlinec) have preliminarily reviewed and evaluated the applications for recommendation to the Board. They were evaluated according to Standards based on the Selection Criteria stated in the Mills Act Application, which were developed by the sub-committee during the first year of the Mills Act Pilot Program and then reviewed and approved by the full Board (**Attachment A**).

The review and evaluation is a multi-layered approach, including review of the application materials submitted, the Selection Criteria addressed in the application, the Standards developed by the sub-committee and approved by the Board, and site visits to each property. Evaluation focuses on the immediate necessity of the work to deter any further deterioration, the scope of the work in relation to the estimated tax reduction, visibility of the work being proposed to act as a catalyst for neighborhood revitalization and as a model for the Mills Act Program, neighborhood diversity to spread the program to as many neighborhoods as possible, building type diversity to illustrate the flexibility of the Mills Act for different types of properties, and the thoroughness of the application above and beyond being 'Complete'.

Staff is recommending approval of all of the three applications.

Next Steps

Following the LPAB's selection and recommendation to the City Council, the Mills Act applications and recommendations will be presented to the Planning Commission as an Information Item prior to City Council review for approval and Contract execution. Two of the applications require Heritage Property Designation and are concurrently being reviewed by the LPAB at this meeting. Historic Preservation staff have reviewed all of the applications and preliminarily determined that they are eligible for Heritage Property designation.

MILLS ACT CONTRACT RECOMMENDATIONS

1. MA10-003 – 1926 Martin Luther King Jr. Way

Heritage Property Eligibility Preliminary Rating: B (23 points)
Heritage Property Eligibility Adjusted Rating: C (16.55 points)

OCHS Rating: *Dc3,* Minor Importance with a Contingency rating of Secondary Importance, Not in a District

Redevelopment District: Central District
Council District: 3 (Nadel)

Significance: The Haelke house, is a representative example of a Queen Anne house. Built in 1885, this two-story structure, with attic and basement, is located on an interior lot. It has a hip and gable roof, tall windows, a two-story bay at the right front, and an inset gabled porch on the left. Details include wood sash windows, fairly simple millwork, including bargeboard button trim on the attic and front porch gables, sunburst and decorative shingle gables, turned posts and curved brackets on the front façade. Historic patterns include 19th century downtown central development. While this is one of the last remaining representative structures in the immediate area, it represents the historic residential fringe around downtown and has discontiguous continuity with the Cathedral District, Area of Primary Importance (API).

The work program includes removing siding to expose original, replacement of windows to match existing, new entry stairs, painting and seismic retrofit.

Work Program:

- Removal of asbestos siding;
- Replacement of 11 windows to match original;
- New entry stairs/railings;
- Painting; and
- Seismic retrofit.

Application Strengths:

- *Seismic work;*
- *Prominent location;*
- *Increasing architectural integrity;*
- *Major repair/maintenance.*

2 MA10-004 – 2651 22nd Avenue

Heritage Property Eligibility Preliminary Rating: C (17 points)
Heritage Property Eligibility Adjusted Rating: C (16.5 points)

OCHS Rating:	*C3* Secondary Importance, Not in an historic district
Redevelopment District:	Central City East
Council District:	2 (Kernighan)

Significance: Built in approximately 1910, with the garage addition in the 1920s, this is a classic example of the Eastern Shingle Cottage. Typical for this style, the ground floor has the characteristics of the Neoclassical Rowhouse, including a raised first story, a recessed front porch with a classic column and bay window. The wood windows with wide trim, the dentils forming a decorative band below the gabled rood, along with the wide, then narrow clapboard siding are also features shared with the Neoclassical Rowhouse. But the second level is different. Characteristic of the Eastern Shingle Cottage, a steep pitched, A-frame roof dominates the structure. Other notable detailing of the house includes the leaded glass windows in the bay and second level windows in front of the house. The footprints on the 1930 Sanborn map match the existing building footprint for the house and garage. Earlier maps indicate that this lot is part of the Wakefield subdivision of 1906, perhaps after the earthquake. It is representative of suburban neighborhood development and the advent of the automobile with the garage addition.

There have not been any major alterations to the house and garage. However, the structures have suffered from a lack of maintenance in recent years. Maintenance and minor alterations to be taken care of as part of the Mills Act contract include, painting, repair of trim and gutters, as necessary, the replacement of the inappropriate siding and door on the garage façade, and repair of front porch deck and stairs to replace dry rot.

Work Program:

- Painting;
- Repair/replacement, as necessary: trim, gutters, inappropriate siding and door of garage, front porch deck and stairs.

Application Strengths:

- Increasing architectural character;
- Preserving neighborhood character;
- Major repair/maintenance;
- Reversal of inappropriate work;
- Central City East Redevelopment Area;
- Neighborhood diversity.

3. MA10-005 – 1615 Broadway

City of Oakland Landmark
Individually Listed on the National Register
Contributor to the National Register Downtown Historic District

OCHS Rating:	*A1+* Highest Importance, Contributor to an Area of Primary Importance
Redevelopment District:	Central District
Council District:	3 (Nadel)

Significance: Constructed in 1913-14, the Federal Realty Building (Cathedral Building) is a 14-story skyscraper of steel-frame and reinforced concrete construction. Located on the narrow gore at the convergence of Broadway and Telegraph Avenue, it is richly decorated with Gothic ornamentation, especially at the top two floors. The building is clad in terra cotta and cast concrete decorative panels. The extensive decoration at the top two floors is made of hollow sheet metal.

The small ornate lobby retains most of its original features. Colonettes support a barrel vaulted ceiling. Elevator doors are bronze with panels. Walls are composed of polished Tavernelle marble with bases of red Verona marble.

Work Program:

- Seismic retrofit;
- Paint windows;
- Clean/restore terra cotta;
- Restore lobby;
- Restore exterior first floor retail including windows and storefronts.

Application Strengths:

- Visibility and prominence of location;
- Scope of work;
- Stabilization/seismic work;
- Reversal of inappropriate work;
- Building type diversity.

Please note that while a major portion of the work has been completed prior to obtaining a Mills Act Contract due to the Pilot Program limits on loss of tax revenues, staff recommends support of the application, as it was submitted in the first year of the Mills Act Program, but could not move forward at that time. Also note that there is work that remains to be done. The first floor exterior retail work remains to be completed.

RECOMMENDATIONS

1. Receive any testimony from interested citizens;
2. Discuss recommendation on Mills Act Contracts for 2010; and
3. Based on the above discussion:
    - Select these applications for recommendation to the City Council, for the 2010 Mills Act Program;
    - Forward the same recommendations to the Planning Commission as an Information Item.

Respectfully submitted:

ERIC ANGSTADT
Deputy Director of CEDA

Prepared by:

Joann Pavlinec, Historic Preservation

Attachments:
A. Mills Act Evaluation Criteria
B. Geographic Distribution Map
C. Work Programs and Time Lines

Ref: MillsActApplications/lpab2010-2

MILLS ACT EVALUATION FORM

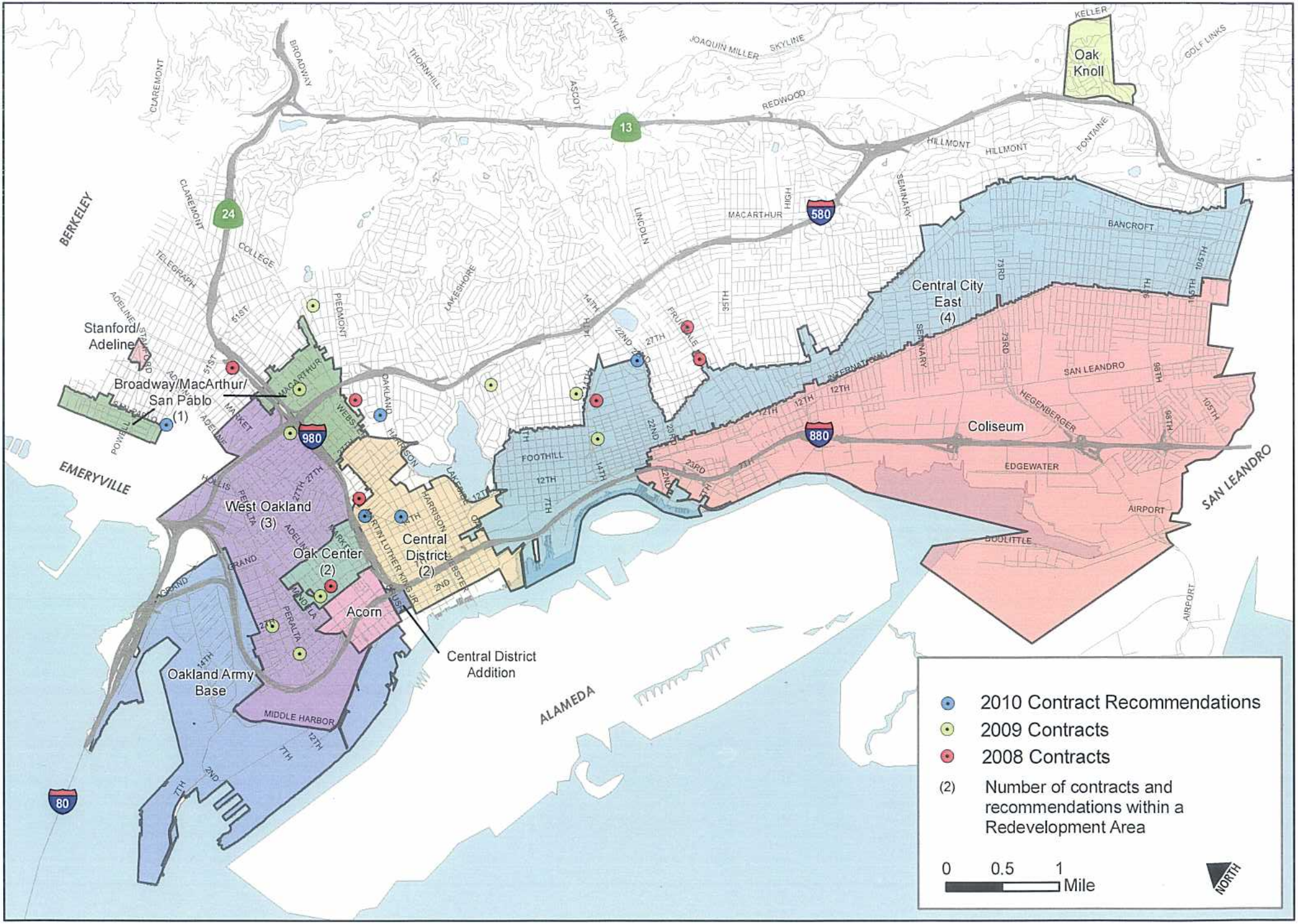
Mills Act No.:
Mills Act Address:

		POINTS	NOTES
GENERAL CRITERIA			
1. COMPLETE APPLICATION	*PREREQUISITE*		Complete Date
2. HISTORIC STATUS			
City of Oakland Landmark	5 points		
Potentially Designated Historic Property, with existing rating of "A" or "B"	4 points		
Contributor to a designated Historic District, a Heritage Property, a Designated Historic Prope Landmark, Historic District Contributor) or on the Preservation Study List	3 points Pres. Study List Requires Heritage Property Des.		
Contributor to an API (Area of Primary Importance)	2 points Requires Heritage Property Des.		
Potentially Designated Historic Property, with rating of "C" or a Contributor to an ASI (Area of Secondary Importance)	1 point Requires Heritage Property Des.		
3. TAX DED=EXT. WK.PRGRM. i. needs exterior work ii. no interior work iii. cost of exterior work =/greater than the potential reduction of property taxes	*PREREQUISITE*		
4. LOCATION, SCOPE, SCALE i. visibility of work program prominent location secondary location ii. scope of the work in proportion to the scale of the building iii. part of a continuous group/streetscape whose continuity would be improved b work program	up to 5 points		
5. NEIGHBORHOOD IMPACT Strong potential to act as a catalyst for neighborhood revitalization: i. increasing architectural integrity ii. preserving neighborhood character iii. conserving materials and energy embodied in existing building	up to 5 points		

		POINTS	NOTES
6. WORK IMPACT Potential positive impact of the work on the stabilization of the historic integrity of the property: i. stabilization/structural/seismic work ii. reversal of inappropriate work iii. restoration of character defining features iv. major repair/maintenance v. maintenance of minor wear/tear	up to 5 points		
7. TIMELINE PRIORITY Timeline prioritizes work early on in the ten year work program to i. the character of the resource ii. highly visible areas or arch. integrity iii. reversal of inappropriate work iv. contributes to the neighborhood	up to 5 points		
OVERLAY CRITERIA			
8. REDEVELOPMENT REQUIREMENT i. West Oakland Redevelopment Area ii. Central City East Redevelopment Area	1 point		
9. NEIGHBORHOOD DIVERSITY Location contributes to the goal of Mils Act contract representation in neighborhoods throughout the City	1 point		
10. BUILDING TYPE DIVERSITY i. Property's building type contributes to goal of a variety of Mills Act contract building types (e.g., residential, commercial, industrial, etc.) ii. rarity of the historic resource with respect to age, style, quality, character and use	up to 2 points		
ADDITIONAL			
Thoroughness of application, above and Beyond completeness	*BONUS POINTS*		

TOTAL

ATTACHMENT A



Community and Economic

Mills Act Contracts & Contract Recommendations

August 31, 2010

3. PRESERVATION WORK PROGRAM AND TIME LINE

Please list the improvements to take place over the next 10 years, in order of priority. Listed work should be limited to stabilization and/or maintenance of the historic structure or restoration and/or repair of exterior character defining features of the historic property. State the anticipated costs of the improvements, including but not limited to materials, labor, permits and fees. Anticipated construction must be equal to or greater than tax savings: see the Mills Act Property Tax Calculator on line at www.oaklandnet.com/historicpreservation for a rough estimate of potential property tax reduction. (Please attach additional pages to complete the below information.)

1. **Year:** 2012 **Cost:** $22,000 **Improvement:** Replace 11 windows to match original.

2. **Year:** 2013 **Cost:** $20,000 **Improvement:** Remove transit siding, restore and paint original siding

3. **Year:** 2014 **Cost:** $7,500 **Improvement:** New front entry steps & decking. Install Victorian-era garden.

4. **Year:** 2015 **Cost:** $5,000 **Improvement:** Seismically brace foundation.

5. **Year:** 2016 **Cost:** _____ **Improvement:** _____

6. **Year:** 2017 **Cost:** _____ **Improvement:** _____

7. **Year:** 2018 **Cost:** _____ **Improvement:** _____

8. **Year:** 2019 **Cost:** $75,000 **Improvement:** Replace (e) foundation - seismic retro fit.

9. **Year:** 2020 **Cost:** _____ **Improvement:** _____

10. **Year:** 2021 **Cost:** _____ **Improvement:** _____

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

Work Program and Photos

Item #1 – Paint exterior of house to protect wood from dry-rot and decay. Left side of house is in particularly bad condition, but we would probably paint the entire house. This may also involve the repair of trim and or gutters, as necessary. See photos in following pages.

Estimated Cost – $10,000
Years 0-2

Item #2 – Repair roof and siding of garage to protect the integrity of the structure (currently the roof leaks, making the structure susceptible to dry-rot) and correct inappropriate alteration (replacement siding on front). See photos in following pages.

Estimated Cost – $20,000
Years 2-4

Item #3 – Repair deck, including stairs to replace dry rot. See photos in following pages.

Estimated Cost – $5000
Years 4-6

Item #4 – Replace garage door with more appropriate design (see photo for Item #2).

Estimated Cost – $3,000
Years 6-8

3. PRESERVATION WORK PROGRAM AND TIME LINE

Please list the improvements to take place over the next 10 years, in order of priority. Listed work should be limited to stabilization and/or maintenance of the historic structure or restoration and/or repair of exterior character defining features of the historic property. State the anticipated costs of the improvements, including but not limited to materials, labor, permits and fees. Anticipated construction must be equal to or greater than tax savings: see the Mills Act Property Tax Calculator on line at www.oaklandnet.com/historicpreservation for a rough estimate of potential property tax reduction. (Please attach additional pages to complete the below information.)

1. Year: 2009 Cost: $1,000,000 Improvement: seismically brought building to code added 12 micropiles, cutaway back of building, added foundation, installed cross braces and increased beams & columns

2. Year: 2010 Cost: $600,000 Improvement: facade restoration - paint windows, clean facade, reglaze facade, fix and rebuild terra cotta and restore lobby

3. Year: 2011 Cost: $150,000 Improvement: install arch windows, install new windows, add storefront and refurbish retail facade

4. Year: 2012 Cost: _____ Improvement: _____

5. Year: 2013 Cost: _____ Improvement: _____

6. Year: 2014 Cost: _____ Improvement: _____

7. Year: 2015 Cost: _____ Improvement: _____

8. Year: 2016 Cost: _____ Improvement: _____

9. Year: 2017 Cost: _____ Improvement: _____

10. Year: 2018 Cost: _____ Improvement: _____

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

Location:	**5914 Telegraph Avenue (APN.016-1386-012-03)**
Proposal:	Installation of a wireless telecommunication facility consisting of: eight (8) panel antennas at approximately 66'-2" high above grade and attached to an existing 76'-7" high Monopole with eight (8) existing antennas for total of 16 telecommunication antennas, and 4 accompanying ground mounted equipment cabinets within a chain link enclosure.
Applicant/ Phone Number:	Steven J. Christenson/RS&L Consulting Services (for: T-Mobile Wireless Co.) (530) 368-0730
Owner:	Crown Castle/Bautista Emilio
Planning Permits Required:	Major Conditional Use Permit with special findings to allow co-location on a Monopole Facility within 100' of a Residential Zone (OMC Sec. 17.16.070, 17.128.080(C), 17.134.020(A)(3)(i)); and Regular Design Review with special findings to allow the expansion of a Monopole Facility (OMC Sec. 17.16.030, 17.128.080(B), 17.136.040(A)(10))
General Plan:	Urban Residential
Zoning:	C-28 Commercial Shopping District Zone and within 100' of R-35 Special-One Family Residential Zone
Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (Additions to existing structures); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Non-Historic Property; no survey rating
Service Delivery District:	2
City Council District:	1
Date Filed:	August 11th 2010
Action to be Taken:	Decision based on staff report
Finality of Decision:	*Appealable to City Council within 10 days*
For Further Information:	Contact case planner Jason Madani, **Planner II** at **(510) 238-4790** or **jsmadani@oaklandnet.com**

SUMMARY

The following staff report addresses the proposal to co-locate additional antennas on an existing Monopole Telecommunications Facility for T-Mobile Wireless Company. The proposal is to add eight (8) new wireless antennas to an existing 76-7" foot high Monopole Telecommunication facility with eight (8) existing antennas for a total of 16 telecommunication antennas and four (4) accompanying ground mounted equipment cabinets located on a concrete pad adjacent to the existing Crown Castle Monopole. The request a Major Conditional Use Permit and Design Review pursuant to the Planning Code, as it entails the expansion of a Monopole facility located within 100' of a Residential Zone. The site is located within a commercial District along Telegraph Avenue adjacent to a residential commercial neighborhood. The site is located in the C-28 Community Commercial Shopping District Zone and within 100' of R-35 Special–One Family Residential Zone. The project is a co-location on an existing monopole.

Staff recommends approval of the requested permits, subject to Findings for Approval and Conditions of Approval.

PROJECT DESCRIPTION

The applicant (RS&L Consulting Services for T-Mobile wireless) is proposing a co-location for the installation of eight (8) wireless telecommunication antennas mounted at approximately 66'-2" high above grade on an existing 76'-7" high Monopole structure with eight (8) existing antennas, for a total of 16 telecommunication antennas located on the Crown Castle Monopole facility.
The proposed equipment shelters within enclosed 8' high chain link fence will be occupy one parking install of approximately 240 square feet adjacent to an existing single family dwelling and the monopole structure. The proposed antennas and associated equipment will not be accessible to the public. (See attachment A).

PROPERTY DESCRIPTION

The subject property is approximately a 5,607 square foot lot, with one principal single family dwelling building fenced in at the rear portion of the lot and a parking lot at the front portion of the lot. There is an existing 76'-7" high Monopole Telecommunication Facility on the parcel and associated equipment cabinets are adjacent to the existing one-story residential building. The property is bounded: by a one story Laundromat building at the corner of Telegraph Avenue and 59th Street; a two story duplex and single family dwelling facing 59th street; and a residential complex to the north of the site. The front parking lot serves the adjacent Laundromat facility customers which is located on a separate parcel listed under same ownership. Currently Verizon telecommunication facility has eight (8) antennas attached to the existing monopole with enclosed equipment shelter located beneath the existing monopole.

GENERAL PLAN ANALYSIS

The project site is located within the Urban Residential General Plan's Land Use designation. The Intent of the GP is: "to create, maintain, and enhance areas of the City that are appropriate for muti-unit, mid rise residential structures in locations with good access to transportation and other services". The General Plan Conformity Guidelines are silent on Telecommunications Facilities under the Urban Residential. The antennas will be mounted on an existing monopole structure and visual impacts will be minimal since the antennas will be painted to match existing monopole structure. Staff finds the proposal with appropriate conditions of approval to conform to the General Plan.

ZONING ANALYSIS

The project site is located within the C-28 Commercial Shopping District Zone and within 100' of a residential zone. The C-28 Commercial Shopping District is intended to create, preserve, and enhance major boulevards of medium scale retail establishments featuring some specified higher density nodes in attractive settings oriented to pedestrian comparison shopping, and to encourage mixed-use residential and non-residential developments, and is typically appropriate along major thoroughfares near residential communities. The R-35 zone is intended to create, preserve, and enhance areas containing a mixture of single-and two-family dwellings in desirable setting for urban living, and is typically appropriate to areas of existing lower or lower-medium density residential development. The project requires a Major Conditional Use Permit and a Regular Design Review, each with special findings, to allow the expansion of an existing Monopole Facility located within 100' of a Residential Zone. Special findings required to approve the Conditional Use Permit ensure the facility is compatible with surroundings and does not constitute an over-concentration of facilities in the area. Special findings required to approve the Design Review ensure the facility is co-located and components are concealed to the extent possible. These

findings are met by this proposal. Since the proposal is to co-locate on an existing telecommunication monopole facility and not to establish a new telecommunication site, Staff finds the proposal to be consistent with the Planning Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as Categorical Exemptions from environmental review. The proposed project is Categorically Exempt from the environmental review requirements pursuant to 15301(e), additions and alterations to existing facilities, and 15183, projects consistent with a community plan, general plan or zoning. The project is therefore exempt from Environmental Review.

KEY ISSUES AND IMPACTS

1. Conditional Use Permit

Section 17.16.070 of the City of Oakland Planning Code requires a Major Conditional Use Permit to install or to expand a Monopole Telecommunication facility within 100' of the R-35 Special One-Family Residential Zone. Furthermore, Section 17.134.020 defines a Major and Minor Conditional Use Permit. Subsections (A) (3) (i) lists a Major Conditional Use Permit: "Any telecommunication facility in or within one hundred (100) feet of the boundary of any residential zone". The required findings for a Major Conditional Use Permit are listed and included in staff's evaluation as part of this report.

2. Project Site

Section 17.128.110 of the City of Oakland Telecommunication Regulations indicate that new wireless facilities shall generally be located on designated properties or facilities in the following order of preference:

A. Co-located on an existing structure or facility with existing wireless antennas;
B. City owned properties or other public or quasi-public facilities;
C. Existing commercial or industrial structures in non-residential zones;
D. Existing commercial or industrial structures in residential zones;
E. Other non-residential uses in residential zones;
F. Residential uses in non-residential zones;
G. Residential uses in residential zones.

*Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis.

Since the proposed project involves co-locating the installation of new antennas and associated equipment cabinets on an existing facility, the proposed project meets: (A) co-locating on an existing structure or facility with existing wireless antennas.

3. Project Design

Section 17.128.120 of the City of Oakland Telecommunications Regulations indicates that new wireless facilities shall generally be designed in the following order of preference:

A. Building or structure mounted antennas completely concealed from view;
B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way;
C. Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure;
D. Building or structure mounted antennas above roof line visible from public right of-way;
E. Monopoles;
F. Towers.

* Facilities designed to meet an A or B ranked preference does not require a site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. (see attachment A) Site design alternatives analysis shall, at a minimum, consist of:

a. Written evidence indicating why each higher preference design alternative can not be used. Such evidence shall be in sufficient detail that independent verification could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing Radio Frequency (RF) sources, inability to cover required area) or for other concerns (e.g. inability to provide utilities, construction or structural impediments).

City of Oakland Planning staff has reviewed and determined that the site selected is conforming to all other telecommunication regulation requirements. The project has met design criteria (E), since the antennas will be mounted on an existing monopole structure and painted to match the color of the existing monopole metal structure and equipment cabinet will be within 8' high chain link fence enclosure (see conditions of approval #14) to minimize visual impacts.

4. Project Radio Frequency Emissions Standards

Section 17.128.130 of the City of Oakland Telecommunication Regulations requires that the applicant submit the following verifications including requests for modifications to existing facilities:

a. The telecommunications regulations require that the applicant submit written documentation demonstrating that the emission from the proposed project are within the limits set by the Federal Communications Commission. In the document (attachment B) prepared by Hammett & Edison, Inc., Consulting engineers, the proposed project was evaluated for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. According to the report on the proposal, the project will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency that may be subsequently authorized to establish such standards.
b. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

The information submitted with the initial application was an RF emissions report Dated March 22nd 2010, prepared by Hammett & Edison, Inc., Consulting Engineers (attachment B). The report states that the proposed project will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact on the environment. Additionally, staff recommends that prior to the final building permit sign off; the applicant submit a certified RF

emissions report stating that the facility is operating within acceptable thresholds established by the regulatory federal agency.

CONCLUSION

The City of Oakland planning staff finds that the proposed project and subject property can be developed to meet the established zoning and telecommunication regulations that were created and adopted for similar types of developments. Staff believes that the findings for approval can be made with appropriate conditions of approval to support the Conditional Use Permit and Design Review.

Staff recommends Planning Commission approval of the requested Major Conditional Use Permit and Regular Design Review to allow the expansion of a Monopole Wireless Telecommunications Facility.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit and Design Review application CMD10-072, subject to the attached findings and Conditions of approval.

Prepared by: Jason Madani

Jason Madani
Planner II

Approved by:
Scott Miller

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:
Scott Miller, for

Eric Angstadt, Deputy Director
Community and Economic Development Agency

ATTACHMENTS:

A. Project Plans and related documents & Photo simulations
B. Hammett & Edison, Inc., Engineering RF Emission

T-MOBILE WEST CORPORATION

T-Mobile

1755 CREEKSIDE OAKS DR, SUITE 190
SACRAMENTO, CA 95833

TELEGRAPH & HIGHWAY 24

BA22569A

CROWN CASTLE SITE ID: 816118
CROWN CASTLE SITE NAME: UC BERKELEY REV

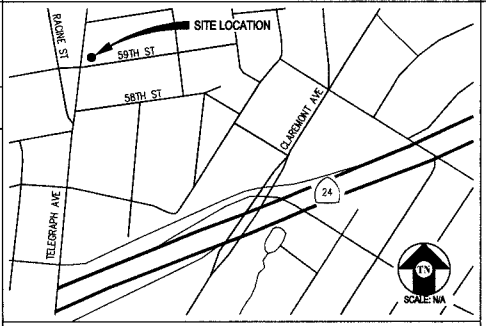
PROJECT DESCRIPTION

T-MOBILE IS PROPOSING A (P) UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF A (P) 12'X20' LEASE AREA W/ (3) (P) BTS CABINETS, A (P) BBU CABINET & (8) (P) T-MOBILE ANTENNAS TO PROVIDE SERVICE TO T-MOBILE CUSTOMERS LIVING AND VISITING THE AREA AROUND 5914 TELEGRAPH AVENUE IN OAKLAND, CA. THE (P) ANTENNAS WILL BE MOUNTED ON AN (E) 77' MONOPOLE.

PROJECT INFORMATION

SITE NAME:	TELEGRAPH & HIGHWAY 24	SITE #:	BA22569A
COUNTY:	ALAMEDA	JURISDICTION:	CITY OF OAKLAND
APN:	016-1388-11 & 016-1388-12-3	POWER:	PG&E
SITE ADDRESS:	5914 TELEGRAPH AVE OAKLAND, CA 94609	TELEPHONE:	AT&T
CURRENT ZONING:	C2B COMMERCIAL/SHOPPING		
CONSTRUCTION TYPE:	II		
OCCUPANCY TYPE:	U		
PROPERTY OWNER:	CROWN CASTLE 58520 STONE RIDGE MALL RD#300 PLEASANTON, CA 94588 ATTN: JOANNE GUNDERMANN (925) 737-1007		
APPLICANT:	T-MOBILE 1755 CREEKSIDE OAKS, DR SUITE 190 SACRAMENTO, CA 95833		
LEASING CONTACT:	ATTN: STEVE CHRISTENSON (530) 368-0730		
ZONING CONTACT:	ATTN: STEVE CHRISTENSON (530) 368-0730		
PROPERTY SPECIALIST:	ATTN: LAURA FAZZINI (925) 737-1069		
CONSTRUCTION MANAGER:	ATTN: TED CONGER (925) 980-0098		
CONSTRUCTION CONTACT:	ATTN: TONY PINO (415) 760-4921		
LATITUDE: LONGITUDE:	N 37° 50' 43.28" NAD 83 W 122° 15' 38.55" NAD 83		
AMSL:	±35.2'		

VICINITY MAP



DRIVING DIRECTIONS

FROM: 1755 CREEKSIDE OAKS DR, SACRAMENTO, CA 95833
TO: 5914 TELEGRAPH AVE, OAKLAND, CA 94609

1.	HEAD WEST ON MILLCREEK DR TOWARD CAPITAL PARK DR	187 FT
2.	TAKE THE 1ST LEFT ONTO CAPITAL PARK DR	0.1 MI
3.	TURN LEFT AT NATOMAS PARK DR	0.1 MI
4.	TAKE THE 1ST RIGHT ONTO GARDEN HWY	0.2 MI
5.	TAKE THE RAMP ONTO I-5 N	1.0 MI
6.	TAKE THE EXIT ONTO I-80 W TOWARD SAN FRANCISCO	78.3 MI
7.	CONTINUE ONTO I-580 E	1.3 MI
8.	TAKE THE CA-24 E EXIT TOWARD BERKELEY/WALNUT CREEK	0.9 MI
9.	KEEP RIGHT AT THE FORK, FOLLOW SIGNS FOR 51ST ST	0.6 MI
10.	TURN RIGHT AT 52ND ST	203 FT
11.	TAKE THE 1ST LEFT ONTO SHATTUCK AVE	0.4 MI
12.	TURN RIGHT AT 58TH ST	0.2 MI
13.	TURN LEFT AT TELEGRAPH AVE	0.2 MI

END AT: 5914 TELEGRAPH AVE, OAKLAND, CA 94609

ESTIMATED TIME: 1 HOUR 21 MINUTES ESTIMATED DISTANCE: 83.2 MILES

CODE COMPLIANCE

ALL WORK & MATERIALS SHALL BE PERFORMED & INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

1. 2007 CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25)
2. 2007 CALIFORNIA BUILDING CODE
3. 2007 CALIFORNIA ELECTRICAL CODE
4. 2007 CALIFORNIA MECHANICAL CODE
5. 2007 CALIFORNIA PLUMBING CODE
6. 2007 CALIFORNIA FIRE CODE
7. LOCAL BUILDING CODES
8. CITY/COUNTY ORDINANCES
9. ANSI/EIA-TIA-222-G

ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS

HANDICAP REQUIREMENTS

THIS FACILITY IS UNMANNED & NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS & REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA STATE ADMINISTRATIVE CODE, TITLE 24 PART 2, SECTION 11058.3.4.2, EXCEPTION 1

SHEET INDEX

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	-
LS-1	TOPOGRAPHIC SURVEY	-
A-1	SITE PLAN	-
A-2	EQUIPMENT PLAN, ANTENNA PLAN, & DETAILS	-
A-3	ELEVATIONS	-

APPROVAL

RF

LEASING

ZONING

CONSTRUCTION

T-MOBILE

TELEGRAPH & HIGHWAY 24
BA22569A
5914 TELEGRAPH AVE
OAKLAND, CA 94609

ISSUE STATUS

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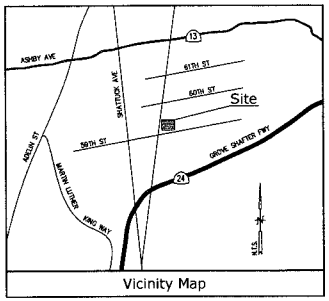
DRAWN BY: C. CODY
CHECKED BY: L. HOUGHTBY
APPROVED BY: M. FLEMING
DATE: 07/30/10

Streamline Engineering
and Design, Inc.
3268 Penryn Rd. Suite 200 Loomis, CA 95650
Contact: Larry Houghtby, Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

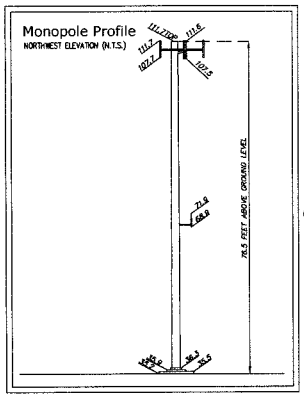
T-MOBILE WEST CORPORATION
T-Mobile
1755 CREEKSIDE OAKS DR, SUITE 190
SACRAMENTO, CA 95833

SHEET TITLE:
TITLE

SHEET NUMBER:
T-1



Vicinity Map



Title Report

PREPARED BY:NORTH AMERICAN TITLE COMPANY
ORDER NO.:BA22569A/TM 94-2900247/PG#4550534146
DATED: MAY 01, 2009

Legal Description

LOTS 3 AND 4 IN BLOCK "H", MAP SHOWING RESUBDIVISION OF A PORTION OF ROBERTS & WOLFSKILL TRACT, FILED AUGUST 24, 1889 IN BOOK 10 OF MAPS, PAGE 55, ALAMEDA COUNTY RECORDS.

Assessor's Parcel Nos.

016-1386-012-03

Easements

NOT AVAILABLE

Access Easement/Lease Area

TO BE DETERMINED

Geographic Coordinates At Existing Monopole

1983 DATUM: LATITUDE 37°50'43.28" LONGITUDE 122°15'56.55"
ELEVATION = 35.2 FEET ABOVE MEAN SEA LEVEL

CERTIFICATION:
THE LATITUDE AND LONGITUDE SHOWN ABOVE ARE ACCURATE TO WITHIN +/- 15 FEET HORIZONTALLY AND THAT THE ELEVATIONS SHOWN ABOVE ARE ACCURATE TO WITHIN +/- 3 FEET VERTICALLY. THE HORIZONTAL DATUM (GEOGRAPHIC COORDINATES) IS IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND IS EXPRESSED IN DEGREES (°), MINUTES (') AND SECONDS ("), TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM (ELEVATIONS) IS IN TERMS OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AND IS DETERMINED TO THE NEAREST TENTH OF A FOOT.

Basis of Bearings

THE STATE PLANE COORDINATE SYSTEM OF 1983 (NAD 83), CALIFORNIA ZONE 3.

Bench Mark

THE CALIFORNIA SPATIAL REFERENCE C.O.R.S "P181", ELEVATION =344.62 FEET (NAVD 88).

Date of Survey

JUNE 10, 2009

T··Mobile··
Stick Together®

1755 CREEKSIDE OAKS, SUITE 190
SACRAMENTO, CA 95833

PLANS PREPARED BY:

Streamline Engineering and Design, Inc.

11766 Atwood Rd. Suite 20 Auburn, CA 95603
Contact: Larry Haughtby Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 530-823-8783

CONSULTANT:

CAL VADA SURVEYING, INC.

411 Jenks Cir., Suite 205, Corona, CA 92880
Phone: 951-280-9960 Fax: 951-280-9746
Toll Free: 800-CALVADA www.calvada.com
JOB NO. 09353

NO.	DATE:	DESCRIPTION:	BY:
	06/15/09	PRELIMINARY	GBM
	10/23/09	TITLE REPORT FINAL	DM

SITE INFORMATION:

BA22569

TELEGRAPH AND HIGHWAY 24

5914 TELEGRAPH AVE.
OAKLAND, CA 94609
ALAMEDA COUNTY

SEAL:

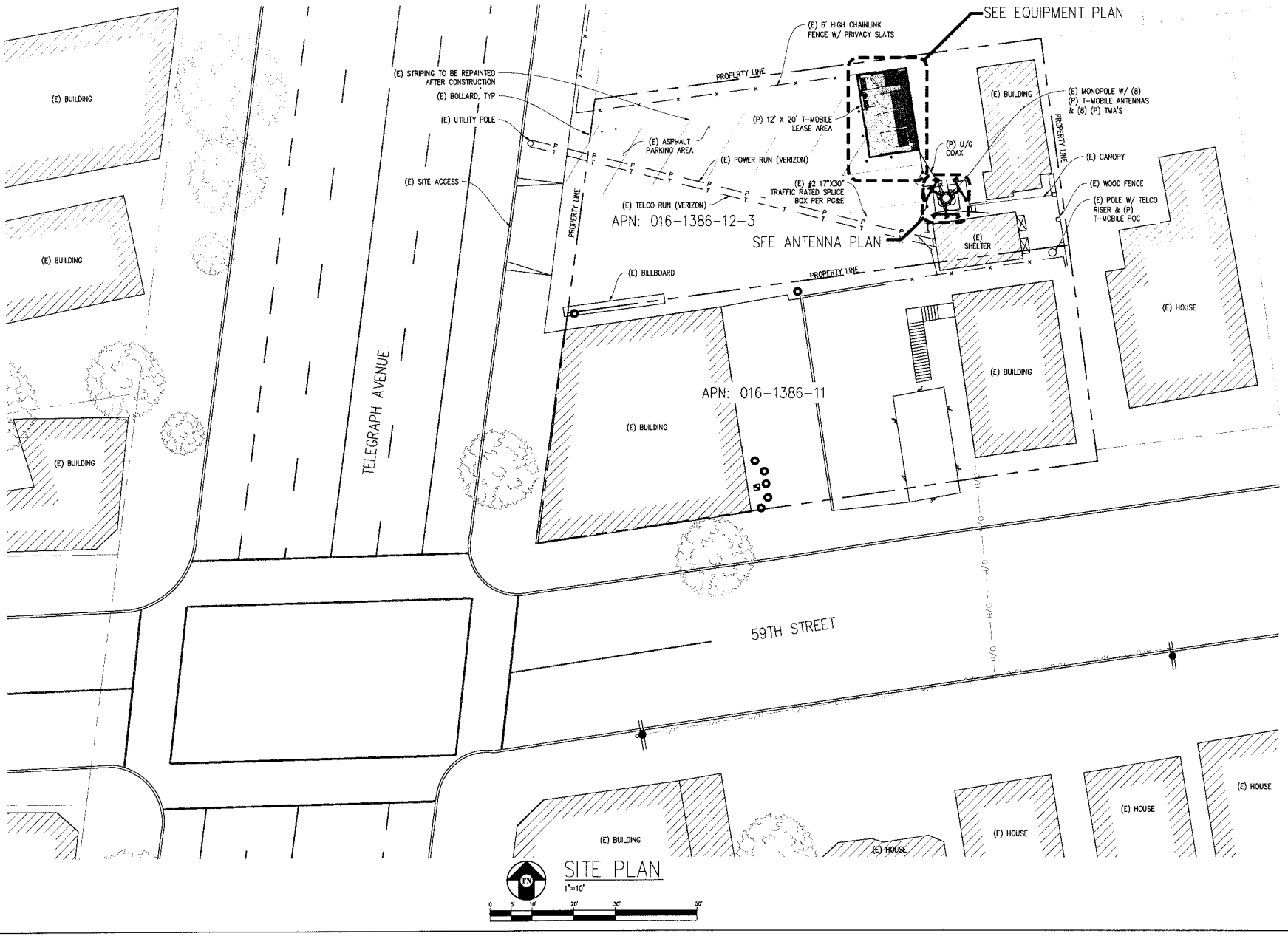
SHEET TITLE:

TOPOGRAPHIC SURVEY

SHEET NUMBER:

LS-1

SHEET 1 OF 1



TELEGRAPH & HIGHWAY 24

BA22569A

5914 TELEGRAPH AVE
OAKLAND, CA 94609

ISSUE STATUS

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	-	-	-

DRAWN BY:	C. CODY
CHECKED BY:	L. HOUGHTBY
APPROVED BY:	M. FLEMING
DATE:	07/30/10

Streamline Engineering and Design, Inc.
3368 Penryn Rd. Suite 200 Loomis, CA 95650
Contact: Larry Houghtby Phone 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

T-MOBILE WEST CORPORATION

T-Mobile

1755 CREEKSIDE OAKS DR, SUITE 190
SACRAMENTO, CA 95833

SHEET TITLE:

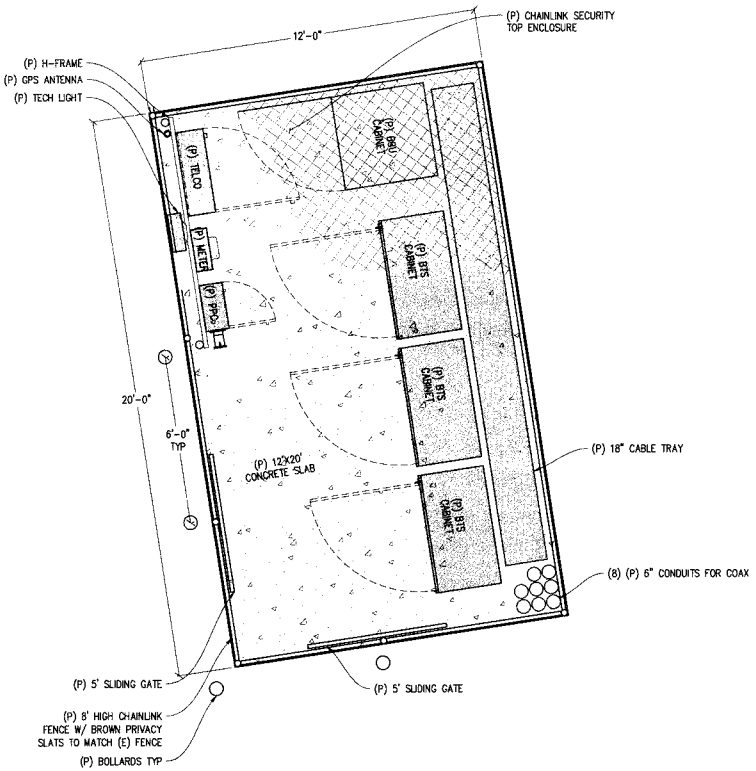
SITE PLAN

SHEET NUMBER:

A-1

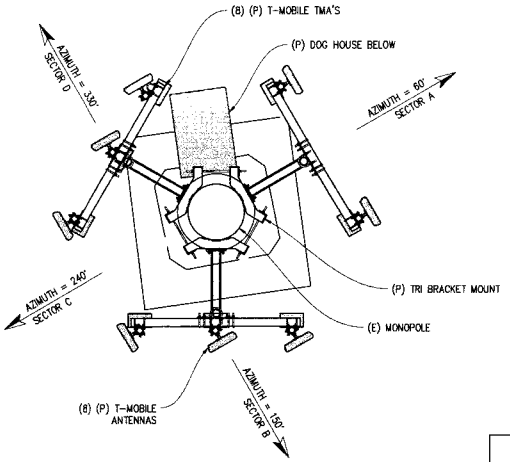
	RF CONFIGURATION			VERSION: DRAFT DATED: 04-24-09							
	COAX			ANTENNA							
SECTOR	#	LENGTH	SIZE	MODEL	#	TMA	MDT	EDT	RET	RAD	AZIMUTH
ALPHA	4	105'	7/8"	APX16DWV-16DWV-S-E-A20	2	2	0°	TBD	NO	66'-2"	60°
BETA	4	105'	7/8"	APX16DWV-16DWV-S-E-A20	2	2	0°	TBD	NO	66'-2"	150°
GAMMA	4	105'	7/8"	APX16DWV-16DWV-S-E-A20	2	2	0°	TBD	NO	66'-2"	240°
DELTA	4	105'	7/8"	APX16DWV-16DWV-S-E-A20	2	2	0°	TBD	NO	66'-2"	330°

NOTE: CONTRACTOR TO VERIFY LATEST RF DESIGN



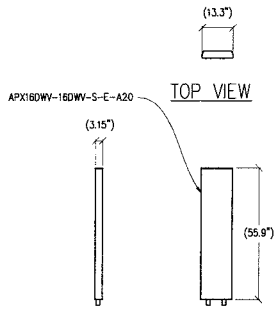
EQUIPMENT PLAN

1/2"=1'



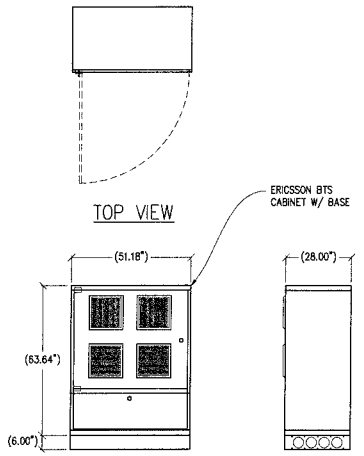
ANTENNA PLAN

1/2"=1'



1 ANTENNA DETAIL

1/2"=1'



2 BTS DETAIL

1/2"=1'

TELEGRAPH & HIGHWAY 24

BA22569A

5914 TELEGRAPH AVE
OAKLAND, CA 94609

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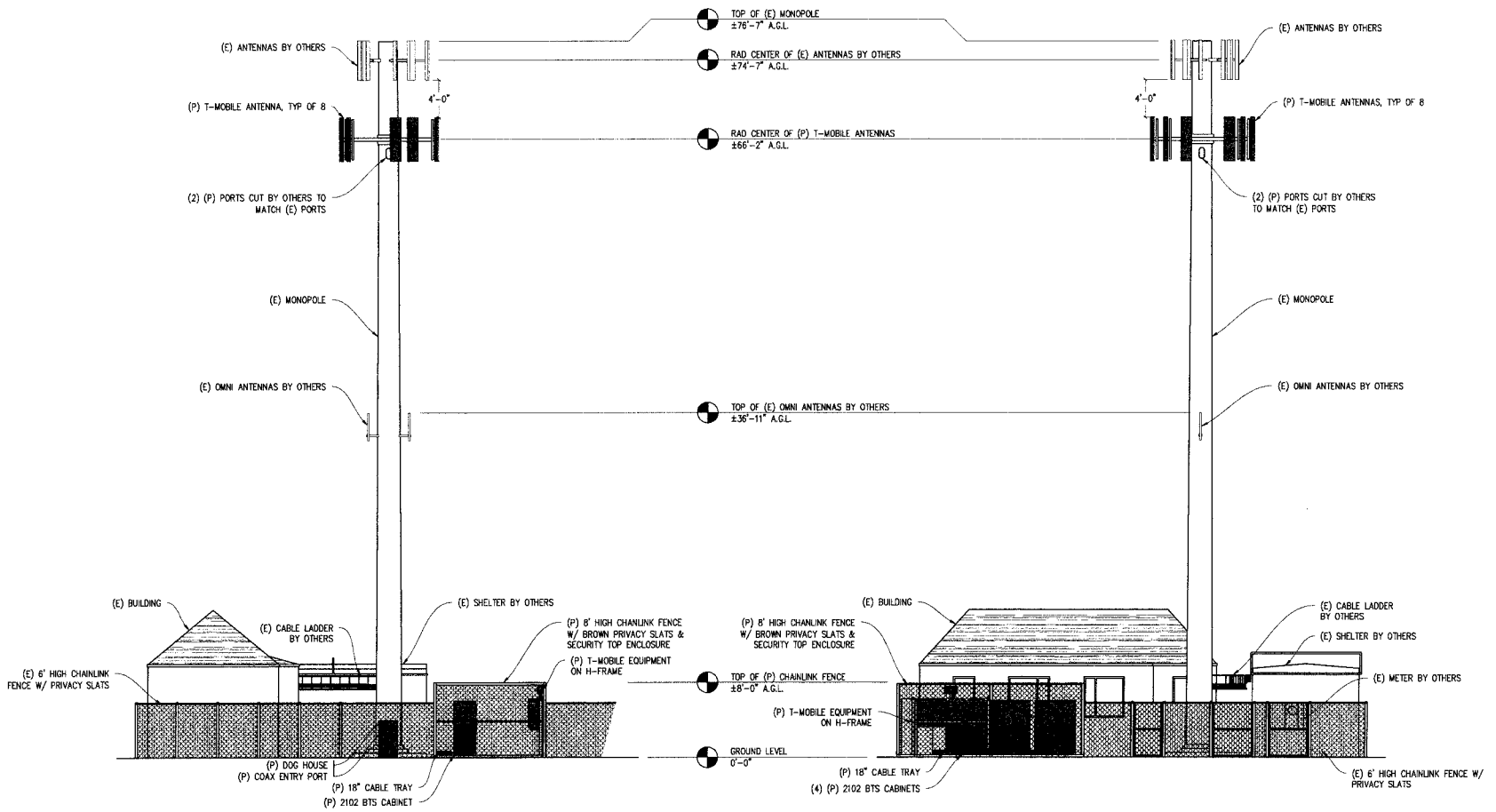
T-MOBILE WEST CORPORATION

T-Mobile

1755 CREEKSIDE OAKS DR, SUITE 190
SACRAMENTO, CA 95833

SHEET TITLE:
EQUIPMENT PLAN, ANTENNA PLAN, & DETAILS

SHEET NUMBER:
A-2



NORTH ELEVATION

1/8"=1'

WEST ELEVATION

1/8"=1'

TELEGRAPH & HIGHWAY 24

BA22569A

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OAKLAND, CA 94609

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T-MOBILE WEST CORPORATION

T-Mobile

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SACRAMENTO, CA 95833

SHEET TITLE:

ELEVATIONS

SHEET NUMBER:

A-3

FINDINGS FOR APPROVAL

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Conditional Use Permit Criteria for Monopoles (OMC Sec. 17.128.080(C)), Regular Design Review Criteria for Non-Residential Facilities (OMC Sec. 17.136.050(B)), and Design Review Criteria for Monopoles (OMC Sec. 17.128.080(B)), as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type.

GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050):

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

The proposal is to expand an existing Monopole Wireless Telecommunications Facility. The monopole measures 76'-7" in height. The proposed equipment shelters within an 8' high chain link fence will occupy one parking stall approximately 240 square feet adjacent to the existing single family dwelling and the monopole structure. The proposed antennas and associated equipment will not be accessible to the public. The proposal is to attach eight (8) new antennas at 66'-2" high elevation and painted to match the existing monopole structure. The proposed T-Mobile will co-locate a wireless facility on an existing monopole structure, so the additional antennas will not be creating a significant change in the aesthetics of the existing monopole structure. The facility will be unmanned and will not create additional vehicular traffic in the area. The project will increase service without creating incompatibilities with other uses.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The location, design and site planning of the proposed development will provide a convenient and functional working and shopping environment, and will attempt to preserve the attractive nature of the use and its location and setting warrant. Although the project is located within 100'of a Residential Zone. The proposal with appropriate conditions of approval will preserve a convenient and functional working and living environment; therefore it would not adversely affect the general quality and character of the neighborhood.

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

The proposed development will enhance the successful operation of the surrounding area in its basic community function and will provide an essential service to the community or region. This will be achieved by improving the functional use of the site by providing a regional telecommunication facility for the community and will be available to police, fire, public safety organizations and the general public.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

The proposal conforms with all significant aspects of the design review criteria set forth in Chapter 17.136 of the Oakland Planning Code, as outlined below.

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

The project site is located within C-28 Zone and Urban Residential area under the General Plan's Land Use designation adopted 1998. The Intent of the area is: "to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid rise residential structures in locations with good access to transportation and other services". The General Plan Conformity Guidelines is silent on Telecommunications Facilities in Institutional areas. The C-28 Commercial Shopping District is intended to create, preserve, and enhance major boulevards of medium scale retail establishments featuring some specified higher density nodes in attractive settings oriented to pedestrian comparison shopping, and to encourage mixed-use residential and non-residential developments, and is typically appropriate along major thoroughfares near residential communities. The antennas will be mounted on the existing monopole structure and visual impacts will be minimized since the antennas will be setback to be in line with the existing antennas and painted to match existing monopole structure. Staff finds the proposal to conform to the General Plan and C-28 Zone.

CONDITIONAL USE PERMIT CRITERIA FOR MONOPOLES (OMC SEC. 17.128.080(C))

In addition to the Conditional Use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a Conditional Use Permit can be granted:

1. The project must meet the special design review criteria listed in subsection B of this section.

The proposed equipment shelter will be screened from the public view and the antennas will be painted to match the existing structure.

2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable.

This finding is not applicable; the project involves an existing monopole.

3. The proposed project must not disrupt the overall community character.

This finding is met; the project is located within 100' of a Residential Zone. The proposed equipment cabinet enclosure located in the parking lot will be screened from public view and the proposed antennas will be attached at a 66'-2" elevation of the existing monopole facility and align with the existing monopole facility.

4. If a major conditional use permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any

party may request that the Planning Commission consider making such request for independent expert review.

A Major Conditional Use Permit is required; however, no independent expert review has been requested for this existing facility.

REGULAR DESIGN REVIEW CRITERIA FOR NON-RESIDENTIAL FACILITIES (OMC SEC. 17.136.050(B)):

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

The proposal is to co-locate additional antennas on an existing Monopole telecommunications facility which includes eight (8) antennas mounted on an existing 76'-7" high monopole structure at 66'-2" elevation and four accompanying ground mounted equipment cabinets will be on a concrete pad. The 8 proposed antennas will not be mounted on architecturally significant structures and will be painted to match the existing monopole structure; therefore, the proposed project with appropriate conditions of approval is consistent and well related to the surrounding area in scale, bulk, height, materials, and textures.

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

The design will be appropriate and compatible with current zoning and General Plan Land use designations. The proposal protects and preserves the surrounding neighborhood context by adding additional wireless telecommunication antennas to an existing telecommunication site. The antennas will be painted to match the monopole structure and will not have significant visual impact on the surrounding neighborhood.

3. The project will provide a necessary function without negatively impacting surrounding open space and hillside residential properties.

The subject property is approximately 5,607 square feet lot, with one principal single family dwelling building fenced in at the rear portion of the lot and a parking lot at the front portion of the lot. There is an existing 76'-7" high Monopole Telecommunication Facility on the parcel and existing associated equipment cabinets are adjacent to the existing one-story residential building. The proposed new equipment cabinets enclosure will be approximately 10' away from the residential structure located in the front parking lot. The property is bounded: by a one story Laundromat building at the corner of Telegraph Avenue and 59th Street; a two story duplex; a single family dwelling buildings facing 59th Street, and residential complex to the north of the site. The front parking lot serves the adjacent Laundromat facility customers which is located on a separate parcel listed under same ownership.

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

The proposed antennas will be installed on existing pole with no impact of topography. The ground-mounted telecommunication equipment facility will be located within an enclosure with appropriate landscaping on a level pad adjacent to the residential building.

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

The existing monopole structure is near the residential building on a flat parcel.

6. **That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**
The proposal conforms to the General Plan as described in a previous section of these Findings Attachment.

DESIGN REVIEW CRITERIA FOR MONOPOLES (OMC SEC. 17.128.080(B))
In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:

1. **Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.**

The proposed T-Mobile project will co-locate a wireless facility on an existing monopole structure, so the additional antennas will not be creating a significant change in the aesthetics of the existing monopole structure.

2. **Monopoles should not be sited to create visual clutter or negatively affect specific views.**

The proposed eight (8) new antennas will be co-located with eight (8) existing antennas for total of 16 antennas on an existing 76'-7" high monopole structure at 66'-2" high elevation and will not have significant visual impact. The proposal will not be creating a significant change in the aesthetics of the existing monopole.

3. **Monopoles shall be screened from the public view wherever possible.**

The project involves an existing monopole; however the proposed additional antennas shall be align with the existing antennas attached to the monopole facility to reduce potential visual impact from public view.

4. **The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.**

The new equipment cabinet's enclosure will be screened with a new wooden or solid structure with appropriate landscaping materials near the existing monopole structure away from public view.

5. **Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.**

The project involves intensification of an existing site. The new equipment cabinets located in the front parking lot will be screened with appropriate landscaping device to reduce potential visual impact. The existing monopole will not be increased in height.

6. **That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.**

The proposed enclosure contains a locked gate and is not accessible to the public.

CONDITIONS OF APPROVAL, CMD10-0072

STANDARD CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials and the plans submitted to the City on **August 11, 2010**, 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 Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: Major Conditional Use Permit and Regular Design Review for Installation of a wireless telecommunication facility consisting of: eight (8) panel antennas at approximately 66'-2" high above grade and attached to an existing 76'-7" high Monopole with eight (8) existing antennas for total of 16 telecommunication antennas, and 4 accompanying ground mounted equipment cabinets within a solid enclosure.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire two (2) years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, elevated walking pathways, safety railings, emergency access and lighting.

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

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

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

6. Signed Copy of the Conditions of Approval

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

7. Indemnification
Ongoing

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

b. Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter of 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 of Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or Conditions of Approval that may be imposed by the City.

8. Compliance with Conditions of Approval
Ongoing

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

9. Severability

Ongoing

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

10. Landscape Maintenance.

Ongoing

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

11. Operational Noise-General

Ongoing.

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

PROJECT SPECIFIC CONDITIONS FOR TELECOMMUNICATIONS FACILITIES

12. Sinking Fund for Facility Removal or Abandonment.

Prior to the issuance of building permit.

The applicant shall provide proof of the establishment of a sinking fund to cover the cost of removing the facility if it is abandoned within a prescribed period. The word "abandoned" shall mean a facility that has not been operational for a six (6) month period, except where non-operation is the result of maintenance of renovation activity pursuant to valid City permits. The sinking fund shall be established to cover a two-year period, at a financial institution approved by the City's Office of Budget and Finance. The sinking fund payment shall be determined by the Office of Budget and Finance and shall be adequate to defray expenses associated with the removal of the telecommunication facility.

13. Emissions Report

Prior to a final inspection

The applicant shall provide an RF emissions report to the City of Oakland Zoning Division indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency that may be subsequently authorized to establish such standards.

14. Screening the equipment cabinet's enclosure area:

Prior to issuance of building permit

The proposed cabinet equipment facility shall be completely screen with solid material and landscaped/ landscape material and final design, including all exterior design details and colors, and textures shall be submitted to and approved by the Zoning administrator prior to the issuance of any building permits.

15. New antennas location:
The proposed additional antennas shall be closely affixed to the pole to minimized visual clutter.

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

ATTACHMENT A

Existing

Proposed

view from 59th Street looking northwest at site

AdvanceSim
Photo Simulation Solutions
Contact: (925) 202-8507

T · · Mobile ·

BA22569 Telegraph & Highway 24
5914 Telegraph Avenue, Oakland, CA

Existing

Proposed

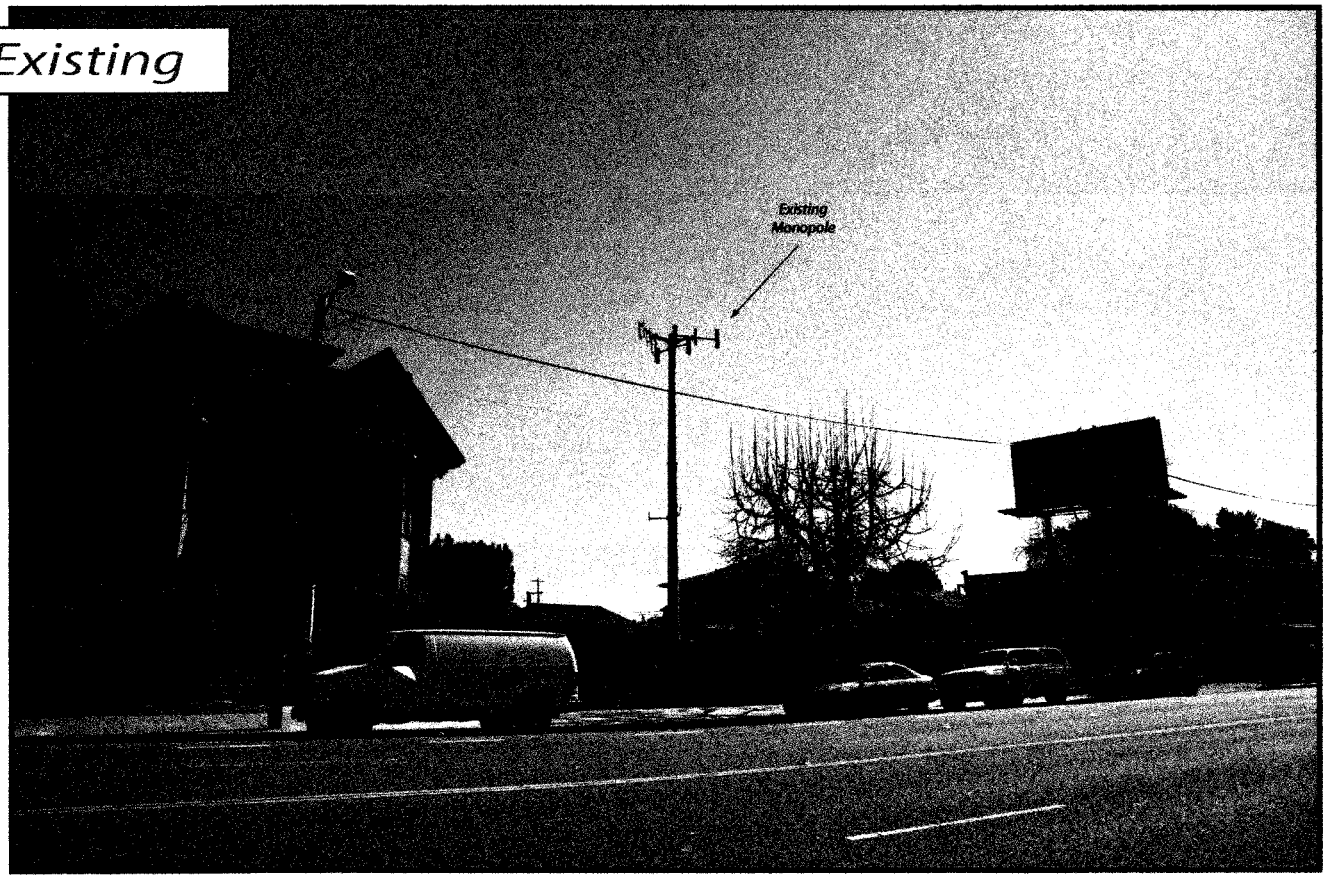
view from 59th Street looking north at site

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8507

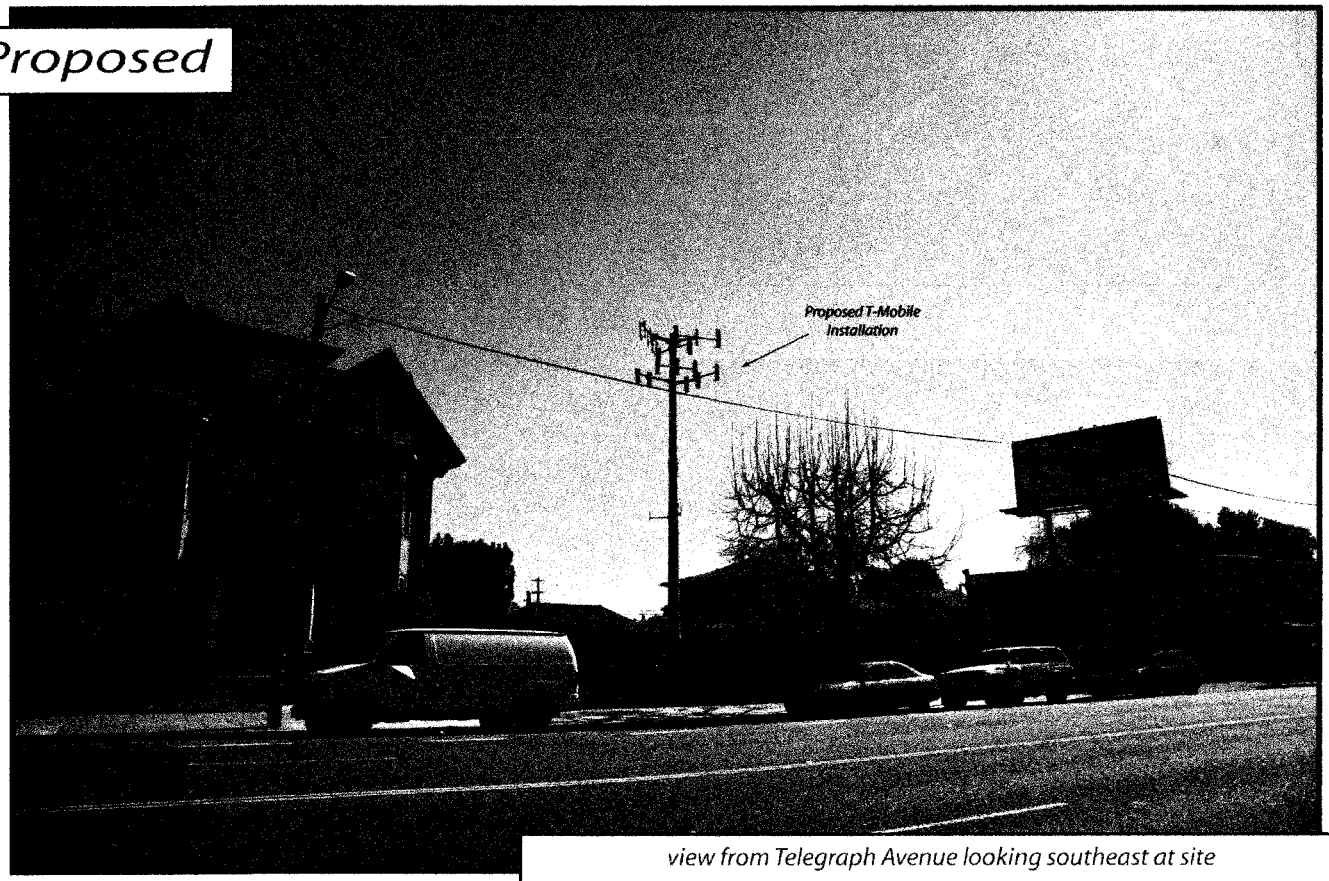
T··Mobile·

BA22569 Telegraph & Highway 24
5914 Telegraph Avenue, Oakland, CA

Existing



Proposed



view from Telegraph Avenue looking southeast at site

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-5507

T · · Mobile ·

BA22569 Telegraph & Highway 24
5914 Telegraph Avenue, Oakland, CA

T-Mobile West Corp. • Proposed Base Station (Site No. BA22569A)
5914 Telegraph Avenue • Oakland, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of T-Mobile West Corp., a personal wireless telecommunications carrier, to evaluate the base station (Site No. BA22569A) proposed to be located at 5914 Telegraph Avenue in Oakland, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar exposure limits. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Personal Wireless Service	Approx. Frequency	Occupational Limit	Public Limit
Broadband Radio ("BRS")	2,600 MHz	5.00 mW/cm^2	1.00 mW/cm^2
Advanced Wireless ("AWS")	2,100	5.00	1.00
Personal Communication ("PCS")	1,950	5.00	1.00
Cellular Telephone	870	2.90	0.58
Specialized Mobile Radio ("SMR")	855	2.85	0.57
Long Term Evolution ("LTE")	700	2.33	0.47
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios" or "channels") that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables

about 1 inch thick. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by T-Mobile, including zoning drawings by Streamline Engineering and Design, Inc., dated February 15, 2010, it is proposed to mount eight RFS Model APX16DWV-16DWV-S-E-A20 directional panel antennas on an existing 76½-foot pole sited at the rear of the parking lot for the building located at 5914 Telegraph Avenue in Oakland. The antennas would be mounted with no downtilt at an effective height of about 66 feet above ground and would be oriented in pairs at about 90° spacing, to provide service in all directions. The maximum effective radiated power in any direction would be 580 watts, representing the simultaneous operation of two channels at 290 watts each.

Presently mounted at the top of the pole are similar directional panel antennas for use by Verizon Wireless, and there are two omnidirectional antennas mounted on the side of the pole, presumed to be in low-power paging service. For the limited purposes of this study, those transmitting facilities are assumed to be as follows:

Carrier	Service	Maximum ERP	Antenna Model	Height
Verizon	PCS	640 watts	Antel BXA185063/12	74½ ft
	Cellular	1,200	Antel BXA80063/8	74½
	LTE	400	Antel BXA70063/8	74½
Paging		100	Andrew DB586	36

Study Results

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed T-Mobile operation by itself is calculated to be 0.00011 mW/cm^2, which is 0.011% of the applicable public limit. The maximum calculated cumulative level at ground, for the simultaneous operation of all three services, is 0.29% of the public exposure limit; the maximum calculated cumulative level at the second-floor elevation of any nearby building is 0.52% of the public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels.

No Recommended Mitigation Measures

Due to their mounting location, the T-Mobile antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that the several carriers will, as FCC licensees, take adequate steps to ensure that their employees or contractors comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the base station proposed by T-Mobile West Corp. at 5914 Telegraph Avenue in Oakland, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2011. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

March 22, 2010

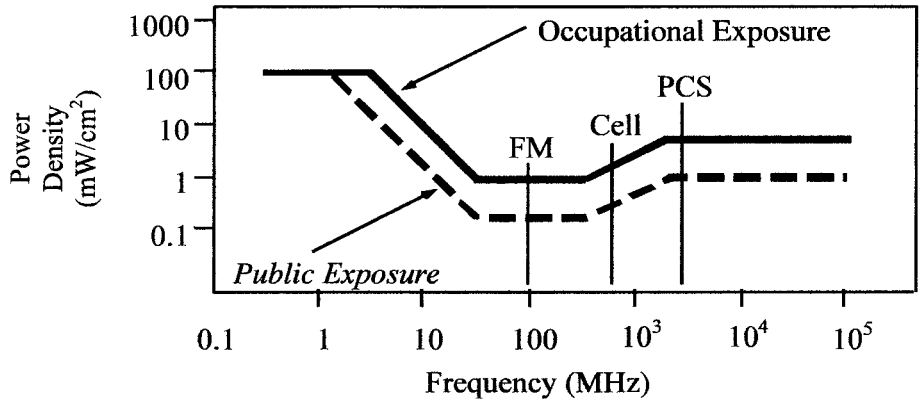
William F. Hammett, P.E.

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency	Electromagnetic Fields (f is frequency of emission in MHz)					
Applicable Range (MHz)	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm^2)	
0.3 – 1.34	614	*614*	1.63	*1.63*	100	*100*
1.34 – 3.0	614	*823.8/f*	1.63	*2.19/f*	100	*180/f^2*
3.0 – 30	1842/ f	*823.8/f*	4.89/ f	*2.19/f*	900/ f^2	*180/f^2*
30 – 300	61.4	*27.5*	0.163	*0.0729*	1.0	*0.2*
300 – 1,500	$3.54\sqrt{f}$	*$1.59\sqrt{f}$*	$\sqrt{f}/106$	*$\sqrt{f}/238$*	f/300	*f/1500*
1,500 – 100,000	137	*61.4*	0.364	*0.163*	5.0	*1.0*



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm^2,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm^2,

where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
P_{net} = net power input to the antenna, in watts,
D = distance from antenna, in meters,
h = aperture height of the antenna, in meters, and
η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in } mW/cm^2,$$

where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.

in the residential community surrounding Telegraph and 24th street. There is nothing in the vicinity that would allow for the height that T-Mobile's RF Engineering team would accept. The surrounding area of residential and

commercial buildings do not support the height of fifty-eight feet (58'). Originally, we considered other candidates to provide this coverage, however they were rejected by RF for the following reasons:

1) JPA Pole top –near 5554 Claremont Avenue, Oakland
   This design was on an existing PG&E utility pole from which we would mount the antennas to the top of the utility pole A screen wall CAN NOT be placed around the antennas. The equipment would be mounted to the side of the pole. This structurally was not acceptable by RF or PG&E. The visual blithe would also be an eye sore.
2) Billboard in front -5914 Telegraph Avenue Oakland. This did not allow for the height required by the T-Mobile RF Engineering team as the equipment would not be secure and in the general location of the proposed lease area. This structurally was not acceptable by RF or Clear Channel the billboard owner .
3) There were no other commercial or industrial buildings within the search ring area that propose a height designed and acceptable to meet the coverage objectives of T-Mobile's RF Engineering team.

Site Design Analysis

The proposed project works because of topography, height of the existing monopole and its geographic location of existing T-Mobile sites. The current monopole is being configured and designed to mirror the existing antennas at a lower elevation and not only meets the coverage needs for T-Mobile but would enhance coverage within the community. The neighborhood is almost entirely comprised of smaller residential buildings and low level commercial establishments and it's difficult to find a building that is tall enough to meet our requirements. This property and the land owners is willing to lease space to us, is geographically and topographically in an area that meets or coverage needs. In addition, this location allows for the mirroring of the existing approved design.

There are no buildings in the vicinity that meet the T-Mobile coverage objectives and still allow us to conceal the antennas or receive the height required to meet our coverage objectives. The alternatives would need structural modifications and be visible from surrounding residential properties. This design meets the City of Oakland's Chapter 17.134, and Planning Code 17.128.080 (A) (B) and (C) as additional findings.

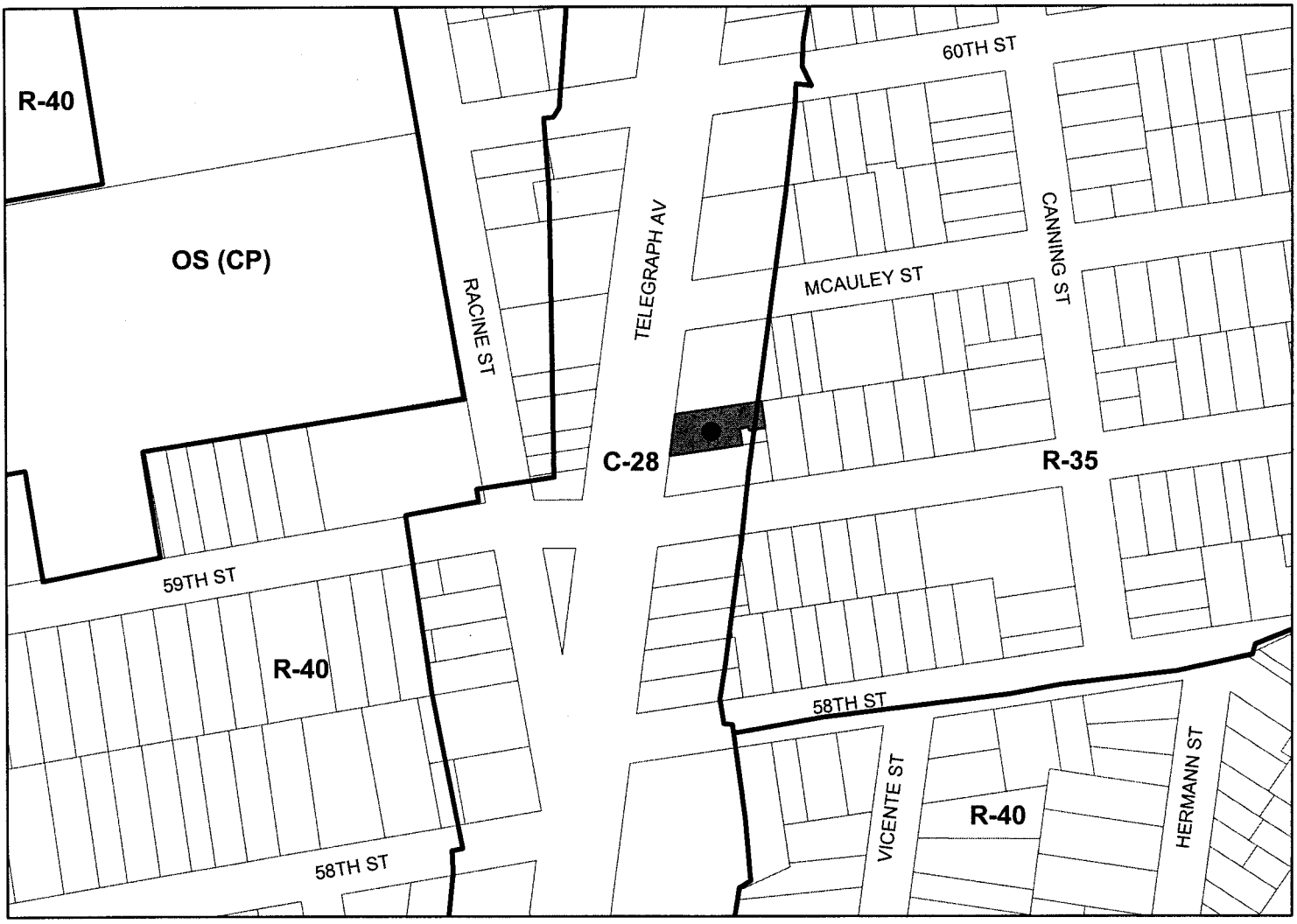
If you have any questions or need further clarification, please feel free to call me at (530) 368-0730.

Sincerely,

Steven J. Christenson
Authorized Agent of T-Mobile West Corporation

3771 Copper Penny Lane Auburn, CA 95602
E-Mail: stevechristenson@sbcglobal.net Mobile: (530) 368-0730

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD10-072
Applicant: RS & L Consulting Services/T-Mobile Wireless
Address: 5914 Telegraph Avenue
Zone: C-28

Case File Number: CMD10-215 **October 6, 2010**

Location:	**5329-5345 Foothill Boulevard. (See map on reverse)**
Assessors Parcel Numbers:	**(035-2389-017-03)**
Proposal:	To install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one enclosed equipment cabinet at a site with 37 existing antennas for a total of 40 telecommunication antennas.
Applicant:	Clearwire, Misako Hill of Cortel, LLC
Contact Person/ Phone Number:	Misako Hill of Cortel, LLC (415)533-2540
Owner:	Fairfax Lighthouse Deliverance Center
Case File Number:	CMD10-215
Planning Permits Required:	Regular Design Review to install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one enclosed equipment cabinet. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.
General Plan:	Neighborhood Center Mixed Use
Zoning:	C-30 District Thoroughfare Commercial Zone S-4 Design Review Combining Zone R-70 High Density Residential Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general Plan or zoning.
Historic Status:	Potential Designated Historic Property; Survey rating: Cb+2+
Service Delivery District:	5
City Council District:	4
Date Filed:	8/10/10
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner **Michael Bradley** at **(510) 238-6935** or mbradley@oaklandnet.com

SUMMARY

The following staff report addresses the proposal for a new unmanned wireless telecommunication facility located on the roof of an existing church building with an associated equipment cabinet located behind a fenced area on the ground and near to the building. The project site already contains 37 telecommunication antennas and associated equipment shelters and this project would add a further three (3) antennas and three (3) internet services exchange point dishes to the site for a total of 40 antennas. Given the number of antennas, this would be considered a "Macro" Telecommunications Facility. The site is located within a commercial district along Foothill Boulevard with the rear half of the parcel located in a residential neighborhood. The site is split by the C-30 District Thoroughfare Commercial Zone with an overlay zone of S-4 Design Review Combining Zone on the Foothill frontage and the R-70 High

CITY OF OAKLAND PLANNING COMMISSION

Case File: CMD10-215
Applicant: Clearwire, Misako Hill of Cortel, LLC
Address: 5329-5345 Foothill Boulevard
Zone: C-30/S-4, R-70

Density Residential Zone for the portion of the lot facing onto Bancroft. The General Plan designation for the site is Neighborhood Center Mixed Use. The scope of work entails the installation of three (3) antennas and three (3) internet services exchange point dishes with paint and texture to match the existing building and the installation of one equipment cabinet.

PROJECT DESCRIPTION

The applicant (Clearwire) is proposing a co-location for the installation of three (3) wireless telecommunication panel antennas and three (3) internet services exchange point dishes mounted on the exterior walls at the roof of an existing church. Through conditions of approval the antennas shall be enclosed and/or painted and textured to match the existing building. The proposal for the equipment cabinet is to locate it behind a fenced area on the ground and near to the building. All proposed antennas and associated equipment will not be accessible to the public. **(See Attachment A)**.

PROPERTY DESCRIPTION

The subject property is a through lot of approximately 44,160 square feet, with frontage on Foothill Boulevard and Bancroft Avenue. The subject property has a fully functioning church on the site. The property was first developed in 1922 (based on Alameda County Assessors Data). Currently there is a macro telecommunication facility with four separate telecommunication providers on the property including 37 antennas and four equipment shelters on the ground near to the building.

GENERAL PLAN ANALYSIS

The subject property is located within the Neighborhood Center Mixed Use General Plan designations. The Neighborhood Center Mixed Use land use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. The proposed unmanned wireless telecommunication facility will not adversely affect and detract from the commercial or residential characteristics of the neighborhood. The antennas will be mounted on the existing church and visual impacts will be mitigated since the antennas will be enclosed and/or painted and textured to match the existing building. General Plan Policy N9.9 states that the City encourages rehabilitation efforts which respect the architectural integrity of a building's original style. The proposed project will have very minimal effect on the existing building.

ZONING ANALYSIS

The subject property is located within the C-30 District Thoroughfare Commercial Zone/S-4 Design Review Combining Zone and the R-70 High Density Residential Zone. The C-30 zone is intended to create, preserve, and enhance areas with a wide range of retail establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares. 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 R-70 zone is intended to create, preserve, and enhance areas for apartment living at high densities in desirable settings, and is typically appropriate to areas having good accessibility to transportation routes and major shopping and community centers. The proposal is

for a new unmanned wireless telecommunication facility on an existing church and requires a Major Conditional Use Permit since the project is within one hundred feet of the boundary of a residential zone. Staff finds that the proposed application meets applicable C-30, S-4, and R-70 zoning and City of Oakland Telecommunication regulations.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, additions and alterations to existing facilities, and 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

1. Conditional Use Permit

Section 17.46.080 of the City of Oakland Planning Code requires a conditional use permit to install a Macro Telecommunication facility in the C-30 and the R-70 zone. Furthermore, Section 17.134.020 defines a major and minor conditional use permits. Subsections (A)(3)(i) lists a major conditional use permit: "Any telecommunication facility in or within one hundred (100) feet of the boundary of any residential zone. The required findings for a major conditional use permit are listed and included in staff's evaluation as part of this report.

2. Project Site

Section 17.128.110 of the City of Oakland Telecommunication Regulations indicate that new wireless facilities shall generally be located on designated properties or facilities in the following order of preference:

A. Co-located on an existing structure or facility with existing wireless antennas.
B. City owned properties or other public or quasi-public facilities.
C. Existing commercial or industrial structures in non-residential zones.
D. Existing commercial or industrial structures in residential zones.
E. Other non-residential uses in residential zones.
F. Residential uses in non-residential zones.
G. Residential uses in residential zones.

*Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis.

Since the proposed project involves co-locating the installation of new antennas and associated equipment cabinets on an existing facility, the proposed project meets (A) co-locating on an existing structure or facility with existing wireless antennas.

3. Project Design

Section 17.128.120 of the City of Oakland Telecommunications Regulations indicates that new wireless facilities shall generally be designed in the following order of preference:

A. Building or structure mounted antennas completely concealed from view.
B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way.
C. Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure.
D. Building or structure mounted antennas above roof line visible from public right of-way.
E. Monopoles.
F. Towers.

* Facilities designed to meet an A or B ranked preference do not require a site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. A site design alternatives analysis shall, at a minimum, consist of:

a. Written evidence indicating why each higher preference design alternative can not be used. Such evidence shall be in sufficient detail that independent verification could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. inability to provide utilities, construction or structural impediments).

City of Oakland Planning staff have reviewed and determined that the site selected is conforming to all other telecommunication regulation requirements. The project has met design criteria (A) since the antennas and/or dishes shall be mounted completely concealed behind an enclosure with paint and texture to match the existing building. Furthermore, to mitigate visual impacts the antennas will be mounted approximately 50 – 67 feet above the public right of way. The associated equipment cabinet will have no visual impact since the equipment will be placed on the roof of the building.

4. Project Radio Frequency Emissions Standards

Section 17.128.130 of the City of Oakland Telecommunication Regulations require that the applicant submit the following verifications including requests for modifications to existing facilities:

a. With the initial application, a RF emissions report, prepared by a licensed professional engineer or other expert, indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.
b. Prior to commencement of construction, a RF emissions report indicating the baseline RF emissions condition at the proposed site.
c. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

The applicant states that the proposed project meets the radio frequency (RF) emissions standards as required by the regulatory agency. Submitted with the initial application was a RF

emissions report, prepared by TRK Engineering (**attachment B**). The report states that the proposed project will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact on the environment. Additionally, staff recommends that prior to the final building permit sign off, the applicant submits certified RF emissions report stating that the facility is operating within acceptable thresholds established by the regulatory federal agency.

CONCLUSION

City of Oakland planning staff believes that the proposed project and subject property can be developed to meet the established zoning and telecommunication regulations that were created and adopted to set certain criteria minimums and maximums for similar types of developments. Staff believes that the findings for approval can be made to support the Conditional Use Permit and Design Review.

RECOMMENDATIONS:

1. Affirm staff's environmental determination
2. Approve Conditional Use Permit and Design Review application CMD10-215 subject to the attached findings and conditions of approval

Prepared by:

Michael Bradley
Planner I

Approved by:

Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission

Scott Miller, for
Eric Angstadt, Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

A. Project Plans & Photo simulations
B. TRK Engineering RF Emissions Report

FINDINGS FOR APPROVAL

FINDINGS FOR APPROVAL:
This proposal meets all the required findings under Section 17.134.050, of the General Use Permit criteria; all the required findings under Section 17.136.050.(B), of the Non-Residential Design Review criteria; all the required findings under Section 17.128.070(B), of the telecommunication facilities (Macro) Design Review criteria; and all the required findings under Section 17.128.070.(C), of the telecommunication facilities (Macro) Conditional Use Permit criteria; and as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT FINDINGS:

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

The location, size, design and operational characteristics of the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. Consideration was given to the harmony in scale, bulk, and coverage; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development. The proposed telecommunications antennas will be co-located with 37 existing antennas on the roof top of an existing building and will not adversely affect the operating characteristic or livability of the existing area. The antennas shall be screened behind enclosures on the walls at the roof top of the building. The facility will be unmanned and will not create additional vehicular traffic in the area.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The location, design and site planning of the proposed development will provide a convenient and functional working and shopping environment, and will attempt to preserve the attractive nature of the use and its location and setting warrant. The proposal will preserve a convenient and functional working and living environment; therefore it would not affect the general quality and character of the neighborhood.

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

The proposed development will enhance the successful operation of the surrounding area in its basic community function and will provide an essential service to the community or region. This will be achieved by improving the functional use of the site by providing a regional telecommunication facility for the community and will be available to police, fire, public safety organizations and the general public.

D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

The proposal conforms with all significant aspects of the design review criteria set forth in Chapter 17.136 of the Oakland Planning Code, as outlined below.

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

The proposal conforms in all significant aspects with the Oakland General Plan and with any other applicable plan or zoning maps adopted by the City of Oakland. The proposed macro-telecommunication facility in the Neighborhood Center Mixed Use General Plan designation will enhance and improve communication service for a mixture of civic, commercial and institutional uses in the area.

17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:

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

The proposal is the addition to a macro telecommunications facility which includes the addition of three (3) panel antennas and three (3) internet services exchange point dishes mounted to the wall at the roof of the existing building and one equipment cabinet, located behind a fenced area on the ground and near to the building. The six (6) proposed antennas and dishes are consistent and well related to the surrounding area in scale, bulk, height, materials, and textures. The antennas will also be located 50-67 feet above the public right of way.

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

The design will be appropriate and compatible with current zoning and general plan land use designations. The proposal protects and preserves the surrounding neighborhood context by adding additional wireless telecommunication antennas to a commercial and residential area. The antennas will be concealed from public view and will not have any visual impact on the neighborhood.

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

The proposal conforms with the City of Oakland Comprehensive General Plan meeting specific General Plan policies and the Supplemental Report and Recommendations on Revisions to the Citywide Telecommunications Regulations. The proposal will conform to performance standards for noise set forth in Section 17.120.050 for decibels levels in residential areas for both day and nighttime use. The Project conforms to all macro-facility definitions set forth in Section 17.128.070 and meets all design review criteria to minimize all impacts throughout the neighborhood

17.128.070(B) DESIGN REVIEW CRITERIA FOR MACRO FACILITIES

1. Antennas should be painted and/or textured to match the existing structure:

The proposed antennas will be completely concealed from public view behind screening enclosures and/or painted and textured to match the existing structure and mounted to the walls at the roof top of an existing building.

2. Antennas mounted on architecturally significant structures or significant architectural details of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building:

The addition of the antennas and dishes to the existing building will be mounted behind screening enclosure on the roof with the size, placement, configuration, materials, texture, and color to be submitted to the Planning and Zoning division for review and approval prior to the issuance of a building permit.

3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging:

The proposed antennas shall be mounted behind enclosures with the size, placement, configuration, materials, texture, and color to be submitted to the Planning and Zoning division for review and approval prior to the issuance of a building permit. The cable trays shall be painted to match the color of the building.

4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop:

The equipment will be located behind a fenced area on the ground and near to the building and will not be visible from the street below.

5. Equipment shelters or cabinets shall be consistent with the general character of the area.

The equipment will be located behind a fenced area on the ground and near to the building and will not be visible from the street below.

6. For antennas attached to the roof, maintain a 1:1 ratio for equipment setback; screen the antennas to match existing air conditioning units, stairs, or elevator towers; avoid placing roof mounted antennas in direct line with significant view corridors.

The proposed antennas and dishes will be co-located on the exterior walls of the existing building and shall be enclosed in boxes and/or textured and painted to match the existing building.

7. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

The antennas will be mounted to the walls at the roof and will not be accessible to the public due to its location. The equipment will be located behind a fenced area on the ground and near to the building and will not be visible from the street below.

Section 17.128.070(C) CONDITIONAL USE PERMIT (CUP) FINDINGS FOR MACRO FACILITIES

1. The project must meet the special design review criteria listed in subsection B of this section (17.128.070B):

The proposed project meets the special design review criteria listed in section 17.128.070B.

2. The proposed project must not disrupt the overall community character:

Due to the proposed project co-locating with other existing telecommunication antennas and equipment, it will not disrupt the overall community character of the site.

CONDITIONS OF APPROVAL
CMD10-215

STANDARD CONDITIONS:

1. Approved Use
Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **CMD10-215**, and the plans dated **August 3, 2010** and submitted on **August 10, 2010** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **The installation of a macro telecommunications facility located on the walls at the roof of an existing building at 5329-5345 Foothill Boulevard (APN: 035-2389-017-03), under Oakland Municipal Code 17.128, 17.136 and 17.134.**

2. Effective Date, Expiration, Extensions and Extinguishment
Ongoing

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

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

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

4. Conformance with other Requirements
Prior to issuance of a demolition, grading, P-job, or other construction related permit

a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the

approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval #3.

b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, elevated walking pathways, safety railings, emergency access and lighting.

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

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

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

6. Signed Copy of the Conditions of Approval
Ongoing

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

7. Indemnification
Ongoing

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

b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter of 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 of Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or Conditions of Approval that may be imposed by the City.

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

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

10. **Landscape Maintenance.**
Ongoing
All new landscaping shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements.

11. **Operational Noise-General**
Ongoing.
Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services (*see also condition #30*).

PROJECT SPECIFIC CONDITIONS FOR TELECOMMUNICATIONS FACILITIES

12. **Sinking Fund for Facility Removal or Abandonment.**
Prior to the issuance of building permit.
The applicant shall provide proof of the establishment of a sinking fund to cover the cost of removing the facility if it is abandoned within a prescribed period. The word "abandoned" shall mean a facility that has not been operational for a six (6) month period, except where non-operation is the result of maintenance of renovation activity pursuant to valid City permits. The sinking fund shall be established to cover a two-year period, at a financial institution approved by the City's Office of Budget and Finance. The sinking fund payment shall be determined by the Office of Budget and Finance and shall be adequate to defray expenses associated with the removal of the telecommunication facility.

13. Emissions Report

Prior to a final inspection

The applicant shall provide an RF emissions report to the City of Oakland Zoning Division indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency that may be subsequently authorized to establish such standards.

14. Architectural Detailing.

Prior to issuance of a building permit

The proposed antennas and dishes shall be completely concealed from public view behind screening enclosures and/or painted and textured to match the existing structure. The size, placement, configuration, materials, texture, and color shall be submitted to the Planning and Zoning division for review and approval prior to the issuance of a building permit.

15. Equipment Shelter Location and Fencing.

Prior to issuance of a building permit

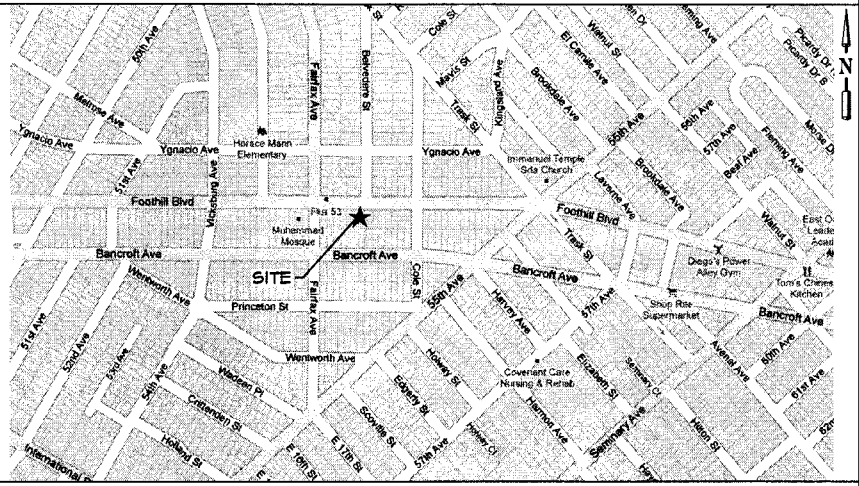
The proposed equipment shelters shall be located a minimum of five feet (5') from the side property line. The applicant shall install new solid fencing with minimal transparency around the proposed equipment shelters with all efforts made to prevent public access to the cabinets through use of anti-climbing measures and anti-tampering devices. The applicant shall permanently maintain all fencing or barriers visible from any property line in neat and safe conditions, and, whenever necessary, replaced with new materials or finish to ensure continued compliance with all City requirements.

ATTACHMENT A

clearwire®

FAIRFAX LIGHTHOUSE
CA-SFO0808A
5345 FOOTHILL BLVD, OAKLAND, CA

VICINITY MAP - N.T.S.



DRIVING DIRECTIONS

FROM: CLEARWIRE REGIONAL OFFICE
1990 NORTH CALIFORNIA BLVD, SUITE 20
WALNUT CREEK, CA 94596

TO: FAIRFAX LIGHTHOUSE
5345 FOOTHILL BLVD
OAKLAND, CA

DISTANCE: 19.2 MILES

HEAD NORTH ON N CALIFORNIA BLVD TOWARD PRINGLE AVE.
TAKE THE 1ST LEFT ONTO PRINGLE AVE.
TAKE THE 1ST RIGHT TO STAY ON PRINGLE AVE.
TURN LEFT AT RIVIERA AVE.
SLIGHT RIGHT AT OAKLAND BLVD/RIVIERA AVE.
SLIGHT RIGHT AT HILLSIDE AVE.
MERGE ONTO CA-24 W VIA THE RAMP TO OAKLAND FOR 10.9 MI.
TAKE THE EXIT ONTO CA-13 S TOWARD HAYWARD FOR 5.8 MI.
TAKE THE EXIT TOWARD SEMINARY AVE.
TURN RIGHT AT SEMINARY AVE FOR 1.1 MI.
TURN RIGHT AT FOOTHILL BLVD.
ARRIVE AT 5345 FOOTHILL BLVD, OAKLAND, CA.

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- CALIFORNIA ADMINISTRATIVE CODE (INCL TITLE 24 & 25)
- 2007 CALIFORNIA BUILDING CODE
- CITY/COUNTY ORDINANCES
- BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)
- 2007 CALIFORNIA MECHANICAL CODE
- ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101
- 2007 CALIFORNIA PLUMBING CODE
- 2007 CALIFORNIA ELECTRICAL CODE
- LOCAL BUILDING CODE

BUILDING/SITE DATA LEGEND

LATITUDE:	37° 46' 20.4" N (NAD 83)
LONGITUDE:	122° 11' 34.5" W (NAD 83)
ELEVATION:	119' A.M.S.L. (NGVD 29)
A.P.N.:	033-2584-017-03
ZONING:	COMMERCIAL
OCCUPANCY:	U, UNMANNED
CONSTRUCTION TYPE:	V-B
CONSTRUCTION AREA:	4 SQ. FT.
ADA REQ.:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. ADA ACCESS NOT REQUIRED.
TITLE 24 REQ.:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. TITLE 24 IS EXEMPT.

PROJECT DESCRIPTION

INSTALLATION OF A WIRELESS COMMUNICATIONS FACILITY, INCLUDING THE INSTALLATION OF (1) EQUIPMENT RACK, (3) INTERNET SERVICES EXCHANGE POINTS, AND (3) PANEL ANTENNAS

SIGNATURE BLOCK

ZONING MANAGER	DATE
SITE ACQ. MANAGER	DATE
RF MANAGER	DATE
MICROWAVE MANAGER	DATE
CONSTRUCTION MANAGER	DATE
CLEARWIRE CONSTRUCTION MANAGER	DATE

PROJECT SUMMARY

PROPERTY OWNER:
CONTACT: EVELYN LEWIS
PHONE: (510) 376-1446

APPLICANT:
CLEARWIRE CORP.
4400 CARILLON PT
KIRKLAND, WA

LEASING MANAGER:
CORTEL, LLC
CONTACT: LEESA GENDEL
PHONE: (415) 246-0595

ZONING MANAGER:
CORTEL, LLC
CONTACT: MISAKO HILL
PHONE: (415) 583-2540

CONSULTANT:
TRK ENGINEERING LTD.
#201 - 17688 66TH AVE
SURREY, BC V3S 7X1, CANADA
CONTACT: DENNIS AMANTEA
PHONE: (604) 574-6452

CONSTRUCTION MANAGER:
CORTEL, LLC
CONTACT: KEN UPTON
PHONE: (415) 860-8583

SHEET INDEX

REV	DWG	NAME
1	T-1	TITLE SHEET
1	A-1	SITE PLAN
1	A-2	ROOF PLAN
1	A-3	EAST AND SOUTH ELEVATIONS
1	A-4	EQUIPMENT DETAILS
1	A-5	ANTENNA DETAILS

clearwire
4400 CARILLON PT, KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17688 66TH AVE
SURREY, BC V3S 7X1, CANADA
TEL: (604) 574-6452
FAX: (604) 574-6481
TOLL FREE: 1-877-548-4045
EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-017
DRAWN BY: S.A.
CHECKED BY: P.M.
CAD FILE: 1040-017TI

SUBMITTALS

1	SEP 28/10	REVISED PER CITY
0	AUG 3/10	30% REV 0
A	JUL 20/10	30% REV A

A/E SEAL

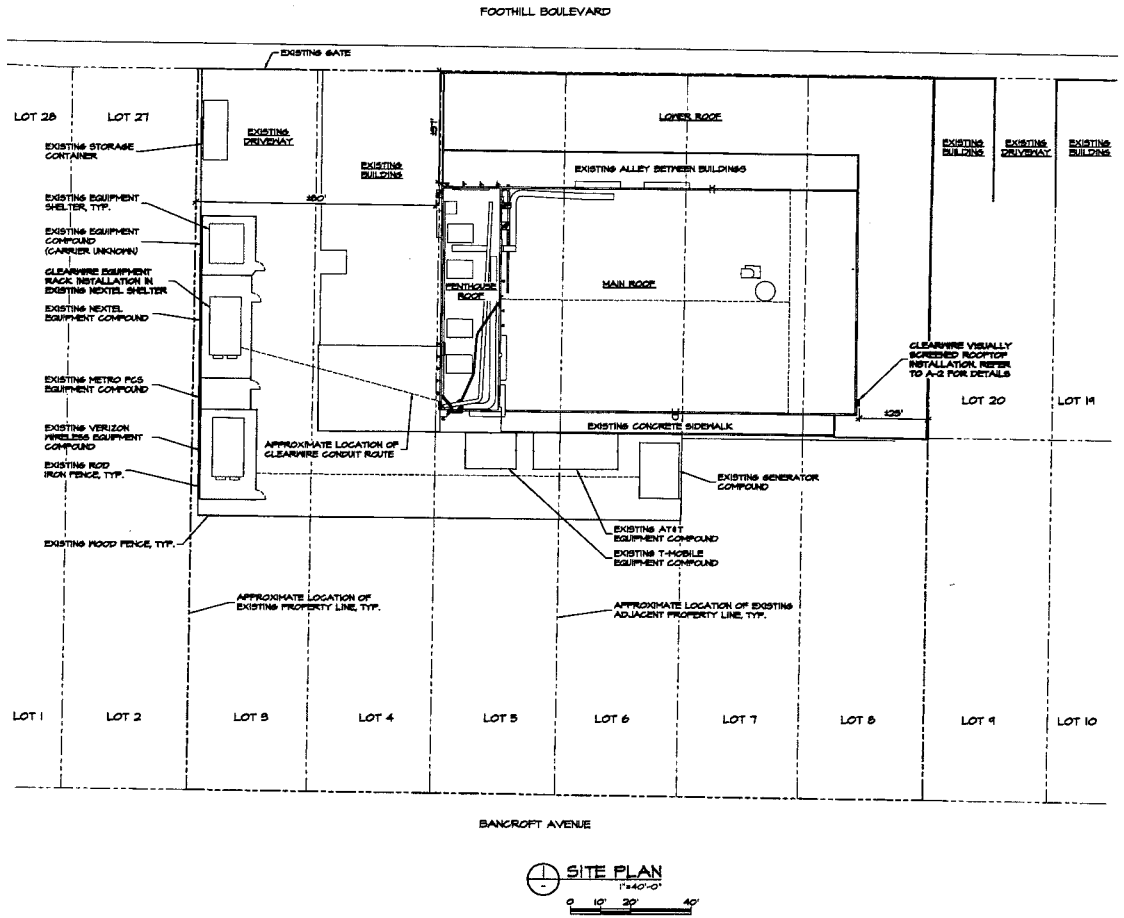
SITE
FAIRFAX LIGHTHOUSE
CA-SFO0808A
5345 FOOTHILL BLVD
OAKLAND, CA

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

N

TRUE NORTH ARROW SHOWN ON THIS DRAWING IS APPROXIMATE ONLY AND MUST BE VERIFIED BY CONTRACTOR



1 SITE PLAN
1"=40'-0"
0 10' 20' 40'

NOTES:

1. SITE PLAN INFORMATION WAS OBTAINED FROM A DRAWING PREPARED BY J.E. SCHURICHT & ASSOCIATES, DATED FEBRUARY 15, 1995, AND SITE MEASUREMENTS TAKEN BY TRK ENGINEERING, DATED JUNE 21, 2010. THIS DRAWING DOES NOT REPRESENT A SURVEY. ALL DIMENSIONS TO PROPERTY LINES ARE APPROXIMATE ONLY.

LEGAL DESCRIPTION:

DESCRIPTION OF PARCEL:

LEGAL DESCRIPTION TAKEN FROM GOLDEN CALIFORNIA TITLE PRELIMINARY REPORT ORDER NO. 104344, DATED AUGUST 20, 1997.

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL I:
LOT 8, BLOCK 20, MAP OF MELROSE HEIGHTS, FILED DECEMBER 29, 1907, MAP BOOK 25, PAGE 38, ALAMEDA COUNTY RECORDS.

PARCEL II:
LOTS 3, 4, 5, 6, 21, 22, 23, 24, 26 AND THE EASTERN 6 FEET, FRONT AND REAR MEASUREMENT, OF LOT 7, BLOCK 20, 'MAP OF MELROSE HEIGHTS', FILED DECEMBER 29, 1907 IN BOOK 25 OF MAPS, PAGE 38, ALAMEDA COUNTY RECORDS.

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17886 66TH AVE
SURREY, BC V3S 7J1, CANADA
TEL: (604) 574-6452
FAX: (604) 574-6481
TOLL FREE: 1-877-845-4045
EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-017

DRAWN BY: S.A.

CHECKED BY: P.H.

CAD FILE: 1040-017A1

SUBMITTALS

1	SEP 2010	REVISED PER CITY
0	AUG 2010	20% REV 0
A	JUL 2010	20% REV A

ARE SEAL

SITE

FAIRFAX LIGHTHOUSE
CA-SF00808A
5345 FOOTHILL BLVD
OAKLAND, CA

SHEET TITLE

SITE PLAN

SHEET NUMBER

A-1

TRUE NORTH ARROW SHOWN ON THIS DRAWING IS APPROXIMATE ONLY AND MUST BE VERIFIED BY CONTRACTOR

PANEL ANTENNA INFORMATION

SECTOR	AZIMUTH	ANTENNA	QUANTITY	FIBER OPTIC/ DC POWER LENGTH	RAD CENTER
1	0°	KATHREIN	1	100'-0"±	55'-8"±
2	120°	KATHREIN	1	140'-0"±	48'-10"±
3	240°	KATHREIN	1	40'-0"±	55'-8"±

6FS ANTENNA LOCATION OPTIONS: (1) EQUIPMENT CABINET, (2) ANTENNA MAST, (3) SUPPORT POST, FIELD VERIFY

LABEL MARKINGS SHALL BE PLACED:
A. WITHIN 12" OF CABLE AT BOTH ENDS.
B. AT/NEAR TOWER GROUND BAR.
C. EITHER PRIOR TO ENTRY INTO CABINET OR AT CABLE SUPPORT BRIDGE.

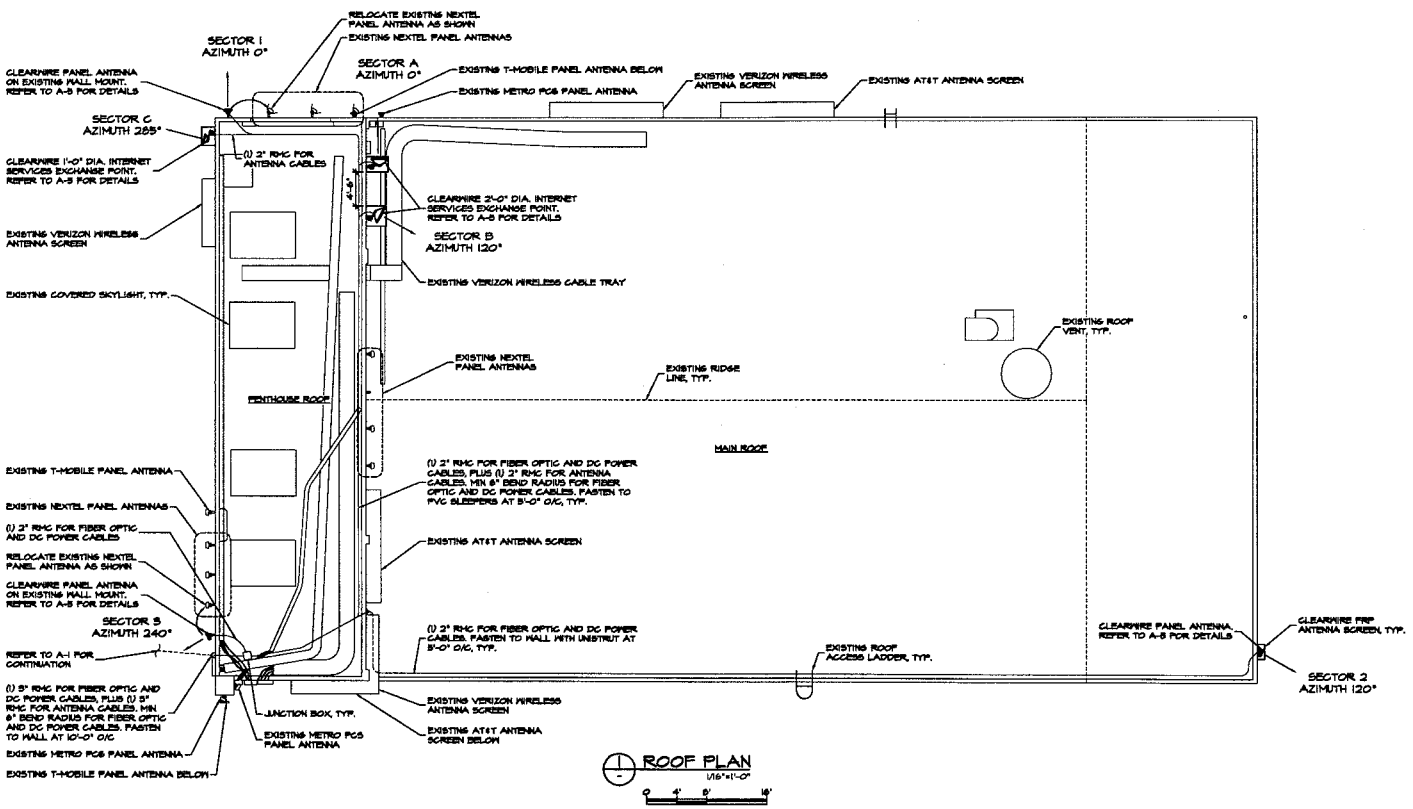
INTERNET SERVICES EXCHANGE POINT INFORMATION

SECTOR	AZIMUTH	DISH SIZE	ANTENNA	QUANTITY	ANTENNA CABLE LENGTH	RAD CENTER
A	0°	2'-0"	ANDREW	1	70'-0"±	55'-10"±
B	120°	2'-0"	ANDREW	1	20'-0"±	55'-10"±
C	255°	1'-0"	ANDREW	1	100'-0"±	55'-10"±

NOTES:

1. CONTRACTOR TO PROVIDE ALL REQUIRED HARDWARE NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
2. CONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ROOF MEMBRANE DURING CONSTRUCTION. ALL DAMAGE SHALL BE REPAIRED TO AS NEW CONDITION IN ACCORDANCE WITH STANDARD ROOFING PRACTICES.
4. CONTRACTOR TO SITE VERIFY LOCATION OF CONDUIT AND ANTENNA CABLE ROUTING PRIOR TO CONSTRUCTION.
5. PAINT ANTENNA MOUNTS, ANTENNA CABLES, CONDUITS AND MOUNTING HARDWARE TO MATCH EXISTING BUILDING EXTERIOR.

DRAWINGS ARE FOR ZONING ONLY. STRUCTURAL ANALYSIS OF BUILDING HAS NOT BEEN COMPLETED



1 ROOF PLAN
1/16"=1'-0"
0 4' 8' 16'

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17666 66TH AVE
SURREY, BC V3S 7X1, CANADA
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EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-017

DRAWN BY: S.A.

CHECKED BY: F.H.

CAD FILE: 1040-017A2

SUBMITTALS

1	SEP 28/10	REVISED PER CITY
0	AUG 5/10	ZDs REV 0
A	JUL 30/10	ZDs REV A

AHJ SEAL

SITE

FAIRFAX LIGHTHOUSE
CA-SF00808A
5345 FOOTHILL BLVD
OAKLAND, CA

SHEET TITLE

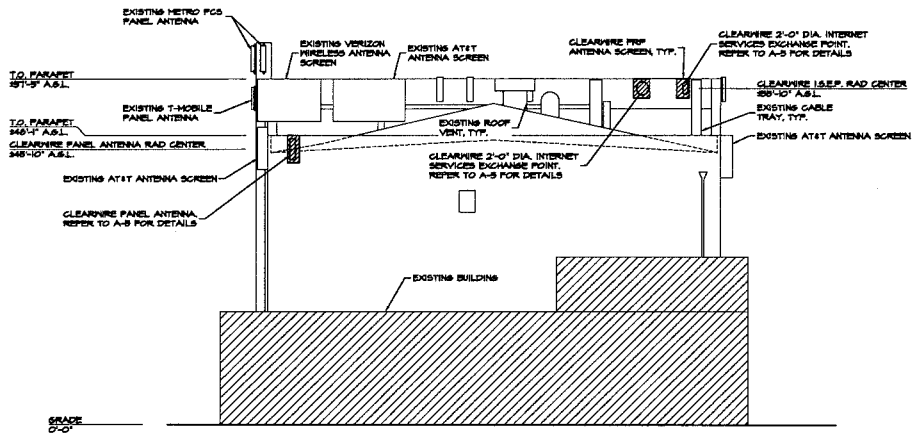
ROOF PLAN

SHEET NUMBER

A-2

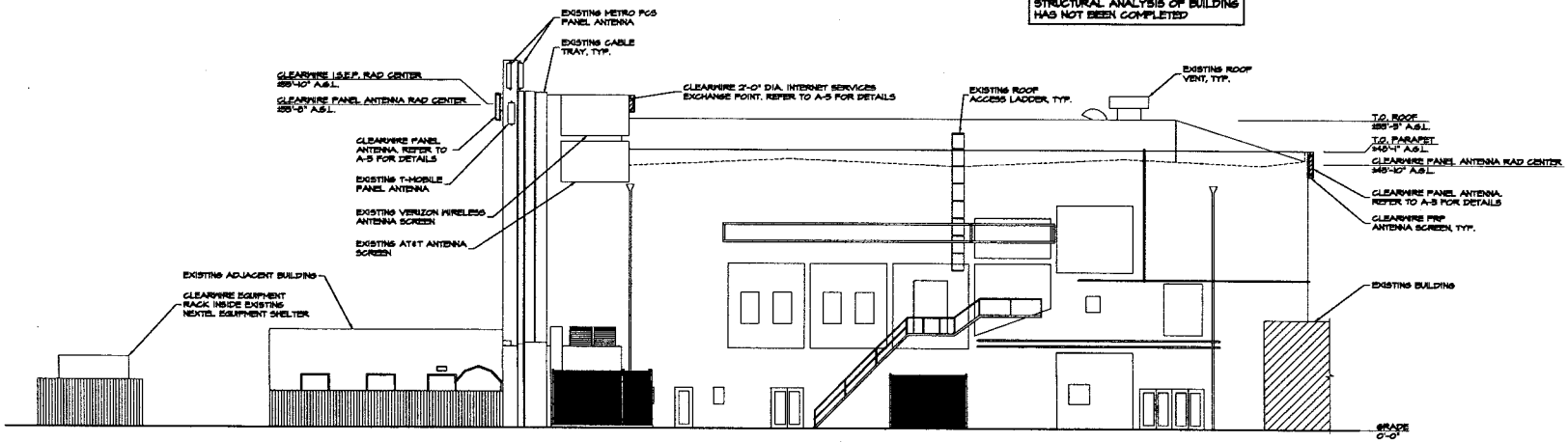
NOTES:

1. ELEVATION IS DIAGRAMMATIC ONLY.
2. CONTRACTOR TO PROVIDE ALL REQUIRED HARDWARE NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
3. CONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ROOF MEMBRANE DURING CONSTRUCTION. ALL DAMAGE SHALL BE REPAIRED TO AS NEW CONDITION IN ACCORDANCE WITH STANDARD ROOFING PRACTICES.
5. CONTRACTOR TO SITE VERIFY LOCATION OF CONDUIT AND ANTENNA CABLE ROUTING PRIOR TO CONSTRUCTION.
6. PAINT ANTENNA MOUNTS, ANTENNA CABLES, CONDUITS AND MOUNTING HARDWARE TO MATCH EXISTING BUILDING EXTERIOR.



1 EAST ELEVATION
1"=20'-0"
0 5' 10' 20'

DRAWINGS ARE FOR ZONING ONLY. STRUCTURAL ANALYSIS OF BUILDING HAS NOT BEEN COMPLETED



2 SOUTH ELEVATION
1"=20'-0"
0 5' 10' 20'

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17686 56TH AVE
SURREY, BC V3S 1W, CANADA
TEL: (604) 574-6452
FAX: (604) 574-6451
TOLL FREE: 1-877-845-4045
EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-017
DRAWN BY: S.A.
CHECKED BY: P.M.
CAD FILE: 1040-017A3

SUBMITTALS

1	SEP 29/10	REVISED PER CITY
0	AUG 9/10	ZDs REV 0
A	JUL 20/10	ZDs REV A

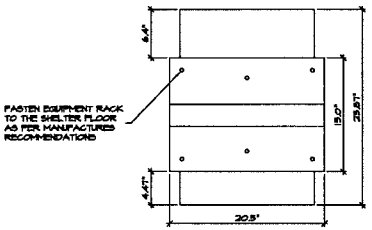
AHJ SEAL

SITE
FAIRFAX LIGHTHOUSE
CA-SF00808A
5345 FOOTHILL BLVD
OAKLAND, CA

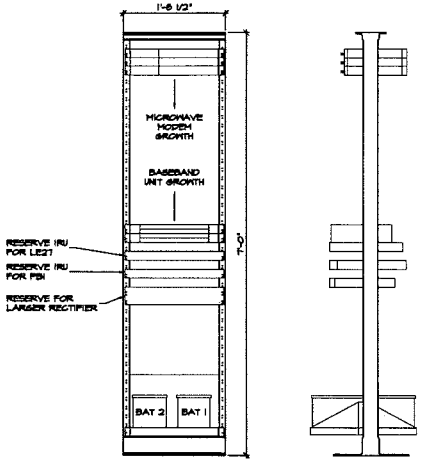
SHEET TITLE
EAST AND SOUTH ELEVATIONS

SHEET NUMBER
A-3

INDOOR	
INDOOR EQUIPMENT RACK HEIGHT = 47.63in	
RACK DIMENSIONS	21"(W) x 19"(D) x 84"(H)
RACK W/ EQUIPMENT DIMENSIONS	21"(W) x 27"(D) x 84"(H)



1 EQUIPMENT RACK LAYOUT
3/4"=1'-0"

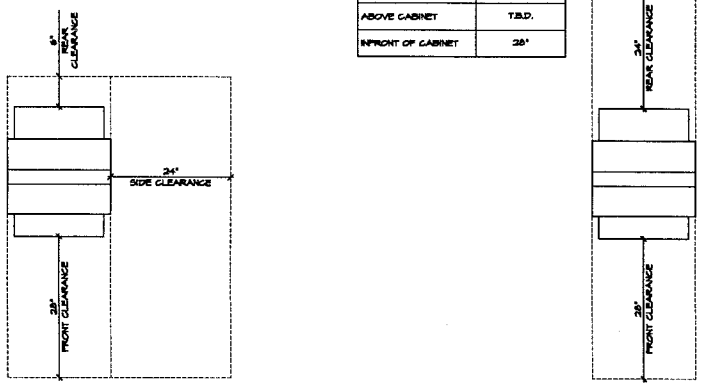


2 EQUIPMENT RACK ELEVATIONS
1/2"=1'-0"

MIN. CLEARANCES W/O 24" CLEARANCE ON REAR	
CABINET REAR AND WALL	6"
CABINET RIGHT SIDE AND WALL	24"
CABINET LEFT SIDE AND WALL	0"
ABOVE CABINET	T.B.D.
INFRONT OF CABINET	28"

MIN. CLEARANCES	
CABINET REAR AND WALL	24"
CABINET RIGHT SIDE AND WALL	0"
CABINET LEFT SIDE AND WALL	0"
ABOVE CABINET	T.B.D.
INFRONT OF CABINET	28"

MIN. CLEARANCES W/O 24" CLEARANCE ON REAR	
CABINET REAR AND WALL	6"
CABINET RIGHT SIDE AND WALL	0"
CABINET LEFT SIDE AND WALL	24"
ABOVE CABINET	T.B.D.
INFRONT OF CABINET	28"



3 CLEARANCE REQUIREMENTS
1/2"=1'-0"

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17855 66TH AVE
SURREY, BC V3S 7J1, CANADA
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EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-017

DRAWN BY: SA

CHECKED BY: PM

CAD FILE: 1040-017A4

SUBMITTALS

1	SEP 28/10	REVISED PER CITY
0	AUG 5/10	ZDs REV 0
A	JUL 30/10	ZDs REV A

AHJ SEAL

SITE

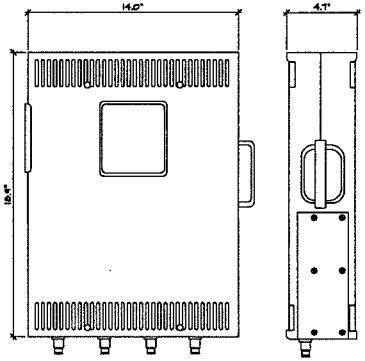
FAIRFAX LIGHTHOUSE
CA-SF00808A
5345 FOOTHILL BLVD
OAKLAND, CA

SHEET TITLE

EQUIPMENT DETAILS

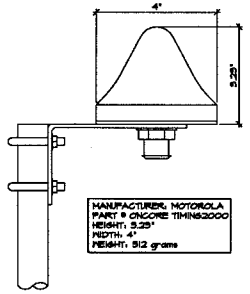
SHEET NUMBER

A-4



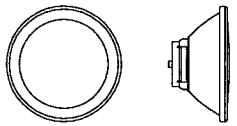
LENGTH: 18.9"
WIDTH: 14.0"
DEPTH: 4.7"
WEIGHT: 55 LBS C/W SOLAR SHIELD AND MOUNTING BRACKETS

1 RRU SPECIFICATION
N.T.S.



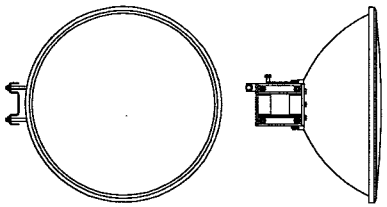
MANUFACTURER: MOTOROLA
PART # ONCORE TIM16S2000
HEIGHT: 3.25"
WIDTH: 4"
WEIGHT: 312 grams

2 GPS SPECIFICATION
N.T.S.



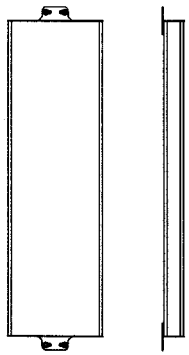
MANUFACTURER: ANDREW
DIAMETER: 19.3"
DEPTH: 8.7"
WEIGHT: 14.21 lbs

3 I.S.E.P. SPECIFICATION
N.T.S.



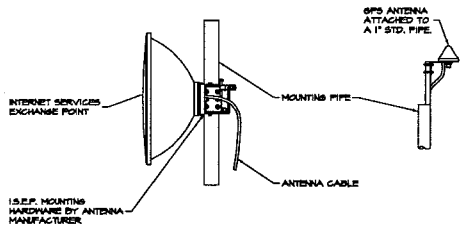
MANUFACTURER: ANDREW
DIAMETER: 28.1"
DEPTH: 15.3"
WEIGHT: 27 lbs

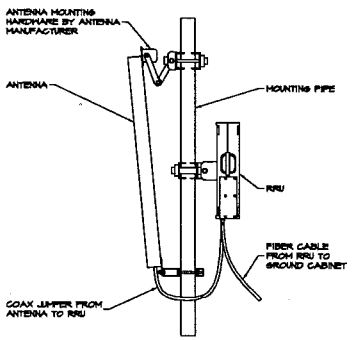
4 I.S.E.P. SPECIFICATION
N.T.S.



MANUFACTURER: KATHREIN
LENGTH: 49.5"
WIDTH: 12.1"
DEPTH: 5.4"
WEIGHT: 38 lbs

5 ANTENNA SPECIFICATION
N.T.S.





6 GENERIC ANTENNA MOUNTING DETAIL
N.T.S.

clearwire
4400 CARILLON PT., KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17855 65TH AVE
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PROJECT NO: 1040-017
DRAWN BY: S.A.
CHECKED BY: P.M.
CAD FILE: 1040-017A5

SUBMITTALS

1	SEP 28/10	REVISED PER CITY
0	AUG 13/10	ZDs REV 0
A	JUL 30/10	ZDs REV A

AHJ SEAL

SITE
FAIRFAX LIGHTHOUSE
CA-SF00808A
5345 FOOTHILL BLVD
OAKLAND, CA

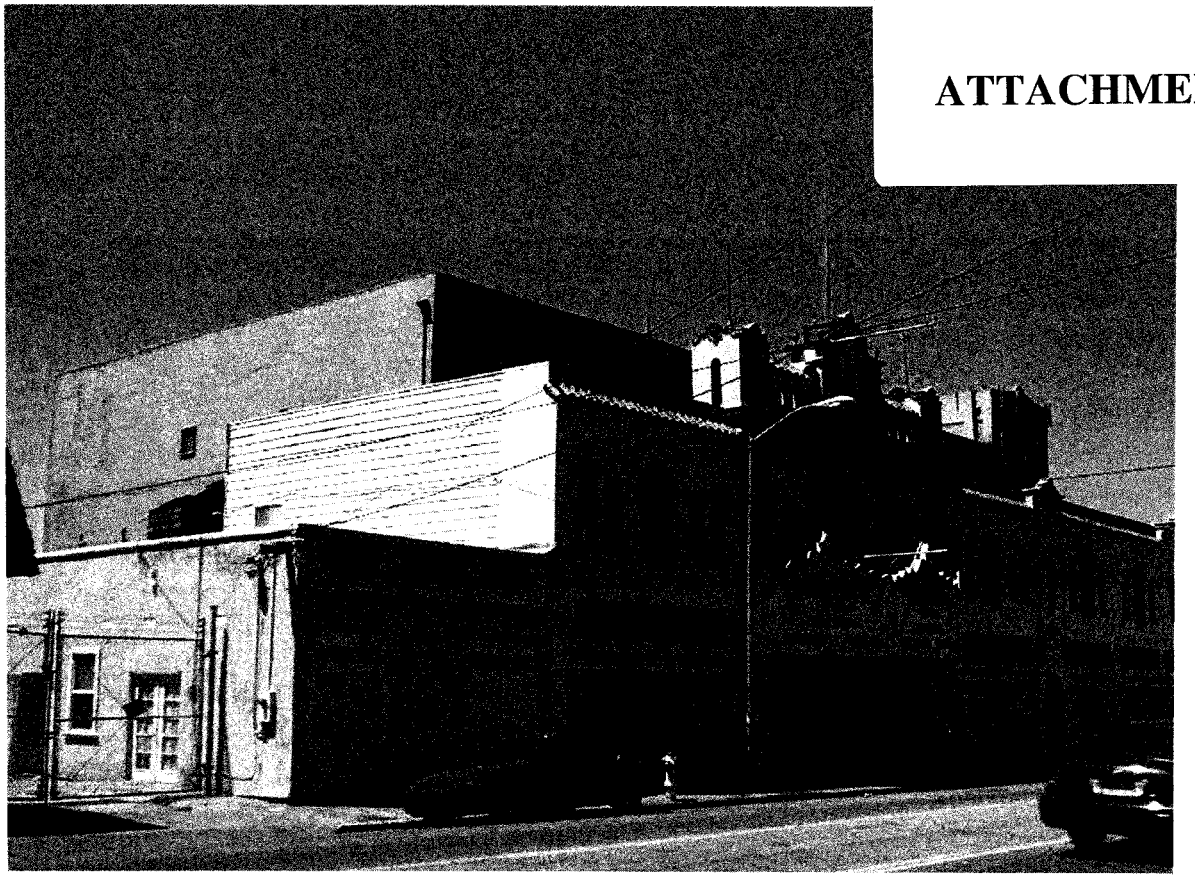
SHEET TITLE
ANTENNA DETAILS

SHEET NUMBER
A-5

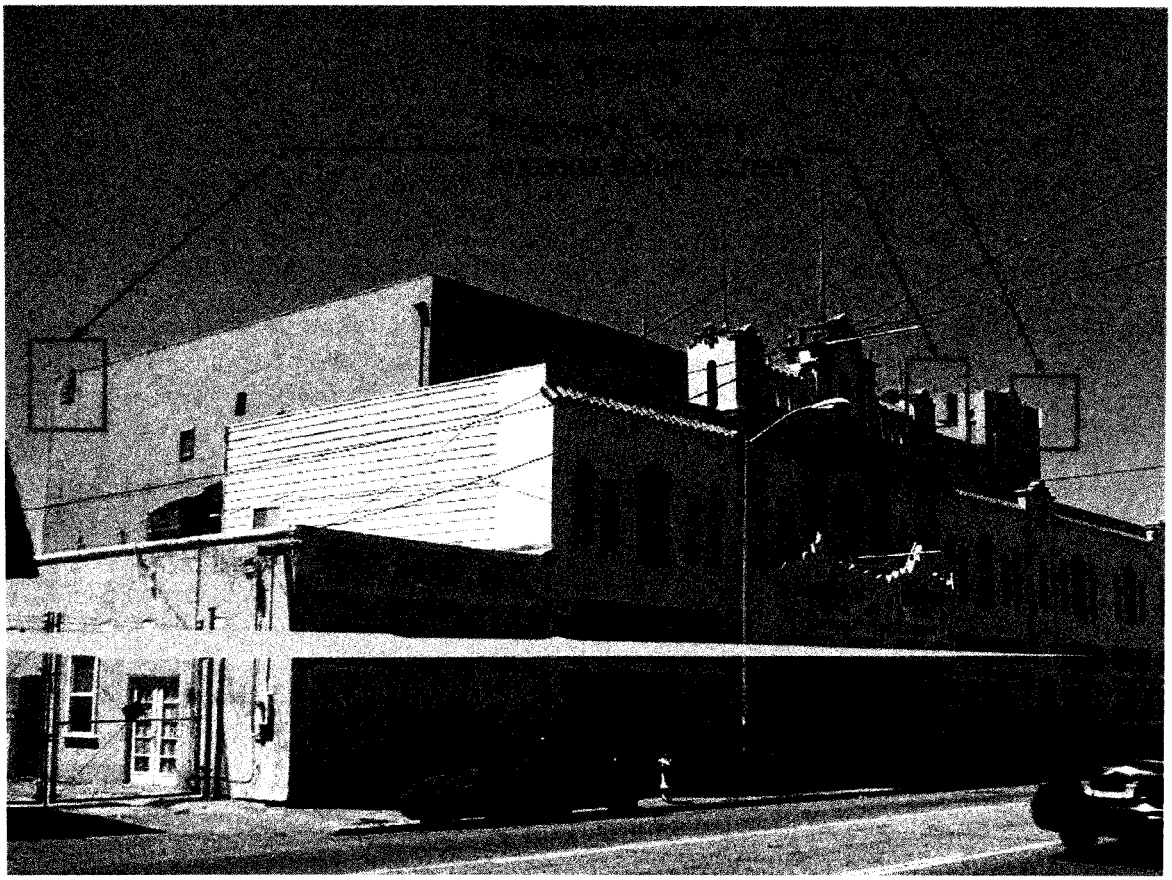
Existing

August 05, 2010

ATTACHMENT A



Proposed



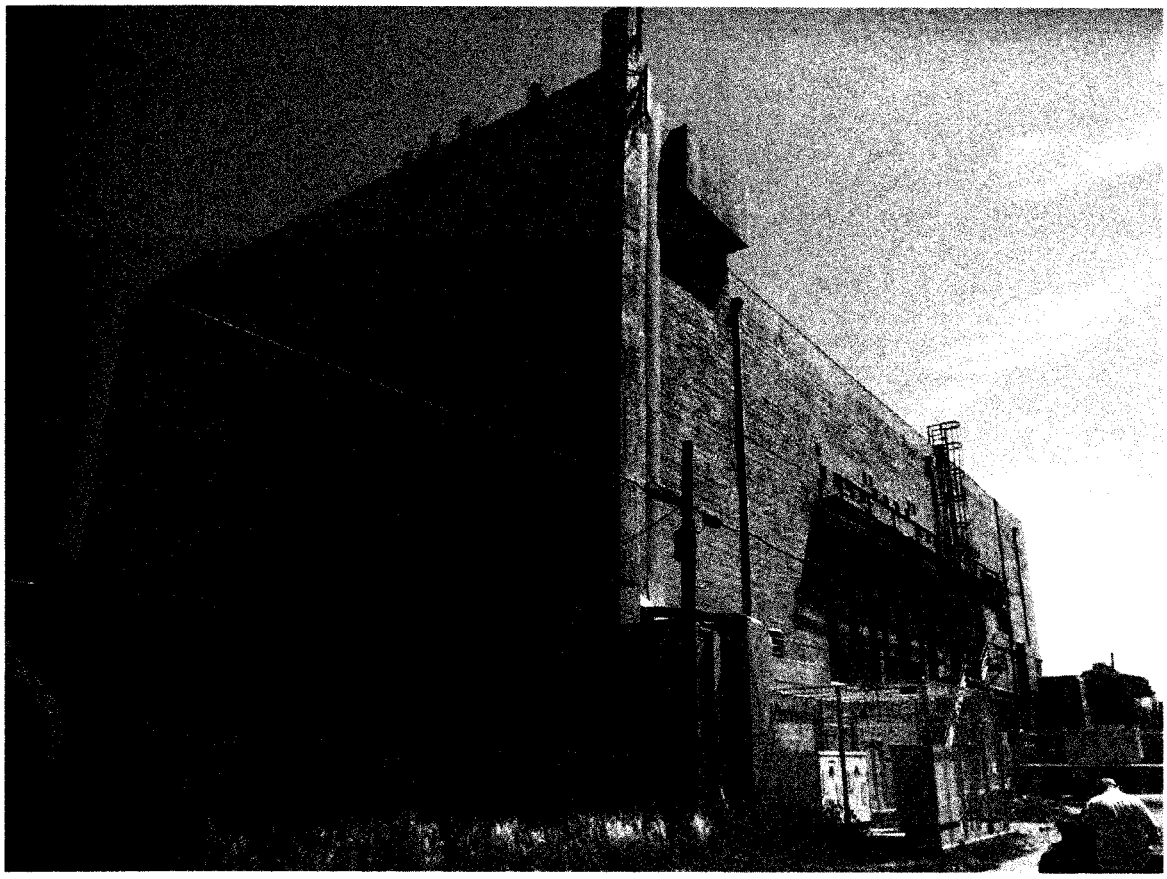
Northeast Elevation

CA-SFO0808A
FAIRFAX LIGHTHOUSE

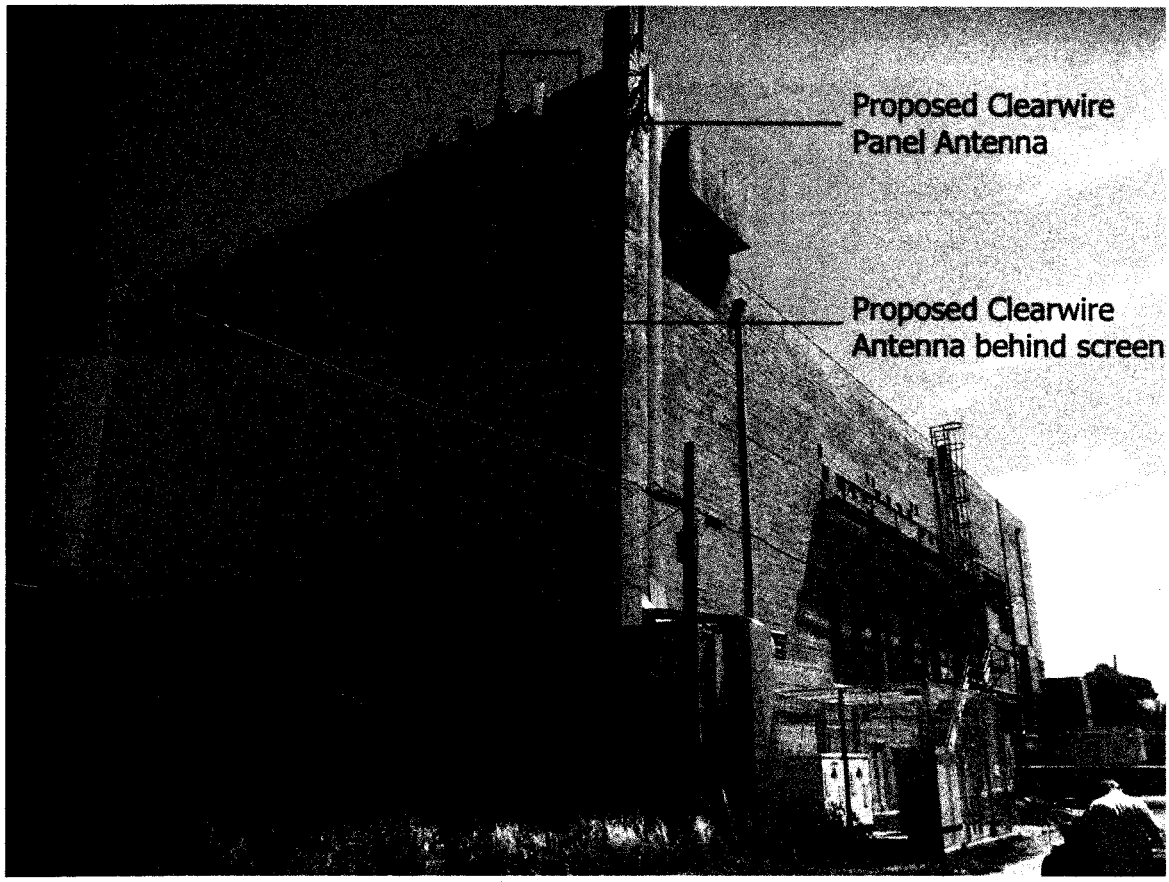
TRK ENGINEERING

Existing

August 05, 2010



Proposed



Southwest Elevation

CA-SFO0808A
FAIRFAX LIGHTHOUSE

TRK ENGINEERING

ATTACHMENT B

TRK ENGINEERING

FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMPLIANCE STUDY ON
RADIO FREQUENCY
ELECTROMAGNETIC FIELDS EXPOSURE

Prepared for:

clearwire
wireless broadband

CA-SFO0808A
FAIRFAX LIGHTHOUSE
5345 FOOTHILL BLVD
OAKLAND, CA

AUGUST 05/10, REV. 0

SITE DESCRIPTION:

Carrier:	Clearwire wireless broadband
Site Address:	5345 Foothill Blvd., Oakland CA
Type of Service:	MMDS (Multichannel Multipoint Distribution Service)
Sectors:	0°, 120°, 240°
Antenna Type:	Kathrein 840 10054
Number of Antennas:	3
Frequencies *(GHz)*:	2.5 – 2.7
Maximum Power:	969 W ERP (per sector)
Antenna Height:	45'-10"±, and 55'-8"± *(radiation center AGL)*

Table 1. Clearwire RF summary

Clearwire is proposing to construct a wireless broadband facility on a building at the above address (Figure 1). Three panel antennas with horizontal beam width of 87° will be mounted at various locations on the rooftop. An outdoor site support cabinet will be installed on the rooftop. Access to the facility is restricted to authorized personnel only.

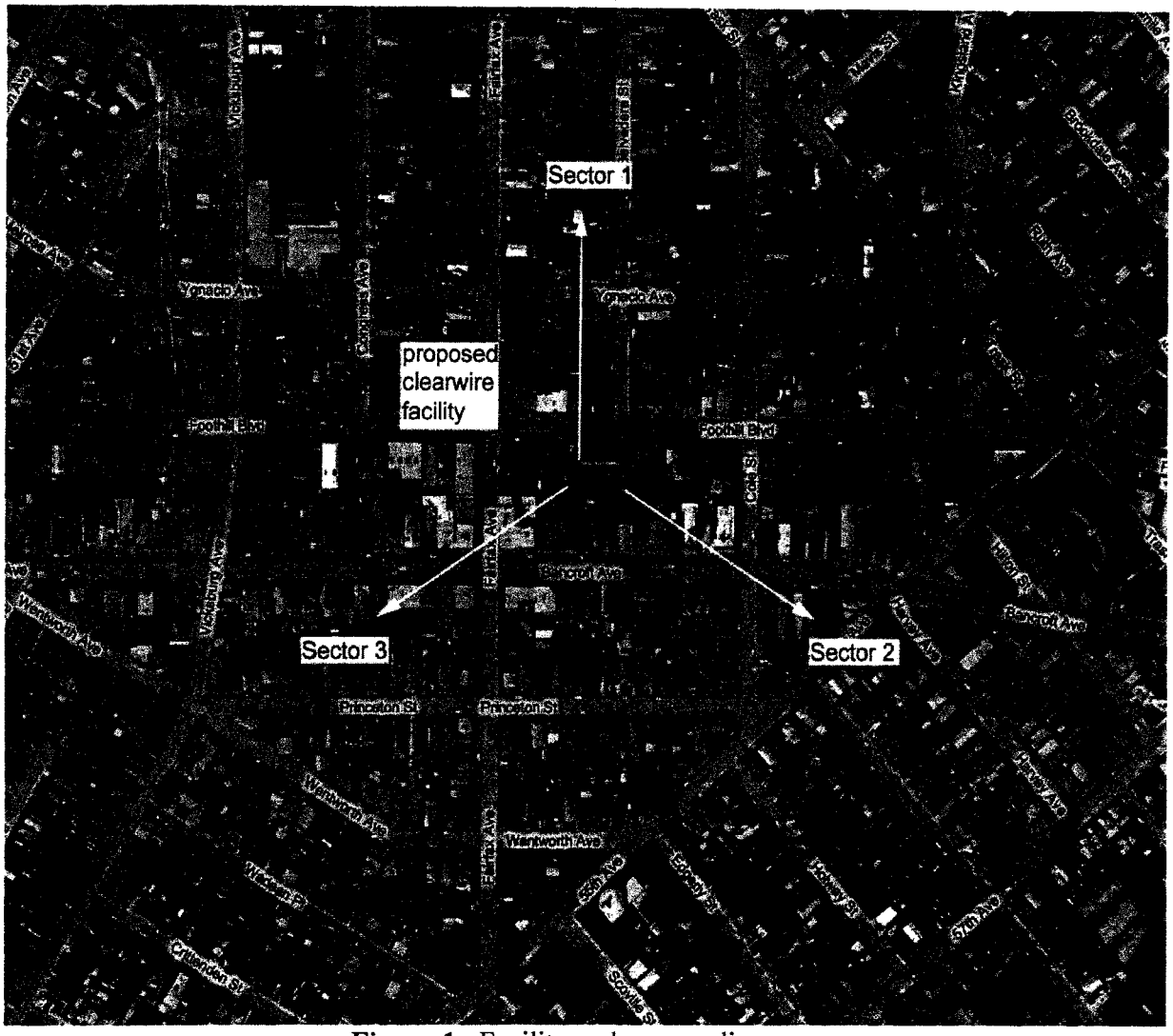


Figure 1. Facility and surrounding area

Clearwire also proposes to install dish antennas or Internet Service Exchange Points (ISEP) behind RF-transparent screens at various locations on the rooftop. The RF power outside the main beam of these ISEP antennas is insignificant compared to the panel antennas (see calculations in Appendix A).

There are four other existing wireless communication facilities with panel antennas installed on the rooftop. The RF summaries for the facilities are shown in the following Tables.

Carrier:	Metro PCS
Type of Service:	1900 MHz CDMA
Antenna Quantity:	3 (1 per sector)
Antenna Type:	Kathrein 741 989
Maximum Power:	500 W *(Maximum ERP per sector)*
Antenna Height:	various

Table 2. Metro PCS RF summary

Carrier:	Verizon Wireless
Type of Service:	i) CDMA ii) EVDO iii) LTE
Antenna Type:	Andrew DBXNH-6565A-VTM *(typical)*
Maximum Power:	500 W *(Maximum ERP per technology, per sector)*
Antenna Height:	45'-6"± *(Radiation center AGL)*

Table 3. Verizon Wireless RF summary

Carrier:	T-Mobile
Type of Service:	1900 MHz GSM/UMTS
Antenna Type:	RFS APX16DWV-16DWVS-E-A20 *(typical)*
Number of Antennas:	3 (1 per sector)
Maximum Power:	1000 W *(Maximum ERP per sector)*
Antenna Height:	various

Table 4. T-Mobile RF summary

Carrier:	Nextel Communications
Type of Service:	850 MHz ESMR
Antenna Type:	Decibel DB844H65E-XY, DB844G65ZAXY
Number of Antennas:	9 (3 per sector)
Maximum Power:	500 W *(Maximum ERP per sector)*
Antenna Height:	55'-5"± *(Radiation center AGL)*

Table 5. Nextel Communications RF summary

PROTOCOL:

This study, and the calculations performed therein, is based on OET Bulletin 65[1] which adopts ANSI C95.1-1992 and NCRP standards. In particular, equation 10 from section 2 of the guideline is used as a model (in conjunction with known antenna radiation patterns) for calculating the power density at different points of interest. This information will be used to judge the RF exposure level incident upon the general population, and any employee present in the area. It should be noted that ground reflection of RF waves has been taken into account.

FCC'S MAXIMUM PERMISSIBLE EXPOSURE (MPE) LIMIT:

In order to evaluate the RF exposure level, the power densities at different locations of interest have been examined. Equation 10 from Bulletin 65 is reproduced here as equation 1:

$$S = \frac{33.4 F^2 ERP}{R^2} \qquad (1)$$

Where: S = *Power density [$\mu W/cm^2$]*
ERP = *Effective radiated power [W]*
R = *Distance [m]*
F = *Relative field factor (relative numeric gain)*

Scenario 1: *Standing near the facility on street level*

The RF exposure level of a six-foot tall person standing on street level close to the building is evaluated. For the worst-case scenario, we assume that all the antennas are transmitting the maximum number of channels at the same time, with each channel at its maximum power level. In addition, the azimuths of the antennas of all carriers are assumed to be in the direction of the studied location. Please refer to scenario 1 in appendix A for the complete geometry and analysis. The highest exposure location is found to be approximately 83' from a proposed Clearwire antenna. The calculations of maximum cumulative power density are summarized in Table 6.

Service	Max. ERP	F^2	R (m)	S ($\mu W/cm^2$) (from eq. 1)	MPE %
clearwire (panel)	969 W	-15 dB (0.0316)	29.1	1.2077	0.1208
clearwire ISEP	500 W	-42 dB (0.0001)	29.1	0.0004	0.0000
T-Mobile	1000 W	-23 dB (0.0050)	28.8	0.2013	0.0201
Metro PCS	500 W	-16 dB (0.0251)	28.8	0.5054	0.0505
Verizon CDMA	500 W	-14 dB (0.0398)	27.6	0.8725	0.1504
Verizon EVDO	500 W	-12 dB (0.0631)	27.6	1.3833	0.1383
Verizon LTE	500 W	-20 dB (0.0100)	27.6	0.2192	0.0428
Nextel	500 W	-7 dB (0.1995)	29.0	3.9615	0.6830
Total					1.2059

Table 6. Worst-case predicted power density values for scenario 1.

[1] Cleveland, Robert F, et al. Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields. OET Bulletin 65, Edition 97-01, August 1997.

The Maximum Permissible Exposure (MPE) limit for 1900 MHz and 2500 MHz facilities[2] for general population/uncontrolled exposure is 1000 μW/cm², 580 μW/cm² for 850 MHz facilities[3], and 512 μW/cm² for 774 MHz facilities[4]. The maximum cumulative power density for the proposed and existing antennas is calculated to be 1.2 % of the MPE limit.

Scenario 2: *Nearby building rooftops*

There are various types of buildings in the surrounding area. The RF exposure levels on nearby rooftops are evaluated. We assume again, all antennas within a sector are transmitting with maximum power level. Please refer to scenario 2 in appendix A for the analysis. The highest exposure location is on the rooftop of the nearest building north of the subject building. The calculations for the maximum possible power density are summarized in Table 7.

Service	Max. ERP	F^2	R (m)	S (μW/cm²) (from eq. 1)	MPE %
clearwire (panel)	969 W	-17 dB (0.0200)	23.5	1.1721	0.1172
clearwire ISEP	500 W	-40 dB (0.0001)	23.5	0.0006	0.0001
T-Mobile	1000 W	-15 dB (0.0316)	23.3	1.9441	0.1944
Metro PCS	500 W	-18 dB (0.0158)	23.3	0.4867	0.0486
Verizon CDMA	500 W	-5 dB (0. 3162)	22.7	10.2477	1.7668
Verizon EVDO	500 W	-17 dB (0.0200)	22.7	0.6482	0.0648
Verizon LTE	500 W	-4 dB (0.3981)	22.7	12.9020	2.5199
Nextel	500 W	-14 dB (0.0398	23.5	1.2035	0.2075
Total					4.9193

Table 7. Worst-case predicted power density values for scenario 2.

The maximum cumulative power density for the Clearwire antennas and the existing antennas is calculated to be 4.9% of the MPE limit. There is a relatively low level of RF energy directed either above or below the horizontal plane of the antennas, and there are no locations in the surrounding areas near the facilities that will have RF exposure levels close to the MPE limit.

Scenario 3: *Facility rooftop*

The proposed Clearwire antennas are mounted on the side of the building. There are no locations on the rooftop where a person may be exposed to the main beam path of the proposed antennas.

[2] Ibid., page 67. are shown
[3] Ibid., page 67.
[4] Ibid., page 67.

Conclusion:

Under "worst-case" conditions, the calculations shown above predict that the maximum possible RF exposure is 4.9% of the MPE limit for general population/uncontrolled exposure. There will be less RF exposure on the ground level or nearby buildings as a person moves away from the site. Therefore, the proposed Clearwire facility and the existing facilities will comply with the general population/uncontrolled limit.

FCC COMPLIANCE:

The general population/uncontrolled exposure near the antennas, including persons on the street level, in nearby open areas, and inside or on existing nearby buildings will have RF exposure much lower than the "worst-case" scenario, which is only a small percentage of the MPE limit.

As for trained persons or transient workers, they will be made fully aware of the potential for RF exposure and can choose to exercise control over their exposure that is within the occupational/controlled limits.

The proposed site will operate within the current acceptable thresholds as established by FCC.

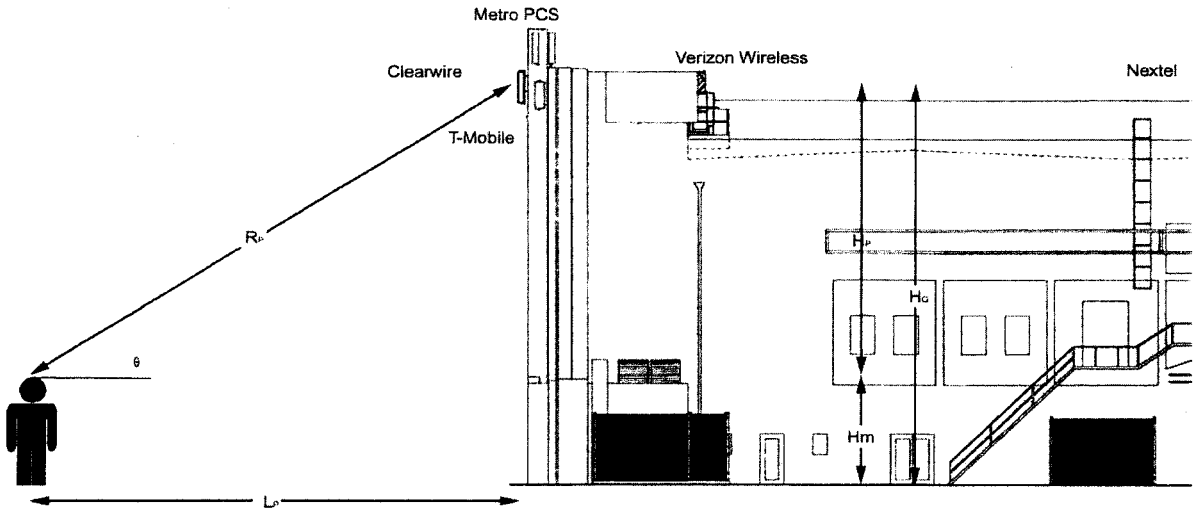
REGISTERED PROFESSIONAL ENGINEER
SEI YUEN SYLVAN WONG
16850
EXP. 12/31/10
ELECTRICAL
STATE OF CALIFORNIA

August 6, 2010

Sei Yuen Sylvan Wong, PE
California PE Reg. No. E 16850

APPENDIX A

Scenario 1: Surrounding Area of the Facility



person's height (H_M) = 6 ft

building elevation = 68 ft

Horizontal distance from building L_P is 9 ft at Θ= 80 ° Elevation above sea level: 68 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	55.67	49.67	969.0	Θ = 80 °	-30 dB (0.0010)	15.4	0.1365	0.0137
clearwire ISEP	55.80	49.80	100.0	Θ = 80 °	-57 dB (0.0000)	15.4	0.0000	0.0000
T-Mobile	54.00	48.00	1000.0	Θ = 80 °	-30 dB (0.0010)	14.9	0.1504	0.0150
Metro PCS	54.00	48.00	500.0	Θ = 80 °	-30 dB (0.0010)	14.9	0.0752	0.0075
Verizon CDMA	45.50	39.50	500.0	Θ = 77 °	-25 dB (0.0032)	12.3	0.3532	0.0609
Verizon EVDO	45.50	39.50	500.0	Θ = 77 °	-25 dB (0.0032)	12.3	0.3532	0.0353
Verizon LTE	45.50	39.50	500.0	Θ = 77 °	-25 dB (0.0032)	12.3	0.3532	0.0690
Nextel	55.50	49.50	500.0	Θ = 80 °	-30 dB (0.0010)	15.3	0.0713	0.0123
						Total		0.2137

Horizontal distance from building L_P is 28 ft at Θ= 60 ° Elevation above sea level: 69 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	55.67	48.67	969.0	Θ = 60 °	-30 dB (0.0010)	17.1	0.1107	0.0111
clearwire ISEP	55.80	48.80	100.0	Θ = 60 °	-46 dB (0.0000)	17.2	0.0000	0.0000
T-Mobile	54.00	47.00	1000.0	Θ = 59 °	-30 dB (0.0010)	16.7	0.1198	0.0120
Metro PCS	54.00	47.00	500.0	Θ = 59 °	-23 dB (0.0050)	16.7	0.2994	0.0299
Verizon CDMA	45.50	38.50	500.0	Θ = 54 °	-25 dB (0.0032)	14.5	0.2542	0.0438
Verizon EVDO	45.50	38.50	500.0	Θ = 54 °	-25 dB (0.0032)	14.5	0.2542	0.0254
Verizon LTE	45.50	38.50	500.0	Θ = 54 °	-25 dB (0.0032)	14.5	0.2542	0.0496
Nextel	63.00	56.00	500.0	Θ = 63 °	-30 dB (0.0010)	19.1	0.0458	0.0079
						Total		0.1797

Horizontal distance from building L_P is 49 ft at Θ= 45 ° Elevation above sea level: 69 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	55.67	48.67	969.0	Θ = 45 °	-30 dB (0.0010)	21.0	0.0734	0.0073
clearwire ISEP	55.80	48.80	100.0	Θ = 45 °	-42 dB (0.0001)	21.0	0.0008	0.0001
T-Mobile	54.00	47.00	1000.0	Θ = 44 °	-22 dB (0.0063)	20.6	0.4959	0.0496
Metro PCS	54.00	47.00	500.0	Θ = 44 °	-18 dB (0.0158)	20.6	0.6218	0.0622
Verizon CDMA	45.50	38.50	500.0	Θ = 38 °	-17 dB (0.0200)	18.9	0.9350	0.1612
Verizon EVDO	45.50	38.50	500.0	Θ = 38 °	-12 dB (0.0631)	18.9	2.9500	0.2950
Verizon LTE	45.50	38.50	500.0	Θ = 38 °	-24 dB (0.0040)	18.9	0.1870	0.0365
Nextel	55.50	48.50	500.0	Θ = 45 °	-17 dB (0.0200)	20.9	0.7646	0.1318
						Total		0.7437

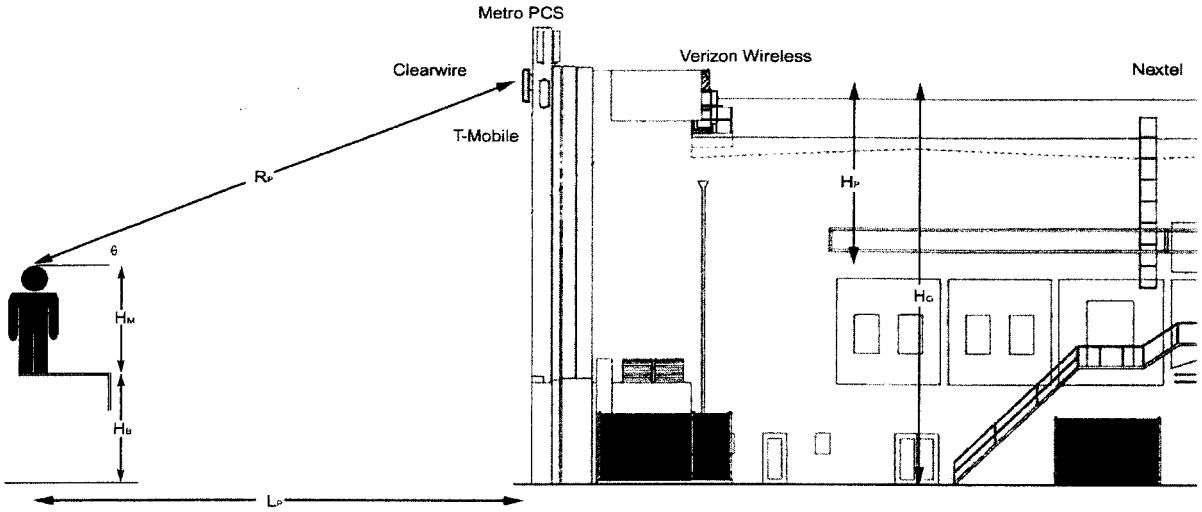
Horizontal distance from building L_P is 83 ft at Θ= 30 ° Elevation above sea level: 70 feet

Service Provider	Height H_G,.ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	55.67	47.67	969.0	Θ = 30 °	-15 dB (0.0316)	29.1	1.2077	0.1208
clearwire ISEP	55.80	47.80	100.0	Θ = 30 °	-42 dB (0.0001)	29.1	0.0004	0.0000
T-Mobile	54.00	46.00	1000.0	Θ = 29 °	-23 dB (0.0050)	28.8	0.2013	0.0201
Metro PCS	54.00	46.00	500.0	Θ = 29 °	-16 dB (0.0251)	28.8	0.5054	0.0505
Verizon CDMA	45.50	37.50	500.0	Θ = 24 °	-14 dB (0.0398)	27.6	0.8725	0.1504
Verizon EVDO	45.50	37.50	500.0	Θ = 24 °	-12 dB (0.0631)	27.6	1.3833	0.1383
Verizon LTE	45.50	37.50	500.0	Θ = 24 °	-20 dB (0.0100)	27.6	0.2192	0.0428
Nextel	55.50	47.50	500.0	Θ = 30 °	-7 dB (0.1995)	29.0	3.9615	0.6830
						Total		1.2059

Horizontal distance from building L_P is 174 ft at Θ= 15 ° Elevation above sea level: 71 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	55.67	46.67	969.0	Θ = 15 °	-13 dB (0.0501)	55.0	0.5360	0.0536
clearwire ISEP	55.80	46.80	100.0	Θ = 15 °	-37 dB (0.0002)	55.0	0.0002	0.0000
T-Mobile	54.00	45.00	1000.0	Θ = 14 °	-15 dB (0.0316)	54.8	0.3515	0.0352
Metro PCS	54.00	45.00	500.0	Θ = 14 °	-15 dB (0.0316)	54.8	0.1757	0.0176
Verizon CDMA	45.50	36.50	500.0	Θ = 12 °	-5 dB (0.3162)	54.3	1.7909	0.3088
Verizon EVDO	45.50	36.50	500.0	Θ = 12 °	-17 dB (0.0200)	54.3	0.1133	0.0113
Verizon LTE	45.50	36.50	500.0	Θ = 12 °	-4 dB (0.3981)	54.3	2.2548	0.4404
Nextel	55.50	46.50	500.0	Θ = 15 °	-13 dB (0.0501)	55.0	0.2766	0.0477
						Total		0.9146

Scenario 2: Nearby Buildings/Rooftop



person's height (H_M) = 6 ft

Location 1: Nearest building surface within Sector 1

H_B= 24.0 ft, L_P is 73 ft Elevation above sea level: 69 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	55.67	24.67	969.0	Θ = 19 °	-17 dB (0.0200)	23.5	1.1721	0.1172
clearwire ISEP	55.80	24.80	100.0	Θ = 19 °	-40 dB (0.0001)	23.5	0.0006	0.0001
T-Mobile	54.00	23.00	1000.0	Θ = 17 °	-15 dB (0.0316)	23.3	1.9441	0.1944
Metro PCS	54.00	23.00	500.0	Θ = 17 °	-18 dB (0.0158)	23.3	0.4860	0.0486
Verizon CDMA	45.50	14.50	500.0	Θ = 11 °	-5 dB (0.3162)	22.7	10.2477	1.7668
Verizon EVDO	45.50	14.50	500.0	Θ = 11 °	-17 dB (0.0200)	22.7	0.6482	0.0648
Verizon LTE	45.50	14.50	500.0	Θ = 11 °	-4 dB (0.3981)	22.7	12.9020	2.5199
Nextel	55.50	24.50	500.0	Θ = 19 °	-14 dB (0.0398)	23.5	1.2035	0.2075
						Total		4.9193

Location 2: Nearest building surface within Sector 2

H_B= 12.0 ft, L_P is 31 ft Elevation above sea level: 69 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	45.80	26.80	969.0	Θ = 41 °	-26 dB (0.0025)	12.5	0.5178	0.0518
clearwire ISEP	55.80	36.80	100.0	Θ = 50 °	-42 dB (0.0001)	14.7	0.0015	0.0002
T-Mobile	54.00	35.00	1000.0	Θ = 48 °	-28 dB (0.0016)	14.3	0.2613	0.0261
Metro PCS	54.00	35.00	500.0	Θ = 48 °	-19 dB (0.0126)	14.3	1.0290	0.1029
Verizon CDMA	45.50	26.50	500.0	Θ = 41 °	-25 dB (0.0032)	12.4	0.3476	0.0599
Verizon EVDO	45.50	26.50	500.0	Θ = 41 °	-15 dB (0.0316)	12.4	3.4321	0.3432
Verizon LTE	45.50	26.50	500.0	Θ = 41 °	-23 dB (0.0050)	12.4	0.5431	0.1061
Nextel	55.50	36.50	500.0	Θ = 50 °	-24 dB (0.0040)	14.6	0.3134	0.0540
						Total		0.7442

Location3: Nearest building surface within Sector 3

H_B= 24.0 ft, L_P is 105 ft Elevation above sea level: 64 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	55.67	29.67	969.0	Θ = 16 °	-14 dB (0.0398)	33.3	1.1616	0.1162
clearwire ISEP	55.80	29.80	100.0	Θ = 16 °	-37 dB (0.0002)	33.3	0.0006	0.0001
T-Mobile	54.00	28.00	1000.0	Θ = 15 °	-15 dB (0.0316)	33.1	0.9633	0.0963
Metro PCS	54.00	28.00	500.0	Θ = 15 °	-16 dB (0.0251)	33.1	0.3826	0.0383
Verizon CDMA	45.50	19.50	500.0	Θ = 11 °	-5 dB (0.3162)	32.6	4.9687	0.8567
Verizon EVDO	45.50	19.50	500.0	Θ = 11 °	-15 dB (0.0316)	32.6	0.4966	0.0497
Verizon LTE	45.50	19.50	500.0	Θ = 11 °	-5 dB (0.3162)	32.6	4.9687	0.9704
Nextel	55.50	29.50	500.0	Θ = 16 °	-13 dB (0.0501)	33.3	0.7545	0.1301
						Total		2.2578

Scenario 3:Facility Rooftop

The proposed Clearwire antennas are mounted on the side of the building.
There are no locations on the rooftop where a person may be exposed to the main beam path of the proposed antennas.

KATHREIN
SCALA DIVISION

840 10054

87° XX-pol Panel Antenna
2496–2690 MHz

Kathrein Scala's XX-polarized adjustable electrical downtilt antennas offer the carrier the ability to tailor sites for optimum performance. Using variable downtilt, only a few models need be procured to accommodate the needs of widely varying conditions. Remotely controlled downtilt is available as a retrofitable option.

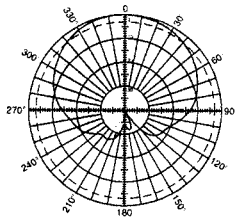
- 0–10° electrical downtilt range.
- DC Grounded metallic parts for impulse suppression.
- No moving electrical connections.
- Optional remote downtilt control.

Specifications:

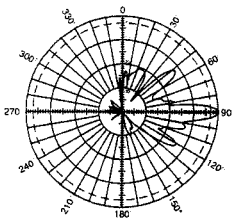
Frequency range	2496–2690 MHz
Gain	2 x 16 dBi
Impedance	50 ohms
VSWR	< 1.5:1
Intermodulation (2x20w)	IM3:< -150 dBc
Polarization	+45° and -45°
Front-to-back ratio	>23 dB typical
Maximum input power	300 watts (at 50°C)
+45° and -45° polarization horizontal beamwidth	87 degrees at midband (half power)
+45° and -45° polarization vertical beamwidth	7 degrees at midband (half power)
Electrical downtilt continously adjustable	0–10 degrees
Connector	4 x 7-16 DIN female
Sidelobe suppression for first sidelobe above horizon	0° 4° 8° 10° 15 15 15 15 dB (typical)
Null fill	> -1 dBi to 12° below horizon (typical) (17 dB below 16 dBi main beam)
Isolation	>30 dB
Weight	30 lb (13.6 kg)
Dimensions	42 x 12.7 x 2.8 inches (1067 x 323 x 71 mm)
Equivalent flat plate area	4.8 ft² (0.45 m²)
Wind survival rating*	120 mph (200 kph)
Shipping dimensions	48 x 13.3 x 5.1 inches (1220 x 337 x 130 mm)
Shipping weight	34 lb (15.4 kg)
Mounting	Fixed and tilt-mount options are available for 2 to 5.7 inch (50 to 145 mm) OD masts.

See reverse for order information.

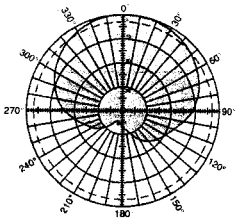
* Mechanical design is based on environmental conditions as stipulated in EIA-222-F (June 1996) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.



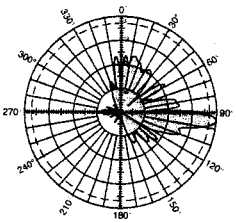
Horizontal pattern
±45°- polarization
0° electrical downtilt



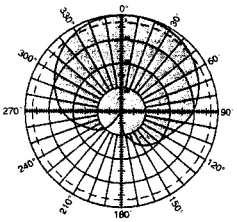
Vertical pattern
±45°- polarization
0° electrical downtilt



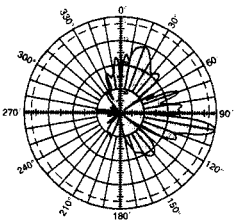
Horizontal pattern
±45°- polarization
5° electrical downtilt



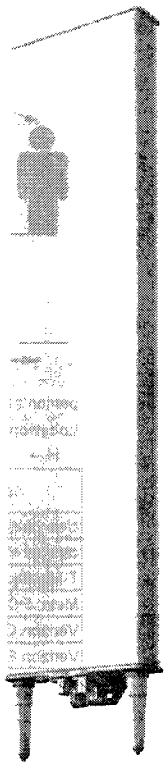
Vertical pattern
±45°- polarization
5° electrical downtilt



Horizontal pattern
±45°- polarization
10° electrical downtilt



Vertical pattern
±45°- polarization
10° electrical downtilt



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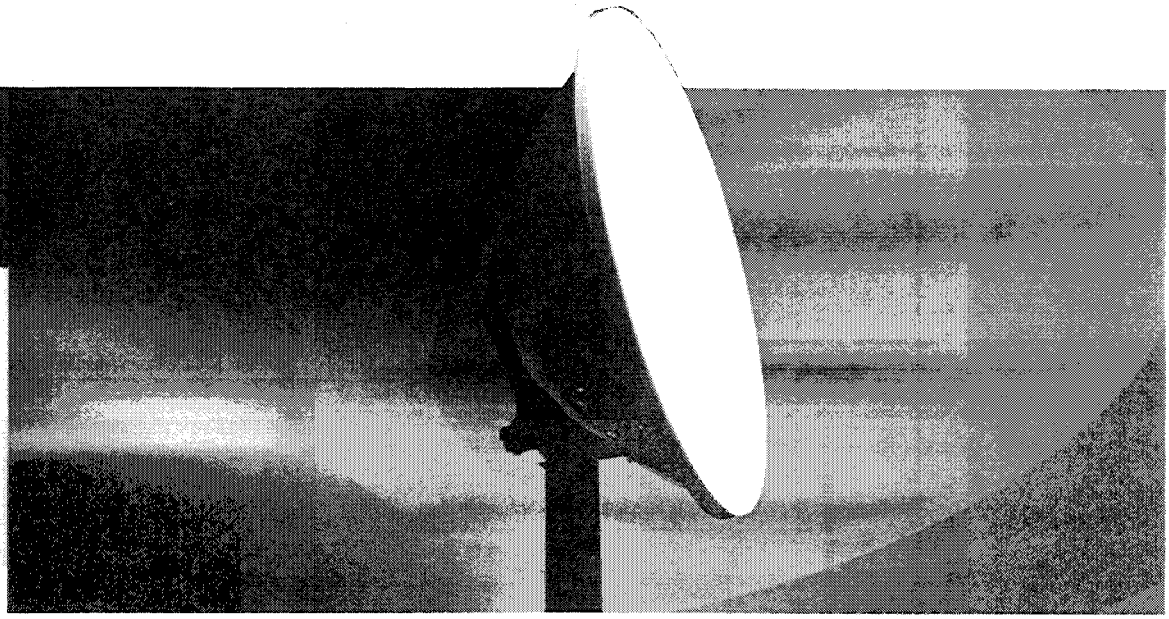
Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991
Email: communications@kathrein.com Internet: www.kathrein-scala.com

ANDREW®

PRODUCT SPECIFICATION



ValuLine® III Next Generation Antennas
VHLP2

SPECIFICATIONS

	VHLP2-7W	VHLP2-10W	VHLP2-11	VHLP2-13	VHLP2-15	VHLP2-18	VHLP2-23	VHLP2-26	VHLP2-28	VHLP2-32	VHLP2-38
Frequency Band, GHz	7.125–8.5	10.55–10.68	10.7–11.7	12.70–13.25	14.25–15.35	17.7–19.7	21.2–23.6	24.25–26.5	27.5–29.5	31.8–33.4	37.0–40.0
Bottom Band Gain, dBi	29.5	33.7	34.0	35.6	36.5	38.3	39.8	40.8	41.8	43.4	44.6
Mid Band Gain, dBi	30.7	33.8	34.4	35.8	36.8	38.7	40.4	41.2	42.2	43.7	45.2
Top Band Gain, dBi	31.9	34.3	35.0	36.0	37.2	39.1	41.0	41.8	42.7	44.0	45.8
Beamwidth, degrees	4.7	3.7	3.3	2.7	2.5	2.1	1.7	1.5	1.3	1.0	0.9
Front/Back, dB	57	56	60	62	65	67	66	68	68	61	66
XPD, dB	32	30	30	30	30	30	30	30	30	30	30
Return Loss, dB	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7
Regulatory Compliance											
ETSI Class	R1 C3	R1 C2	R1 C3	R1 C3	R2 C3	R2 C3	R3 C3	R4 C3	R4 C3	R5 C3B	R5 C3B
FCC Part 101	N/A	CAT A*	CAT B	N/A	N/A	CAT A	CAT A	CAT A	N/A	N/A	CAT A
Brazil Anatel	N/A	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2
Canada SRSP	N/A	310.5	N/A	312.7B	314.5A	Note 1	Note 2	N/A	N/A	N/A	338.6A
Andrew RPE Number	7075A	7085B, 7086B*	7083A	7004	7008	7012A	7016A	7020A	7024A	7028	7032A

Note 1: Meets Canada SRSP 317.8A, 318.5, 318.8
Note 2: Meets Canada SRSP 312.2A, 321.8B

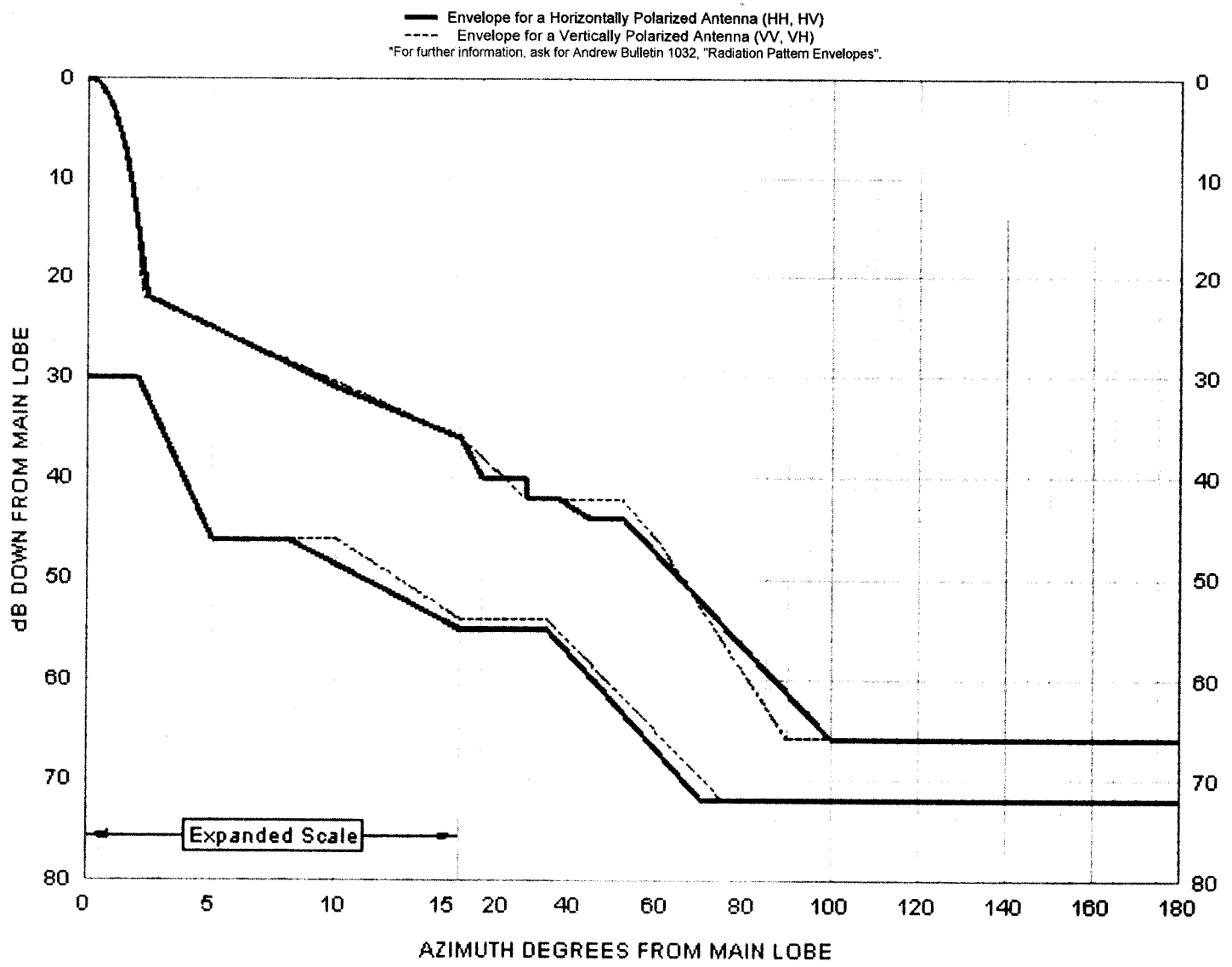
** Use for FCC band (10.5–10.7 GHz)*

One Company. A World of Solutions.

VHLP2-23 - Radiation Pattern Envelope

RPE: 7016

Engineering Approved:
25 October 2004



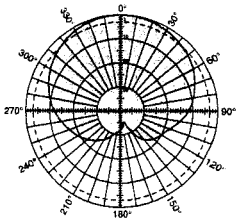
KATHREIN
SCALA DIVISION

741 989

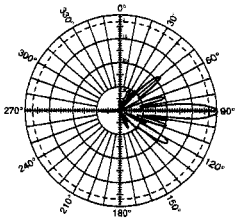
88° Panel Antenna

Kathrein's X-polarized adjustable electrical downtilt antennas offer the wireless carrier the ability to tailor polarization diversity sites for optimum performance. Using variable downtilt, only a few models need be procured to accommodate the needs of widely varying conditions. Remotely controlled downtilt is available as a retrofitable option.

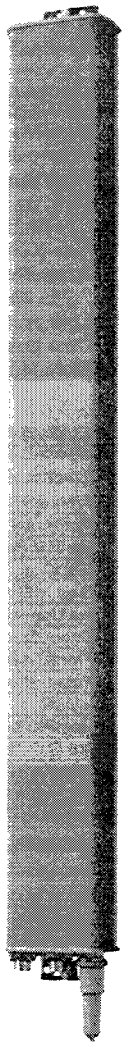
- 0-8° downtilt range.
- UV resistant pulltruded fiberglass radome.
- DC Grounded metallic parts for impulse suppression.
- No moving electrical connections.
- Wideband vector dipole technology.
- Optional remote downtilt Control.
- Will accomodate future 3G / UMTS applications.



Horizontal pattern
±45°- polarization
0° electrical downtilt



Vertical pattern
±45°- polarization
0° electrical downtilt



General specifications:

Frequency range	1710–2200 MHz
Impedance	50 ohms
VSWR	< 1.5:1
Intermodulation (2x20w)	IM3: <-150 dBc
Polarization	+45° and -45°
Maximum input power	300 watts per input (at 50°C)
Electrical downtilt continuously adjustable	0–8 degrees
Connector	2 x 7-16 DIN female
Isolation	>30 dB
Weight	16.5 lb (7.5 kg)
Dimensions	51.3 x 6.1 x 2.7 inches (1302 x 155 x 69 mm)
Equivalent flat plate area	2.98 ft² (0.277 m²)
Wind survival rating*	120 mph (200 kph)
Shipping dimensions	62 x 6.8 x 3.6 inches (1574 x 172 x 92 mm)
Shipping weight	17 lb (7.7 kg)
Mounting	Fixed mount options are available for 1.2 to 5.3 inch (30 to 135 mm) OD masts.
See reverse for order information.	

Specifications:	**1710–1880 MHz**	**1850–1990 MHz**	**1920–2200 MHz**
Gain	16.5 dBi	16.8 dBi	16.7 dBi
±45° polarization horizontal beamwidth	88° (half-power)	88° (half-power)	88° (half-power)
±45° polarization vertical beamwidth	7° (half-power)	6.7° (half-power)	6.5° (half-power)
Sidelobe suppression for first sidelobe above main beam	0° 2° 5° 8° T 18 18 16 14 dB	0° 2° 5° 8° T 20 20 18 17 dB	0° 2° 5° 8° T 18 18 18 17 dB
Cross polar ratio Main direction 0° Sector ±60°	20 dB (typical) >10 dB	20 dB (typical) >10 dB	20 dB (typical) >10 dB
Front-to-back ratio (180°±30°)	>25 dB (co-polar) >25 dB (total power)	>25 dB (co-polar) >25 dB (total power)	>24 dB (co-polar) >24 dB (total power)

RoHS Lead-Free

*Mechanical design is based on environmental conditions as stipulated in EIA-222-F (June 1996) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.

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936.2073/j

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Email: communications@kathrein.com Internet: www.kathrein-scala.com

Product Data Sheet APX16DWV-16DWVS-E-A20

Optimizer® Panel Dual Polarized Antenna equipped with (2) AISG 2.0 ACU motors

Product Description

A combination of two X-Polarized antennas in a single radome, this pair of variable tilt antennas provides exceptional suppression of all upper sidelobes at all downtilt angles. It also features a wide downtilt range. This antenna is optimized for performance across the entire frequency band (1710-2200 MHz). The antenna comes pre-connected with two antenna control units (ACU).

Features/Benefits

- **Variable electrical downtilt - provides enhanced precision in controlling intercell interference. The tilt is infield adjustable 0-10 deg.**
- **High Suppression of all Upper Sidelobes (Typically <-20dB).**
- **Gain tracking – difference between AWS UL (1710-1755 MHz) and DL (2110-2155 MHz) <1dB.**
- **Two X-Polarised panels in a single radome.**
- **Azimuth horizontal beamwidth difference <4deg between AWS UL (1710-1755 MHz) and DL (2110-2155 MHz).**
- **Low profile for low visual impact.**
- **Dual polarization; Broadband design.**
- **Includes (2) AISG 2.0 Compatible ACU-A20-N antenna control units.**

Technical Specifications

Electrical Specifications

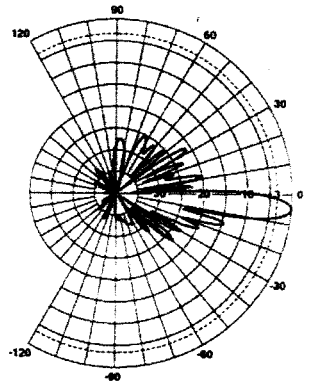
Frequency Range, MHz	1710-2200
Horizontal Beamwidth, deg	65
Vertical Beamwidth, deg	5.9 to 7.7
Electrical Downtilt, deg	0-10, 0-10
Gain, dBi (dBd)	18.4 (16.3)
1st Upper Sidelobe Suppression, dB	> 18 (typically > 20)
Upper Sidelobe Suppression, dB	> 18 all (typically > 20)
Front-To-Back Ratio, dB	>26 (typically 28)
Polarization	Dual pol +/-45°
VSWR	< 1.5:1
Isolation between Ports, dB	> 30
3rd Order IMP @ 2 x 43 dBm, dBc	> 150 (155 Typical)
Impedance, Ohms	50
Maximum Power Input, W	300
Lightning Protection	Direct Ground
Connector Type	(4) 7-16 DIN Female

Mechanical Specifications

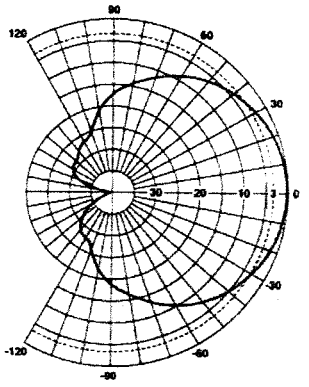
Dimensions - HxWxD, mm (in)	1420 x 337 x 80 (55.9 x 13.3 x 3.15)
Weight w/o Mtg Hardware, kg (lb)	18.5 (40.7)
Survival Wind Speed, km/h (mph)	200 (125)
Rated Wind Speed, km/h (mph)	160 (100)
Max Wind Loading Area, m² (ft²)	0.64 (6.6)
Front Thrust @ Rated Wind, N (lbf)	787 (177)
Maximum Thrust @ Rated Wind, N (lbf)	787 (177)
Radome Material	Fiberglass
Radome Color	Light Grey RAL7035
Mounting Hardware Material	Diecasted Aluminum
Packing Dimensions, HxWxD, mm (in)	1550 x 420 x 260 (61 x 16.5 x 10.3)

Ordering Information

Mounting Hardware	APM40-2 + APM40-E2



Vertical Pattern



Horizontal Pattern

DB844G65ZAXY

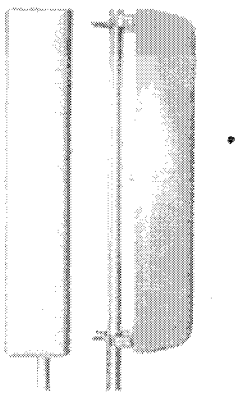
Directed Dipole™ Antenna

Base Station Antenna
Directed Dipole™

- Exceptional azimuth roll-off, reducing sector-to-sector interference and softer hand-offs
- Air dielectric feed system, no screws, rivets, welds or solder in RF element feed path
- Strong upper side lobe suppression
- Low profile appearance and low wind loading for easier zoning approvals

ELECTRICAL

Frequency (MHz) :	806 - 896	870 - 960
Polarization :	Vertical	Vertical
Gain (dBd/dBi) :	13.5/15.6	13.8/15.9
Azimuth BW (Deg.):	65	65
Elevation BW (Deg.):	15	15
Beam Tilt (Deg.):	0	0
USLS* (dB) :	15	15
Null Fill (dB) :	<20-25	<20-25
Front-To-Back Ratio* (dB) :	40	40
VSWR :	<1.33:1	<1.33:1
PIM3 @ 2 x 20w (dBc) :	-150	-150
Max. Input Power (Watts) :	500	500
Impedance (Ohms) :	50	50
Lightning Protection :	dc Ground	dc Ground



MECHANICAL

Weight :	5.4 kg (12 lb)
Dimensions (LxWxD) :	1,219 x 254 x 203 mm (48 x 10 x 8 in)
Max. Wind Area :	0.09 m² (1 ft²)
Max. Wind Load (@ 100 mph) :	235.7 N (53 lbf)
Max. Wind Speed :	241 km/h (150 mph)
Hardware Material :	Galvanized steel
Connector Type :	7-16 DIN Female (1, Back)
Color :	Light gray
Standard Mounting Hardware :	DB380
Standard Downtilt Mounting Hardware :	DB5083

Andrew Corporation
2601 Telecom Parkway
Richardson, Texas U.S.A 75082-3521
Tel: 214.631.0310

Fax: 214.631.4706
Toll Free Tel: 1.800.676.5342
Fax: 1.800.229.4706
www.andrew.com

* - Indicates Typical

10/11/2007

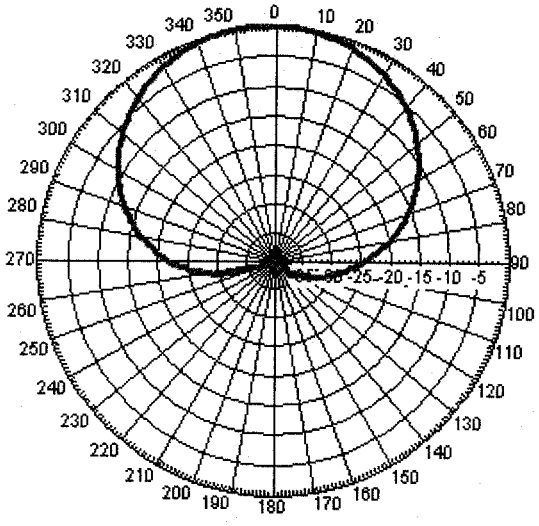
dbtech@andrew.com

DB844G65ZAXY

Directed Dipole™ Antenna

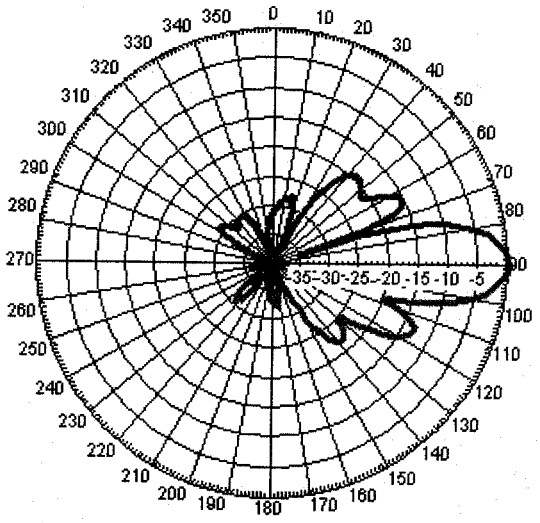
Base Station Antenna
Directed Dipole™

AZIMUTH PATTERN



Freq: 880 MHz, Tilt: 0

ELEVATION PATTERN



Freq: 880 MHz, Tilt: 0

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DB844H65E-XY

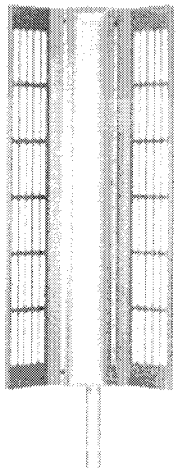
Directed Dipole Antenna

Decibel®
Base Station Antennas

- Excellent azimuth roll-off, 15-20% reduction in cell to cell overlap
- Superior front to back ratio
- Low profile, low wind load for easy zoning
- Outstanding field record, with thousands of units deployed, world wide

ELECTRICAL

Frequency (MHz) :	806 - 896	870 - 960
Polarization :	Vertical	Vertical
Gain (dBd/dBi) :	13.1/15.2	13.3/15.4
Azimuth BW (Deg.):	65	65
Elevation BW (Deg.):	15	15
Beam Tilt (Deg.):	0	0
USLS* (dB) :	15	15
Front-To-Back Ratio* (dB) :	40	40
VSWR :	<1.5:1	<1.5:1
Max. Input Power (Watts) :	500	500
Impedance (Ohms) :	50	50
Lightning Protection :	DC Ground	DC Ground



MECHANICAL

Weight :	9.0 kg (20 lb)
Dimensions (LxWxD) :	1,219 x 521 x 229 mm (48 x 20.5 x 9 in)
Max. Wind Area :	0.40 m² (4.3 ft²)
Max. Wind Load (@ 100 mph) :	1,071.9 N (241 lbf)
Max. Wind Speed :	201 km/h (125 mph)
Hardware Material :	Galvanized Steel
Connector Type :	7-16 DIN - Female (1, Back)
Color :	Light Gray
Standard Mounting Hardware :	DB380
Standard Downtilt Mounting Hardware :	DB5083

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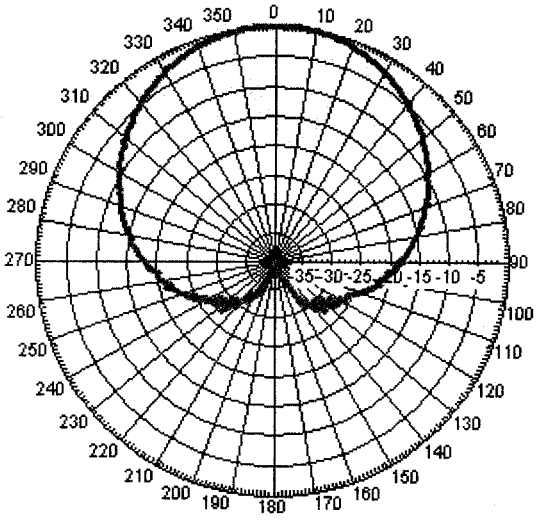
AZIMUTH PATTERN



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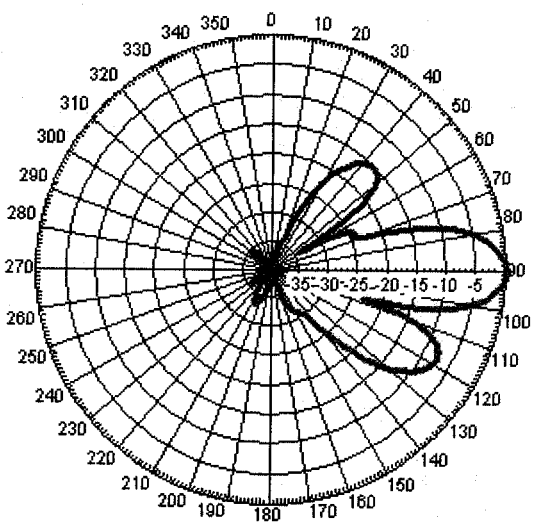
ELEVATION PATTERN



Freq: 835 MHz, Tilt: 0

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* - Indicates Typical

6/21/2006

dbtech@andrew.com

Product Specifications

ANDREW®
A CommScope Company

DBXNH-6565A-VTM

DualPol® Dual Band Antenna, 698–896 MHz and 1710–2180 MHz, 65° horizontal beamwidth, RET compatible variable electrical tilt

- Ultra wideband capability for LTE 700 MHz and 850 MHz cellular technology
- Two DualPol® antennas under one radome
- Interleaved dipole technology providing for attractive, low wind load mechanical package
- Each antenna is independently capable of field adjustable electrical tilt
- Fully compatible with Andrew Teletilt® remote control system
- The RF connectors are IP67 rated and the radome is IP56 rated

CHARACTERISTICS

General Specifications

Antenna Type	DualPol® dual band
Brand	DualPol® | Teletilt®
Operating Frequency Band	1710 – 2180 MHz | 698 – 896 MHz

Electrical Specifications

Frequency Band, MHz	**698–806**	**806–896**	**1710–1880**	**1850–1990**	**1920–2180**
Beamwidth, Horizontal, degrees	68	65	65	60	60
Beamwidth, Horizontal Tolerance, degrees	±7	±9	±6.5	±6.5	±6.5
Gain, dBd	11.3	12.5	14.5	15.5	15.0
Gain, dBi	13.4	14.6	16.6	17.6	17.1
Beamwidth, Vertical, degrees	19.0	17.0	7.5	7.0	6.6
Beam Tilt, degrees	0–15	0–15	0–8	0–8	0–8
Upper Sidelobe Suppression (USLS), typical, dB	16	16	15	16	15
Front-to-Back Ratio at 180°, dB	25	27	30	32	30
Front-to-Back Total Power at 180° ± 20°, dB	18	21	28	29	27
Cross Polarization Ratio (CPR) at Boresight, dB	15	14	22	22	24
Cross Polarization Ratio (CPR) at Sector, dB	9	6	10	9	8
Isolation, dB	30	28	30	30	30
Isolation, Intersystem, dB	35	33	40	40	40
VSWR | Return Loss, db	1.5:1 | 14.0	1.5:1 | 14.0	1.5:1 | 14.0	1.5:1 | 14.0	1.5:1 | 14.0
Intermodulation Products, 3rd Order, 2 x 20 W, dBc	-150	-150	-150	-150	-150
Input Power, maximum, watts	400	400	300	300	300
Polarization	±45°	±45°	±45°	±45°	±45°
Impedance, ohms	50	50	50	50	50
Lightning Protection	dc Ground	dc Ground	dc Ground	dc Ground	dc Ground

Product Specifications

DBXNH-6565A-VTM

ANDREW®
A CommScope Company

Mechanical Specifications

Color	Light gray
Connector Interface	7-16 DIN Female
Connector Location	Bottom
Connector Quantity	4
Wind Loading, maximum	473.2 N @ 150 km/h 106.4 lbf @ 150 km/h
Wind Speed, maximum	241.0 km/h | 149.8 mph

Dimensions

Depth	181.0 mm | 7.1 in
Length	1291.0 mm | 50.8 in
Width	301.0 mm | 11.9 in
Net Weight	15.5 kg | 34.2 lb

Remote Electrical Tilt (RET) Information

Model with Factory Installed AISG 1.1 Actuator	DBXNH-6565A-R2M
Model with Factory Installed AISG 2.0 Actuator	DBXNH-6565A-A2M
RET System	Teletilt®

Regulatory Compliance/Certifications

Agency	Classification
RoHS 2002/95/EC	Compliant by Exemption
China RoHS SJ/T 11364-2006	Above Maximum Concentration Value (MCV)

INCLUDED PRODUCTS

DB380
Pipe Mounting Kit for 2.4 - 4.5 in (60 - 115 mm) OD round members

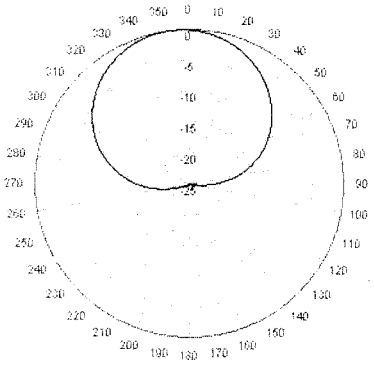
DB5083
Downtilt Mounting Kit for 2.4 - 4.5 in (60 - 115 mm) OD round members

Product Specifications

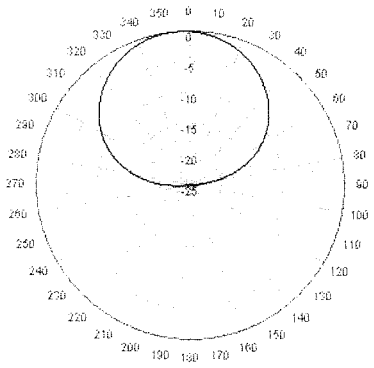
DBXNH-6565A-VTM

ANDREW®
A CommScope Company

Horizontal Pattern



Freq: 725 MHz, Tilt: 0°



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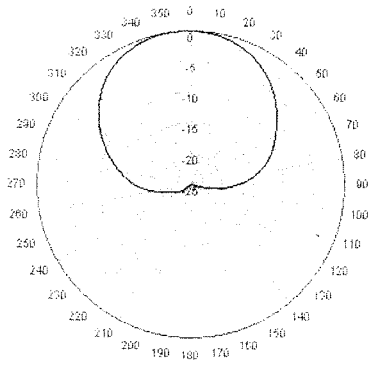
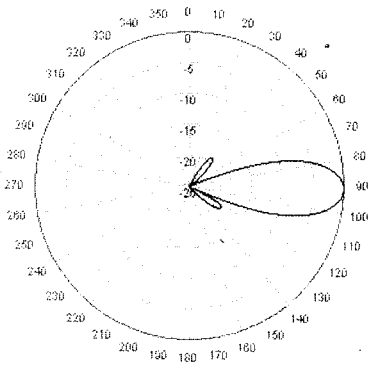


Freq: 1730 MHz, Tilt: 0°

Vertical Pattern



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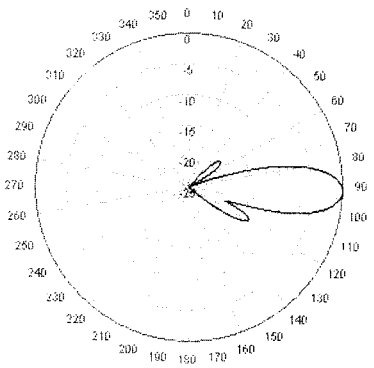

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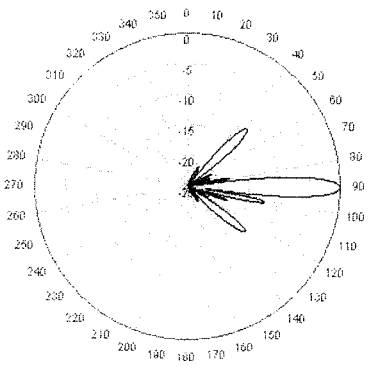
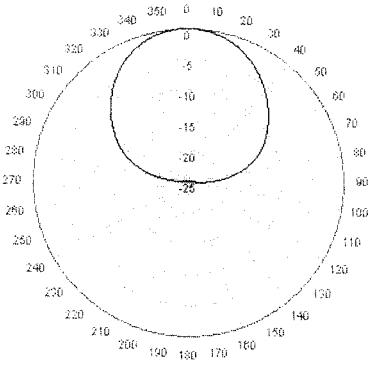


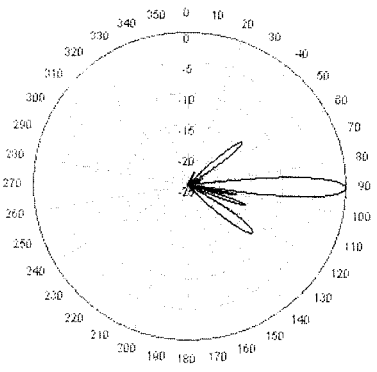
Freq: 1730 MHz, Tilt: 0°

Product Specifications

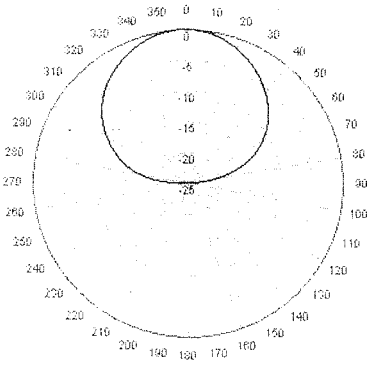
DBXNH-6565A-VTM



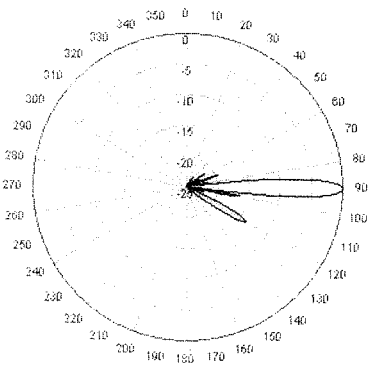
Freq: 1920 MHz, Tilt: 0°



Freq: 1920 MHz, Tilt: 0°



Freq: 2130 MHz, Tilt: 0°



Freq: 2130 MHz, Tilt: 0°

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Oakland City Planning Commission STAFF REPORT

Case File Number CM10211 **October 6, 2010**

Location:	**2307 International Blvd.**
Assessor's Parcel Number:	**020 -0105-014-00**
Proposal:	To allow a full-service restaurant ("Sea Blue") to serve beer and wine. The restaurant would close at 10:00pm and feature a 500 square-feet dining room (approx.) with 9 tables and a counter. The site does not contain off-street parking spaces. **The item was originally scheduled for the hearing of September 1, 2010 and continued at that time to allow additional opportunity for public review and comment.**
Applicant/ Phone Number:	Don Duong (510) 536-3114
Owner:	Jeffrey Huynh
Case File Number:	**CM10211**
Planning Permits Required:	Major Conditional Use Permit with 2 sets of additional findings to allow sale of alcoholic beverages at a Full-Service Restaurant located on a Restricted Street in the C-28 Zone (OMC Sec. 17.44.110, 17.44.210(E), 17.102.210(B)(2), 17.134.020(A)(2)(a)(viii))
General Plan:	Neighborhood Center Mixed Use
Zoning:	C-28 Shopping Center Commercial Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Potential Designated Historic Property; Survey rating: C2+ (Oakland Bank - 23rd Avenue Branch; ASI contributor, secondary importance or superior example; 23rd Avenue Commercial Historic District)
Service Delivery District:	III – Central/Chinatown/Lower Hills
City Council District:	5 – De La Fuente
Date Filed:	August 2, 2010
Action to be Taken:	Decision based on staff report
Finality of Decision:	*Appealable to City Council*
For Further Information:	Contact case planner **Aubrey Rose, Planner II** at **(510) 238-2071** or arose@oaklandnet.com

SUMMARY

The applicant Mr. Don Duong on behalf of the property owner Mr. Jeffrey Huynh requests Planning Commission approval of one Major Conditional Use Permit with two sets of additional findings to allow a full-service restaurant ("Sea Blue") with a 10:00pm closing time to serve beer and wine. The proposal requires Planning Commission review because the request involves a restaurant serving alcoholic beverages on a restricted street (International Boulevard), pursuant to OMC Sec. 17.102.210(B)(2).

The item was originally scheduled for the hearing of September 1, 2010 and continued at that time to allow additional opportunity for public review and comment. The item was re-noticed and no additional comments were received.

Staff recommends approval of the requested permits, subject to the attached Findings for and Conditions of Approval.

CITY OF OAKLAND PLANNING COMMISSION

Case File:	CM10-211
Applicant:	Don Duong
Address:	2307 International Boulevard
Zone:	C-28

PROPERTY DESCRIPTION

The property is a small lot containing a building with a restaurant under renovation located in the San Antonio district along International Boulevard. The area consists of a variety of restaurants, automobile repair shops, retail and consumer service shops, and upper story residential along the International corridor. To the south along E. 12th Street are warehouses; north of International Boulevard are residential neighborhoods.

PROJECT DESCRIPTION

The proposal would provide for beer and wine sales at a full-service restaurant that will close at 10:00 pm. The space will contain a small stage for incidental karaoke, one pool/billiards table, and one bar-top video game. The restaurant will specialize in Vietnamese cuisine. The project would also require a #41 license from the State Alcoholic Beverages Control (ABC), which is for beer and wine in conjunction with a restaurant.

GENERAL PLAN ANALYSIS

The project site is located in a Neighborhood Center Mixed Use area under the General Plan's Land Use & Transportation Element (LUTE). The Intent of this classification is: "*To identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scaled educational, cultural, or entertainment uses.*" The proposal conforms to this Intent and to the following Industry and Commerce Goal and Policy of the LUTE:

- Create and maintain a favorable business climate in Oakland

Policy I/C3.2 Enhancing Business Districts.
Retain and enhance clusters of similar types of commercial enterprises as the nucleus of distinctive business districts, such as the existing new and used automobile sales and related uses through urban design and business retention efforts.

ZONING ANALYSIS

The project site is located within the C-28 Commercial Shopping District Zone. The intent of the C-28 Zone is: *"to create, preserve, and enhance major boulevards of medium scale retail establishments featuring some specified higher density nodes in attractive settings oriented to pedestrian comparison shopping, and to encourage mixed-use residential and nonresidential developments, and is typically appropriate along major thoroughfares near residential communities."*

Alcoholic beverage sales

The project requires a Major Conditional Use Permit for the restaurant to serve beer and wine due to the fact that the property is located on International Boulevard. Sale of alcoholic beverages is generally permitted by-right in full-service restaurants under the Planning Code, with the exception of certain 'restricted streets' such as International Boulevard. Restricted streets are specific commercial corridors deemed to possess potential for negative impacts when restaurants selling alcoholic beverages are present. Therefore, restaurants featuring sales of alcoholic beverages are regulated by a Conditional Use Permit with special findings when located at these locations. All Conditional Use Permit applications involving alcohol are Major cases requiring Planning Commission approval. Special findings for the Major Conditional Use Permit ensure that the sale of alcoholic beverages would not pose nuisances to surrounding commercial, residential, and civic uses. Special findings for the C-28 Commercial Shopping District Zone ensure that the project not impede the pedestrian retail character of the district.

Entertainment

In addition to karaoke, one pool table, and one video game, the Applicant requested permission for a 12:00am closing time and occasional dancing on both City and ABC applications. Incidental karaoke, one pool table, and one video game in conjunction with a Full-Service Restaurant Commercial Activity can be considered Accessory Activities. However, closing after 11:00pm and dancing, in conjunction with alcoholic beverage sales and karaoke, would constitute a Group Assembly Commercial Activity (OMC Sec. 17.10.380). This would not be authorized by this proposed Conditional Use Permit but would require a separate Conditional Use Permit and potentially a Variance, as well as a Special Activity Permit (Cabaret Permit) from the City Administrator's Special Activity Unit. As a restaurant provides a larger variety of entertainment elements and remains open later into the evening, it can have the tendency to turn into a bar/nightclub instead of a restaurant. The regulations applying to a bar/nightclub at this location are different, particularly as they would require a Variance for a 1,000-foot distance separation and special findings of Public Convenience or Necessity for over-concentration issues. Staff indicated such a proposal as described could not be supported at this time, and the final request is thus for a 10:00pm closing time with no dancing. Conditions of Approval ensure that any karaoke be incidental and secondary to the primary full-service restaurant function, that addition of these activities in the future would require City approvals, and that the ABC license must always correspond to City approvals and requirements.

Additionally, a pool table requires a satisfactory inspection by the Fire Department. (More than one pool table constitutes a pool/billiards hall which requires a Conditional Use Permit and a Special Activity Permit) Conditions of Approval ensure any karaoke be incidental and secondary to the primary full-service restaurant function and that only one pool table be allowed pending completion of a satisfactory inspection by the Fire Department. ABC approvals for those and only those activities included under a Zoning approval must be obtained from the State. **(Attachment B – Conditions of Approval)**

With conditions of approval, all required findings can be made for the project; therefore the project is consistent with the Planning Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15301 of the State CEQA Guidelines exempts project involving *operation of existing private...facilities*. The proposal to serve beer and wine at a full-service restaurant located in a commercial district meets this description: the project would constitute operation of an existing private facility only. The project is therefore exempt from further Environmental Review.

KEY ISSUES AND IMPACTS

The key issues identified with this application are the potential for nuisances at the site; namely, negative impacts generally associated with establishments engaging in sale of alcoholic beverages such as crime, noise, and blight. These impacts can be more severe when over-concentration exists.

Over-concentration
Sale of alcoholic beverages at a Full-Service Restaurant Commercial Activity is considered an Accessory Activity. As such, it is not subject to the 1,000-foot separation requirement between establishments located outside of downtown (OMC Sec. 17.102.210 (B)(2)). In addition, they are not considered *"alcohol beverage sales activities that require review or special findings for over-concentration."* Over-concentration consists of either a higher than median number of outlets within a Census Tract in comparison with the County or a higher than average rate of crime within a Police Beat in comparison with the City. As a full service restaurant, the proposal does not require findings of Public Convenience or Necessity to approve the project. City Ordinance no. 75490 (adopted February 1, 2000), a 'no net increase' goal in the number of alcohol outlets, does not apply because full-service restaurants are exempted. Nevertheless, as a Major Conditional Use Permit is required for full-service restaurants serving alcoholic beverages on restricted streets (including International Boulevard), it has been staff's practice to analyze these applications in terms of over-concentration of alcohol outlets and crime for informational purposes to assist the Commission in its decision-making process.

Over-concentration: Alcohol
The project site is located in Census Tract 4061 which is over-concentrated with alcohol licenses: 26 total, 17 on-sale and 9 off-sales where the County median is 6 (according to the ABC's most recent data released for 2008). The following table indicates liquor establishments located within 1,000-feet of the project site:

	Address (establishment)	Business separation (approx.)	ABC license type (business description)
1.	1500 23rd Ave	470-feet	21 – liquor store
2.	1536 23rd Ave	650-feet	21 – liquor store
3.	2118 International Blvd	990-feet	20 – market with beer/wine

The table indicates three (3) off-sale establishments (stores) and no on-sale establishments such as bars. There is one restaurant located within 1,000-feet of the site with City approvals to sell alcoholic beverages (2293 International Blvd.). Draft Conditions of Approval for this application attached to this report (Attachment B) require the establishment operate as a full-service restaurant, as defined in the Planning Code. Only sale of beer and wine has been requested; should the proprietor desire sale of distilled spirits in addition to beer and wine, a revision to amend the Conditional Use Permit would need to be approved, in addition to proper ABC authorization. The license will be an original as opposed to a transfer from within or outside of the City.

Over-concentration: Crime
Police Beat 20X is not over-concentrated for crime: 1,027 crimes were reported where 1,085 is 20-percent greater than the Citywide mean (according to the Police Department's most recent data released for 2009). However, the Police Department's statistics indicate 54 crimes were reported within 1,000-feet of the subject property in 90 days ending August 11, 2010. **(Attachment E – OPD Area Crime Statistics)** There is no indication that any of these crimes were associated with the subject establishment, and only one involved alcohol. Furthermore, only three crimes were reported within 500-feet of the site in the last 30 days of this period, not at or adjacent to the site and not involving alcohol. This is not a higher-than-average crime rate in comparison to the City, and area restaurants are not known by staff to be a contributing factor. Again, it is not expected that the establishment would contribute to crime if operated as a full-service restaurant, as requested and conditioned.

A full-service restaurant with beer and wine in an existing space would not detract from the district, and would not pose nuisances to adjacent residential neighbors when regulated by Conditions of Approval including regulations on hours of operation, litter clean-up, and exterior illumination. The site already contains a full-service restaurant and staff is not aware of any negative impacts. Additionally, the applicant has voluntarily agreed to conditions requiring adherence to Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156) and applicable ABC regulations. Finally, the Police Department's Alcoholic Beverages Action Team (ABAT) has been informed of the application and has not expressed concern regarding the proposal.

The Planning and Zoning Department received three correspondences on September 1, 2010, the day of the first Planning Commission hearing, requesting a continuance on the item to provide further time for community review of the application; these correspondences were provided to the Planning Commission as late mail at that time and are attached to this report. No correspondence has been received in conjunction with the second public notification.

In conclusions, staff recommends approval of the request.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit subject to the attached findings, additional findings, and conditions.

Prepared by:

Aubrey Rose

AUBREY ROSE
Planner II

Approved for forwarding to the
City Planning Commission:

Scott Miller

SCOTT MILLER
Acting Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

A. Findings for Approval
B. Conditions of Approval
C. Plans
D. Site/area photographs
E. OPD Area Crime Statistics (Map & Table)
F. Restaurant Menu
G. ABC Application
H. September 1, 2010 Planning Commission - Late mail #1: email from Eric Cone dated September 1, 2010
I. Late mail #2: email from Svea O'Bannion dated September 1, 2010
J. Late mail #3: email from Kathleen Hargan dated September 1, 2010

Attachment A: Findings for Approval

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Use Permit Criteria for Establishments Selling Alcoholic Beverages (OMC Sec. 17.102.210(A)), C-28 Commercial Shopping District Zone Use Permit Criteria (OMC Sec. 17.44.110).

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

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

The proposal is serve beer and wine at a full-service restaurant that closes at 10:00 pm. The restaurant space features a 500 square-feet dining room (approx.) with 9 tables and a counter. The restaurant will include a small stage with karaoke, one pool/billiards table, and one bar-top video game. The lot contains no off-street parking; parallel metered parking stalls are located along International Boulevard. The project will also require a #41 license from the State Alcoholic Beverages Control (ABC). The project site is located within the C-28 Commercial Shopping District Zone. The intent of the C-28 Zone is: *"to create, preserve, and enhance major boulevards of medium scale retail establishments featuring some specified higher density nodes in attractive settings oriented to pedestrian comparison shopping, and to encourage mixed-use residential and nonresidential developments, and is typically appropriate along major thoroughfares near residential communities."* The site and Zoning district are appropriate for a restaurant due to the site's configuration related to residences and the mix of businesses in the area.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The site faces a commercial corridor and not residences. The lot contains no off-street parking; parallel metered parking stalls are located along International Boulevard. Patrons can drive or walk to the establishment. Additionally, the establishment is located along a bus line.

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

The district contains other restaurants although none are directly adjacent to the site. The immediate area surrounding the site is not over-concentrated with liquor licenses or crime.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

This finding is not applicable; the proposal is not subject to Design Review.

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

The project site is located in a Neighborhood Center Mixed Use area under the General Plan's Land Use & Transportation Element (LUTE). The Intent of this classification is: "*To identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scaled educational, cultural, or entertainment uses.*" The proposal conforms to this Intent and to the following Industry and Commerce Goal and Policy of the LUTE:

- Create and maintain a favorable business climate in Oakland

Policy I/C3.2 Enhancing Business Districts.
Retain and enhance clusters of similar types of commercial enterprises as the nucleus of distinctive business districts, such as the existing new and used automobile sales and related uses through urban design and business retention efforts.

SECTION 17.102.210(A) – USE PERMIT CRITERIA FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES:

1. **That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;**

A full-service restaurant with beer and wine in an existing space will not detract from the district, and will not pose nuisances to adjacent residential neighbors when regulated by Conditions of Approval.

The project site is located in Census Tract 4061 which is over-concentrated with alcohol licenses: 26 total, 17 on-sale and 9 off-sales where the County median is 6 (according to the ABC's most recent data released for 2008). The following table indicates liquor establishments located within 1,000-feet of the project site:

	Address (establishment)	Business separation (approx.)	ABC license type (business description)
1.	1500 23rd Ave	470	21 – liquor store
2.	1536 23rd Ave	650	21 – liquor store
3.	2118 International Blvd	990	20 – market with beer/wine

The table indicates three (3) off-sale (store) establishments and no on-sale establishments such as bars. There is one restaurant located within 1,000-feet of the site with City approvals to sell alcoholic beverages (2293 International Blvd.). Draft Conditions of Approval for this application attached to this report (Attachment B) require the establishment operate as a full-service restaurant, as defined in the Planning Code. Only sale of beer and wine has been requested; should the proprietor desire sale of distilled spirits in addition to beer and wine, a revision to amend the Conditional Use Permit will need to be approved, in addition to proper ABC authorization.

Police Beat 20X is not over-concentrated for crime: 1,027 crimes were reported where 1,085 is 20-percent greater than the Citywide mean (according to the Police Department's most recent data released for 2009). However, the Police Department's statistics indicate 54 crimes were reported within 1,000-feet of the subject property in 90 days ending August 11, 2010. There is no indication that any of these crimes were associated with the subject establishment, and only one involved alcohol. Furthermore, only three crimes

were reported within 500-feet of the site in the last 30 days of this period, not at or adjacent to the site and not involving alcohol. This is not a higher-than-average crime rate in comparison with the City, and area restaurants are not known by staff to be a contributing factor. Again, it is not expected that the establishment will contribute to crime if operated as a full-service restaurant, as requested and conditioned.

Additionally, the applicant has voluntarily agreed to conditions requiring adherence to Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156) and applicable ABC regulations. Finally, the Police Department's Alcoholic Beverages Action Team (ABAT) has been informed of the application and has not expressed concern regarding the proposal.

2. **That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;**

The site is not directly adjacent to any sensitive land uses.

3. **That the proposal will not interfere with the movement of people along an important pedestrian street;**

The site is a commercial space at zero lot line along International Boulevard. The extent of circulation at the site is pedestrians entering the 500 square-foot dining room, which will not interfere with pedestrian circulation along the sidewalk.

4. **That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;**

The proposal does not involve or require exterior modifications. The building faces the commercial corridor and not a residential zone and the site contains approved signage.

5. **That the design will avoid unduly large or obtrusive signs, bleak unlandscaped parking areas, and an overall garish impression;**

The site contains approved signage and is at zero lot line so there is no parking lot or opportunities for landscaping.

6. **That adequate litter receptacles will be provided where appropriate;**

The proposal involves a full-service restaurant and therefore no exterior litter receptacles are required at or adjacent to the site.

7. **That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten p.m. and seven a.m. The same criteria shall apply to all conditional use permits required by subsection B of this section for sale of alcoholic beverages at full-service restaurants.**

The full-service restaurant serving beer and wine is located relatively close to residences and will close at 10:00 pm.

8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18).

This finding is not applicable; the proposal does not involve a Fast-Food Restaurant.

SECTION 17.44.110 - C-28 COMMERCIAL SHOPPING DISTRICT ZONE / USE PERMIT CRITERIA

A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investments in the area;

The proposal to enhance a full-service restaurant in a commercial district by including service of beer and wine will attract customers to the restaurant and therefore to the district. Conditions of Approval will ensure that the activity will not constitute a negative impact to adjacent commercial or surrounding residential uses.

B. That the proposal will not impair a generally continuous wall of building facades in the locations identified in Section 17.44.070C;

The proposal does not involve construction but will enhance an existing activity in a zero lot line building.

C. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;

The proposal to include service of beer and wine at a restaurant will not affect retail because the restaurant is an existing establishment.

D. That the proposal will not interfere with the movement of people along an important pedestrian street;

The proposal to include service of beer and wine at a restaurant will not affect pedestrian access along International Boulevard due to patrons, deliveries, or otherwise. The restaurant will have a modest number of patrons entering and leaving the establishment at various times and this section of International Boulevard is not particular heavy in terms of pedestrian use.

E. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:
1. That vehicular access cannot reasonably be provided from a different street or other way,
2. That every reasonable effort has been made to share means of vehicular access with abutting properties, and
3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B;

This finding is not applicable; the building at the subject property is at zero lot line and the proposal does not involve construction.

F. That the amount of off-street parking, if any, provided in excess of the requirements of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.

This finding is not applicable; the proposal does not involve off-street parking because the project site does not and cannot accommodate off-street parking due to the configuration of a building at zero lot line.

Attachment B: 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 submitted on **August 2, 2010** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

   b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:

   i) 1 Major Conditional Use Permit with two sets of additional findings to allow an existing full-service restaurant to serve alcoholic beverages (beer and wine, only) on International Boulevard, a restricted street

2. **Effective Date, Expiration, Extensions and Extinguishment**

   Ongoing

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

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

   Ongoing

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

4. **Conformance with other Requirements**

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

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

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

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

Ongoing

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

b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.

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

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

Ongoing

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

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

8. Compliance with Conditions of Approval

Ongoing

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

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

10. **Job Site Plans**
    Ongoing throughout demolition, grading, and/or construction
    At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

SPECIFIC CONDITIONS

11. **Maintenance of Full-Service Restaurant**
    Ongoing
    The establishment must operate as a full-service restaurant to sell alcohol. To that end, the following requirements must be adhered to:

    a. The monthly gross sales of alcoholic beverages shall not exceed 40-percent of gross sales during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

    b. The premises shall be maintained as a bona fide eating place and shall provide a menu containing an assortment of foods normally offered in such restaurants.

    c. The premises shall be equipped and maintained in good faith and shall possess, in operative condition, such convenience for cooking foods such as a stove, ovens, broilers, or other devices as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed.

    d. The premises shall possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

    e. The licensee shall comply with the provisions of Section 23038 B&P, and acknowledge the incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned code section.

12. **Sale of Alcoholic Beverages**
    Ongoing
    a. Location and manner of alcohol consumption
    Alcohol sale is on-sale, for on-site consumption only, and is intended to be served with meals.

    b. Types of Alcohol Permitted
    Beer and wine only may be sold. Should the proprietor desire sale of distilled spirits, an application must be submitted to and approved by the Planning & Zoning Division.

c. Additional Permits Required
Necessary ABC permits must be obtained prior to commencement of activity.

d. Hours of Alcohol Sale
The proprietor voluntarily agrees to limit hours of alcohol sales to no later than 9:45pm. All food items on the menu shall be available during all hours that alcohol is served.

e. Nuisances
Crime, litter, noise, or disorderliness conduct associated with alcohol sales at the establishment will result in a revocation of the Major Conditional Use Permit or a review to revoke.

13. Inclusion of conditions in State Department of Alcoholic Beverage Control license
Prior to signing of State Department of Alcoholic Beverage Control zoning affidavit
The applicant shall submit a letter to staff signed by the applicant addressed to the State Department of Alcoholic Beverage Control stipulating that they wish to include conditions of their ABC license to conform to all of the conditions and requirements in this approval. The letter shall request the ABC restrict its license to only those uses allowed under City permits. The Oakland Planning Commission may, after notice and hearing, revoke this Conditional Use Permit if the Applicant fails to include the above conditions in the ABC license.

14. Conformance with State Department of Alcoholic Beverage Control regulations
Ongoing
This use shall conform to all provisions of the State ABC license. The State license and State conditions shall be posted along with these Conditional Use Permit conditions in a place visible to the public. This use shall also conform to all State Retail Operating Standards, Section 25612.5 of the Business and Professions Code and local Performance Standards, Section 15210, where applicable including any future changes in the above regulations. The intent of these standards is to reduce nuisance, litter, loitering, and crime associated with alcohol outlets. The City Conditions of Approval shall be forwarded to the Department of Alcoholic Beverage Control.

15. Compliance with City of Oakland special regulations for Alcoholic Beverage Sales Commercial Activities
Ongoing

a. Signage
Within 30 days of the date of decision, at least one sign (one square foot maximum) shall be posted and maintained in a legible condition at each public entrance to the building prohibiting littering and loitering. Required signage prohibiting open containers and drinking in public shall also be maintained in legible condition near each public entrance to bar. The "No Open Container" signs are available from the cashier located on the second floor of 250 Frank H. Ogawa Plaza.

b. Graffiti
Graffiti shall be removed from the premises within 72 hours (3 days) of application.

c. Pay Phones
No new pay phones are permitted outside the building.

d. Loitering
The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to

leave. Persons hanging around the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended by the Alcoholic Beverage Action Team.

e. Securing Site
Applicant shall conform to Ordinance 12390 related to securing sites after hours to discourage loitering and crime in parking lots.

f. Deemed Approved Alcoholic Beverage Sale Regulations
The applicant and proprietor voluntarily agree to conform to the Oakland Planning Code Deemed Approved Alcoholic Beverage Sale Regulations (OMC Sec. 17.156).

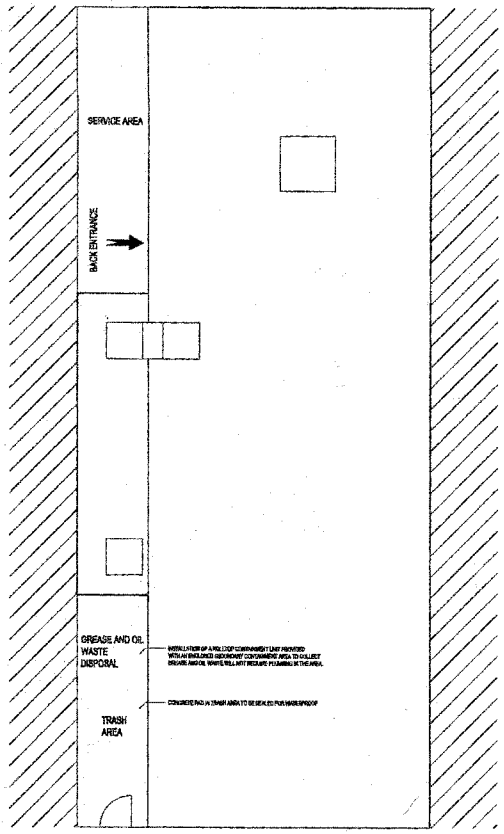
16. Trash and litter
Ongoing
The licensees/property owners shall clear the gutter and sidewalks along International Boulevard plus twenty feet beyond the property lines along this street of litter twice daily or as needed to control litter. In addition to the requirements of B&P Section 25612.5, (sweep or mechanically clean weekly) the licensee shall clean the sidewalk with steam or equivalent measures once per month.

17. Accessory activities
Ongoing
Karaoke, one pool/billiards table only, and one bar-top video game may be allowed on a limited basis during regular business while the kitchen is open. The karaoke stage shall not exceed 50 square-feet in area. The pool table shall remain in place and available for play during all business hours.

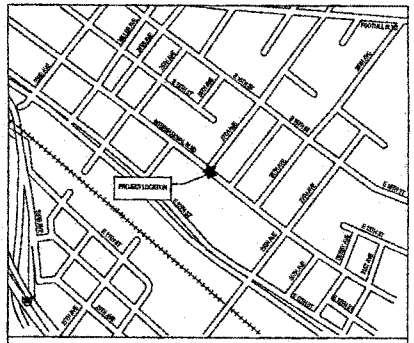
18. Additional permits
Prior to commencing activity
Operation of one pool/billiards table, only, requires a satisfactory inspection by the Fire Department.

19. Future activities
Ongoing
Should the addition of future uses be desired in the future, such as a later closing time and/or dancing, necessary Zoning approvals (such as a Conditional Use Permit from the Planning and Zoning Division) and other required approvals (such as a Cabaret Permit from the City Administrator's Special Activities Unit) must first be obtained.

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



SITE PLAN
SCALE 1/4"=1'



VICINITY MAP
N.T.S.

DRAWING NOTES:

1. ALL WORK TO BE IN CONFORMANCE WITH ALL CODES AND LOCAL REQUIREMENTS, INCLUDING BUT NOT LIMITED TO CBC,CPC,CMC, ANDCEC.CONTRACTOR TO PROVIDE ALL REQUIRED, PLUMBING FIXTURES,PIPES,ETC.FOR A COMPLETE INSTALLATION WHETHER OR NOT CALLED FOR ON THISE DRAWINGS.
2. CONTRACTOR ENSURE THAT ALL EQUIPMENT IS INSTALLED PER MANUFACTURES INSTRUCTIONS.
3. NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
4. COORDINATE ALL WORK WITH STRUCTURAL,ELECTRICAL,MECHANICAL,AND OTHER TRADES.
5. FIRE SPRINKLE NOT PART OF THIS SCOPE.
6. DETAILS SHOWN ARE AS PER MANUFACTURES DETAILS AND SPEC.
7. TENANT IS RESPONSIBLE FOR ALL WIRING CONNECTIONS TO THE SHOPS AT TANFORAN POWER, TELECOM AND FIRE ALARM SOURCES. COORDINATE W/ DESIGNATED THE SHOPS AT TANFORAN AUTHORITY AT THE TIME OF CONNECTION.
8. NOTIFICATION CIRCUIT CONDUIT, TELECOM SYSTEM CONDUIT AND INITIATING CIRCUIT CONDUIT IS ROUTED TO FIRE ALARM SYSTEM. TENANT IS RESPONSIBLE FOR OWN NOTIFICATION ALARM DEVICE WITHIN TENANT SPACE.
9. FLOOR SINKS ARE TO HAVE HALF GRILLES.
10. ALL NEW WATER LINES TO BE FLUSHED AND DISINFECTED IN ACCORDANCE W/ AWWA C-651 STANDARD FOR DISINFECTING WATER MAIN OR IN A MANNER APPROVED BY THE SHOPS AT TANFORAN PLUMBING INSPECTOR. WHEN DISINFECTING WATER MAINS, CAUTION SHALL BE EXCERCISED TO ENSURE THAT A STRONG CONCENTRATION OF CHLORINE DOES NOT ENTER THE SERVICE LINE. CONTRACTOR TO SUBMIT COPY OF CERTIFICATE OF TEST TO THE SHOPS AT TANFORAN PLUMBING INSPECTOR FOR APPROVAL.

APPLICABLE CODES:

2007 California Building Code
2007 California Electrical Code
2007 California Plumbing Code
2007 California Mechanical Code
2007 California Fire Code
2005 California Energy Code

PROJECT DATA:

PROPERTY ADDRESS:	2703 INTERNATIONAL BLVD OAKLAND, CA 94601
TENANT:	Mr. DON DUONG
CONSTRUCTION TYPE :	V-1 HOUR
JURISDICTION:	THE CITY OF OAKLAND

DRAWING INDEX

T-1	Site Plan, General Notes	
A-1	Floor Plan and Schedules	
A-2	Electrical Plans	
A-3.1	Water Supply Plans	(Plumbing)
A-3.2	Sewer Plans	(Plumbing)
A-3.3	Plumbing Diagram	(Plumbing)
A-4	Interior Elevations	
A-5	Details	
A-6	Hood	

TRANVU, LLC
surveyors - engineers - architects

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Fax: (408) 226-3475
Email: info@tranvu.com

SEAL:

DATE ISSUED:

DRAWN BY: V.K.		CHECKED BY: T. T.	
REVISION	DATE	REVISION	DATE

2307 INTERNATIONAL BLVD
TENANT IMPROVEMENT

2703 INTERNATIONAL BLVD
OAKLAND, CA

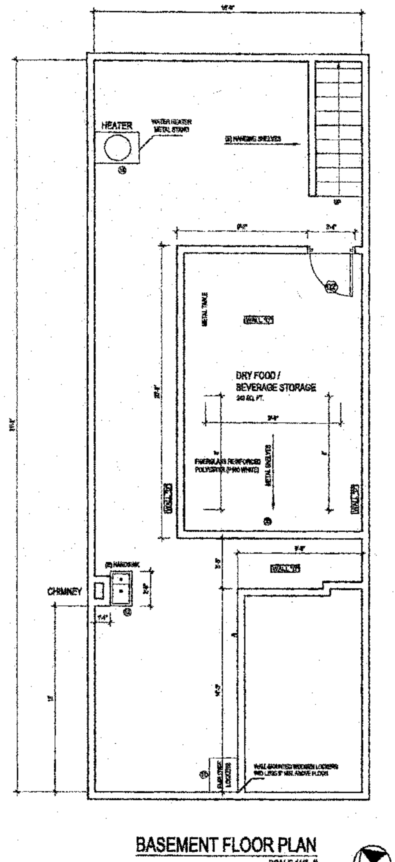
TENANT
DON DUONG

PHONE: 714 414 9939
4050 FOOTHILL BLVD
OAKLAND, CA 94601

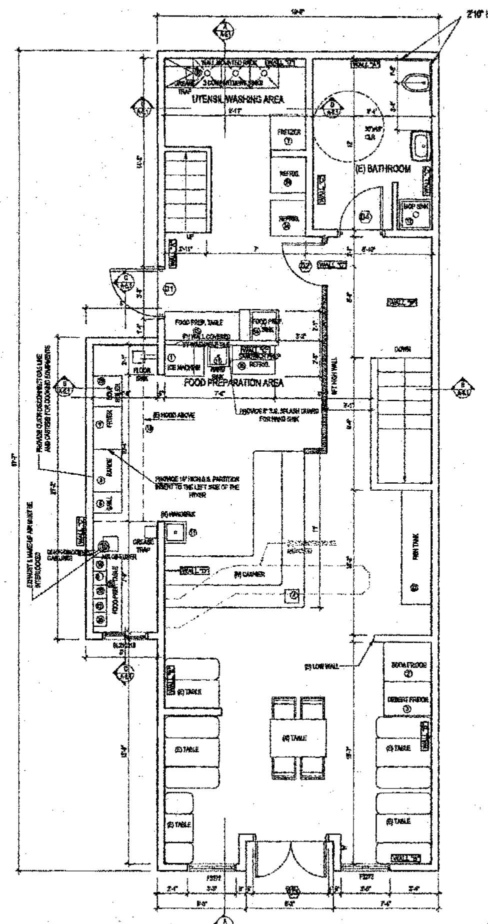
SITE PLAN
SCALE: 1/4 " = 1'

PROJECT NO:	SHEET:
	T1

ATTACHMENT C



BASEMENT FLOOR PLAN
SCALE 1/4"=1'



1ST FLOOR PLAN
SCALE 1/4"=1'

EQUIPMENT SCHEDULE

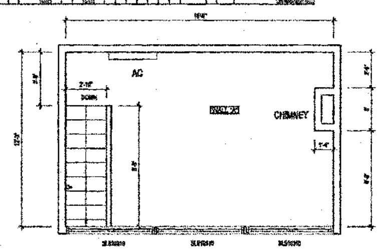
SYMBOL	EQUIPMENT	MANUFACTURER	MODEL NO.	QUANTITY	SIZE	AMPS	VOLTS	WATTS	REMARKS
1	ICE MACHINE	MANITOWOC	[illegible]	1	[illegible]	[illegible]	[illegible]		
2	REFRIGERATOR (SODA)	[illegible]	[illegible]	1	[illegible]	[illegible]	115		CASTERED QUICK-DISCONNECT GAS LINE
3	REFRIGERATOR (DESERT)	[illegible]	[illegible]	1	[illegible]	[illegible]	[illegible]		CASTERED QUICK-DISCONNECT GAS LINE
4	CASH REGISTER	SHARP	[illegible]	1	[illegible]		[illegible]		
5	GRILL	[illegible]	[illegible]	1					CASTERED QUICK-DISCONNECT GAS LINE
6	[illegible]	[illegible]	[illegible]	1	[illegible]	[illegible]	[illegible]	[illegible]	
7	FREEZER	[illegible]	[illegible]	1	[illegible]	[illegible]	[illegible]		CASTERED QUICK-DISCONNECT GAS LINE
8	RANGE	[illegible]		1					CASTERED QUICK-DISCONNECT GAS LINE
9	FRYER	[illegible]	[illegible]	1			[illegible]	[illegible]	CASTERED QUICK-DISCONNECT GAS LINE
10	MICROWAVE	PANASONIC	[illegible]	1		[illegible]	[illegible]	[illegible]	
11	HAND WASH SINK	[illegible]	[illegible]	2	[illegible]				
12	HAND WASH SINK	[illegible]	[illegible]	1	[illegible]				
13	3 - COMPARTMENT SINK	REGENCY	REGENCY 3 COMPARTMENT	1	[illegible]				
14	FOOD PREP SINK	AERO	[illegible]	1	[illegible]				RIGHT DRAINBOARD
15	FOOD PREP TABLE	[illegible]		1	[illegible]				
16	EMPLOYEE LOCKER	[illegible]	[illegible]	1	[illegible]				
17	SERVICE & MOP SINK	ADVANCE TABCO	[illegible]	1	[illegible]				
18	WATER HEATER	[illegible]	[illegible]	1	50 GAL			[illegible]	
19	FRYER HOOD			1	[illegible]				
20	COFFEE GRINDER	[illegible]	[illegible]	1	[illegible]	[illegible]	[illegible]		
21	FIRE SUPPRESSION SYSTEM		[illegible]	1					
22	FISH TANK			1	[illegible]				
23	METAL SHELVES	[illegible]	[illegible]	[illegible]	[illegible]				CASTERED QUICK-DISCONNECT GAS LINE
24	REFRIG	[illegible]	[illegible]	2	[illegible]	[illegible]	115		CASTERED QUICK-DISCONNECT GAS LINE
25	SANDWICH PREP REFRIG.	[illegible]	[illegible]	1	[illegible]	[illegible]	115		CASTERED QUICK-DISCONNECT GAS LINE
26	SOUP BOILER	[illegible]	[illegible]	1	[illegible]				CASTERED QUICK-DISCONNECT GAS LINE
27	RICE COOKER	[illegible]	[illegible]	1	[illegible]	[illegible]	[illegible]	[illegible]	
28	BLENDER	[illegible]	[illegible]	2			[illegible]		

DOOR SCHEDULE

MARK	NUMBER	R.O. DIMENSIONS (VERIFY WITH MFL. FRAME MANUF/SUPPLIER) SIZE	THK	MANUF.	DR. FINISH	FRAME	FRAME FINISH	REMARKS
01	3870	3'-8"X7'-1"	1-3/4"	-	PL-3	HM	PAINTED	1. USE LEVER TYPE DOOR HANDLES
02	3470	3'-4"X7'-1"	1-3/4"	-	PL-3	HM	PAINTED	2. KEY LOCKS PER TENANT'S INSTRUCTION
03	3470	3'-4"X7'-1"	1-3/4"	-	PL-3	HM	PAINTED	
04	3470	3'-4"X7'-1"	1-3/4"	-	PL-3	HM	PAINTED	

FINISH SCHEDULE

LOCATION	FLOOR	BASE	CEILING	WALL "A"	WALL "B"	WALL "C"	WALL "D"
DINING	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
RESTROOM	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
KITCHEN	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
OFFICE	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
BASEMENT	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
DRY FOOD STORAGE	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
UTENSIL WASHING AREA	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]



OFFICE FLOOR PLAN
SCALE 1/4"=1'

EQUIPMENT/APPLIANCES NOTES:

1. ALL EQUIPMENT SHALL MEET NSF STANDARDS OR EQUIVALENT SPECIFICATIONS.
2. ALL CRACKS & CREVICES AT JOINTS IN COUNTERS & CABINETS SHALL BE SEALED.
3. STORAGE SHELVES AND LOCKERS SHALL BE BOLTED TO WALLS.
4. APPLIANCES USING GAS SHALL BE EQUIPPED WITH QUICK DISCONNECT FLEXIBLE LINE.
5. GAS APPLIANCES ON CASTER SHALL BE INSTALLED WITH A SAFETY CABLE.
6. FLEXIBLE GAS LINES SHALL BE INSTALLED WITH A DOWNWARD LOOP AS RECOMMENDED BY THE EQUIPMENT MANUFACTURER.
7. LIGHTING INSTALLED INSIDE THE HOOD SHALL HAVE VAPOR PROOF HOUSING AND SHALL NOT BE SPACED MORE THAN [illegible] FEET ON CENTERS.
8. INSTALL FLOOR DRAINS IN THE DISHWASHING AREA AND NEAR TYPE I HOOD. DRAIN SHALL BE WITHIN [illegible] FROM THE NEAREST WALL. THE FLOOR SURFACE SHALL SLOPE MINIMUM 1/4-INCH PER FOOT TOWARDS THE FLOOR DRAINS.
9. A SEPARATE PERMIT IS REQUIRED FOR THE INSTALLATION OF WET CHEMICAL AUTOMATIC FIRE EXTINGUISHING SYSTEM WITHIN THE GREASE HOOD OVER COOKING APPLIANCES.
10. PROVIDE APPROVED PORTABLE WET CHEMICAL FIRE EXTINGUISHERS IN KITCHEN IN A EASY ACCESSIBLE LOCATION.
11. IN DINING AREAS, PROVIDE PORTABLE FIRE EXTINGUISHERS AT LOCATIONS APPROVED BY FIRE INSPECTOR.

FLOOR-WALL-CEILING NOTES:

1. PAINT ALL WALLS UNLESS NOTED OTHERWISE. PROVIDE FULL HEIGHT STAINLESS STEEL FINISH ON THE WALLS ADJACENT TO SINKS & WORK TABLES.
2. ALL WALL PAINT TO BE SEMI GLOSS ENAMEL, SMOOTH WITHOUT TEXTURE.
3. FOR CEILINGS, SEE CEILING FINISH SCHEDULE.
4. BACKING MATERIAL IN BATHROOMS SHALL BE CEMENTITIOUS MATERIAL OR GYP BOARD APPROVED FOR THE INSTALLATION.
5. PROVIDE STAINLESS STEEL SHEET AT BACK OF COOKING LINE.
6. FIBER REINFORCED PLASTIC SHALL BE BY MARLITE FRP SANITARY WALL SYSTEM OR EQUIVALENT.
7. COMBUSTIBLE DECORATIVE MATERIALS SHALL BE FLAME RESISTANT AS DETERMINED BY PROCEDURES SET FORTH IN CALIFORNIA FIRE CODE SECTION [illegible].
8. TEXTILE & FILM MATERIALS SHALL BE TREATED & MAINTAINED FLAME RESISTANT IN ACCORDANCE WITH NATIONALLY RECOGNIZED STANDARDS (NFPA 701).
9. WOOD MATERIALS LESS THAN 1/4-INCH NOM. THICKNESS SHALL BE TREATED WITH A FLAME RETARDANT COATING IN ACCORDANCE WITH NATIONALLY RECOGNIZED STANDARDS (NFPA 703).
10. FOAM PLASTICS & MATERIALS CONTAINING FOAM PLASTICS SHALL HAVE A MAXIMUM HEAT RELEASE OF 100 KILOWATTS WHEN TESTED IN ACCORDANCE WITH NATIONALLY RECOGNIZED STANDARDS. PLASTIC MATERIALS OTHER THAN FOAM PLASTICS SHALL BE FLAME RESISTANT OR SHALL BE RENDERED FLAME RESISTANT BY TREATING WITH A FLAME RETARDANT COATING [illegible].
11. TREATMENT USED TO RENDER MATERIAL FLAME RESISTANT SHALL BE RENEWED AS OFTEN AS NECESSARY TO MAINTAIN THE MATERIALS RESISTANCE IN ACCORDANCE WITH THE CODE REQUIREMENTS.
12. QUARRY TILE SHALL BE [illegible] BY SUMMITVILLE [illegible]. [illegible] SHEET VINYL, COMMERCIAL GRADE, WELDED JOINTS. CARPET SHALL BE CONSTANTINE CARPET, STYLE - COMMERCIAL BLOCKS, COLOR TO BE SELECTED BY THE OWNER.
13. FLOORS WHERE WATER COULD SPILL (ALL AREAS EXCEPT OFFICE) NEED WATERPROOF MEMBRANE.

TRANVU, LLC
surveyors - engineers - architects

526 Calero Ave, San Jose, CA 95123
Tel: (408) 425-4523
Fax: (408) 226-3475
Email: info@tranvu.com

SEAL:

DATE: [illegible]			
DRAWN BY: [illegible]		CHECKED BY: T. T.	
REVISION	DATE	REVISION	DATE

2307 INTERNATIONAL BLVD
TENANT IMPROVEMENT

2703 INTERNATIONAL BLVD
OAKLAND, CA

TENANT
DON DUONG

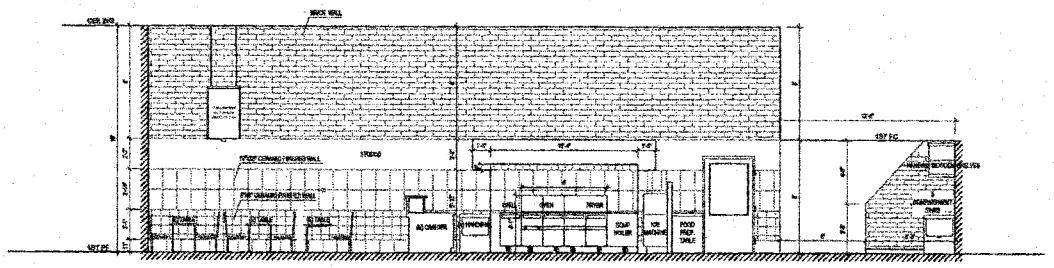
PHONE: 714 414 9939
4050 FOOTHILL BLVD
OAKLAND, CA 94601

SCALE: 1/4" = 1'

FLOOR PLANS

PROJECT NO.:

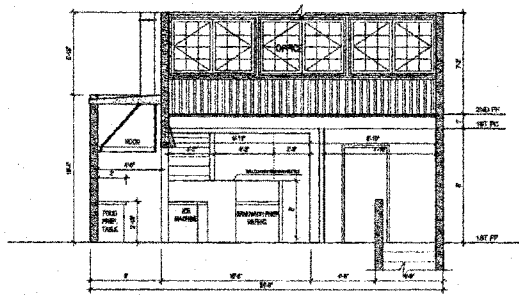
SHEET: A1



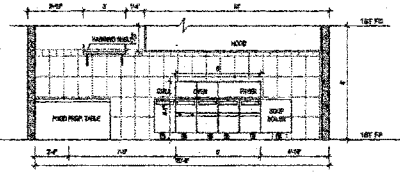
INTERIOR ELEVATION A
SCALE 1/4"=1'

NOTE TO CONTRATOR:

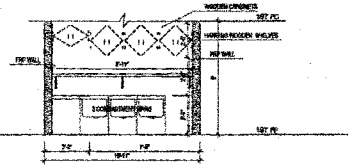
CONTRATOR TO PAINT OUT SAMPLE SWATCHES (8"x8" MIN.) ON WALL FOR ARCHITECTS AND OWNERS APPROVAL PRIOR TO PAINTING ENTIRE SURFACES.



INTERIOR ELEVATION B
SCALE 1/4"=1'



INTERIOR ELEVATION C
SCALE 1/4"=1'



INTERIOR ELEVATION D
SCALE 1/4"=1'

surveyors - engineers - architects

526 Calero Ave, San Jose, CA 95123
Tel: (408) 425-4523
Fax: (408) 226-3475
Email: info@tranvu.com

SEAL:

DATE: 01/07/09	
DRAWN BY: V.K.	CHECKED BY: T. V.

REVISION	DATE	REVISION	DATE

2307 INTERNATIONAL BLVD
TENANT IMPROVEMENT

2703 INTERNATIONAL BLVD
OAKLAND, CA

TENANT

DON DUONG

PHONE: 714 414 9939
4050 FOOTHILL BLVD
OAKLAND, CA 94601

SCALE: 1/4 " = 1'

INTERIOR ELEVATIONS

PROJECT NO:	SHEET:
	A4

ATTACHMENT D

Legend

- City Limits
- Parcels
- Freeways
- MajorSts
- Streets
- Water
- 2003 ORTHOPHOTOS

N
W
E
S

It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510)238-3911.

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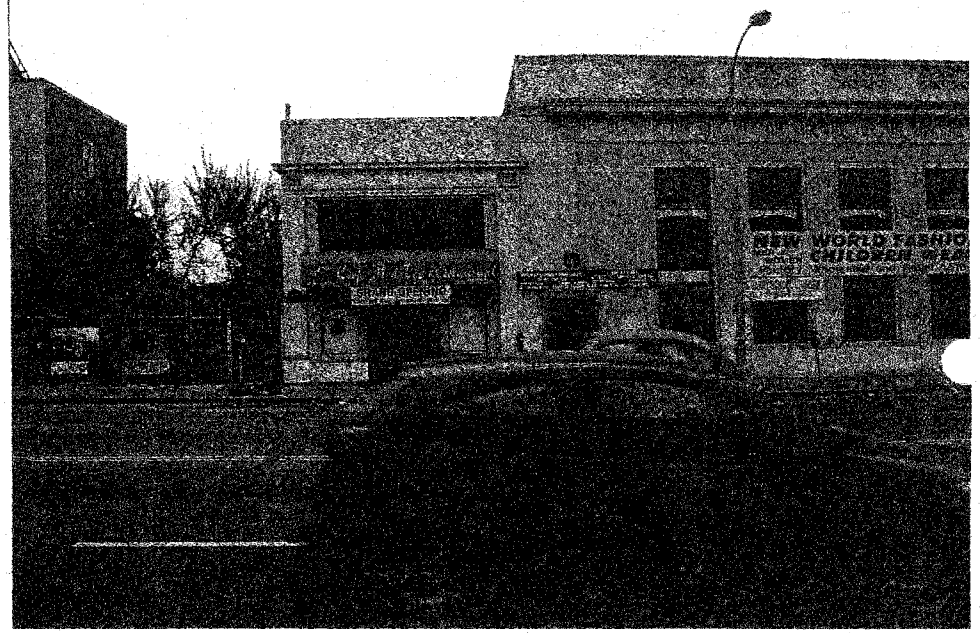
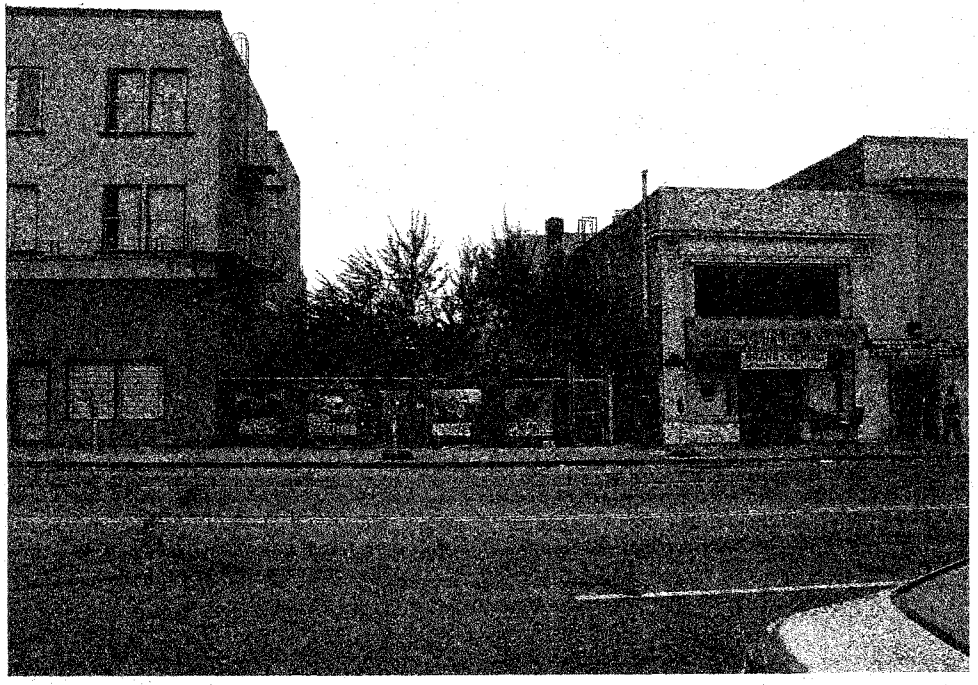
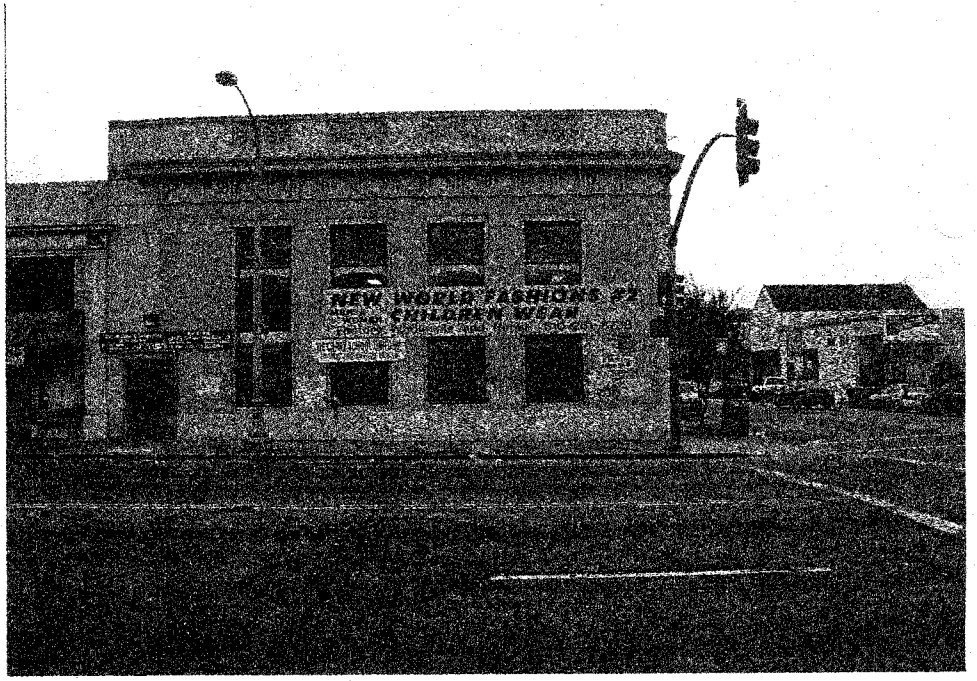
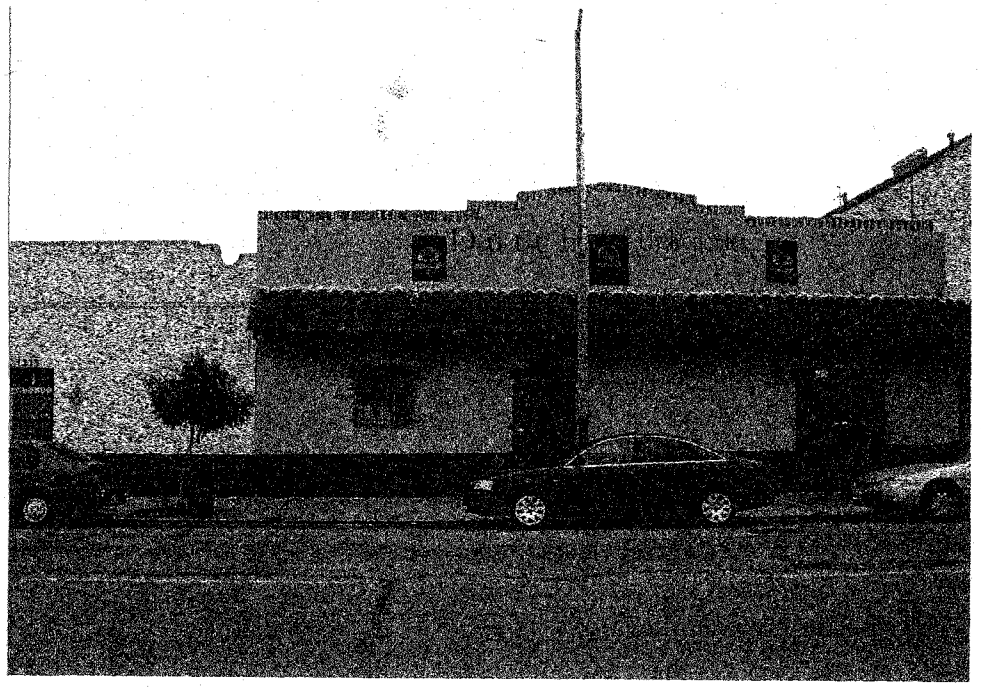
City of Oakland

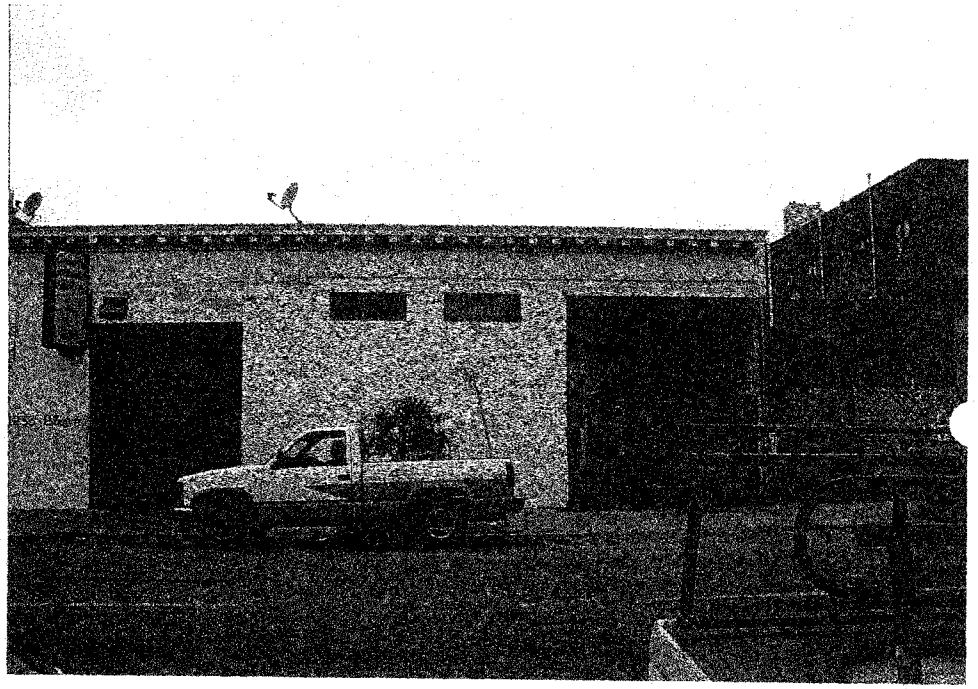

Cafe M a Tôi Restaurant
GRAND OPENING
Cafe Sea Blue Restaurant 09-17-09

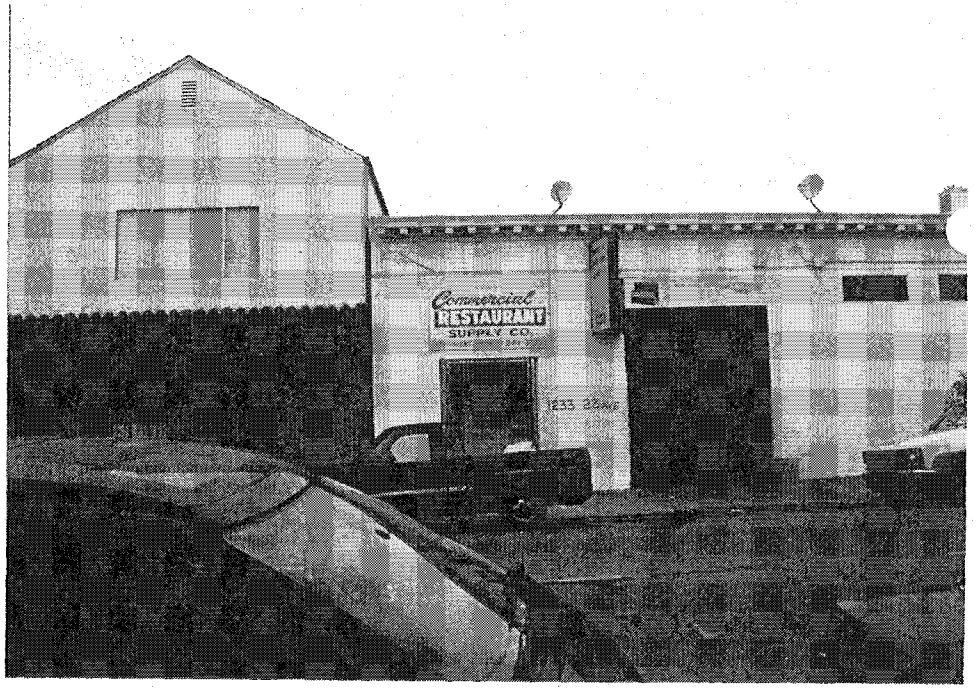

NEW WORLD FASHIO
CHILDREN WEAR

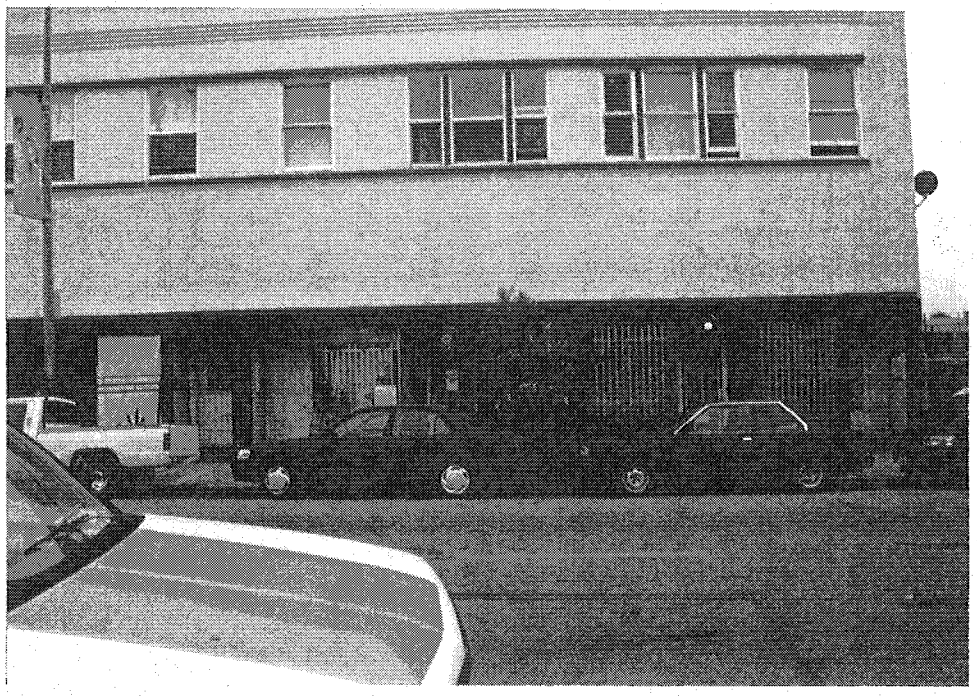


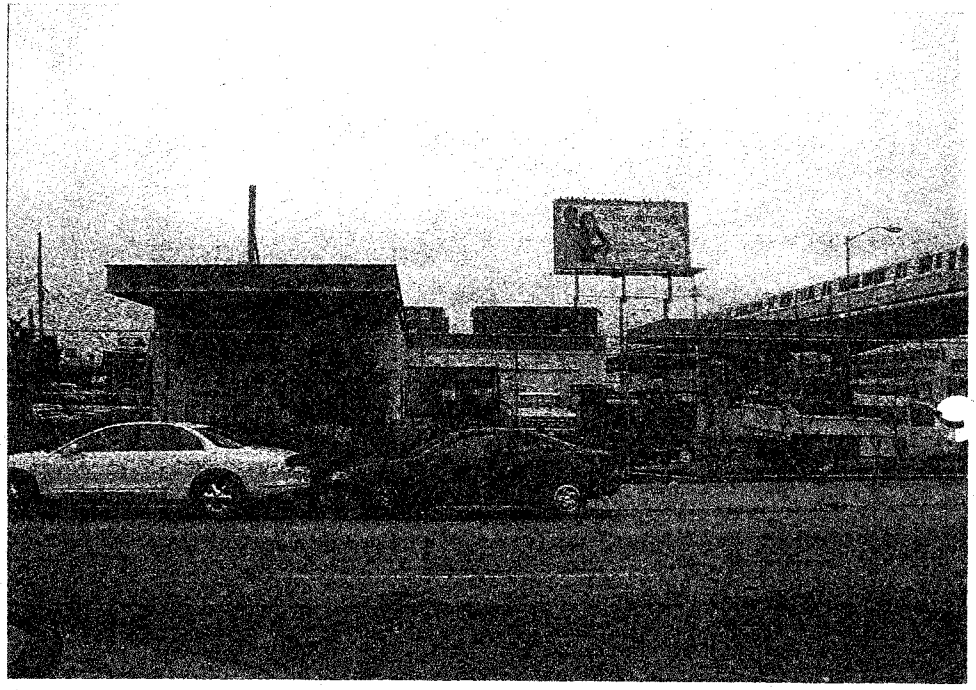

NEW WORLD FASHIONS #2
CHILDREN WEAR

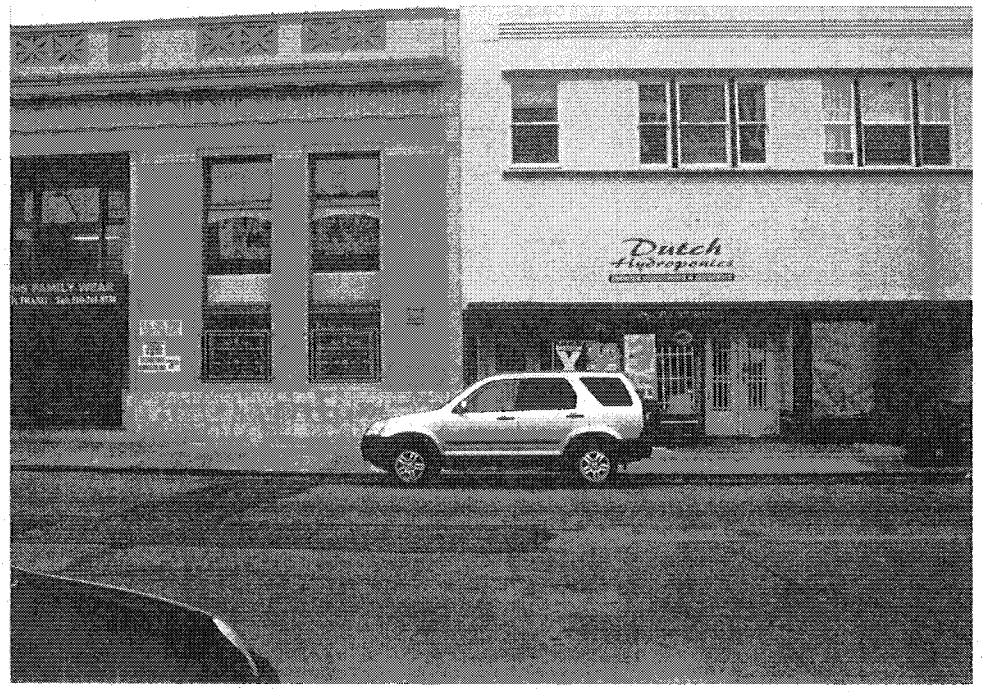


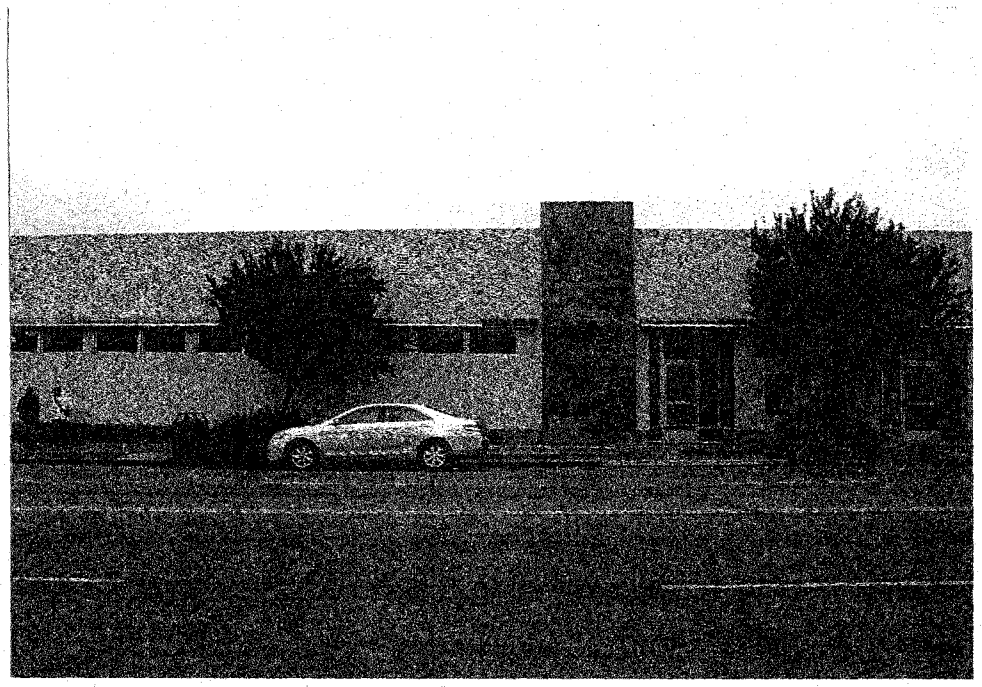


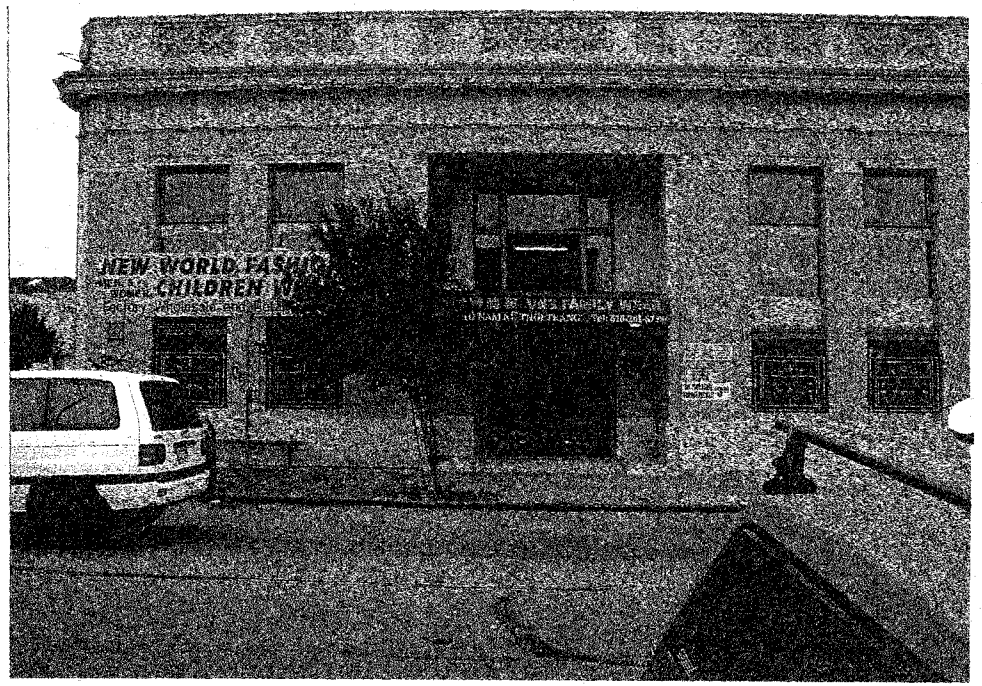

Commercial
RESTAURANT
SUPPLY CO.

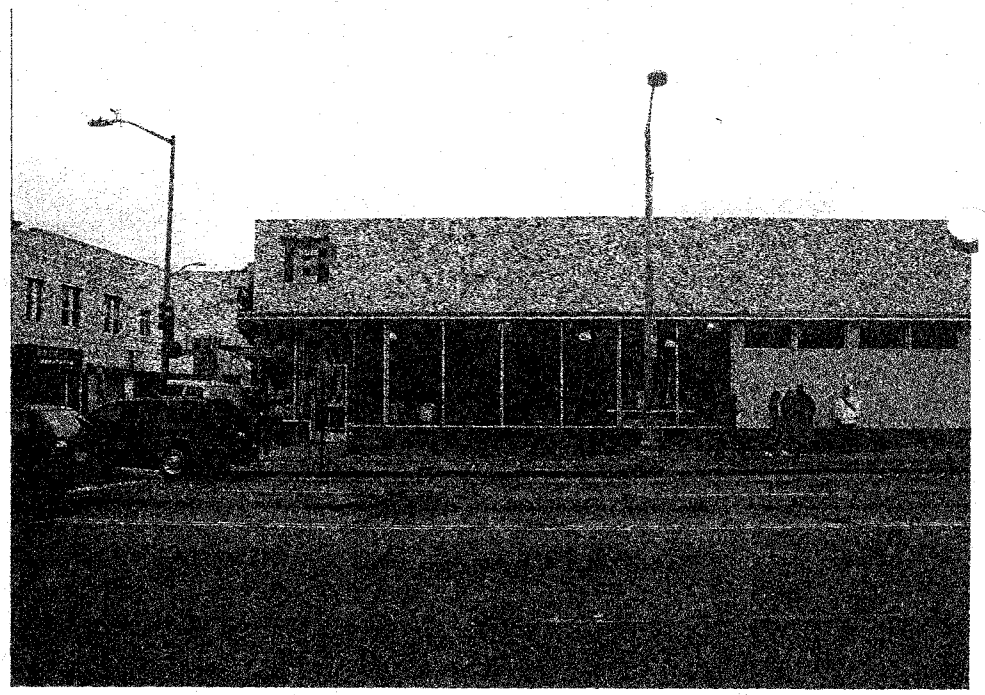


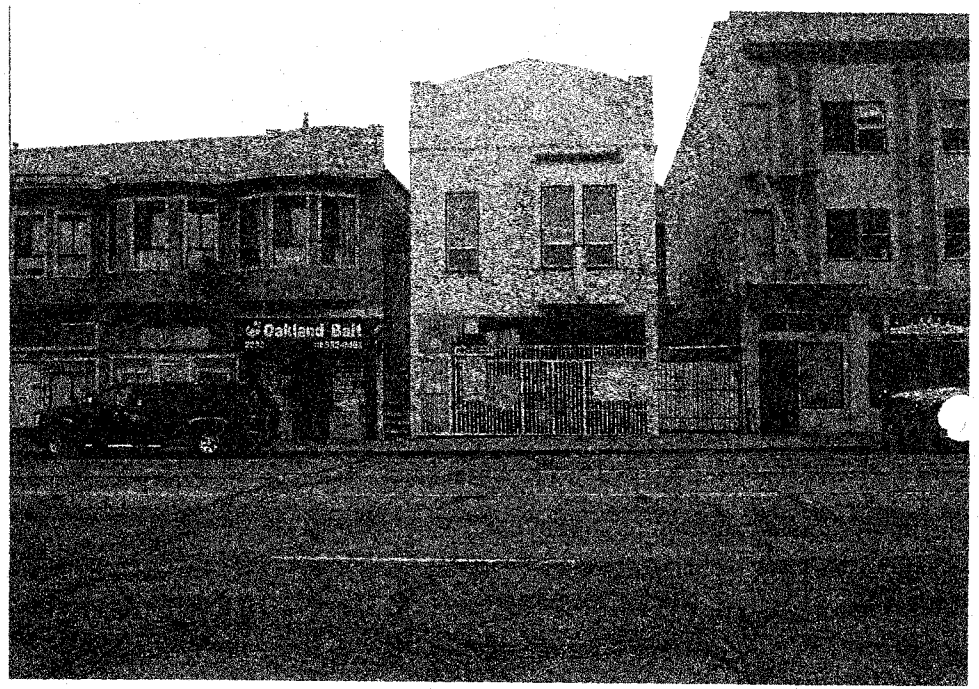


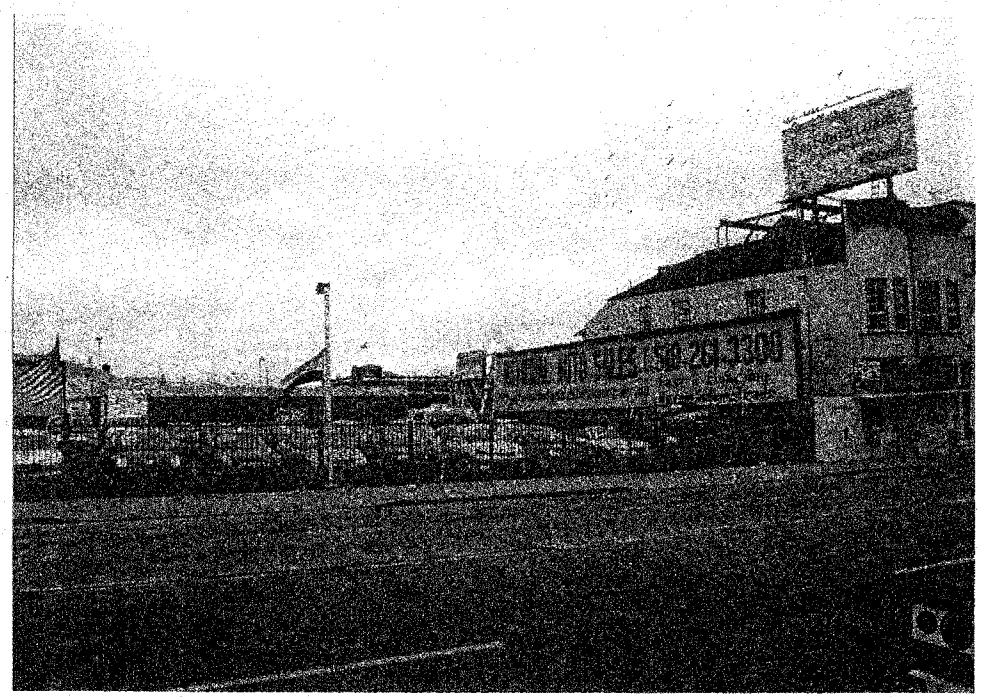

Dutch
Hydroponics




NEW WORLD FASHION

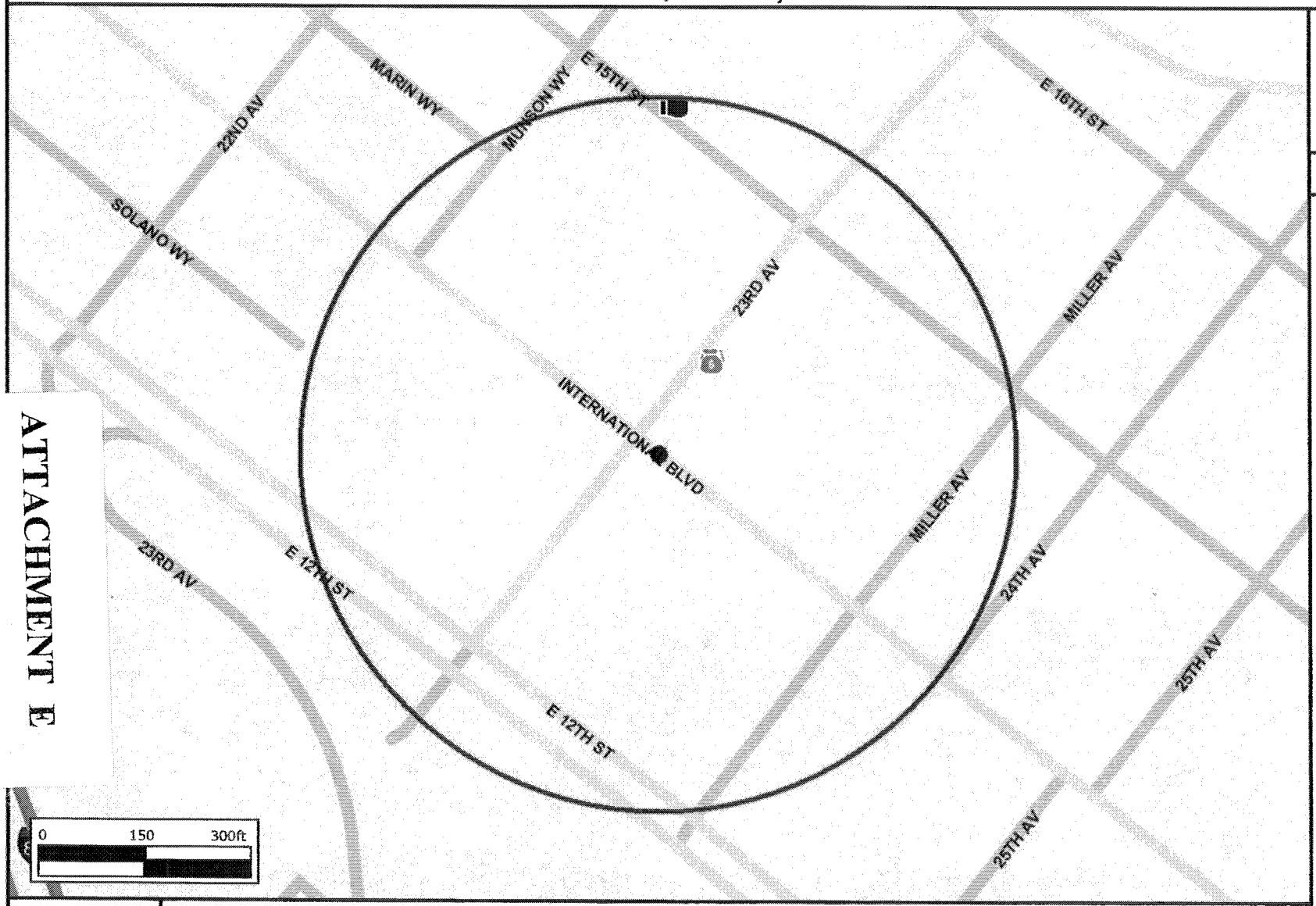



Oakland Bait



2307 International Blvd.

500-feet/30-days of 8-11-10



ATTACHMENT E

Legend

- Incidents
- Simple Assault
- Theft
- Vehicle Theft
- Freeways
- Major City Streets
- Streets
- City Streets
- Water
- PARKS
- CITY LIMITS

N W E S

This map application does not reflect official crime index totals as reported to the FBI's Uniform Crime Reporting program. The crime icons do not reflect the exact location of any particular crime. The listed crimes are subject to change for a variety of reasons, including late reporting, reclassification of some offenses and discovery that some offenses were unfounded.

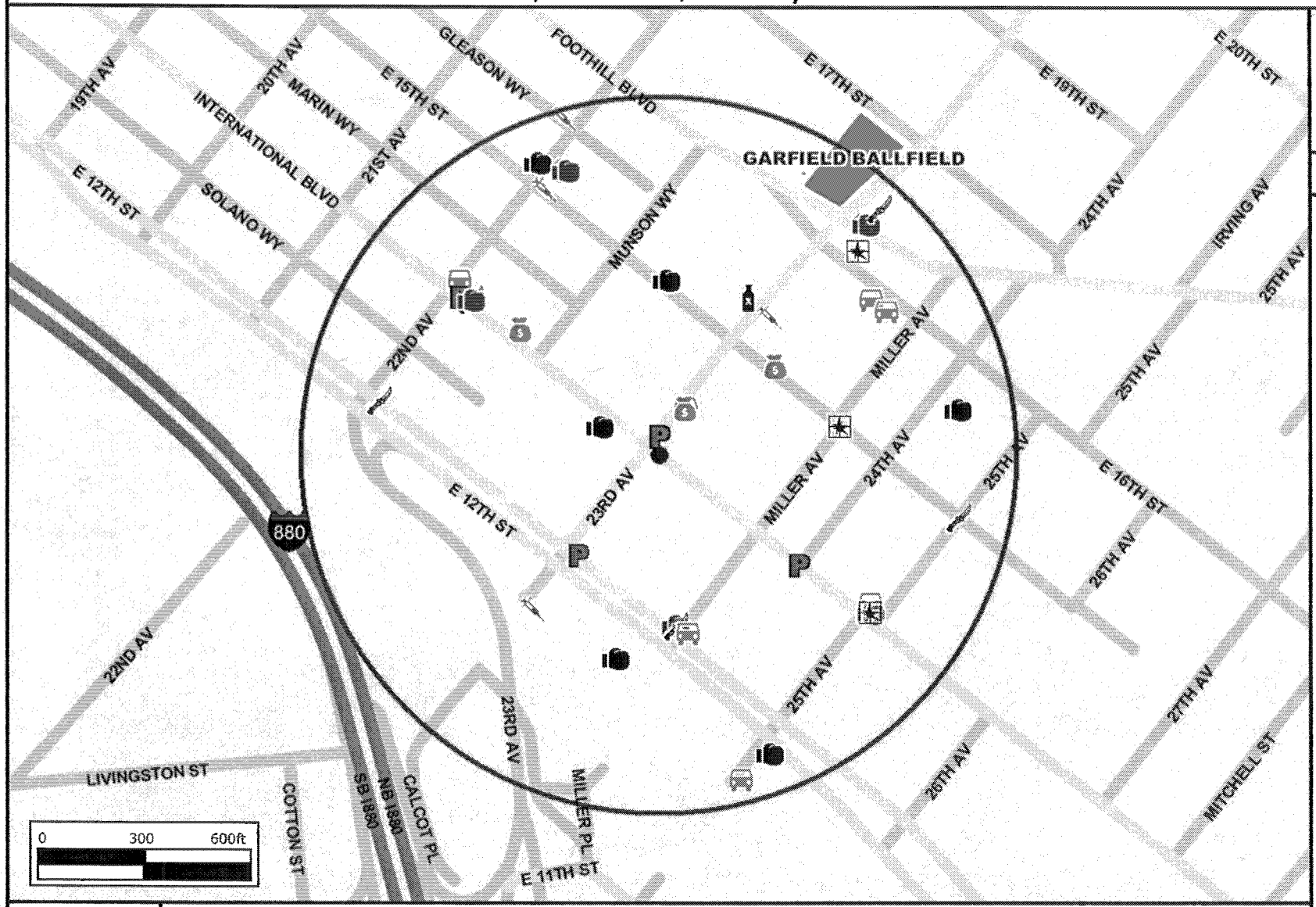
Printed: 8/11/2010 4:36:32 PM

City of Oakland

Incident Summary Report		
LEGEND	**Total**	**Chart**
SIMPLE ASSAULT	1	
THEFT	1	
VEHICLE THEFT	1	
Grand Total	**3**	

2307 International Blvd

1,000-feet/90-days of 8-11-10



Legend

- Incidents
- Alcohol
- Aggravated Assault
- Simple Assault
- Burglary
- Narcotics
- Prostitution
- Robbery
- Theft
- Vandalism
- Vehicle Theft
- Freeways
- Major City Streets
- Streets
- City Streets
- Water
- PARKS
- CITY LIMITS

N W E S

This map application does not reflect official crime index totals as reported to the FBI's Uniform Crime Reporting program. The crime icons do not reflect the exact location of any particular crime. The listed crimes are subject to change for a variety of reasons, including late reporting, reclassification of some offenses and discovery that some offenses were unfounded.

Printed: 8/11/2010 4:39:29 PM

City of Oakland

Incident Summary Report		
LEGEND	**Total**	**Chart**
AGGRAVATED ASSAULT	8	
ALCOHOL	1	
BURGLARY	3	
NARCOTICS	11	
PROSTITUTION	6	
ROBBERY	5	
SIMPLE ASSAULT	7	
THEFT	5	
VANDALISM	1	
VEHICLE THEFT	7	
Grand Total	**54**	

Giải Khát Beverage

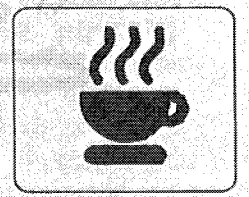
B1.	**Cà Phê Sữa Đá** *Ice coffee W/milk*	$3
B2.	**Cà Phê Đen Đá** *Ice Coffee*	$3
B3.	**Sinh Tố Bơ** *Avocado Smoothies*	$3
B4.	**Sinh Tố Mít** *Jack Fruit Smoothies*	$3
B5.	**Sinh Tố Mãng Cầu** *Guanabana Smoothies*	$3
B6.	**Soda Sữa Hột Gà** *Egg Soda*	$3
B7.	**Soda Chanh Muối** *Salted Lemon Soda*	$3
B8.	**Soda Xí Muội** *Salted Plum Soda*	$3
B9.	**Nước Cam Vắt** *Orange Juice*	$3
B10.	**Trà Sữa Thái Trân Châu** *Thai's Ice Tea W/milk &*	$3
B11.	**Nước Dừa Tươi** *Cocnut Juice*	$3
B12.	**Nước Ngọt** *Soda (Coke, Pepsi, Diet Coke, 7up, Sprite)*	$1

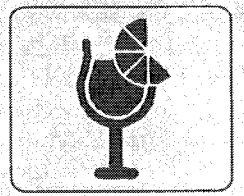
House Special

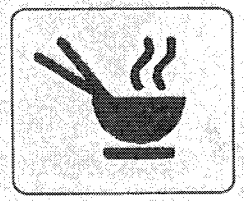
ánh Mì Pate *ork Pate Sandwich*	$2.75
ánh Mì Thịt Cuốn *rk Sandwich*	$2.75
ánh Mì Chả *etnamese Ham Sandwich*	$2.75
ánh Mì Đặc Biệt *pecial Sandwich*	$3.25
ánh Mì Bò Kho *Beef Stew served with Sandwich*	$6
ủ Tiếu Bò Kho *Beef Stew Rice Noodle Soup*	$6.50
ơm Bò Kho *Beef Stew serve with Rice*	$6.50
ơm Bò Lúc Lắc *Lemon Garlic Beef Over Rice*	$8

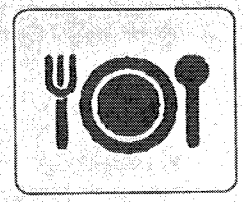
ATTACHMENT F

Sea Blue
cafe
restaurant









Open: 8am-10pm

510-536-3114

2307 International Blvd

Phở Bò Beef Noodle Soup

One size only **$7.00**

1. **Đặc Biệt & Bò Viên** 7.75
   Special combo w/Eye Round steak, Brisket, Flank, Tendon & Tripe, Beef ball
2. **Tái Nạm, Gầu, Gân, Sách**
   Rare Steak, Well Done Flank, Brisket, Tendon & Tripe
3. **Chín Nạm, Gầu, Gân, Sách**
   Well Done Brisket, Tend on & Tripe
4. **Tái, Chín, Gầu, Gân, Sách**
   Rare Steak, Well Done, Brisket, Tendon & Tripe
5. **Tái, Chín, Nạm, Gân, Sách**
   Rare Steak, Well Done Flank, Tendon & Tripe
6. **Tái Nạm, Gân Sách**
   Rare Steak, Well Done Flank, Tendon & Tripe
7. **Tái Nạm, Gân**
   Rare Steak, Well Done Flank & Tendon
8. **Tái Nạm, Sách**
   Rare Steak, Well Done Flank & Tripe
9. **Tái Gầu**
   Rare Steak, Well Done Brisket
10. **Tái Nạm**
    Rare Steak, Well Done Flank
11. **Tái Bò Viên**
    Rare Steak, Beef Balls
12. **Tái Sách**
    Rare Steak, Tripe
13. **Tái Gân**
    Rare Steak, Tendon
14. **Tái**
    Rare Steak
15. **Bò Viên**
    Beef Balls

Side Order Rare Steak	$2.50
Noodle Soup Only	$3.95
Beef Balls Only	$2.50

Bún/Mì/Cháo Vermicelli/Egg Noodle/Congee

16. **Bún Bò Huế** — $6.95
    Spicy Beef Noodle Soup
17. **Bún Riêu** — $6.75
    Vermicelli, Shrimp paste, Crab paste, Tomatoes soup
18. **Mì Quảng** — $6.75
    Yellow Rice noodle soup
19. **Cháo Lòng** — $6.95
    Mixed Congee with Pork Trites

Món Nhậu House Special

20. **Gỏi Cuốn** — $5
    Shrimp Salad Rolls (3)
21. **Chả Giò** — $5
    Deep Fried Egg rolls (3)
22. **Bò Lúc Lắc** — $13
    Lemon Garlic Beef
23. **Bò Tái Chanh** — $13
    Vietnamese Carpaccio - thinly sliced rare top sirloin beef
    Caramelized shallots with a light lime vinaigrette
24. **Bò Nướng Vỉ** — $25
    Grilled Marinated Beef
25. **Bò Cuốn Hành** — $12
    Marinated Beef wrapped in Onion
26. **Bê Thui** — $13
    Grilled Veal
27. **Gỏi Mực** — $12
    Vietnamese Squid Salad
28. **Gỏi Sứa** — $12
    Vietnamese Jelly Fish Salad
29. **Gỏi Bao Tử** — $12
    Pork Stomach Salad
30. **Gỏi Đu Đủ Xoài** — $10
    Papaya and Mango Salad
31. **Hến Xúc Bánh Tráng** — $10
    Baby Clam Served Rice Cracker
33. **Cánh Gà Chiên** — $10
    Deep Fried Chicken Wings
34. **Tôm Rang Muối** — $11
    Deep Friẽ)d Spicy Prawn with Salt
35. **Mực Rang Muối** — $11
    Deep Fried Squid with Salt
36. **Chim Cút Quay** — $11
    Flaming Quail, tender and juicy quail prepared with five spices
37. **Khô Mực** — $10
    Grilled Dry Squid
38. **Lẩu Canh Chua Tôm Thái Lan** — $25.95
    Shrimp hot-pot Thai Style
39. **Lòng Heo** — $15
    Pork Trites

Department of Alcoholic Beverage Control — State of California

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
1515 CLAY ST
STE 2208
OAKLAND, CA 94612
(510) 622-4970

File Number: **502417**
Receipt Number: **2012517**
Geographical Code: **0109**
Copies Mailed Date: **August 11, 2010**
Issued Date:

DISTRICT SERVING LOCATION: **OAKLAND**

First Owner: **DUONG, DON**
Name of Business: **SEA BLUE COFFEE RESTAURANT**
Location of Business: **2307 INTERNATIONAL BLVD**
OAKLAND, CA 94601-1018

County: **ALAMEDA**
Is Premise inside city limits? **Yes** Census Tract **4061.00**
Mailing Address:
(If different from premises address)

Type of license(s): **41**
Transferor's license/name: Dropping Partner: Yes___ No X

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
NA	STATE FINGERPRINTS	NA	N	1	08/11/10	$39.00
NA	FEDERAL FINGERPRINTS	NA	N	1	08/11/10	$24.00
41 - On-Sale Beer And Wine	ORIGINAL FEES	NA	Y	0	08/11/10	$300.00
41 - On-Sale Beer And Wine	ANNUAL FEE	NA	Y	0	08/11/10	$350.00
					Total	$713.00

Have you ever been convicted of a felony? **No**
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**
Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of ALAMEDA Date: August 11, 2010

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Applicant Name(s) Applicant Signature(s)

DUONG, DON

ATTACHMENT G

Department of Alcoholic Beverage Control

PLANNED OPERATION (RETAIL)

SECTION I - FOR ALL RETAIL APPLICANTS

1. APPLICANT NAME(S)
DON DUONG

2. LICENSE TYPE(S)
41 ON-SALE BEER & WINES

3. PREMISES ADDRESS (Street number and name, city, zip code)
2307 INTERNATIONAL BLVD., OAKLAND, CALIFORNIA 94606

4. NEAREST CROSS STREET
23RD AVENUE

5. TYPE OF BUSINESS (Choose one that best describes the planned operation)

- [x] Full Service Restaurant
- [ ] Deli or Specialty Restaurant
- [ ] Cafe/Coffee Shop
- [ ] Bed & Breakfast
- [ ] Cafeteria/Hofbrau
- [ ] Comedy Club
- [ ] Brew Pub
- [ ] Theater
- [ ] Cocktail Lounge
- [ ] Night Club
- [ ] Tavern
- [ ] Wine Tasting Room
- [ ] Private Club
- [ ] Veterans Club
- [ ] Fraternal Club
- [ ] Supermarket
- [ ] Liquor Store
- [ ] Variety/Drug Store
- [ ] Other - describe:
- [ ] Membership Store
- [ ] Department Store
- [ ] Gift Shop/Florist
- [ ] Service Station
- [ ] Convenience Market
- [ ] Convenience Market w/Gasoline
- [ ] Swap Meet/Flea Market
- [ ] Drive-in Dairy

6. PATRON CAPACITY
MAX 75

7. SURROUNDING AREA
- [x] Commercial
- [ ] Residential
- [ ] Other
- [ ] Rural
- [ ] Industrial

8. PREMISES IS LOCATED IN
- [x] Free Standing Building
- [ ] Shopping Center (Name):
  - [ ] 10 Units or Less
  - [ ] More than 10 Units

9. FOOD SERVICE
- [ ] None
- [ ] Minimal
- [x] Full Meals

10. PARKING LOT?
- [ ] Yes
- [x] No

11. PATIO?
- [ ] Yes
- [x] No

12. WILL YOU HIRE A MANAGER? (Rule 57.5)
- [x] Yes
- [ ] No

13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7)
- [x] Yes
- [ ] No

14. MEAL TYPE
- [x] Dinner House
- [ ] Fast Food/Deli
- [ ] Pizza/Pasta
- [ ] Seafood
- [x] Other: COFFEE RESTA

15. TYPE OF FOOD
- [x] American
- [ ] Chinese
- [ ] Japanese
- [ ] Greek
- [ ] Korean
- [ ] Indian
- [ ] Italian
- [ ] French
- [ ] Thai
- [x] Other: VIETNAMESE

16. HOURS OF FOOD SERVICE
BREAKFAST HOURS From: 9:00 am To: 0:00 am
LUNCH HOURS From: 9:00 am To: 0:00 am
DINNER HOURS From: 9:00 am To: 0:00 am

17. OPERATING HOURS

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
Closing Time	0:00 am	0:00 am	0:00 am	0:00 am	0:00 am	0:00 am	0:00 am

18. ENTERTAINMENT (One or more may apply. Please describe any entertainment with an asterick (*) below)
- [ ] None
- [x] Recorded Music
- [x] Juke Box
- [ ] *Other
- [ ] *Amplified Music
- [ ] *Live Entertainment
- [ ] *Floor/Stage Shows
- [x] Karaoke
- [x] Patron Dancing
- [ ] Bikini/Topless/Exotic
- [x] Pool/Billiard Tables
- [ ] *Amateur/Pro Sports Events
- [ ] Card Room
- [ ] Movies
- [ ] "Hot Spot"/Lottery
- [x] Video/Coin-Operated Games

*Description:

19. PREMISES IS LOCATED ON
- [x] Major Thoroughfare
- [ ] Secondary Street
- [ ] Other

20. TYPE OF STRUCTURE
- [ ] Single Story
- [x] Two-Story
- [ ] Multi-Story - Number of stories:

21. PASS-THROUGH WINDOW?
- [x] Yes
- [ ] No

22. FIXED BARS?
- [ ] Yes - how many:
- [x] No

23. WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES?
30%

RECEIVED
AUG 09 2010
Dept. of Alcoholic Beverage Control
Oakland Office

FOR ABC USE ONLY

24. INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23790.5, etc.)

25. DATE ENTERED INTO CALIFORNIA

Department of Alcoholic Beverage Control

State of California

LICENSED PREMISES DIAGRAM (RETAIL)

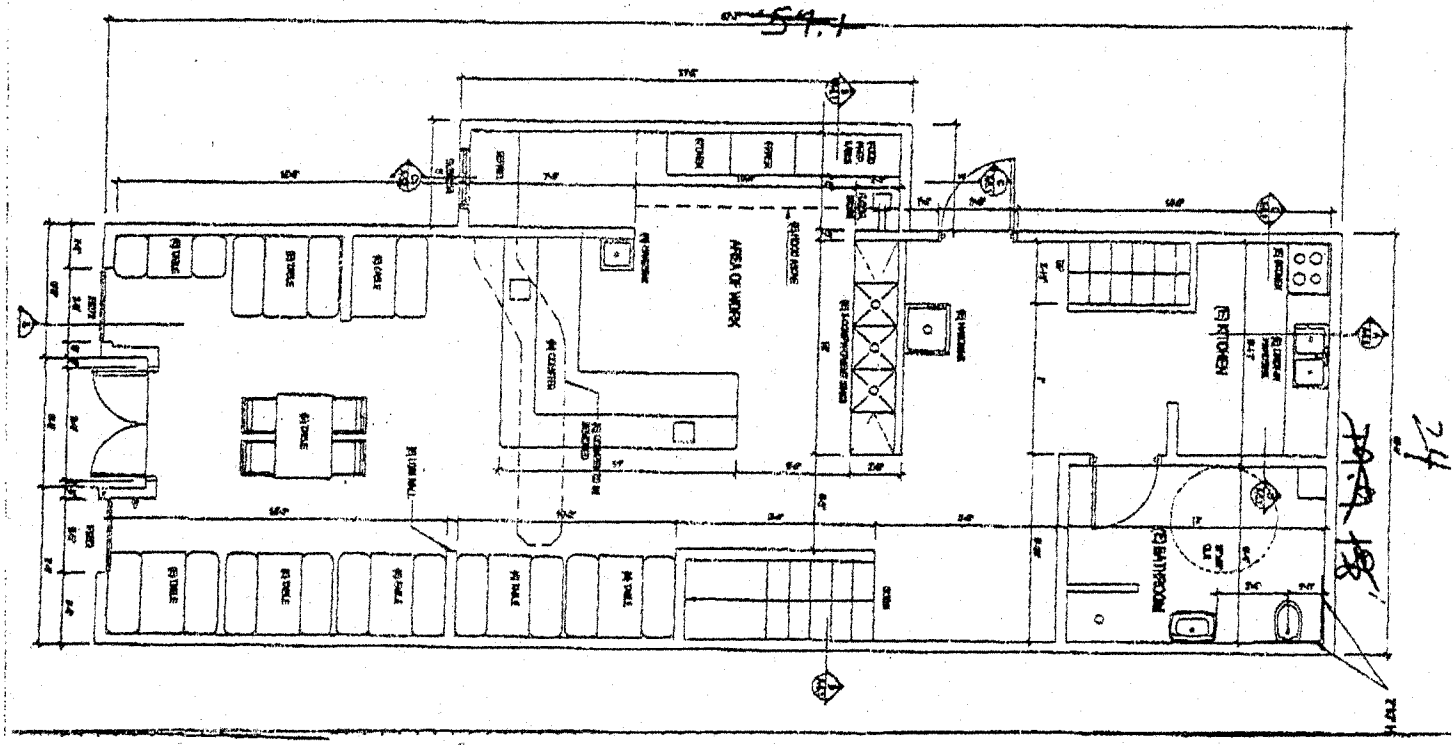
1. APPLICANT NAME (Last, first, middle)	2. LICENSE TYPE
DUONG, DON	41
3. PREMISES ADDRESS (Street number and name, city, zip code)	**4. NEAREST CROSS STREET**
2307 INTERNATIONAL BLVD., OAKLAND, CALIFORNIA 94606	23RD AVENUE

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, *including dimensions and identification of each room (i.e., "storeroom", "office", etc.).*

DIAGRAM

60

54.1



24

It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)	DATE SIGNED
Don Duong	7/30/10

RECEIVED
AUG 09 2010
Dept. of Alcoholic Beverage Control
Oakland Office

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE

ABC-257 (5/05)

ITEM#4 - LATE MAIL #1

Rose, Aubrey

From: Eric Cone [ericcone@sbcglobal.net]
Sent: Wednesday, September 01, 2010 4:47 PM
To: Rose, Aubrey
Subject: Alcohol Establishment

Ms. Rose,

It has come to my attention that a liquor license is being sought by a business at 2307 International. I am concerned about any new alcohol establishments in our community, especially at the intersection of 23rd Ave. and International. I respectfully request that this item be postponed from planning commission agenda until community and NCPC members have time to express their concerns.

Sincerely,

Eric Cone, Secretary, San Antonio Community Development Corporation

ATTACHMENT H

ITEM #4 - LATE MAIL #2

Rose, Aubrey

From: Svea O'Banion [SO@hassard.com]
Sent: Wednesday, September 01, 2010 4:47 PM
To: Rose, Aubrey
Cc: De La Fuente, Ignacio; Burgos, Claudia (was Jimenez)
Subject: liquor license 2307 International

Ms. Rose,

It has come to my attention that a liquor license is being sought by a business at 2307 International. I am concerned about any new alcohol establishments in my community especially at the intersection of 23rd Ave. and International. I respectfully request that this item be postponed from planning commission agenda until community and NCPC members have time to express their concerns.

Sincerely, Svea

Note: Our Council Persons have worked hard to close liquor stores to reduce blight, drug dealing and nuciancce. How can this go for the planning commission with no notice?

Svea O'Banion
Hassard Bonnington LLP
Attorneys at Law
Two Embarcadero Center, Suite 1800
San Francisco, CA 94111-3993
Phone (415) 288-9800 ext. 490
Fax (415) 288-9801
so@hassard.com

ATTACHMENT I

ITEM #4-LATE MAIL # 3

Rose, Aubrey

From: Kathleen Hargan [muneca@speakeasy.net]
Sent: Wednesday, September 01, 2010 4:47 PM
To: Rose, Aubrey

Ms. Rose,

It has come to my attention that a liquor license is being sought by a business at 2307 International. I am concerned about any new alcohol establishments in my community especially at the intersection of 23rd Ave. and International. I respectfully request that this item be postponed from planning commission agenda until community and NCPC members have time to express their concerns.

Sincerely,

Kathleen Hargan
2911 E. 16th St.
Oakland, CA 94601

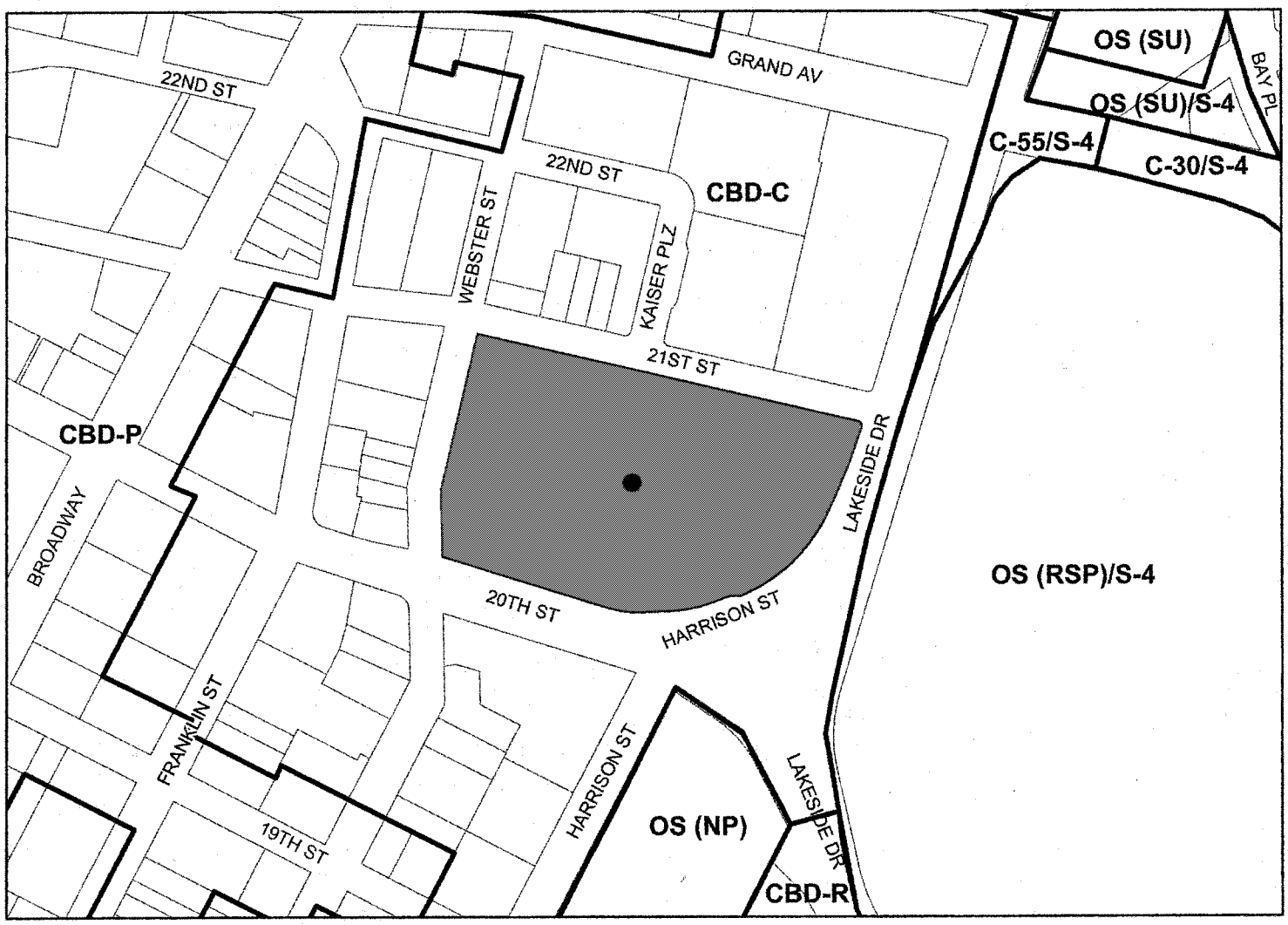
ATTACHMENT J

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:	Public Hearing on the Draft Environmental Impact Report (EIR) to obtain comments on the environmental analysis related to the 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 rooftop garden by removing 18,369 square feet and adding 22,933 square feet along 20th Street for a net gain of 4,564 square feet. Phase II includes the (a) demolition of the Webster Street Mall (approximately 38,190 square feet) and (b) construction of a 42-story office tower (approximately 833,020 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 ground 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, Tree Removal Permit
General Plan:	Central Business District
Zoning:	CBD-C, Central Business District Commercial, adopted July 21, 2009. (The zoning when the application was submitted was C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space)
Environmental Determination:	The Draft EIR was published for a 45-day review period from August 23, 2010 to October 7, 2010.
Historic Status:	Kaiser Center Building & Rooftop 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:	Receive public and Planning Commission comments on the Draft EIR
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, 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

CITY OF OAKLAND PLANNING COMMISSION



Case File:	ER08-003, PUD08-103, TPM 9848
Applicant:	The Swig Company on behalf of its affiliate, SIC-Lakeside Drive LLC
Address:	300 Lakeside Drive
Zone:	CBD-C (was C-55/S-4/S-17 at submittal)

retail and sixth floor commercial areas. 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. The Notice of Availability for the Draft EIR was prepared and released on August 23, 2010 beginning a 45 day public comment period. The public comment period ends on October 7, 2010.

Comments on the Draft EIR may be made at the October 6, 2010 public hearing or in writing to the Community and Economic Development Agency, to the attention of Heather Klein. Written comments must be received prior to the comment period deadline (4:00 p.m. on October 7, 2010). After all comments are received, a Final EIR/Response to Comments document will be prepared and the Planning Commission will consider certification of the Final EIR, as well as consideration of the project's height and massing plans (in the context of considering the Preliminary Development Plan) at a future meeting date.

The purpose of this hearing is to solicit comments on the adequacy of specific environmentally-related information, issues and analysis contained in the document. This meeting is not intended to take comments on the merits of the Project and no decisions will be made on the EIR or proposed Project at this hearing. Specifically, comments on the Draft EIR should focus on the adequacy of the EIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Project in light of the EIR's purpose to provide useful and accurate information about such factors. Staff will return to the LPAB and the Planning Commission for design review of the Project if the Preliminary Development Plan is approved, and after a Final Planned Unit Development Permit and design plans have been submitted.

SITE DESCRIPTION

Existing Conditions

The approximately seven-acre Project 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 rooftop garden above the parking garage.

The Project site, including the Kaiser Center Office Building, the commercial structures, and the rooftop 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. The proposed Project would redevelop 2.2 acres at the westernmost portion of the approximately seven-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 4,564 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) and construction of the 42-story North Tower (approximately 833,020 square feet). In total 1.47 million gross square feet of office, ground-floor 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. 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.

The 122,606 square foot (2.81 acre) rooftop garden will be reconfigured by removing 18,369 square feet from the westernmost portion of the site (including a structure currently housing cooling equipment) and adding 22,933 square feet to the southern portion of the site, resulting in a net increase in roof garden area of 4,564 square feet. A new publicly accessible exterior stairway will be constructed on 20th Street which will provide access to the garden during business hours.

ENVIRONMENTAL REVIEW

Scope

The City is the Lead Agency pursuant to CEQA and has the responsibility to prepare the EIR for the Project. An Initial Study was not prepared for the Project, as permitted by Section 15060(d) of the CEQA Guidelines. The Draft EIR addresses all environmental topics identified in City of Oakland's CEQA Thresholds of Significance. The Draft EIR addresses 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 Draft EIR was prepared to evaluate environmental impacts of the proposed Project described above. The following

environmental topics are addressed in detail in the Draft EIR, as other topics (agriculture and minerals) were found to not be significant and not evaluated in detail in the Draft EIR (see Draft EIR page VI-7):

A. Visual Quality, 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 Draft EIR

All impacts, City Standard Conditions of Approval and mitigation measures identified in the Draft EIR are summarized in Table II-1 (see Attachment B) at the end of the Summary chapter, Chapter 2 of the Draft EIR. Table II-1 also identifies the level of significance of the impact after City Standard Conditions of Approval and recommended mitigation measures are implemented. 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 Draft EIR 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, after mitigation, pending final design, which could reduce the impacts to less than significant levels.

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, after mitigation, pending final design, which could reduce the impacts to less than significant levels.

Air Quality

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, after mitigation, pending final design, which could reduce the impacts to less than significant levels.

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, after mitigation, pending final design, which could reduce the impacts to less than significant levels.

Noise
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 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. *(Impacts TRANS-1a, Existing plus Project; TRANS-3a, 2015 plus Phase 1 Only; TRANS-5a, 2015 plus Project; TRANS-7a Cumulative Plus Project) (Significant and Unavoidable, after mitigation)*

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-3b, 2015 Plus Phase 1 Only; TRANS-5b, 2015 Plus Project; and TRANS-7b, Cumulative 2030 Plus Project) (Conservatively Deemed Significant and Unavoidable; Less than Significant if City determines proposed implementation approach for Mitigation Measure TRANS-1b is feasible)*

Intersection #45 (Grand Avenue / El Embarcadero)
Added traffic would increase the v/c ratio by more than three percent during the PM peak hour. *(Impacts TRANS-7h, Cumulative 2030 plus Project) (Significant and Unavoidable, after mitigation)*

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. *(Impacts TRANS-1f, Existing plus Project; TRANS-5h, 2015 plus Project; and TRANS-7i, Cumulative 2030 plus Project) (Significant and Unavoidable, after mitigation)*

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) (Significant and Unavoidable, after mitigation)*

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) (Significant and Unavoidable, after mitigation)*

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) (Significant* and Unavoidable, after mitigation)

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) (Significant and Unavoidable, after mitigation)*

Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road)
If the City elects to implement Measure DD, then implementation of Mitigation Measure TRANS 1-c would reduce identified impacts at this intersection to less than significant. If the City elects to implement Alternative Measure DD (see discussion below under Key Issues), and determines the proposed mitigation measure ALT DD TRANS-1 is feasible, there would be less than significant impacts. However, if the City elects to implement Alternative Measure DD, but determines proposed mitigation measures are infeasible, then added traffic would degrade the

vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour and degrade the vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour (2015); and degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS F during the PM peak hour) (2030). *(Impact ALT DD TRANS-1, 2015 Plus Project Phase 1 only; ALT DD TRANS-2, 2015 Plus Project; ALT DD TRANS-3, Cumulative 2030 Plus Project) (Significant and Unavoidable, after mitigation, if the City determines additional mitigation measures infeasible; if additional mitigation feasible, then less than significant)*

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) (Significant and Unavoidable, after mitigation)*

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) (Significant and Unavoidable, after mitigation)*

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) (Significant and Unavoidable, after mitigation)*

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) (Significant and Unavoidable, after mitigation)*

Project Alternatives

Chapter V of the Draft EIR includes the analysis of four alternatives to the Proposed Project that meet the requirements of CEQA, which include a reasonable range of alternatives to the Project that would feasibly attain most of the Project's basic objectives, and avoid or substantially lessen

many of the Project's significant environmental effects. The four CEQA alternatives analyzed in Chapter V include:

- *No Project/No Build Alternative* - CEQA requires a "no Project" alternative to be considered in the EIR. This Alternative is consistent with the existing environmental setting presented throughout Chapter IV of the EIR.

- *Alternative 1: South Tower Build Only* – This Alternative would construct only the proposed 34-story South Tower, as described for Phase I of the Proposed Project. The 42-story North Tower would not be built. This Alternative would include construction of 552,000 square feet of office/commercial space and 46,000 square feet of retail. The existing Webster Street Mall would remain as a 3-story building with 38,190 square feet of retail space but the 20th Street Mall would be demolished. No roof garden space would be removed and improvements to the garden would not occur under this Alternative, as with the Project.

- *Alternative 2: Onsite Maximum Reduced Impacts* – The Onsite Maximum Reduced Impacts Alternative would be similar to Alternative 1 in that only the South Tower would be constructed. However, in order to reduce all significant impacts related to traffic conditions, the size of the South Tower would be reduced to 11-stories. The South Tower would have 222,000 square feet of office space and 46,000 square feet of retail. The existing Webster Street Mall would remain as a 3-story building with 38,190 square feet of retail space but the 20th Street Mall would be demolished. As with Alternative 1, this Alternative would not alter or remove space from the existing rooftop garden, but would increase the size of the garden area along the southern boundary of the site to the east of the tower.

- *Alternative 3: Offsite Maximum Reduced Impact--* This Alternative analyzes an offsite location for an office tower project that would mitigate the impacts associated with cultural resources identified with the Proposed Project, but still may have some residual wind impacts at the ground level. This Alternative would construct a 268,000 square foot office tower, similar to Alternative 2, directly north across 21st Street from the proposed Project site. The site is bounded by 21st Street on the south, an existing 11-story commercial office building that flanks Webster Street on the west, 22nd Street on the north, and Kaiser Plaza Street on the east. Across 22nd Street from the site is the 15-story Caltrans building, and across Kaiser Plaza Street is the 28-story Ordway building. This off-site location is rectangular in shape, measuring approximately one acre, and is currently a private pay parking lot. The Kaiser Center site would remain in its current state, with no improvements or demolition of existing facilities including the rooftop garden

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 Alternative, as it would avoid all of the Proposed Project's

significant impacts that occur with the other construction alternatives, except for wind hazards at ground level, which conservatively remain significant and unavoidable. However, the off-site location is owned by a separate entity and might not be available for development. Therefore, the next environmentally superior alternative is Alternative 2, the Onsite Maximum Reduced Impacts. 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 rooftop garden, and impacts to the integrity of historic resources resulting from the new construction.

PUBLICATION AND DISTRIBUTION OF THE DRAFT EIR

The Draft EIR was made available for public review on August 23, 2010. The Notice of Availability for the Draft EIR was mailed to property owners within 300 feet of the Project area, distributed to State and local agencies, posted on the Project site, and mailed to Interested Parties. The Notice of Availability is attached to this report (see Attachment C). Copies of the Draft EIR were also previously distributed to City officials, including the Planning Commission, and is available at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315), and the City's website at

http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157. This Project is document number 10.

KEY ISSUES

During the preparation of the Draft EIR several issues arose that staff wanted to bring to the Planning Commission's attention. These issues are detailed below.

Greenhouse Gases

The Draft EIR concludes that proposed Project would have a significant cumulative GHG impact in Phase I per 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. At total build-out, however, the Project would not have a significant cumulative GHG impact because it would not exceed the 4.6 MT Co2e per year service population, even though it would exceed the 1,100 MT CO2e per year threshold.

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. 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 would apply even if the proposed Project did not cause a CEQA impact.

Because the proposed Project would exceed the CEQA thresholds during Phase I, the Draft EIR recommends a mitigation measure to reduce the GHG impact to Less than Significant. In addition, the Draft EIR requires the GHG Reduction Plan SCA for the proposed Project because

the Project is very large and exceeds one of the proposed thresholds. In this case, the mitigation measure and the SCA are the same but are being applied for different reasons.

After publication of the Draft EIR, City staff determined that clarifying language was needed concerning the GHG reduction plan in Appendix I, page 2. Below is the revised text in underline and strikeout text, which will appear in the Final EIR:

> "This GHG Plan, as set forth in the DEIR, is considered "preliminary," and the final GHG Plan, including the approved Transportation Demand Management [TDM] Plan, will be included in the FEIR. ~~because it is anticipated that the~~ Pursuant to the final GHG Plan, the Project Applicant will ~~continue to develop this GHG Plan to~~ further refine the list of additional GHG reduction measures ~~(including preparation and implementation of an approved Transportation Demand Management [TDM] Plan), where upon it shall~~ and implement the GHG Plan throughout the Project in order to fully satisfy Mitigation Measure AIR-3 and SCA GHG-1 identified in the EIR. ~~The Final GHG Plan will be a document to be updated, refined and implemented throughout the Project.~~"

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) the historic roof garden. The proposed mitigation measures require that the project applicant modify the design of the base of the new structures to retain the existing street level design and character of the mall buildings 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 has not submitted any detailed plans, to date, for the façade of the proposed structures that would replace the Mall buildings or the roof garden. With submittal of the plans, staff expects that the cultural impacts will be reduced to a Less than Significant level. However, the Draft EIR has conservatively deemed these impacts as Significant and Unavoidable even with implementation of the mitigation measures.

City staff will present the Draft EIR to the LPAB on October 4, 2010 for comment and will orally report the LPAB comments/recommendations to the Planning Commission.

Transportation

Transportation Demand Management Program
Oakland's Standard Conditions of Approval require that a Transportation Demand Management Program (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. Although the Oakland Code does not mandate any number of

parking spaces for the Project, the TDM will also contain strategies to address the proposed Project's parking demand shortfall of 238 spaces at build-out. The TDM will be included as part of the Final EIR.

The Draft EIR has conservatively 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 being currently prepared and will be included in the Final EIR.

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's site driveway entrance.

The analysis in the transportation section of the Draft EIR assumes this Measure DD roadway realignment as an existing condition in 2015 (and 2030) because it is funded and approved. Because of the proximity of the proposed Project to the Measure DD roadway realignment, there would be a significant traffic impact caused by the Project that would be mitigated to less than significant levels by Mitigation Measure TRANS 1-c (modifications to the intersection and signal retiming).

However, even with the recommended mitigation measure, there may remain some potential queuing and circulation issues caused by the Project, although not rising to a CEQA level impact. Therefore, the transportation consultant for the EIR proposed an Alternative Measure DD roadway configuration to address these non-CEQA issues. With this alternative configuration, open space would be added adjacent to the lake instead of to Snow Park and the intersection would be reconfigured into a "star" shape instead of a "T" (see Draft EIR Figure IV.L-20 on page IV.L-162). This alternative roadway configuration was also analyzed in the Draft EIR which concluded that although the Alternative Measure DD configuration may have some benefits (see Draft EIR page IV.L-163), it would cause some secondary impacts.

The Draft EIR then identifies additional mitigation measures to address these secondary impacts from the non-CEQA mandated Alternative Measure DD configuration (see Draft EIR page IV.L-168-171): Mitigation Measure Alt DD TRANS-1 requires that the Project applicant undertake additional improvements near the subject intersection, including adding an additional lane and reconfigure the northbound Harrison Street approach as a shared left through lane and two exclusive right-turn lanes. This would require a curb setback of 10 feet, a reduction in park space, and removal of up to five on-street parking spaces along the west side of Snow Park. Left-turns from the Kaiser Center Access Road to eastbound 20th Street/ Lakeside drive would need to be prohibited. In addition to Measure Alt DD TRANS-1, the Project applicant would still have to implement Mitigation Measure TRANS-1c (intersection improvements and signal retiming). Because City staff is currently unsure about the feasibility of the proposed mitigation measures

for the Alternative Measure DD configuration, the Draft EIR has conservatively deemed these secondary impacts from the Alternative Measure DD configuration as Significant and Unavoidable. If the mitigation is determined feasible, then the impacts would be less than significant.

In addition, within the Draft EIR, City staff also recommends including a non-CEQA Recommended Condition ("Recommendation TRANS-6") of approval on the Project, in connection with the Alternative Measure DD configuration, to require the Project applicant install a new signalized pedestrian mid-block crossing across Harrison Street between 20th and 21st Streets. Installation of this signal would require new intersection improvements as well as optimizing the traffic signal timing and coordinating the timing with other adjacent intersections. This Recommended Condition, although not a CEQA required mitigation measure, will be considered by decision makers during the course of Project review and may be imposed as Project Specific Conditions of Approval.

The City Planning Commission is **not** being asked to consider whether the original Measure DD configuration or Alternative 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 Alternative Measure DD configuration is implemented. Once the City Council decides on the preferred Measure DD roadway configuration, the Project applicant will be responsible for the specific mitigation measures relating to the Measure DD roadway alignment that are caused by the Project.

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 these for these roadway and other transportation improvements that do not result from environmental or other impacts attributable to the Project and that are already a City obligation as part of under fully funded Measure DD bond measure. City staff acknowledges the Project applicant's ongoing concerns in this regard and discussions regarding this issue are continuing with the applicant in an effort to resolve such concerns by the time of the Planning Commission's consideration of the Project.

Additional Recommended Conditions of Approval Regarding Pedestrian & Bicycle Improvements

In addition to Recommendation TRANS-6, the Draft EIR includes five additional Recommended Conditions (Recommendation TRANS-1, -2, -3, -4, and -5) in the Transportation and Circulation section of the EIR, recommended by City staff as non-CEQA specific conditions of approval on the Project, requiring the Project applicant to install and pay for pedestrian, bicycle, and vehicle queuing improvements in addition to the signalized pedestrian midblock crossing noted above. Specifically, the five Recommended Conditions include increasing the sidewalk capacity widening sidewalks, reducing cycle times to facilitate pedestrian crossings, construction of a bikeway, improving bus waiting areas, and closing a street approach. 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, caused by the Project (see Draft EIR page IV.L-49 for a discussion of the travel mode split). These Recommended Conditions will

improve operation of pedestrian/bicycle facilities in the immediate vicinity of the Project and are consistent with the City's Pedestrian and Bicycle Master Plan. Furthermore, City staff believes that the Recommended Condition is necessary to reduce vehicle queuing on the Stanley Place approach to the I-580 Eastbound Off-Ramp, prevent collisions resulting from the two minor-street approaches, and improve pedestrian access along the north side of Harrison Street.

Although the Recommended Conditions are not required by CEQA, these Recommended Conditions are included with respect to certain improvements that are not necessary to address or mitigate any environmental impacts of the Project but nevertheless are recommended by City staff. These Recommended Conditions will be considered by decision makers during the course of Project review and may be imposed as Project Specific Conditions of Approval.

Similar to the Project applicant's concerns with respect to Recommendation TRANS-6, the Project applicant also has consistently expressed concerns that the Project City is seeking to make the Project applicant responsible for the installation of and payment for these 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 and discussions regarding this issue are continuing with the applicant in an effort to resolve such concerns by the time of the Planning Commission's consideration of the Project.

CONCLUSION

All comments received on the Draft EIR will be considered by the City prior to finalizing the EIR and making a decision on the Project. Comments on the Draft EIR should focus on the adequacy of the EIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Project in light of the EIR's purpose to provide useful and accurate information about such factors. Comments on the Draft EIR may be made at the October 6, 2010 public hearing or in writing to the Community and Economic Development Agency, to the attention of Heather Klein. Written comments must be received prior to the comment period deadline (4:00 p.m. on October 7, 2010). After all comments are received, a Final EIR/Response to Comments document will be prepared and the Planning Commission will consider certification of the Final EIR at a future meeting date.. This meeting is not intended for public comments on the Project merits or the Project's detailed design. Staff will return to the LPAB and the Planning Commission for design review of the Project if the Preliminary Development Plan is approved, and after a Final Planned Unit Development Permit and design plans have been submitted

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on the Draft EIR and provide comments to staff on the Draft EIR.

Approved for forwarding to the
City Planning Commission:

Scott Miller, for

ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

Prepared by:

Heather Klein
Planner III

ATTACHMENTS
A: Project Plans
B: Summary Table II-1 from the Kaiser Center DEIR
C: Notice of Availability

KAISER CENTER

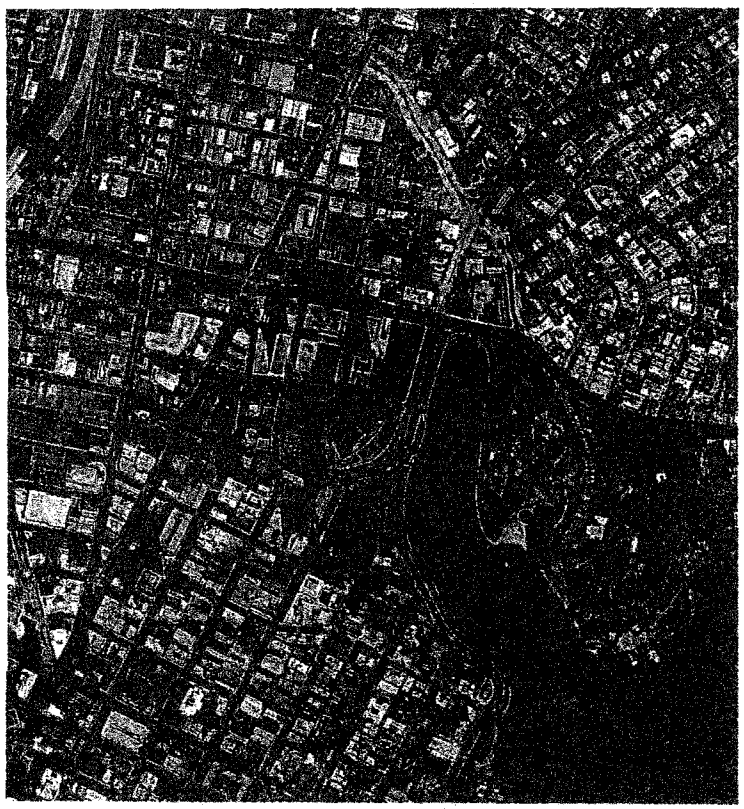
DEVELOPMENT REVIEW
MAY 29 2009

ATTACHMENT A

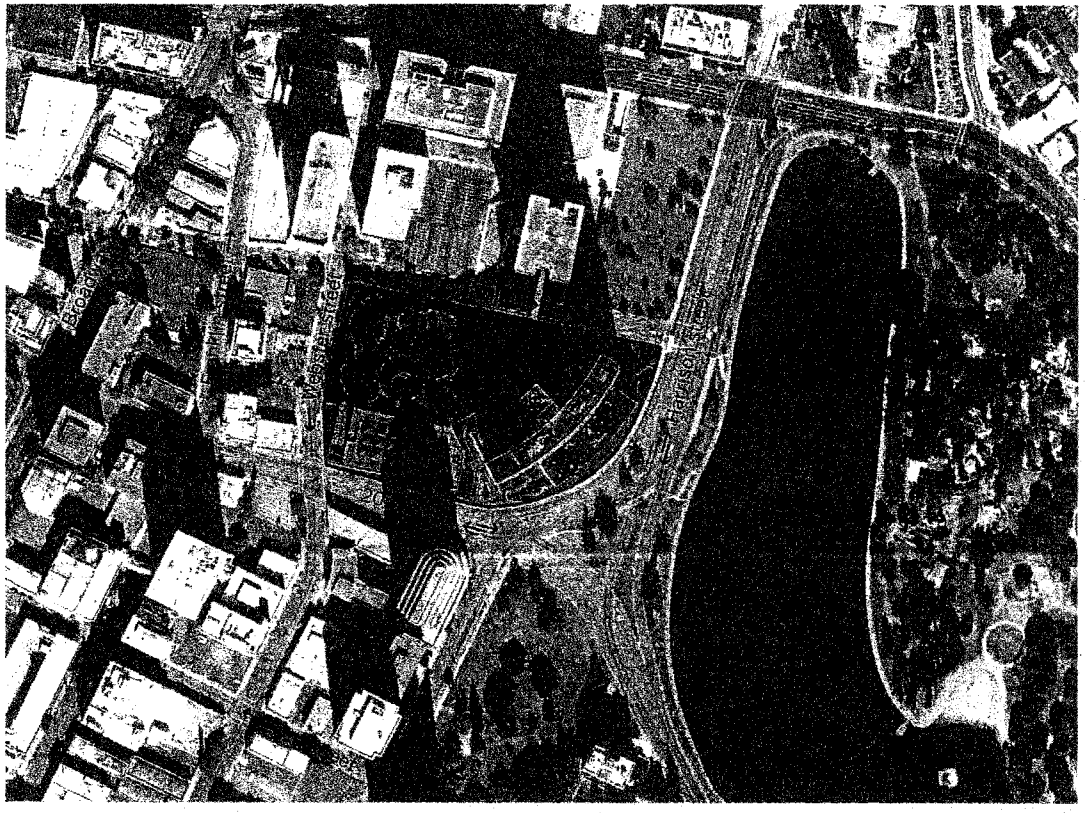
KAISER CENTER

INDEX

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



PROJECT CONTEXT



EXISTING KAISER CENTER

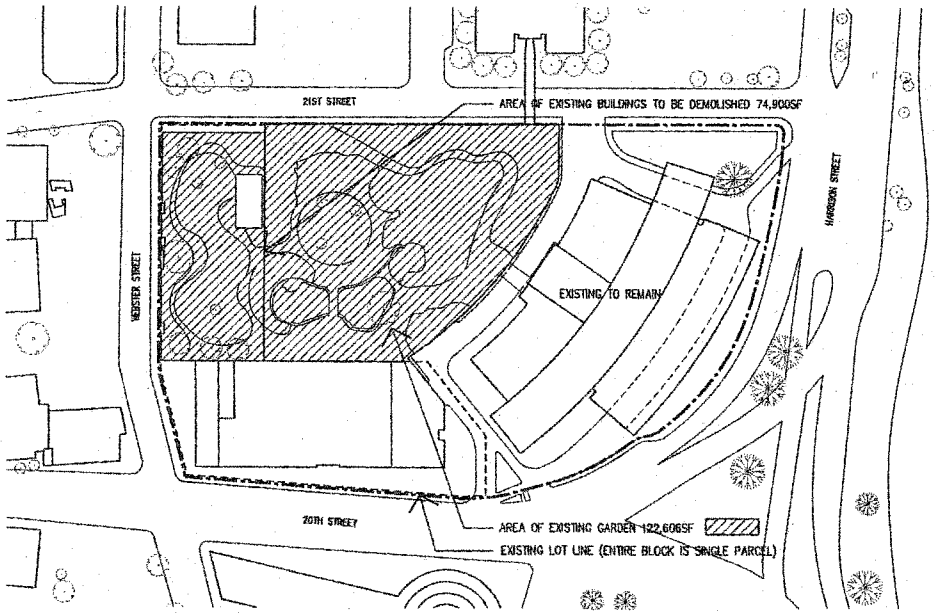
EXISTING & PROPOSED AREA OVERVIEW

	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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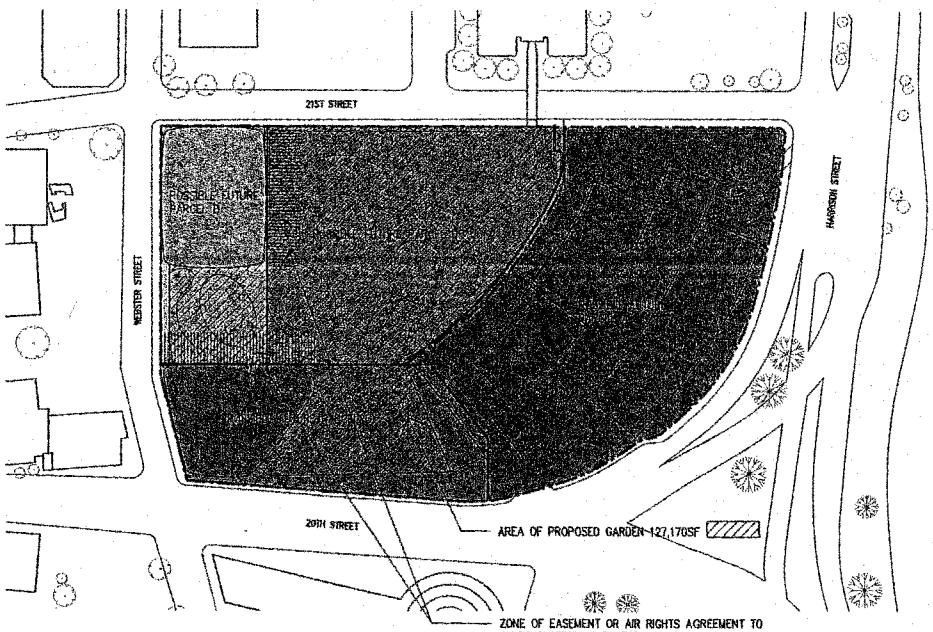
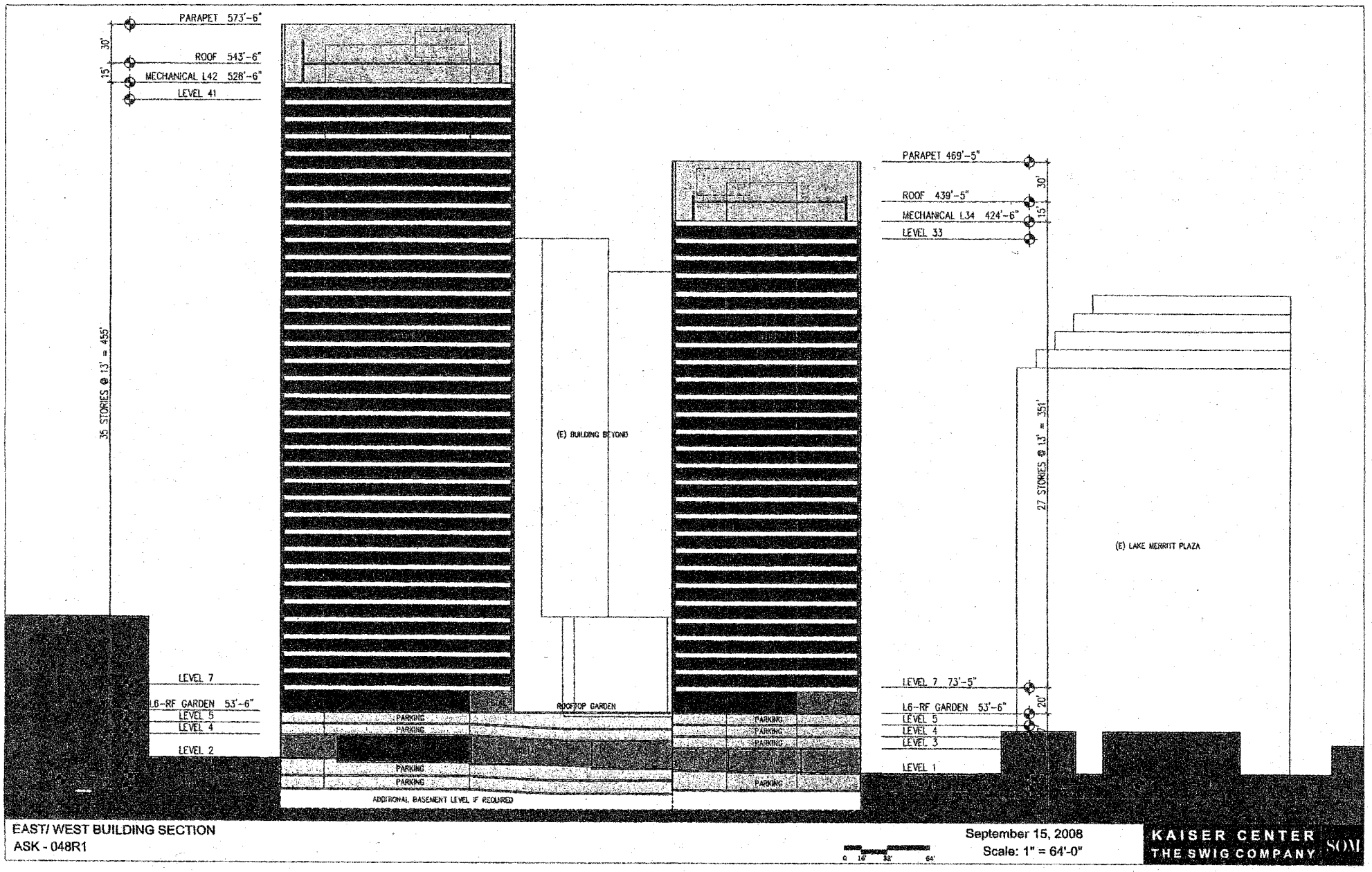


PROPOSED

PROJECT AND LOT INFORMATION
ASK - 047R2

May 29, 2009

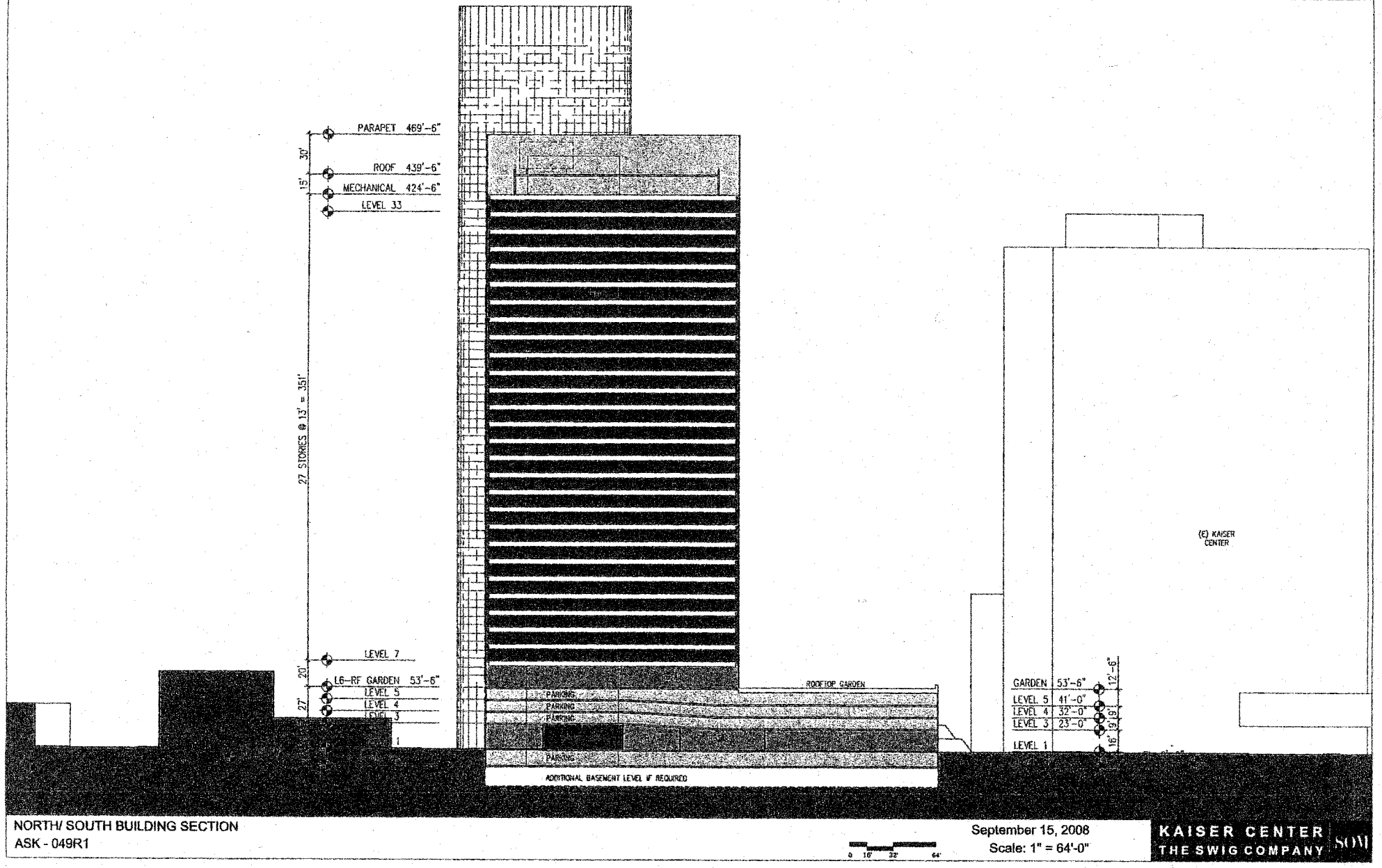
KAISER CENTER
THE SWIG COMPANY
SOM



EAST/ WEST BUILDING SECTION
ASK - 048R1

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

KAISER CENTER
THE SWIG COMPANY
SOM



NORTH/ SOUTH BUILDING SECTION
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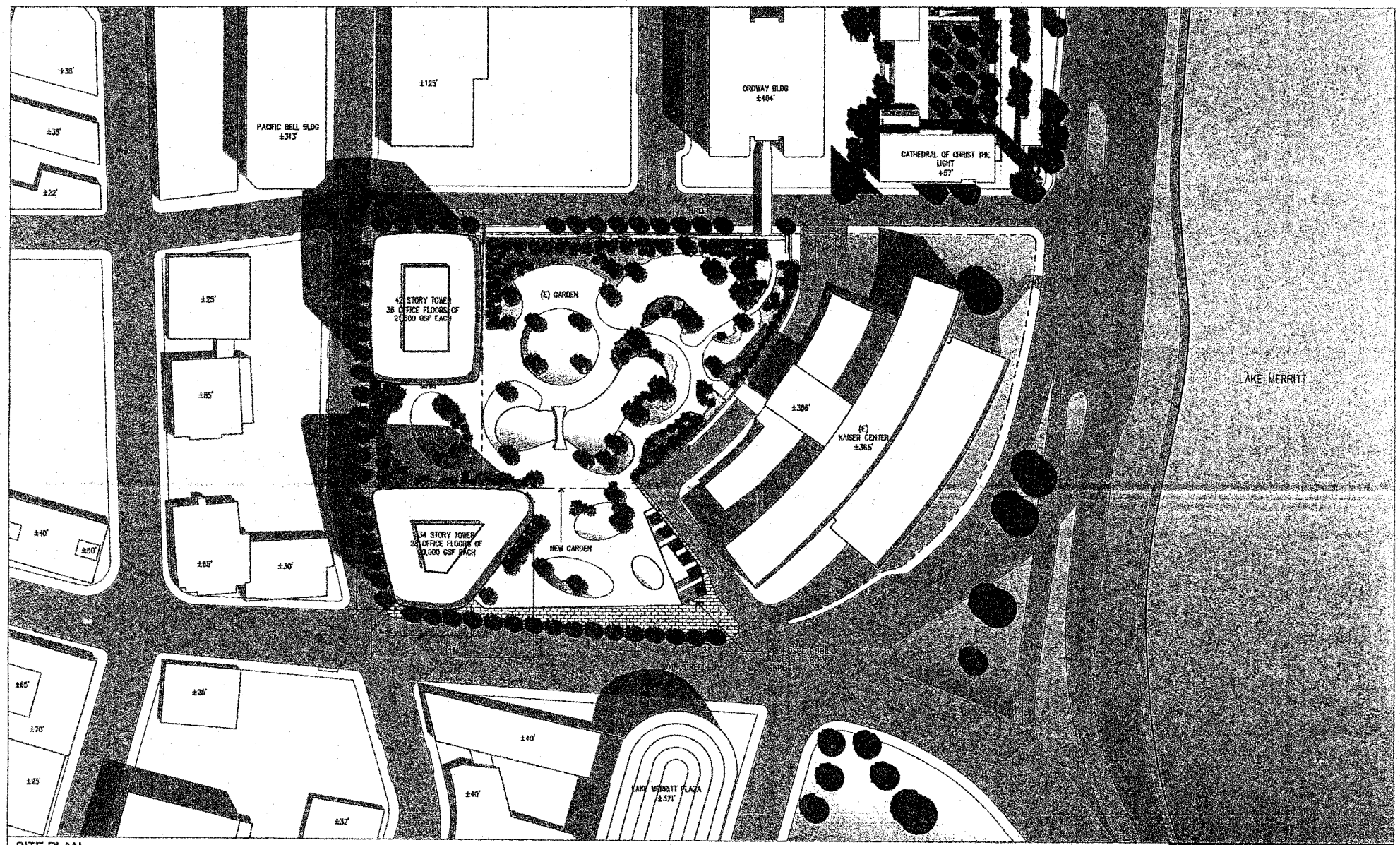
KAISER CENTER
THE SWIG COMPANY
SOM



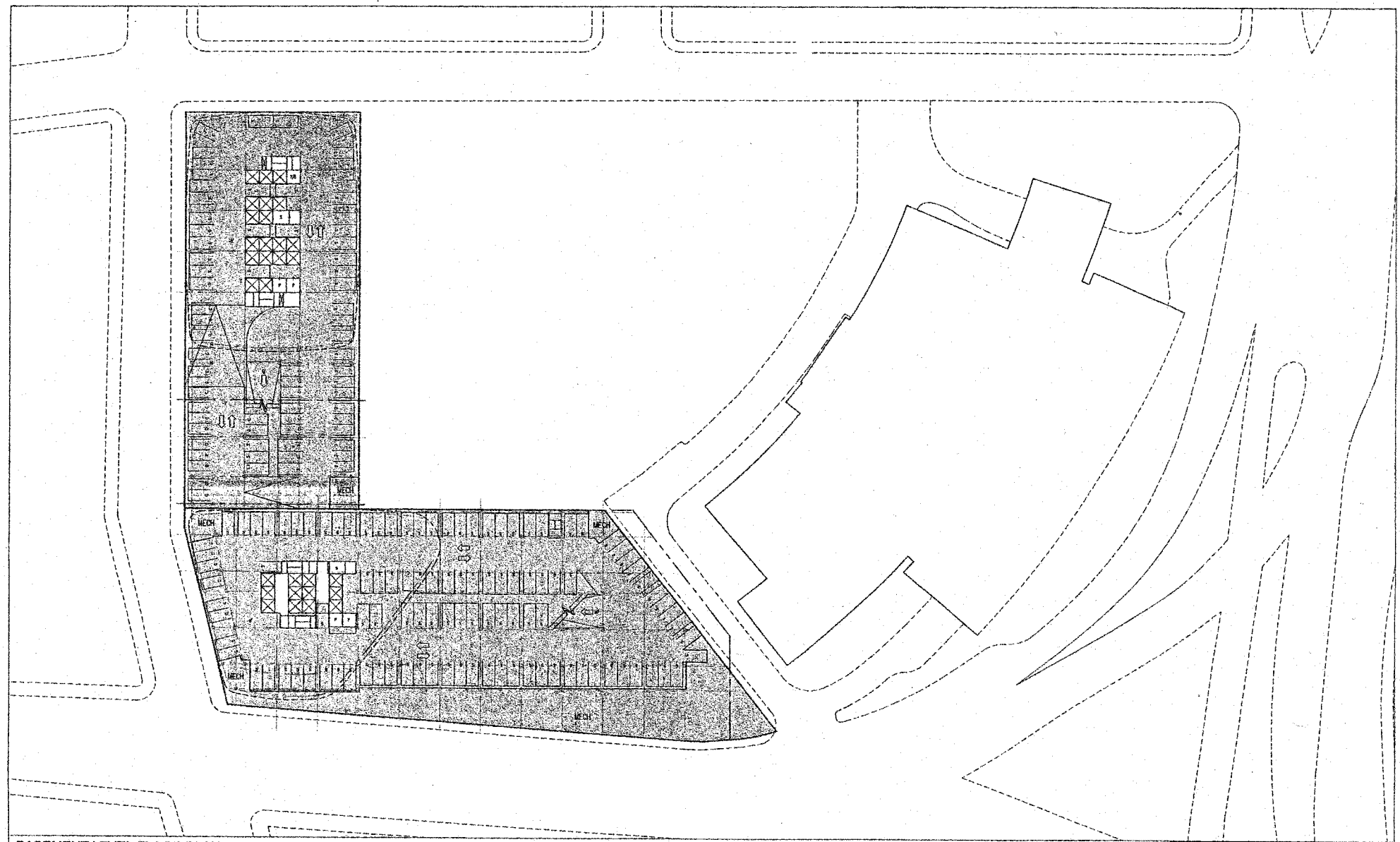
SITE PLAN
ASK - 050R1

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

0 20' 50' 100'

NORTH

KAISER CENTER
THE SWIG COMPANY
SOM



BASEMENT LEVEL FLOOR PLAN
ASK - 051

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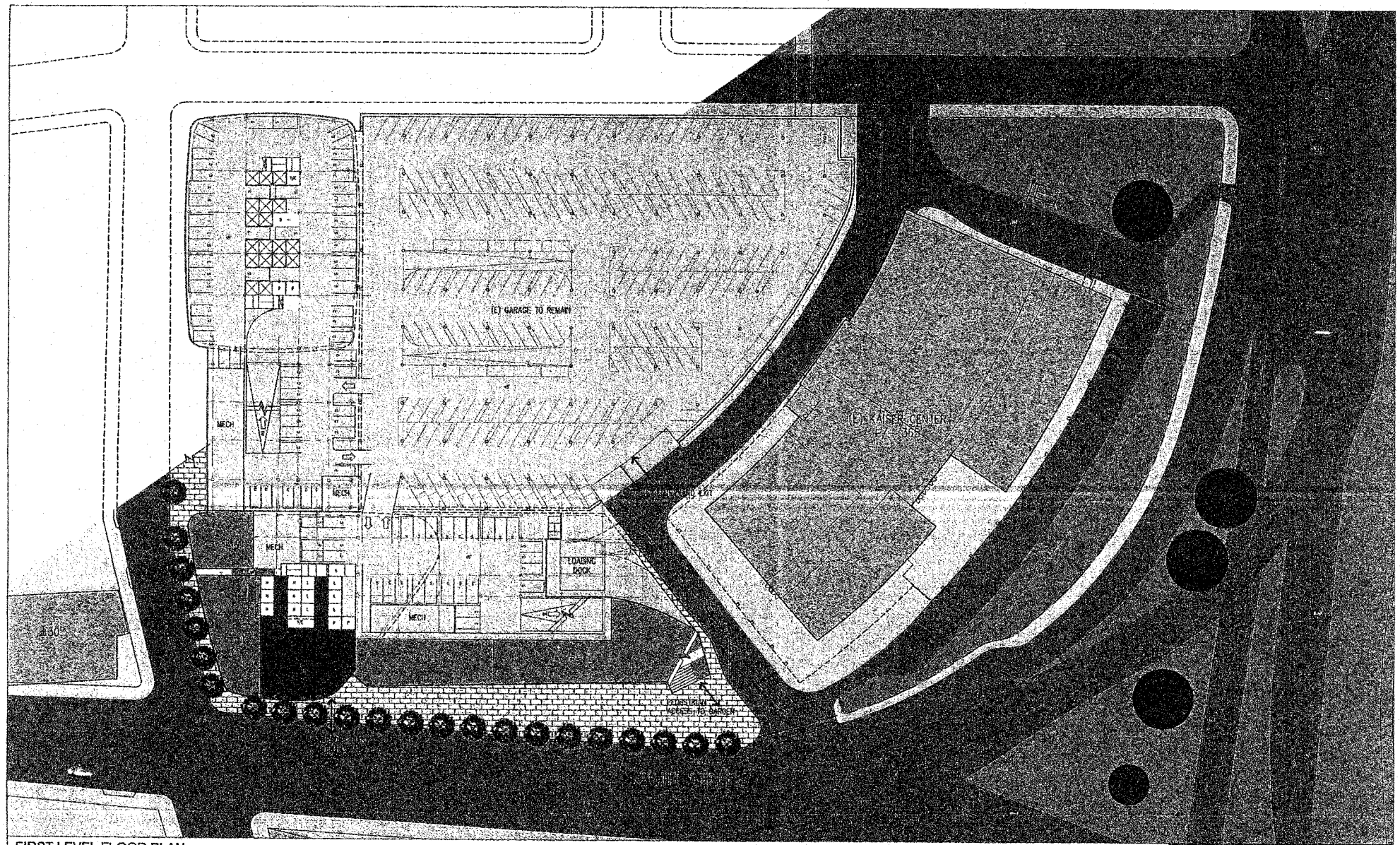
March 14, 2008
Scale: 1" = 64'-0"

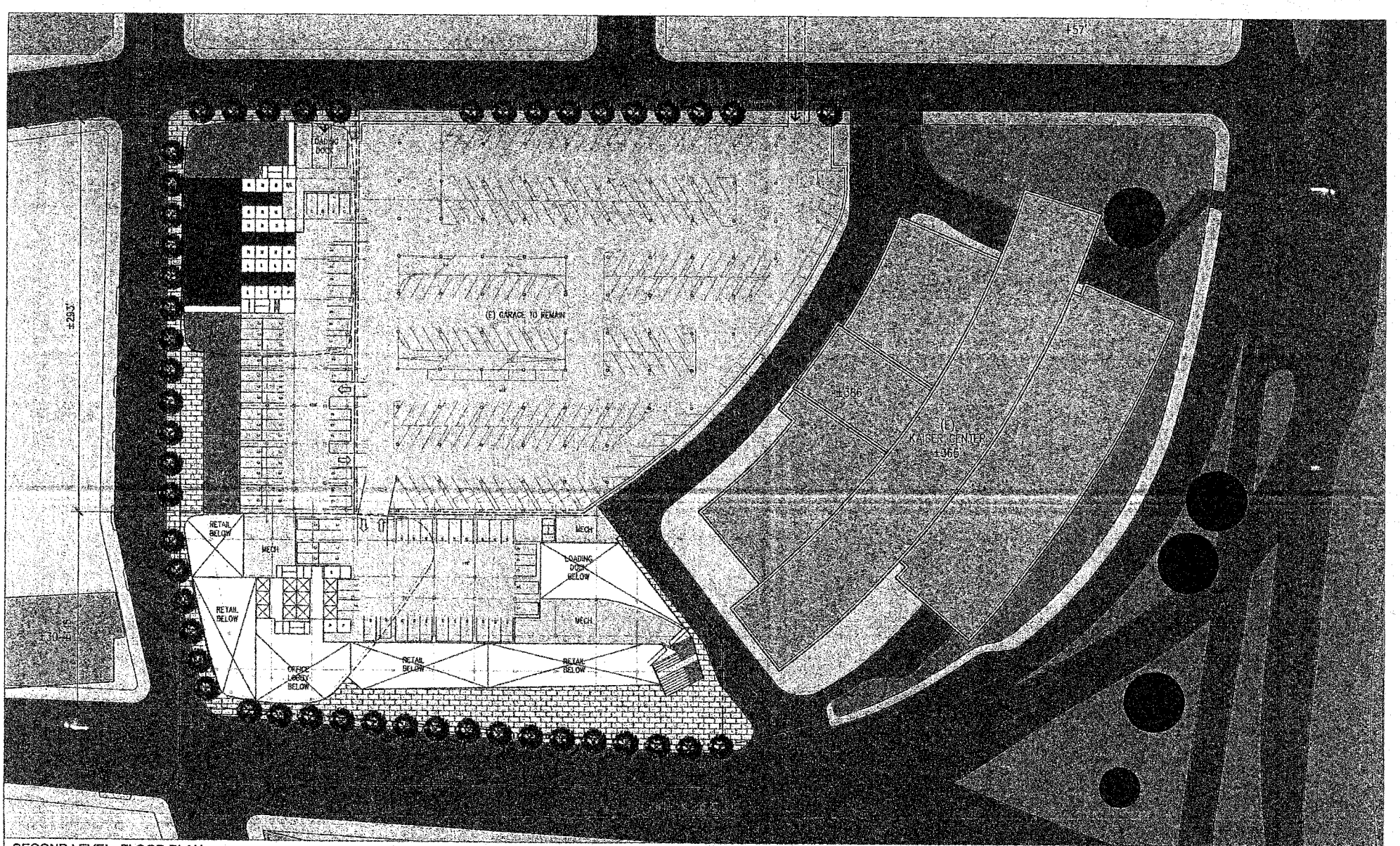
KAISER CENTER
THE SWIG COMPANY
SOM



FIRST LEVEL FLOOR PLAN
ASK - 052R1

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

KAISER CENTER
THE SWIG COMPANY
SOM



SECOND LEVEL FLOOR PLAN
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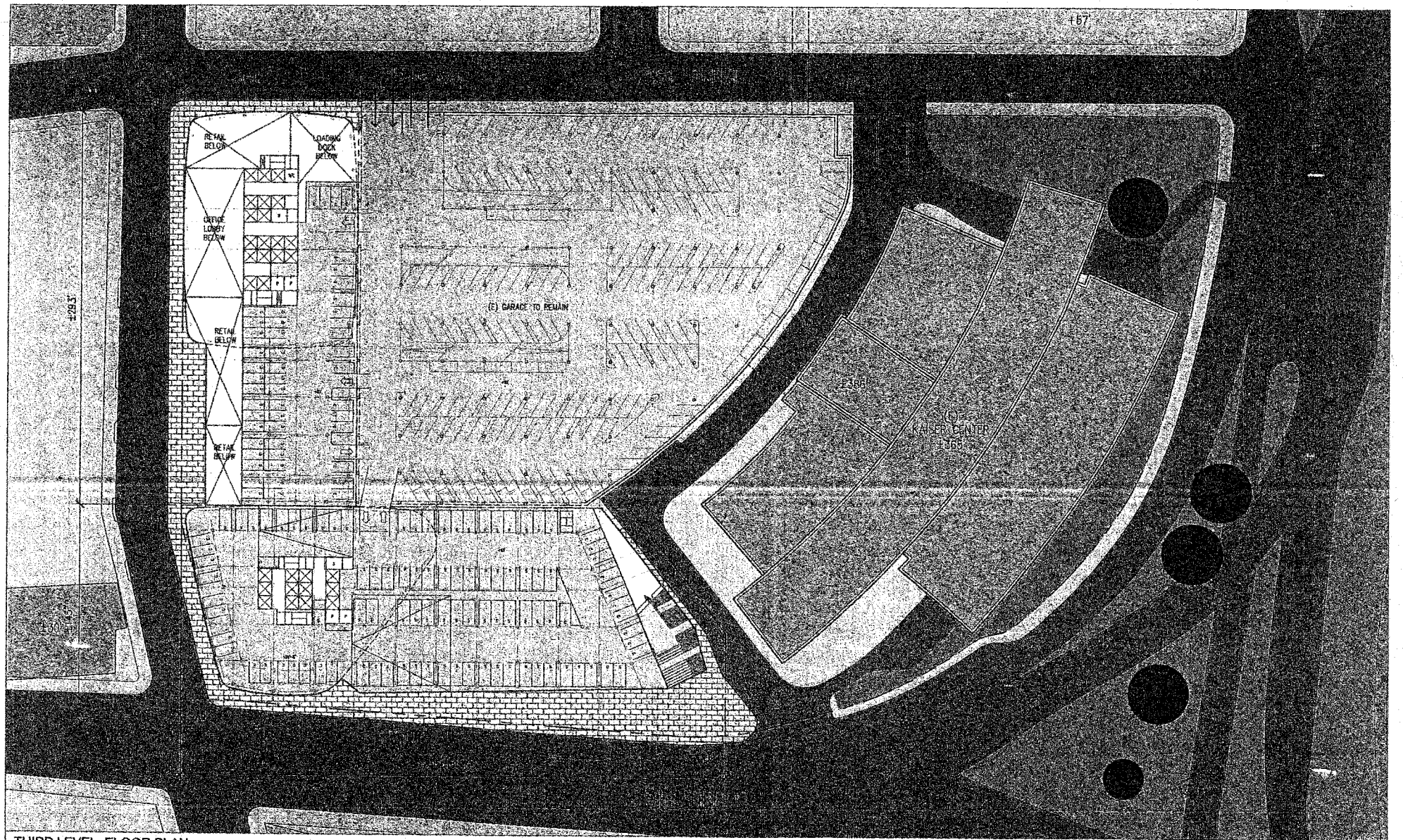
NORTH

KAISER CENTER
THE SWIG COMPANY

SOM



THIRD LEVEL FLOOR PLAN
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May 29, 2009
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NORTH

KAISER CENTER
THE SWIG COMPANY

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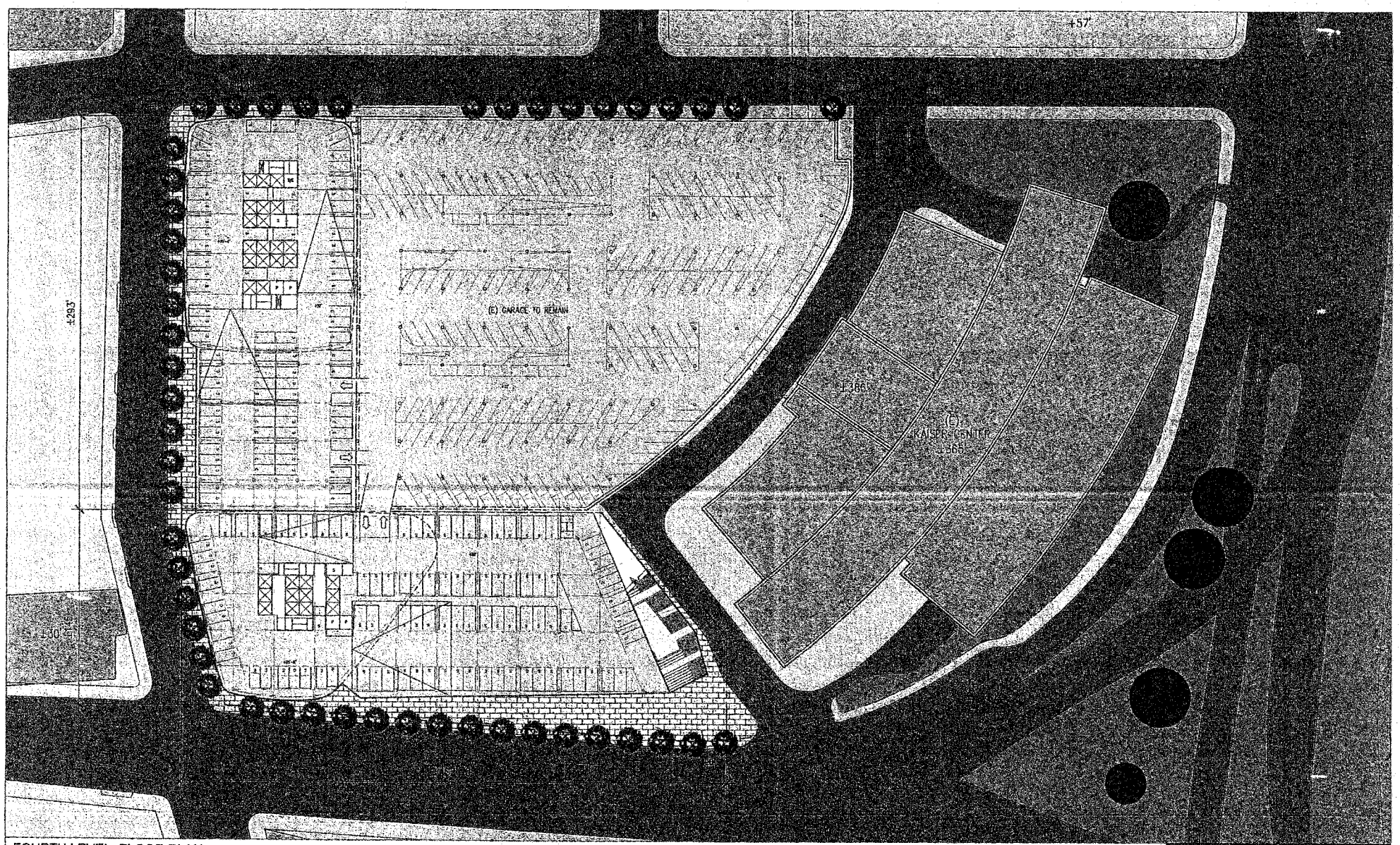

FOURTH LEVEL FLOOR PLAN
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KAISER CENTER
THE SWIG COMPANY
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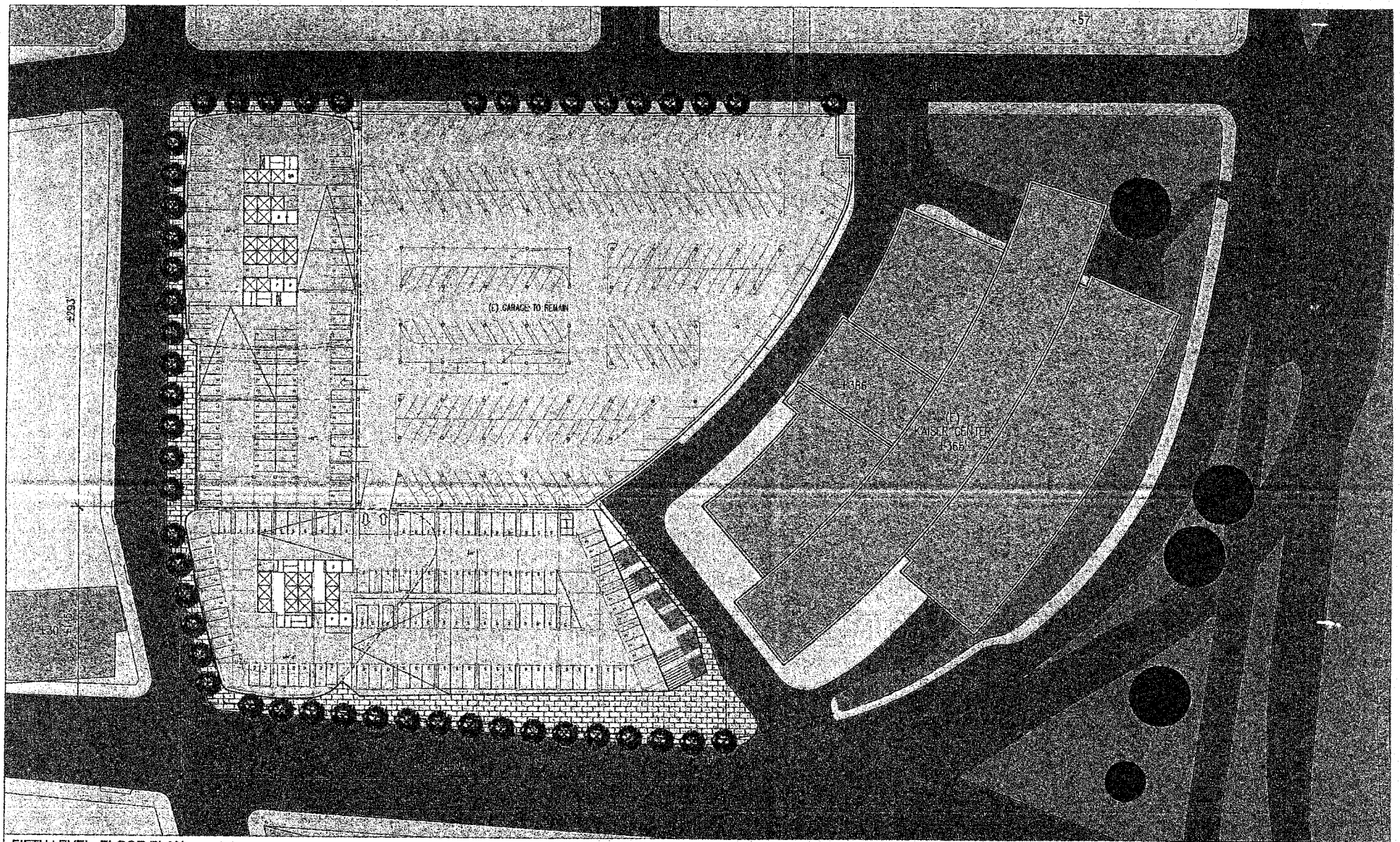

FIFTH LEVEL FLOOR PLAN
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KAISER CENTER
THE SWIG COMPANY
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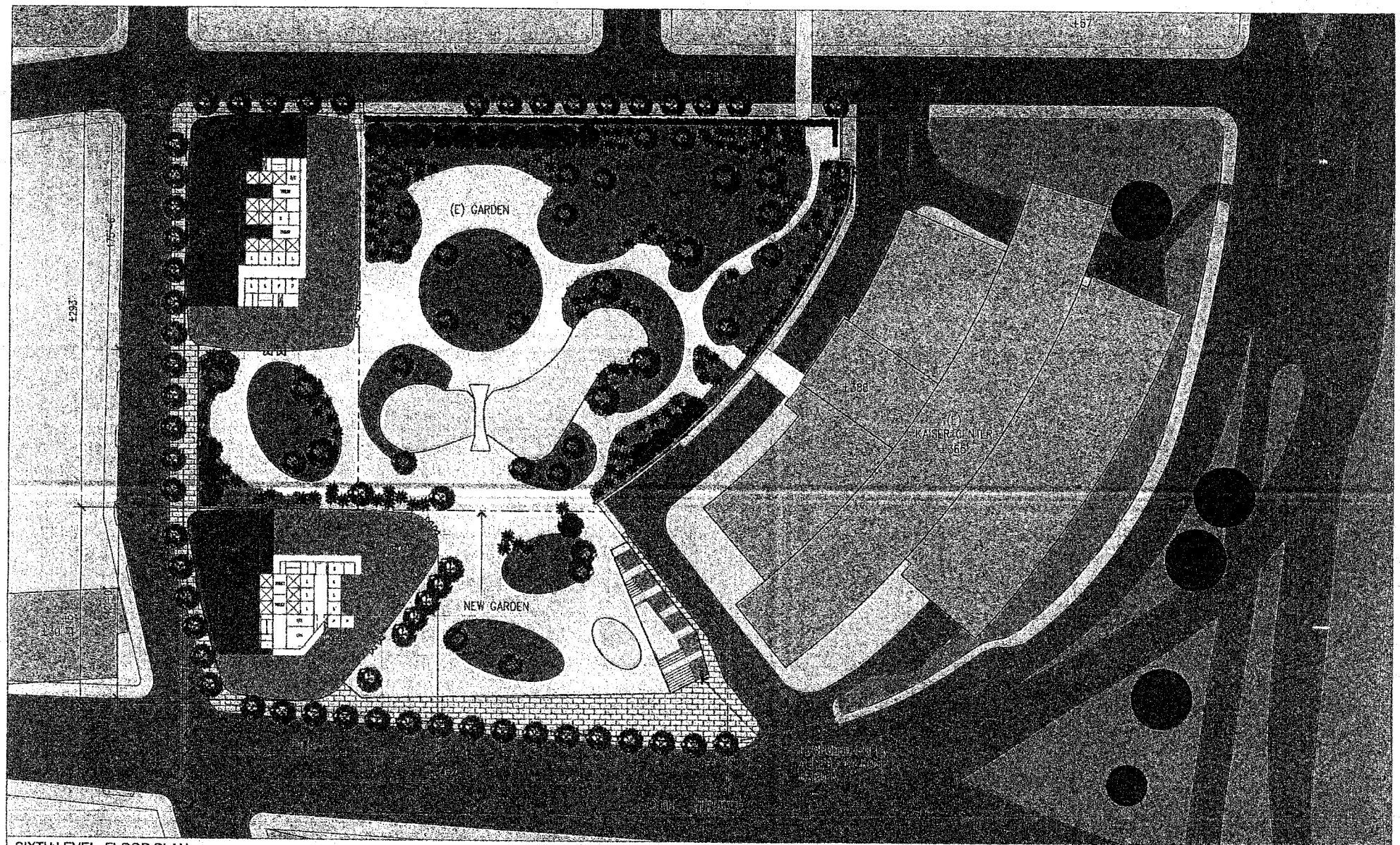

SIXTH LEVEL FLOOR PLAN
ASK - 057R2

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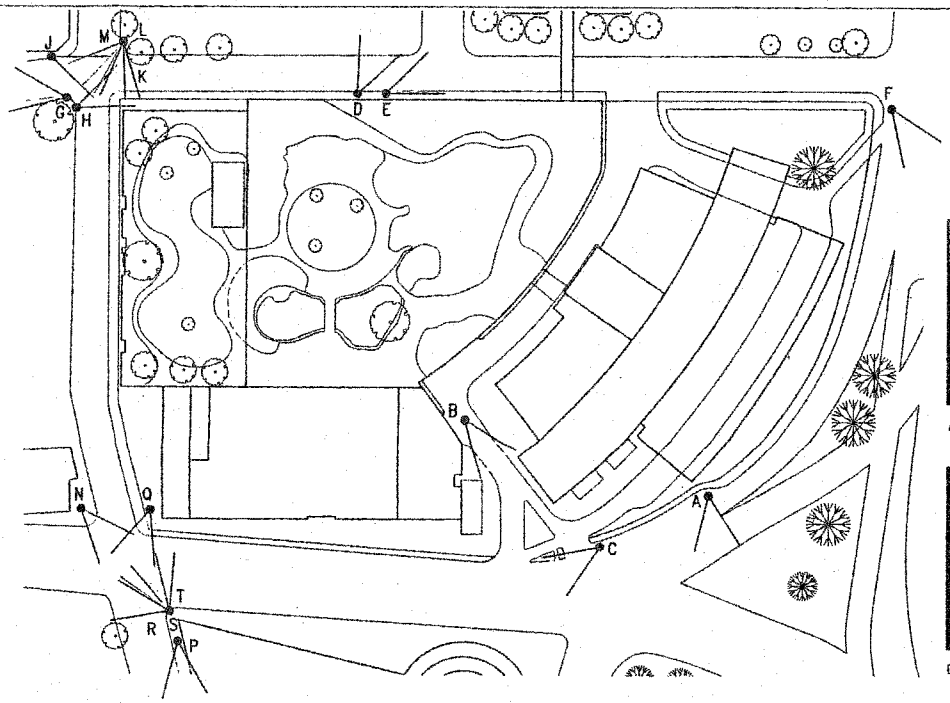


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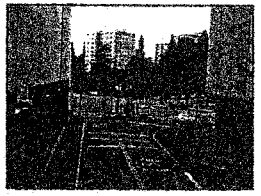
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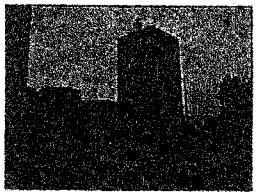
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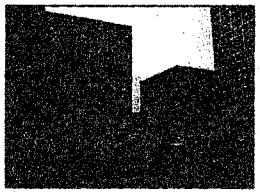
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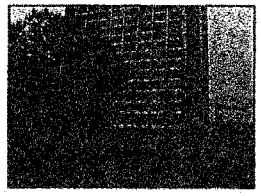
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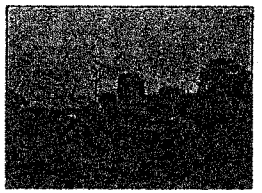
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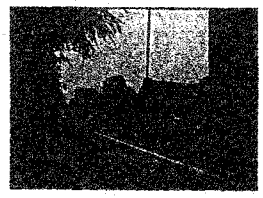
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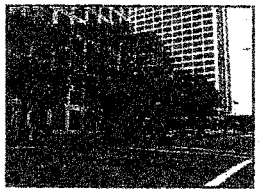
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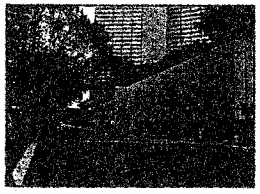
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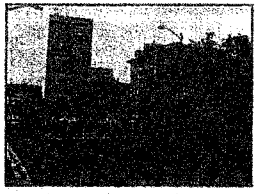
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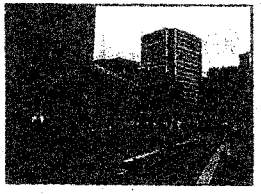
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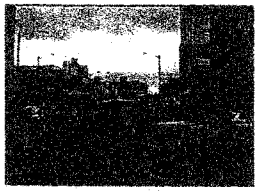
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SITE CONTEXT PHOTOS
ASK 058

March 14, 2008
NTS

KAISER CENTER
THE SWIG COMPANY
SOM

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

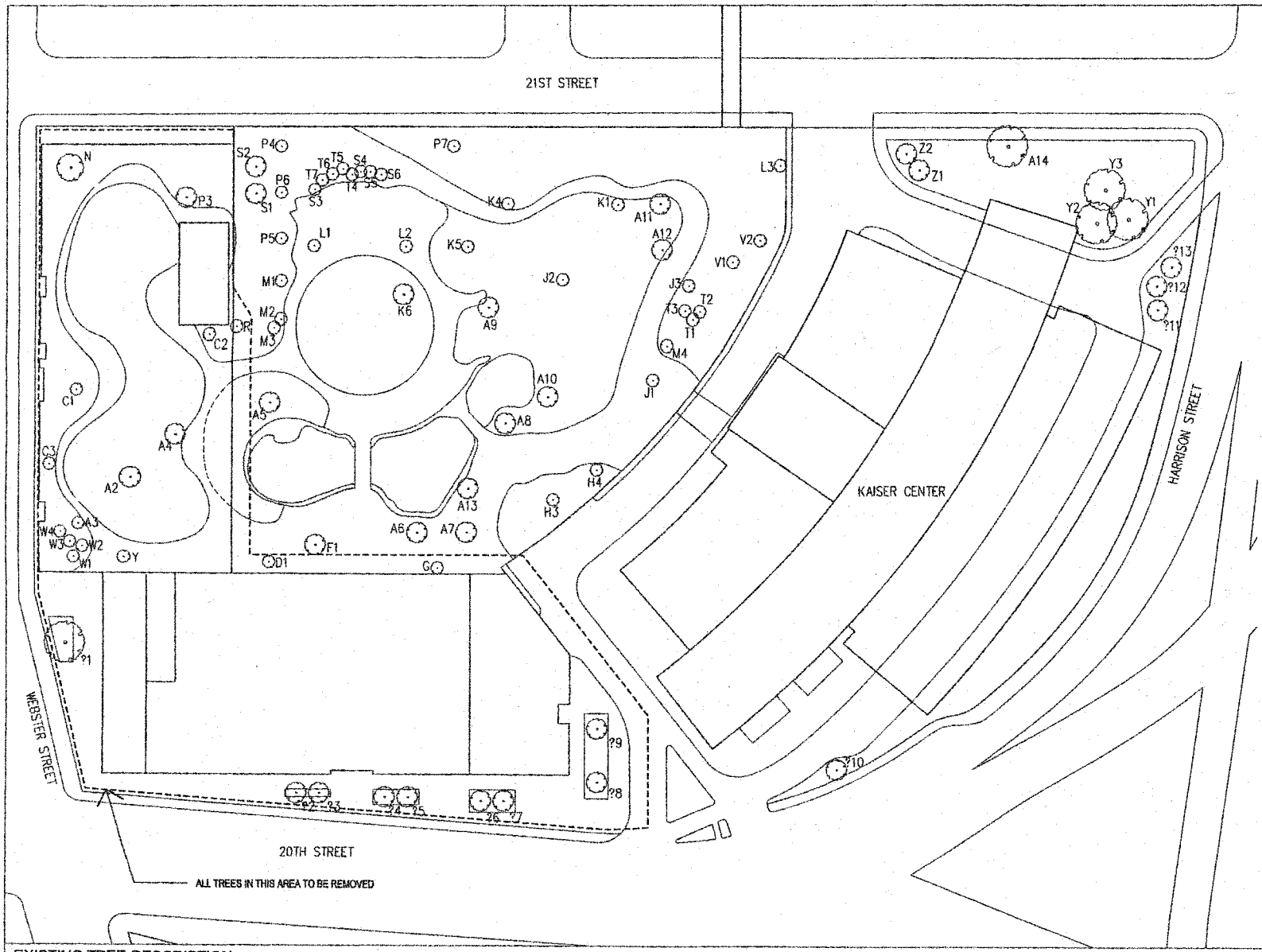
*PARKING CALCULATIONS BASED ON ONE BASEMENT LEVEL. ADDITIONAL BASEMENT LEVELS MAY BE ADDED.

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

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

PARKING AND AREA SUMMARIES ASK 059R2		May 29, 2009	KAISER CENTER THE SWIG COMPANY SOM

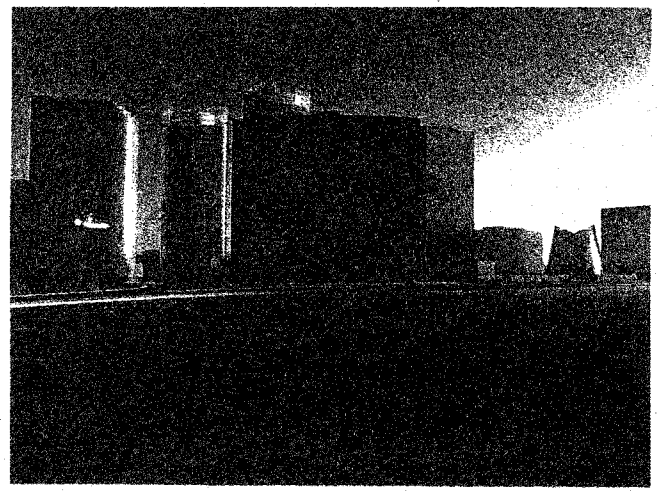


TREE	SPECIES	COMMON NAME	TRUNK DIAMETER
A2	OLEA EUROPEA	EUROPEAN OLIVE	30.6"
A3	OLEA EUROPEA	EUROPEAN OLIVE	11.5"
A4	OLEA EUROPEA	EUROPEAN OLIVE	43.5"
A5	OLEA EUROPEA	EUROPEAN OLIVE	24.4"
A6	OLEA EUROPEA	EUROPEAN OLIVE	34.1"
A7	OLEA EUROPEA	EUROPEAN OLIVE	22.9"
A8	OLEA EUROPEA	EUROPEAN OLIVE	36.0"
A9	OLEA EUROPEA	EUROPEAN OLIVE	45.5"
A10	OLEA EUROPEA	EUROPEAN OLIVE	35.0"
A11	OLEA EUROPEA	EUROPEAN OLIVE	33.8"
A12	OLEA EUROPEA	EUROPEAN OLIVE	30.0"
A13	OLEA EUROPEA	EUROPEAN OLIVE	27.3"
A14	OLEA EUROPEA	EUROPEAN OLIVE	33.6"
C1	PITTOSPORUM UNDULATUM	VICTORIAN BOX	16.2"
C2	PITTOSPORUM UNDULATUM	VICTORIAN BOX	33.3"
C3	PITTOSPORUM UNDULATUM	VICTORIAN BOX	23.8"
D1	ACER PALMATUM	JAPANESE MAPLE	30.1"
F1	MAGNOLIA GRANDIFLORA	SAWARI SOANCA MAGNOLIA	23.3"
G	PODOCARPUS MACROPHYLLA	JAPANESE YEW PINE	31.3"
H3	MALUS FLORIBUNDA	JAPANESE FLOWERING CRABAPPLE	11.9"
H4	MALUS FLORIBUNDA	JAPANESE FLOWERING CRABAPPLE	9.2"
J1	QUERCUS SUBER	CORK OAK	29.0"
J2	QUERCUS SUBER	CORK OAK	16.0"
J3	QUERCUS SUBER	CORK OAK	31.5"
K1	RHUS LANCEA	AFRICAN SUMAC	14.5"
K4	RHUS LANCEA	AFRICAN SUMAC	21.9"
K5	RHUS LANCEA	AFRICAN SUMAC	18.5"
K6	RHUS LANCEA	AFRICAN SUMAC	14.0"
L1	PINUS MUGO	SWISS MOUNTAIN PINE	19.1"
L2	PINUS MUGO	SWISS MOUNTAIN PINE	21.0"
L3	PINUS MUGO	SWISS MOUNTAIN PINE	18.0"
M1	ARBUTUS UNEDO	STRAWBERRY TREE	38.6"
M2	ARBUTUS UNEDO	STRAWBERRY TREE	28.5"
M3	ARBUTUS UNEDO	STRAWBERRY TREE	21.7"
M4	ARBUTUS UNEDO	STRAWBERRY TREE	30.3"
N	BETULA PENDULA	EUROPEAN WHITE BIRCH	24.0"
P3	QUERCUS ILEX	HOLLY OAK	9.1"
P4	QUERCUS ILEX	HOLLY OAK	17.8"
P5	QUERCUS ILEX	HOLLY OAK	12.7"
P6	QUERCUS ILEX	HOLLY OAK	15.3"
P7	QUERCUS ILEX	HOLLY OAK	18.6"
R	PRUNUS CAROLINIANA	CAROLINA CHERRY LAUREL	19.4"
S1	GRISELINIA LITTORALIS	KAPUKA	32.2"
S2	GRISELINIA LITTORALIS	KAPUKA	18.5"
S3	GRISELINIA LITTORALIS	KAPUKA	16.6"
S4	GRISELINIA LITTORALIS	KAPUKA	20.3"
S5	GRISELINIA LITTORALIS	KAPUKA	26.1"
S6	GRISELINIA LITTORALIS	KAPUKA	28.1"
T1	FEIJOA SELLOWIANA	PINAPPLE GUAVA	25.5"
T2	FEIJOA SELLOWIANA	PINAPPLE GUAVA	28.3"
T3	FEIJOA SELLOWIANA	PINAPPLE GUAVA	8.4"
T4	FEIJOA SELLOWIANA	PINAPPLE GUAVA	21.0"
T5	FEIJOA SELLOWIANA	PINAPPLE GUAVA	24.2"
T6	FEIJOA SELLOWIANA	PINAPPLE GUAVA	18.8"
T7	FEIJOA SELLOWIANA	PINAPPLE GUAVA	16.6"
Y1	MAGNOLIA SOULANGIANA	SAUCER MAGNOLIA	28.4"
Y2	MAGNOLIA SOULANGIANA	SAUCER MAGNOLIA	22.6"
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"
X1	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	14.3"
X2	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	15.8"
X3	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	15.9"
Y1	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	18.5"
Y2	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	17.4"
Y3			
Y4			
Y5			
Y6			
Y7			
Y8			
Y9			
Y10			
Y11			
Y12			
Y13			

EXISTING TREE DESCRIPTION
ASK - 060R1

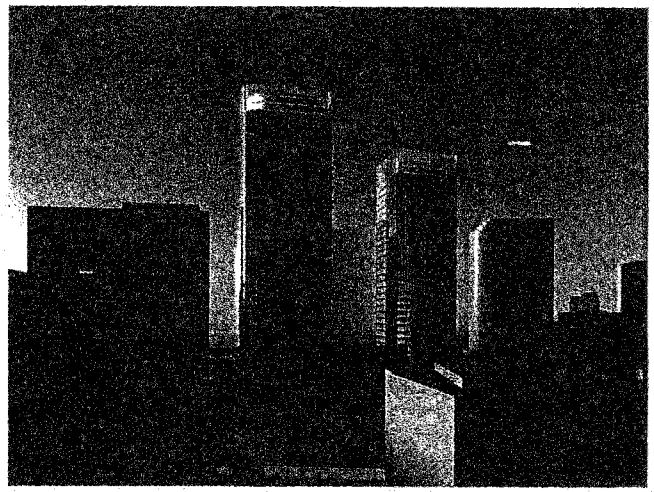
May 29, 2009
Scale: 1" = 64'-0"

KAISER CENTER
THE SWIG COMPANY
SOM



VIEW FROM EAST

VIEW FROM SOUTH



VIEW FROM WEST

TABLE II-1
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.A Aesthetics, Wind, and Shadow		
Impact AES-1: The Proposed Project would not adversely affect a scenic vista or substantially damage scenic resources. (Less than Significant)	None Required	
Impact AES-2: The Proposed Project would alter the existing visual conditions on the Project Site, but would not substantially degrade the existing visual character or quality of the site and its surroundings. (Less than Significant)	None Required	
Impact AES-3: The Proposed Project would create a new source light or glare, but would not adversely affect day or nighttime views in the area. (Less than Significant)	Standard Condition of Approval AES-1, *Lighting Plan* Standard Condition of Approval BIO-5, *Bird Collision Reduction*	Less than Significant
Impact AES-4: The Proposed Project would result in additional shadow on adjacent areas. However, it would not cast shadow that would substantially impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; would not cast shadow that would substantially impair the beneficial use of any public or quasi-public park, lawn, garden, or open space; and would not cast shadow on a historic resource. (Less than Significant)	None Required	
Impact AES-5: The Proposed Project would be consistent with the policies and regulations addressing the provision of adequate light related to appropriate uses. (Less than Significant)	None Required	
Impact AES-6: The Proposed Project would create winds exceeding the wind hazard criterion for more than 1 hour during daylight hours during the year at ground level and the roof garden. (Potentially Significant)	**Mitigation Measure AES-1**: At the time of submittal of the Final Development Plan, the Applicant shall develop and, at the time of construction pursuant to the Final Development Plan, the Applicant shall implement a wind reduction plan that reduces wind hazards at the street level and roof garden to the maximum feasible extent, subject to review and approval by the City. The wind reduction plan shall include the results of wind tunnel testing for hazardous wind speeds of the Project conducted on the Project consistent with the Final Development Plan. The wind reduction plan shall include, but not be limited to, structural and landscape design features that could be included in the tower design and/or installed on the roof garden that would either re-direct winds away from the roof garden or reduce wind speeds there. Examples of these measures include tree plantings, dense bamboo planting, arbors, canopies and lattice fencing. The Applicant shall develop the wind reduction plan in coordination with the required landscape plan for the roof garden and be submitted to the City's Landmarks Preservation Advisory Board (LPAB) for review and recommendation to the Planning Commission, consistent with Mitigation Measure CUL -2.1 Historically-Sensitive Roof Garden Design. The LPAB will make advisory recommendations to the Planning	**Conservatively Deemed Significant and Unavoidable**

ATTACHMENT B

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.A Aesthetics, Wind, and Shadow (cont.)		
Impact AES-6 (cont.)	Commission for its approval as part of its approval of the Final Development Plan, and the Applicant shall implement the approved wind reduction plan. However, implementation of the measures cannot determine if these design features will be effective in reducing this impact to a less than significant impact until they are in place.	
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 (Potentially Significant)	**Aesthetics, Light and Shadow**: None Required **Wind** **Mitigation Measure AES-2:** Implement Mitigation Measure AES-1.	Aesthetics, Light, and Shadow: Less than Significant Wind: **Conservatively Deemed Significant and Unavoidable**
IV.B Air Quality		
Impact AIR-1: Construction and demolition activities associated with new development under the Proposed Project would generate short-term emissions of fugitive dust. (Less than Significant)	Standard Condition of Approval AIR-1 *Dust Control Plan* **Mitigation**: None Required.	Less than Significant
Impact AIR-2: Activities associated with demolition, site preparation, and construction throughout development of the Proposed Project would generate emissions of criteria pollutants, including equipment exhaust emissions. (Potentially Significant Phase 2 ROG emissions)	Standard Condition of Approval AIR-2 *Construction Emissions* **Mitigation Measure AIR-1:** To reduce the significant Phase 2 ROG emissions, the Project applicant shall use low VOC architectural coatings. Use of low VOC coatings will reduce ROG emissions to below significance thresholds (37.8 pounds per day).	Less than Significant
Impact AIR-3: The Proposed Project would result in increased emissions of criteria pollutants. (Significant PM_{10} emissions at Buildout)	Standard Condition of Approval TRANS-1 *Transportation Demand Management Plan* **Mitigation:** Not feasible because none available. PM_{10} emissions are most effectively reduced by reductions in motor vehicle trips generated by the Project, as targeted by a TDM required as SCA TRANS-1. Compliance with new state Clean Car Standards (i.e., amended Pavley Standards pursuant to AB 1493) would reduced vehicle GHG emissions, including PM_{10}, but compliance is not within the control of the Project Applicant. No other feasible mitigations within the Project's Applicant's control are known to reduce vehicle trips and related emissions.	**Significant and Unavoidable** PM_{10} emissions.
Impact AIR-4: The Proposed Project would not result in increased emissions of criteria pollutants due to poor ventilation in the Parking Garage. (Less than Significant)	None Required	
Impact AIR-5: The Proposed Project would not contribute to CO concentrations exceeding the State AAQS of 9 ppm averaged over 8 hours and 20 ppm for 1 hour. (Less than Significant)	None Required	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.B Air Quality (cont.)		
Impact AIR-6: The Proposed Project would not frequently and, for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people, specifically in residential uses, schools, daycare centers, nursing homes, or medical centers. (Less than Significant).	None Required	
Impact AIR-7: The Proposed Project would not generate or expose persons to substantial levels of toxic air contaminants (TACs) or $PM_{2.5}$ concentrations. (Less than Significant)	None Required	
Impact AIR-8: Implementation of the Proposed Project would contribute to a cumulative air quality impact in the Project area. (Significant Operational PM_{10} Emissions)	**Mitigation Measure AIR-2:** Construction: None required. Operations: Not feasible because none available. PM_{10} emissions are most effectively reduced by reductions in motor vehicle trips generated by the Project, as targeted by a TDM required as SCA TRANS-1. Compliance with new state Clean Car Standards (i.e., amended Pavley Standards pursuant to AB 1493) would reduce vehicle GHG emissions, including PM_{10}, but compliance is not within the control of the Project Applicant. No other feasible mitigations within the Project's Applicant's control are known to reduce vehicle trips and related emissions	Construction: Less than Significant. Operations: **Significant and Unavoidable** PM_{10} emissions.
Impact AIR-9: Construction and operation of the Proposed Project would result in a cumulatively considerable increase in GHG emissions. (Potentially Significant)	Standard Condition of Approval TRANS-1, *Parking and Transportation Demand Management*, Standard Condition of Approval UTIL-1 – *Waste Reduction and Recycling* Standard Conditions of Approval *Landscape Requirements and Tree Replacement* Standard Condition of Approval GHG-1- *GHG Reduction Plan* **Mitigation Measure AIR-3**: GHG Reduction Plan: The project applicant shall retain a qualified air quality consultant to develop a GHG Reduction Plan for City review and approval. The applicant shall implement the approved GHG Reduction Plan. The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to the greatest extent feasible below the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO2e per year and 4.6 metric tons of CO2e per year per service population) to help achieve the City's goal of reducing GHG emissions. The GHG Reduction Plan shall	Less than Significant

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.B Air Quality (cont.)		
Impact AIR-9 (cont.)	include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies; (b) an adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements); and (c) a comprehensive set of quantified additional GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase. Potential additional GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change Guidance Document (January 2008, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council. The proposed additional GHG reduction measures must be reviewed and approved by the City. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits"). For proposed reduction measures involving the purchase of carbon credits, the City will give preference to proposed payments to the City to offset the costs associated with implementation of GHG reduction strategies identified in the draft City's Energy and Climate Action Plan (ECAP). The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; and (3) off-site within the State of California. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. For operational GHG reduction measures to be incorporated into the project, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of project completion (or at the completion of the project phase for phased projects).	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.B Air Quality (cont.)		
Impact AIR-9 (cont.)	For physical GHG reduction measures to be incorporated into off-site projects, the measures shall be included on drawings and submitted to the City for review and approval and then installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into off-site projects, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of completion of the subject project (or at the completion of the project phase for phased projects). **For GHG reduction measures involving the purchase of carbon credits (either to fund GHG-reducing activities identified in the draft ECAP or to fund non-ECAP GHG-reducing activities), evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the subject project (or prior to completion of the project phase for phased projects).**	
Impact AIR-10: The Proposed Project would conflict with an applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions (Potentially Significant)	Standard Condition of Approval AIR-1 *Dust Control Plan* Standard Condition of Approval AIR-2 *Construction Emissions* **Mitigation Measure AIR-4:** Implement Mitigation Measure AIR-3.	Less than Significant
IV.C Biological Resources		
Impact BIO-1: The Proposed Project would not adversely affect special-status species. (Less than Significant)	None Required	
Impact BIO-2: The Proposed Project would not adversely affect sensitive natural communities. (Less than Significant)	None Required	
Impact BIO-3: The Proposed Project would not adversely affect wetlands. (Less than Significant)	None Required	
Impact BIO-4: Project construction and operations have the potential to affect migratory and breeding birds, and wildlife, corridors, and nursery sites, through building collisions, increases in night lighting, increases in noise pollution due to Project construction, shading of existing habitat, and vegetation removal. (Less than Significant)	Standard Condition of Approval BIO-3 *Tree Replacement Plantings* Standard Condition of Approval BIO-5 *Bird Collision Reduction*	Less than Significant
Impact BIO-5: The Proposed Project would not adversely affect adopted Habitat Conservation Plans. (Less than Significant)	None Required	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.C Biological Resources (cont.)		
Impact BIO-6: The Proposed Project would not adversely affect the City's Tree Preservation or Removal Ordinance. (Less than Significant)	Standard Condition of Approval BIO-1 *Tree Removal During Breeding Season* Standard Condition of Approval BIO-2 *Tree Removal Permit* Standard Condition of Approval BIO-3 *Tree Replacement Plantings* Standard Condition of Approval BIO-4 *Tree Protection During Construction*	Less than Significant
Impact BIO-7: The Proposed Project would not adversely affect the City's Creek Protection Ordinance. (Less than Significant)	Standard Condition of Approval GEO-1 *Erosion and Sedimentation Control Plan* Standard Condition of Approval HAZ-1 *Hazards Best Management Practices* Standard Condition of Approval HYD-1 *Erosion and Sedimentation Control Plan and Standard* Standard Condition of Approval HYD-2 *Stormwater Pollution Prevention Plan* Standard Condition of Approval HYD-3 *Post-Construction Stormwater Pollution Management Plan*	Less than Significant
Impact BIO-8: 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 not result in impacts on special-status species, wetlands, and other waters of the U.S. (Less than Significant)	Standard Condition of Approval BIO-1 *Tree Removal During Breeding Season* Standard Condition of Approval BIO-2 *Tree Removal Permit* Standard Condition of Approval BIO-3 *Tree Replacement Plantings* Standard Condition of Approval BIO-4 *Tree Protection During Construction* Standard Condition of Approval BIO-5 *Bird Collision Reduction*	Less than Significant
IV.D 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. (Potentially Significant)	Standard Condition of Approval CUL-4 *Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition)* **Mitigation Measure CUL-1.1.** The Project applicant shall modify the design of the base of the new structures to retain the existing street level design and character, and shall prepare a salvage program.	**Conservatively Deemed Significant and Unavoidable**

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.D Cultural Resources (cont.)		
Impact CUL-1 (cont.)	**Mitigation Measure CUL-1.2.** HABS /HALS Level Recordation: The Project applicant shall complete a recordation of the Kaiser Center which meets the requirements of the National Park Service's Historic American Buildings Survey (HABS) and the Historic American Landscape Survey (HALS). **Mitigation Measure CUL-1.3.** Financial Contributions to a historic resource related program such as the Façade Improvement Program or the Property Relocation Assistance Program: If Mitigation Measure CUL-1.1 is not satisfied, the Project applicants shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects at the Project Site or in the immediate vicinity.	
Impact CUL-2: The proposed new construction would adversely affect remaining portion of the qualified historic resource on the Project Site. (Potentially Significant)	Standard Condition of Approval CUL-5 *Vibration Adjacent to Historic Structures* **Mitigation Measure CUL-2.1.** Historically-Sensitive Roof Garden Design: The Project applicant shall ensure that a qualified Historic Landscape Architect under the Historic Preservation Professional Qualifications Standards familiar with landscape history and historic resources designs a roof garden addition that is differentiated from the old and compatible with the historic design to protect the integrity of the historic roof garden. **Mitigation Measure CUL-2.2. Historically Sensitive Tower Design:** The Proposed Project shall be compatible with, yet clearly differentiated from, the existing Kaiser Center Office Tower. **Mitigation Measure CUL-2.3. Protection During Demolition and Construction:** The Project applicant shall prepare a historic resources protection plan which describes how the resource (both building and landscape) will be protected from vibration, equipment, storage of materials, and dust resulting from demolition and construction activities.	**Conservatively Deemed Significant and Unavoidable**
Impact CUL-3: The Proposed Project Would Have Indirect Shadow Effects on the Historic roof garden (Less than Significant).	None Required	
Impact CUL-4: The Proposed Project Could Affect the Eligibility of the Lake Merritt Historic District (Less than Significant).	None Required	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.D Cultural Resources (cont.)		
Impact CUL-5: Construction of the Proposed Project could cause substantial adverse changes to the significance of archaeological resources at the Project Site. Archaeological resources are potentially historical resources as defined in CEQA Section 15064.5(a) or unique archaeological resources as defined in CEQA Section 21083.2(g). (Less than Significant)	Standard Condition of Approval CUL-1 *Archaeological Resources*	Less than Significant
Impact CUL-6: The Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant)	Standard Condition of Approval CUL-3 *Paleontological Resources*	Less than Significant
Impact CUL-7: The Proposed Project may adversely affect unidentified human remains at the Project Site. (Less than Significant)	Standard Condition of Approval CUL-2 *Human Remains*	Less than Significant
Impact CUL-8: The Proposed Project Could Have a Cumulative Impact to Historic Architectural Resources (Less than Significant).	None Required	
IV.E Geology, Soils, and Seismicity		
Impact GEO-1: Redevelopment in the Project area could expose people or structures to seismic hazards such as groundshaking or liquefaction. (Less than Significant).	Standard Condition of Approval GEO-4 *Geotechnical Report*	Less than Significant
Impact GEO-2: Redevelopment in the Project area could be subjected to geologic hazards, including expansive soils and differential settlement. (Less than Significant).	Standard Condition of Approval GEO-4 *Geotechnical Report*	Less than Significant
Impact GEO-3: The development proposed as part of the Proposed Project, when combined with other past, present, pending and reasonably foreseeable development in the vicinity, would not result in significant cumulative impacts with respect to geology, soils or seismicity. (Less than Significant)	Standard Condition of Approval GEO-1 *Erosion and Sedimentation Control Plan* Standard Condition of Approval GEO-2 Vibrations Adjacent to Historic Structures Standard Condition of Approval GEO-3 *Soils Report* Standard Condition of Approval GEO-4 *Geotechnical Report* Project-specific Conditions of Approval to further implement SCA GEO-4: • Structural foundation support may have to be obtained from the competent soil of the Temescal or San Antonio formation located approximately 10 to 20 feet below ground surface. •	Less than Significant

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.E Geology, Soils, and Seismicity (cont.)		
Impact GEO-3 (cont.)	• Use a rigid mat foundation designed for both short-term elastic settlement during construction and long-term consolidation settlement of the deep clay underlying the site, and/or the use of deep foundations, such as drilled piers, driven piles, or an equivalent proprietary design-build deep foundation system. • Use tiedown anchors to prevent buoyancy of the building if the proposed structures are not heavy enough to overcome the hydrostatic uplift pressure of the groundwater (Treadwell and Rollo, 2008).	
IV.F Hazardous Materials		
Impact HAZ-1: Demolition of existing structures that contain hazardous building materials, such as lead-based paint, asbestos, and PCBs could expose workers, the public, or the environment to these hazardous materials and would generate hazardous waste. (Less than Significant)	Standard Condition of Approval HAZ-4 *Asbestos Removal in Structures* Standard Condition of Approval HAZ-5 *Lead-Based Paint/ Coatings, Asbestos, or PCB Occurrence Assessment* Standard Condition of Approval HAZ-7 *Lead-based Paint Remediation*	Less than significant
Impact HAZ-2: The Proposed Project would involve the transportation, use, and storage of hazardous chemicals, which could present public health and/or safety risks to facility workers, patients and visitors, and the surrounding area. (Less than Significant)	Standard Condition of Approval HAZ-1 *Hazards Best Management Practices* Standard Condition of Approval HAZ-2 *Site Review By Fire Services Division* Standard Condition of Approval HAZ-3 *Phase I and/or Phase II Reports* Standard Condition of Approval HAZ-4 *Asbestos Removal in Structures* Standard Condition of Approval HAZ-5 *Lead-Based Paint/ Coatings, Asbestos, or PCB Occurrence Assessment* Standard Condition of Approval HAZ-6 *Environmental Site Assessment Remediation* Standard Condition of Approval HAZ-8 *Other Materials Classified as Hazardous Materials* Standard Condition of Approval HAZ-9 *Health and Safety Plan per Assessment* Standard Condition of Approval HAZ-10 *Best Management Practices for Soil and Groundwater Hazards* Standard Condition of Approval HAZ-11 *Hazardous Materials Business Plan*	Less than significant

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.F Hazardous Materials (cont.)		
Impact HAZ-3: Hazardous materials used onsite during construction activities (i.e. solvents) could be spilled through improper handling or storage, potentially increasing public health and/or safety risks to Kaiser Center workers, patients and visitors, and the surrounding area. (Less than Significant)	Standard Condition of Approval HAZ-1 *Hazards Best Management Practices* Standard Condition of Approval HAZ-2 *Site Review By Fire Services Division* Standard Condition of Approval HAZ-3 *Phase I and/or Phase II Reports* Standard Condition of Approval HAZ-4 *Asbestos Removal in Structures* Standard Condition of Approval HAZ-5 *Lead-Based Paint/ Coatings, Asbestos, or PCB Occurrence Assessment* Standard Condition of Approval HAZ-6 *Environmental Site Assessment Remediation* Standard Condition of Approval HAZ-7 *Lead Based Paint Remediation* Standard Condition of Approval HAZ-8 *Other Materials Classified as Hazardous Materials* Standard Condition of Approval HAZ-9 *Health and Safety Plan* Standard Condition of Approval HAZ-10 *Best Management Practices for Soil and Groundwater Hazards*	Less than Significant
Impact HAZ-4: Hazards at the Project Site could contribute to cumulative hazards in the vicinity of the Project Site. (Less than Significant)	None Required.	
IV.G Hydrology and Water Quality		
Impact HYD-1: Project construction would involve activities (excavation, soil stockpiling, and grading) that could generate loose, erodable soils that could violate water quality standards or waste discharge requirements, result in substantial erosion or siltation, create or constitute substantial polluted runoff, or otherwise substantially degrade water quality. (Less than Significant)	Standard Condition of Approval HYD-1 *Erosion and Sedimentation Control Plan and Standard* Standard Condition of Approval HYD-2 *Stormwater Pollution Prevention Plan*	Less than Significant
Impact HYD-2: Project excavation activities would not deplete groundwater supplies nor substantially interfere with groundwater recharge or cause contaminated groundwater discharge to surface water. (Less than Significant)	None Required	
Impact HYD-3: The Proposed Project would result in new development that could substantially alter existing drainage pattern of the Project Site or the surrounding area (Less than Significant)	None Required	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.G Hydrology and Water Quality (cont.)		
Impact HYD-4: The Proposed Project would not result in a net increase in impervious surfaces and would not cause an increase in the volume of stormwater runoff. The Project would not violate any waste discharge requirements that would create substantial runoff and result in substantial flooding onsite or offsite. The Project would not exceed the capacity of the stormwater drainage system. (Less than Significant)	Standard Condition of Approval HYD-3 *Post-Construction Stormwater Pollution Management Plan* Standard Condition of Approval HYD-4 *Maintenance Agreement for Stormwater Treatment Measures*	Less than Significant
Impact HYD-5: The Proposed Project would not result in flooding due to its proximity to a 100-year flood hazard area, or expose people or structures to other substantial risk related to flooding, seiche, tsunami, or mudflow. (Less than Significant)	None Required	
Impact HYD-6: The increased construction activity and new development resulting from the Proposed Project, in conjunction with past, present, pending and reasonably foreseeable projects in the city, would not result in cumulatively considerable impacts on hydrology and water quality conditions (Less than Significant)	None Required	
IV.H Land Use, Plans and Policies		
Impact LU-1: The Proposed Project would redevelop buildings at the Kaiser Center property on the northwest corner of Webster and 20th Streets in Downtown Oakland, but would not result in the physical division of an existing community. (Less than Significant)	None Required	
Impact LU-2: The Proposed Project would not conflict with applicable land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effects. (Less than Significant)	None Required	
Impact LU-3: The Proposed Project would not result in a fundamental conflict between adjacent and nearby land uses, particularly with respect to any applicable habitat conservation plan or natural community conservation plan. (Less than Significant)	None Required	
Impact LU-4: The Proposed Project would not result in a significant cumulative land use impact by potentially physically dividing an established community; or conflicting with adjacent or nearby land uses; or conflicting with applicable land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect from past, present, pending or reasonably foreseeable development. (Less than Significant)	None Required	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.I Noise		
Impact NOI-1: Construction activities associated with the Proposed Project would temporarily generate noise levels that could conflict with standards established in the City noise ordinance. (Less than Significant)	Standard Condition of Approval NOI-1 *Days/Hours of Construction Operation* Standard Condition of Approval NOI-2 *Noise Control* Standard Condition of Approval NOI-3 *Noise Complaint Procedures* Standard Condition of Approval NOI-5 *Pile Driving and Other Extreme Noise Generators* Standard Condition of Approval NOI-6 *Vibration Adjacent to Historic Structures*	Less than Significant
Impact NOI-2: Project operations would increase noise levels in the Project vicinity that could result in the generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. (Less than Significant)	None Required	
Impact NOI-3: Project traffic could substantially increase traffic noise levels in the Project area. (Less than Significant)	Standard Condition of Approval TRANS-1 *Transportation Demand Management*	Less than Significant
Impact NOI-4: Project traffic, in combination with cumulative traffic, could substantially increase traffic noise levels in the Project area. (Potentially Significant)	Standard Condition of Approval TRANS-1 *Transportation Demand Management* Mitigation Measures: Not feasible because none available.	**Significant and Unavoidable**
IV.J Population, Employment, and Housing		
Impact POP-1: The Project would displace existing businesses and jobs, but not in substantial numbers necessitating construction of replacement facilities elsewhere, in excess of that anticipated in the City's General Plan. (Less than Significant)	None Required.	
Impact POP-2: The Project would not induce substantial population growth in a manner not anticipated by the General Plan, either directly by proposing new housing or businesses, or indirectly through infrastructure improvements. (Less than Significant)	None Required.	
Impact POP-3: The Project in combination with other past, present, pending and reasonably foreseeable projects, would not cumulatively induce substantial population growth in a manner not anticipated by the General Plan, either directly by proposing new housing or businesses, or indirectly through infrastructure improvements. (Less than Significant)	None Required.	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.K Public Services and Recreation Facilities		
Impact PUB-1: The Project could result in an increase in calls for police protection services, but would not require new or physically altered police facilities in order to maintain acceptable performance objectives. (Less than Significant)	None Required.	
Impact PUB-2: The increased population and density resulting from the Project would not involve or require new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and emergency medical services and facilities. (Less than Significant)	Standard Condition of Approval PUB-1*Conformance with other Requirements* Standard Condition of Approval PUB-2 *Fire Safety Phasing Plan* Project-specific Conditions of Approval: To further implement SCA PUB-2, the Project will incorporate building design elements to enhance fire-fighting and rescue capabilities beyond basic code requirements. Elements would include, but are not limited to, one elevator designed for fire-fighter use and rescue air stations at every fifth floor.	Less than Significant
Impact PUB-3: The Project could result in new students for local schools, but would not require new or physically altered school facilities to maintain acceptable performance objectives. (Less than Significant)	None Required	
Impact PUB-4: The Project could increase the demand for parks, recreational facilities, and library facilities, but would not result in substantial physical deterioration of such facilities or require new or physically altered facilities in order to maintain acceptable performance objectives. (Less than Significant)	None Required	
Impact PUB-5: The Project, when combined with other past, present, pending and reasonably foreseeable development in the vicinity, could result in cumulative impacts to the provision of public services. (Less than Significant)	None Required.	
IV.L Transportation and Circulation		
Impact TRANS-1a: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #2 (Oakland Avenue / Perry Place / I-580 Eastbound Ramps) (Existing), which currently operates at an unacceptable LOS F during the PM peak hour under Existing Conditions (Significant).	**Mitigation Measure TRANS-1a:** Implement the following measures at the Oakland Avenue / Perry Place / I-580 Eastbound Ramps intersection: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. •	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would still be a significant and unavoidable impact under Existing plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-1a (cont.)	• Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and • ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the **approved** plans and improvements.	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-1b: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS F during the PM peak hour at Intersection #3 (Harrison Street / 27th Street / 24th Street) (Existing). (Significant)	**Mitigation Measure TRANS-1b:** Implement the following measures at the Harrison Street / 27th Street / 24th Street intersection: • Prohibit westbound left turns from Bay Place (to Harrison Street and 24th Street) during the PM peak hour. • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. • The Project sponsor shall fund, prepare, and install the approved plans and improvements.	**Conservatively Deemed Significant and Unavoidable** If the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be Less than Significant. Otherwise, impacts at this location would be Significant and Unavoidable. If only Phase I of the Project were built, this intersection would still remain a conservatively deemed significant and unavoidable impact under Existing plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-1c: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (Existing). (Significant)	**Mitigation Measure TRANS-1c:** Implement the following measures at the Harrison Street / 20th Street / Kaiser Center Access Road intersection: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at this intersection with the adjacent intersections in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – Countdown Pedestrian Signals – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	Less than Significant If only Phase I of the Project were built, this intersection would not be an impact under Existing plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-1d: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #44 (Oak Street / 5th Street / I-880 Southbound On-Ramp) (Existing), which currently operates at an unacceptable LOS F during the PM peak hour under Existing Conditions. (Significant)	**Mitigation Measure TRANS-1d:** Mitigation Measure TRANS-1d: Implement the following measures at the Oak Street / 5th Street / I-580 Southbound On-Ramp intersection: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at this intersection with the adjacent intersections in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Existing plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-1e: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #45 (Grand Avenue / El Embarcadero) (Existing), which currently operates at an unacceptable LOS F during the PM peak hour under Existing Conditions. (Significant)	**Mitigation Measure TRANS-1e:** Implement the following measures at the Grand Avenue / El Embarcadero intersection: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at this intersection with the adjacent intersections in the same coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	Less than Significant If only Phase I of the Project were built, this intersection would be a less than significant after mitigation impact under Existing plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-1f: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #47 (Grand Avenue / MacArthur Boulevard (Eastbound) / I-580 Eastbound Off-Ramp) (Existing). (Significant)	**Mitigation Measure TRANS-1f:** Mitigation Measure TRANS-1f: Implement the following measures at the Grand Avenue / MacArthur Boulevard (Eastbound) / I-580 Eastbound Off-Ramp intersection: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at this intersection with the adjacent intersections in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines. – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would be a less than significant after mitigation impact under Existing plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-2a: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour on Segment #9 (eastbound Grand Avenue from Harrison Street to El Embarcadero) (Existing). (Significant)	**Mitigation Measure TRANS-2a:** Implement the following measures on Grand Avenue between Harrison Street and El Embarcadero: • Optimize traffic signals (to include determination of allocation of green time for each intersection approach) at intersections along Grand Avenue (i.e., Harrison Street, Bay Place, Park View Terrace / Bellevue Avenue, Perkins Street, Staten Avenue, Euclid Avenue, and El Embarcadero) for the AM and PM peak hours in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing at the intersections in the road segment. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersections. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersections should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock)Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. • The Project sponsor shall fund, prepare, and install the approved plans and improvements.	**Significant and Unavoidable** If only Phase I of the Project were built, this roadway segment would not be an impact under Existing plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-2b: Buildout of the proposed Project (Phase I and II), when added to existing traffic levels, would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour on Segment #10 (northbound Harrison Street / Oakland Avenue from 27th Street to I-580) (Existing). (Significant)	**Mitigation Measure TRANS-2b:** Implement Mitigation Measures TRANS-1a and TRANS-1b.	**Significant and Unavoidable** If only Phase I of the Project were built, this roadway segment would not be an impact under Existing plus Project (Phase I) Conditions.
Impact TRANS-3a: Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #2 (Oakland Avenue / Perry Place / I-580 EB Ramps) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-3a:** Implement Mitigation Measure TRANS-1a.	**Significant and Unavoidable** If both Phase I and Phase II of the Project were built, this intersection would also be a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.
Impact TRANS-3b: Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay by more than four seconds during the PM peak hour at Intersection #3 (Harrison Street / 27th Street / 24th Street) (2015), which would operate at an unacceptable LOS E during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-3b:** Implement Mitigation Measure TRANS-1b.	**Conservatively Deemed Significant and Unavoidable** If the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be Less than Significant. Otherwise, impacts at this location would be Significant and Unavoidable. If both Phase I and Phase II of the Project were built, this intersection would also be a conservatively deemed significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.
Impact TRANS-3c: Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #12 (Harrison Street / Grand Avenue) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-3c:** Implement the following measures at the Harrison Street / Grand Avenue intersection: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches.	**Significant and Unavoidable** If both Phase I and Phase II of the Project were built, this intersection would also be a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-3c (cont.)	• Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-3d: Phase I of the proposed Project, when added to projected 2015 traffic levels, would degrade the vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (2015). (Significant)	**Mitigation Measure TRANS-3d:** Implement Mitigation Measure TRANS-1c.	Less than Significant If Alternative Measure DD were instead implemented (as described in the Alternative Measure DD Intersection Configuration Analysis section), and if the mitigation measures for the Project (Phase I) impacts at this intersection under Near-Term (2015) plus Project (Phase I) Conditions (under Alternative Measure DD) are determined feasible by the City, then the impact at this location would be Less than Significant. Alternatively, if the mitigation measures are determined infeasible by the City, the Project (Phase I) impacts at this location would be Significant and Unavoidable. If both Phase I and Phase II of the Project were built, this intersection would also be a less than significant after mitigation impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.
Impact TRANS-3e: Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the average intersection vehicle delay by more than four seconds during the AM peak hour at Intersection #49 (Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2015), which would operate at an unacceptable LOS E during the AM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-3e**: Mitigation Measure TRANS-3e: Implement the following measures at the Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp intersection: • Restripe the northeast Oakland Avenue approach from the current configuration of one shared through-left lane and two through lanes to one exclusive left-turn lane, one shared through-left lane, and one through lane. • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the AM peak hour in tune with the relative traffic volumes on those approaches.	Less than Significant If both Phase I and Phase II of the Project were built, this intersection would also be a less than significant after mitigation impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-3e (cont.)	• Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-4a: Phase I of the proposed Project, when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour on Segment #10 (northbound Harrison Street / Oakland Avenue from 27th Street to I-580) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-4a:** Implement Mitigation Measure TRANS-2b.	**Significant and Unavoidable** If both Phase I and Phase II of the Project were built, this roadway segment would also be a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.
Impact TRANS-5a: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #2 (Oakland Avenue / Perry Place / I-580 EB Ramps) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-5a**: Implement Mitigation Measure TRANS-1a.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would still remain a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-5b: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #3 (Harrison Street / 27th Street / 24th Street) (2015). (Significant)	**Mitigation Measure TRANS-5b:** Implement Mitigation Measure TRANS-1b.	**Conservatively Deemed Significant and Unavoidable** If the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be Less than Significant. Otherwise, impacts at this location would be Significant and Unavoidable. If only Phase I of the Project were built, this intersection would still remain a conservatively deemed significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-5c: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS E during the PM peak hour at Intersection #5 (Telegraph Avenue / 27th Street) (2015). (Significant)	**Mitigation Measure TRANS-5c:** Mitigation Measure TRANS-5c: Implement the following measures at the Telegraph Avenue / 27th Street intersection: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the AM peak hour in tune with the relative traffic volumes on those approaches.	Less than Significant If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-5c (cont.)	• Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. • Redesigned the signal plan to give the northbound left-turn movement protected-permitted phasing. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-5d: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #12 (Harrison Street / Grand Avenue) (2015), which would operate at an unacceptable LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-5d:** Implement Mitigation Measure TRANS-3c.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would still remain a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-5e: The addition of Project-generated traffic (Phase I and II) would cause the PM peak-hour LOS to degrade from an acceptable LOS C under Near-Term (2015) without Project Conditions to an unacceptable LOS F at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road). Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would degrade the vehicle level of service from an acceptable LOS C to an unacceptable LOS F during the PM peak hour at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (2015). (Significant)	**Mitigation Measure TRANS-5e:** Implement Mitigation Measure TRANS-1c.	Less than Significant If Alternative Measure DD were instead implemented (as described in the Alternative Measure DD Intersection Configuration Analysis section), and if the mitigation measures for the Project (Phase I) impacts at this intersection under Near-Term (2015) plus Project (Phase I and II) Conditions (under Alternative Measure DD) are determined feasible by the City, then the impact at this location would be Less than Significant. Alternatively, if the mitigation measures are determined infeasible by the City, the Project (Phase I and II) impacts at this location would be Significant and Unavoidable. If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-5f: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the average intersection vehicle delay by more than four seconds during the AM peak hour and increase the v/c ratio by more than three percent during the PM peak hour at Intersection #44 (Oak Street / 5th Street / I-880 Southbound On-Ramp) (2015), which would operate at an unacceptable LOS F during both peak hours under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-5f:** Implement Mitigation Measure TRANS-1d.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-5g: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #45 (Grand Avenue / El Embarcadero) (2015), which would operate at LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-5g:** Implement Mitigation Measure TRANS-1e.	Less than Significant If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-5h: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #47 (Grand Avenue / MacArthur Boulevard (EB) / I-580 Eastbound Off-Ramp) (2015), which would operate at LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-5h:** Implement Mitigation Measure TRANS-1f.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-5i: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #48 (Lakeshore Avenue / MacArthur Boulevard (EB) / I-580 Eastbound On-Ramp) (2015), which would operate at LOS F during the PM peak hour under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-5i:** Implement the following measures at the Lakeshore Avenue / MacArthur Boulevard (EB) / I-580 Eastbound On-Ramp: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the AM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection)	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-5i (cont.)	– Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	
Impact TRANS-5j: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #49 (Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2015). (Significant)	**Mitigation Measure TRANS-5j:** Implement Mitigation Measure TRANS-3e.	Less than Significant If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-6a: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour on Segment #9 (Grand Avenue from Harrison Street to El Embarcadero) (2015), which would operate at LOS F under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-6a:** Implement Mitigation Measure TRANS-2a.	**Significant and Unavoidable** If only Phase I of the Project were built, this roadway segment would not be an impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-6b: Buildout of the proposed Project (Phase I and Phase II), when added to projected 2015 traffic levels, would increase the v/c ratio by more than three percent during the PM peak hour on Segment #10 (northbound Harrison Street / Oakland Avenue from 27th Street to I-580) (2015), which would operate at LOS F under Near-Term (2015) without Project Conditions. (Significant)	**Mitigation Measure TRANS-6b:** Implement Mitigation Measure TRANS-2b.	**Significant and Unavoidable** If only Phase I of the Project were built, this roadway segment would still remain a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.
Impact TRANS-7a: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the vehicle level of service from an unacceptable 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 at Intersection #2 (Oakland Avenue / Perry Place / I-580 Eastbound Ramps) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7a:** Implement Mitigation Measure TRANS-1a.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation impact under Cumulative (2030) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-7b: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would 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 at Intersection #3 (Harrison Street / 27th Street / 24th Street) (2030), which would operate at LOS F during the AM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7b:** Implement Mitigation Measure TRANS-1b, and also prohibit westbound left turns during the AM peak hour (in addition to the PM peak hour).	**Conservatively Deemed Significant and Unavoidable** If the specific implementation approach described for Mitigation Measure TRANS-1b is determined feasible by the City (or if there are other feasible options), then the impact at this location would be Less than Significant. Otherwise, impacts at this location would be Significant and Unavoidable. If only Phase I of the Project were built, this intersection would still remain a conservatively deemed significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-7c: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the vehicle level of service from an unacceptable LOS E to an unacceptable LOS F during the PM peak hour at Intersection #5 (Telegraph Avenue / 27th Street) (2030). (Significant)	**Mitigation Measure TRANS-7c:** Implement Mitigation Measure TRANS-5c.	Less than Significant If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-7d: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would 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 at Intersection #12 (Harrison Street / Grand Avenue) (2030), which would operate at an unacceptable LOS F during the AM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7d:** Implement Mitigation Measure TRANS-3c, and also prohibit southbound left turns in the AM peak period (this movement is already prohibited in the PM peak period). To help enforce the prohibition, extinguishable message signs should be installed on the northbound and southbound approaches.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-7e: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the vehicle level of service from LOS B to an unacceptable LOS F during the PM peak hour at Intersection #13 (Harrison Street / 21st Street) (2030). (Significant)	**Mitigation Measure TRANS-7e:** Implement the following measures at the Harrison Street / 21st Street intersection: • Prohibit eastbound right turns from 21st Street to Harrison Street during the PM peak period, which will increase capacity on the critical eastbound left-turn movement • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-7e (cont.)	• Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-7f: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the vehicle level of service from an acceptable LOS D to an unacceptable LOS F during the PM peak hour at Intersection #24 (Harrison Street / 20th Street / Kaiser Center Access Road) (2030). (Significant)	**Mitigation Measure TRANS-7f**: Implement Mitigation Measure TRANS-1c.	Less than Significant If Alternative Measure DD were instead implemented (as described in the Alternative Measure DD Intersection Configuration Analysis section), and if the mitigation measures for the Project (Phase I) impacts at this intersection under Cumulative (2030) plus Project (Phase I and II) Conditions (under Alternative Measure DD) are determined feasible by the City, then the impact at this location would be Less than Significant. Alternatively, if the mitigation measures are determined infeasible by the City, the Project (Cumulative Phase I and II) impacts at this location would be Significant and Unavoidable. If only Phase I of the Project were built, this intersection would still be a less than significant after mitigation impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-7g: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #44 (Oak Street / 5th Street / I-880 SB On-Ramp) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7g**: Implement Mitigation Measure TRANS-1d.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-7h: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #45 (Grand Avenue / El Embarcadero) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7h**: Implement Mitigation Measure TRANS-1e.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-7i: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #47 (Grand Avenue / MacArthur Boulevard (EB) / I-580 Eastbound Off-Ramp) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7i:** Implement Mitigation Measure TRANS-1f.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-7j: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the PM peak hour at Intersection #48 (Lakeshore Avenue / MacArthur Boulevard (EB) / I-580 Eastbound On-Ramp) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7j:** Implement Mitigation Measure TRANS-5i.	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-7k: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the v/c ratio by more than three percent during the AM peak hour at Intersection #49 (Oakland Avenue / MacArthur Boulevard (Westbound) / Santa Clara Avenue / I-580 Westbound Off-Ramp) (2030), which would operate at an unacceptable LOS F during the AM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7k:** Implement Mitigation Measure TRANS-3e.	Less than Significant If only Phase I of the Project were built, this intersection would not be an impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-7l: Under 2030 cumulative conditions, buildout of the proposed Project (Phase I and Phase II) would increase the average intersection vehicle delay by more than two seconds during the AM peak hour at Intersection #50 (Harrison Street / MacArthur Boulevard (Westbound) / Santa Clara Avenue) (2030), which would operate at an unacceptable LOS F during the AM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-7l:** Implement the following measures at the Harrison Street / MacArthur Boulevard (Westbound) / Santa Clara Avenue intersection: • Optimize the traffic signal (to include determination of allocation of green time for each intersection approach) for the PM peak hour in tune with the relative traffic volumes on those approaches. • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: – 2070L Type Controller – GPS communication (clock) –	**Significant and Unavoidable** If only Phase I of the Project were built, this intersection would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-7I (cont.)	– Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Full actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Fiber signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan for a maximum of 600 feet – Signal timing plans for the signals in the coordination group. The Project sponsor shall fund, prepare, and install the approved plans and improvements.	
Impact TRANS-8a: Under 2030 cumulative traffic conditions, buildout of the proposed Project (Phase I and Phase II) would degrade the roadway segment level of service from an acceptable LOS E to an unacceptable LOS F during both peak hours on Segment #3 (I-880 from Oak Street to 5th Avenue) (2030). (Significant)	**Mitigation Measure TRANS-8a:** There are no feasible measures to mitigate the Project's impact, given the existing alignment and constraints due to lack of right-of-way for both the roadway on the west end of the channel and possibly for support columns above the Union Pacific right-of-way. The segment of I-880 from Oak Street to 5th Avenue consists of two four-lane aerial structures, with the segment immediately west of Lake Merritt Channel bordered on the north by the Laney College parking lot and on the south by industrial uses. The aerial structure continues east of the channel, crossing over the existing Union Pacific railroad right-of-way. Increasing capacity on the freeway would likely require increasing the number of travel lanes. Also, any proposed mitigation measure would also require Caltrans project approval. Therefore, the Project impacts on this roadway segment are significant and unavoidable.	**Significant and Unavoidable** If only Phase I of the Project were built, this roadway segment would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-8b: Under 2030 cumulative traffic conditions, buildout of the proposed Project (Phase I and Phase II) 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 on Segment #9 (Grand Avenue from Harrison Street to El Embarcadero) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-8b:** Implement Mitigation Measure TRANS-2a.	**Significant and Unavoidable** If only Phase I of the Project were built, this roadway segment would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV.L Transportation and Circulation (cont.)		
Impact TRANS-8c: Under 2030 cumulative traffic conditions, buildout of the proposed Project (Phase I and Phase II) would 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 on Segment #10 (Harrison Street / Oakland Avenue from I-580 to 27th Street) (2030), which would operate at an unacceptable LOS F during the PM peak hour under Cumulative (2030) without Project Conditions. (Significant)	**Mitigation Measure TRANS-8c:** Implement Mitigation Measure TRANS-2b.	**Significant and Unavoidable** If only Phase I of the Project were built, this roadway segment would still remain a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I) Conditions.
Impact TRANS-9: The Project would create potential conflict between loading dock operations and vehicular access to and from the Kaiser Center Garage and would present a potential safety hazard for pedestrians, bicyclists, and other drivers. (Significant)	**Mitigation Measure TRANS-9:** Prohibit delivery and service vehicles from accessing the loading docks during the AM and PM peak periods in order to minimize the impact of loading operations on access for the Kaiser Center Garage. The section of the Access Road from Harrison Street / 20th Street to the garage entrance should be restricted to delivery and service vehicles during off-peak hours. During off-peak periods, the Access Road approach onto Harrison Street / 20th Street should be separated off by bollards or other removable barriers to prevent passenger vehicles from crossing the site and expand pedestrian space in this immediate area. Adequate additional site management staff should be made available to direct loading maneuvers to improve the safety of pedestrians, bicyclists, and drivers during deliveries into and out of this dock. Concurrent with the submittal of a Final Development Plan, the Project Applicant shall prepare and submit a loading dock plan and operational analysis which demonstrates there are no conflicts with vehicular, pedestrian, and bicycle access to or adjacent to the site for City review and approval. The Project Applicant shall implement the approved plan.	Less than Significant
Impact TRANS-10: The Project proposes vehicular site access out of an existing garage exit located along 21st Street (just east of Kaiser Plaza) which is currently designed in such a way that could be hazardous to pedestrians on the sidewalk. (Significant)	**Mitigation Measure TRANS-10:** The Project applicant shall redesign the East Exit of the Kaiser Center Garage along 21st Street to allow for sufficient distance and visibility for drivers to see pedestrians and stop. Redesign options shall include sidewalk widening, wherever feasible. In the event that this is structurally infeasible, the Project applicant shall install audible and visible warning devices such as bells and lights to alert pedestrians, and a speed hump to force drivers exiting the garage to slow down and be more alert.	Less than Significant
Impact TRANS-11: Potential short-term construction impacts generated by the Proposed Project would include the impacts associated with the delivery of construction materials and equipment, removal of construction debris, and parking for construction workers. (Less than Significant).	Standard Condition of Approval TRANS-1 *Parking and Transportation Demand Management.*	None

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
ALTERNATIVE MEASURE DD IMPACTS If the City elects to implement the Alternative Measure DD project, then the following impacts would occur, necessitating different mitigation measures than those identified for the Project assuming the original Measure DD project.		
Impact ALT DD TRANS-1 - Project with Alternative Measure DD - Near-Term (2015) plus Project (Phase I), Intersection #24: Harrison Street / 20th Street / Kaiser Center Access Road (PM). The intersection of Harrison Street / 20th Street / Kaiser Center Access Road would operate at LOS F in the PM peak hour under Near-Term (2015) plus Project (Phase I) Conditions (Alternative Measure DD). The intersection would operate at LOS E in the PM peak hour under Near-Term (2015) without Project Conditions (Alternative Measure DD). Because the Project would cause the intersection to degrade from LOS E to LOS F, the Project would potentially contribute to a significant near-term impact at this intersection (Significant)	**Mitigation Measure ALT DD TRANS-1:** The Project applicant shall add an additional lane and reconfigure the northbound Harrison Street approach as a shared left-through lane (to westbound 20th Street and Kaiser Center Access Road) and two exclusive right-turn lanes (one lane to northbound Harrison Street, the other to northbound Harrison Street and eastbound 20th Street / Lakeside Drive). This would require curb setback of about 10 feet and a corresponding reduction in park space and removal of up to five on-street parking spaces along the west side of Snow Park. In addition, the left turns from the Kaiser Center Access Road to eastbound 20th Street / Lakeside Drive would need to be prohibited in order to allow the northbound movement along Harrison Street to run concurrently with the Access Road phase. To implement these measures, the Project Applicant shall submit to City of Oakland's Transportation Services Division for review and approval a PS&E to modify the intersection. All elements shall be designed to City standards in effect at the time of construction, and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. The Project Applicant shall fund, prepare, and install the approved plans and improvements. Also, implement Mitigation Measure TRANS-1c.	**Conservatively Deemed Significant and Unavoidable.** If additional mitigation measures for the Project are determined feasible by the City, then the impact at this location would be Less than Significant. Otherwise, as described above, the Project impacts at this location would be Significant and Unavoidable. After implementation of the proposed mitigation measure, the intersection would still operate at LOS D in the PM peak hour under Near-Term (2015) plus Project (Phase I) Conditions (Alternative Measure DD), which is a Less than Significant impact. However, measures that reduce the land area of Snow Park or eliminate parking spaces in this block may not be acceptable to the City, as they also result in secondary impacts on pedestrians. Therefore, signal optimization may be the only other feasible mitigation measure; however, this does not completely mitigate the Project's impacts. If only Phase I of the Project were built, this intersection would still remain a less than significant after mitigation if the City determines additional mitigation measures feasible, and a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
Impact ALT DD TRANS-2 - Project with Alternative Measure DD - Near-Term (2015) plus Project (Phase I and Phase II), Intersection #24: Harrison Street / 20th Street / Kaiser Center Access Road (PM). The intersection of Harrison Street / 20th Street / Kaiser Center Access Road would operate at LOS F in the PM peak hour under Near-Term (2015) plus Project (Phase I and Phase II) Conditions (Alternative Measure DD). The intersection would operate at LOS E in the PM peak hour under Near-Term (2015) without Project Conditions (Alternative Measure DD). The intersection is located within the Downtown area. Because the Project would cause the intersection to degrade from LOS E to LOS F, the Project would potentially contribute to a significant near-term impact at this intersection. (Significant)	**Mitigation Measure ALT DD TRANS-2:** Implement Mitigation Measure ALT DD TRANS-1 and Mitigation Measure TRANS-1c.	**Conservatively Deemed Significant and Unavoidable.** If additional mitigation measures for the Project are determined feasible by the City, then the impact at this location would be Less than Significant. Otherwise, as described above, the Project impacts at this location would be Significant and Unavoidable. After implementation of the proposed mitigation measure, the intersection would still operate at LOS D in the PM peak hour under Near-Term (2015) plus Project (Phase I) Conditions (Alternative Measure DD), which is a Less than Significant impact. However, measures that reduce the land area of Snow Park or eliminate parking spaces in this block may not be acceptable to the City, as they also result in secondary impacts on pedestrians. Therefore, signal optimization may be the only other feasible mitigation measure; however, this does not completely mitigate the Project's impacts. If only Phase I of the Project were built, this intersection would still remain a less than significant impact after mitigation if the City determines additional mitigation measures feasible, and a significant and unavoidable impact under Near-Term (2015) plus Project (Phase I and Phase II) Conditions.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
Impact ALT DD TRANS-3 - Project with Alternative Measure DD - Cumulative (2030) plus Project (Phase I and Phase II) Intersection #24: Harrison Street / 20th Street / Kaiser Center Access Road (PM). The intersection of Harrison Street / 20th Street / Kaiser Center Access Road would operate at LOS F in the PM peak hour under both Cumulative (2030) without Project Conditions (Alternative Measure DD) and Cumulative (2030) plus Project (Phase I and Phase II) Conditions (Alternative Measure DD). The intersection is located within the Downtown area. Because the Project would cause an increase in average intersection delay greater than the two-second threshold of significance, the Project would result in a significant impact at this intersection. (Significant)	**Mitigation Measure ALT DD TRANS-3:** Implement Mitigation Measure ALT DD TRANS-1 and Mitigation Measure TRANS-1c.	**Conservatively Deemed Significant and Unavoidable.** If additional mitigation measures for the Project are determined feasible by the City, then the impact at this location would be Less than Significant. Otherwise, as described above, the Project impacts at this location would be Significant and Unavoidable. After implementation of the proposed mitigation measure, the intersection would still operate at LOS D in the PM peak hour under Near-Term (2015) plus Project (Phase I) Conditions (Alternative Measure DD), which is a Less than Significant impact. However, measures that reduce the land area of Snow Park or eliminate parking spaces in this block may not be acceptable to the City, as they also result in secondary impacts on pedestrians. Therefore, signal optimization may be the only other feasible mitigation measure; however, this does not completely mitigate the Project's impacts. If only Phase I of the Project were built, this intersection would still remain a less than significant impact after mitigation if the City determines additional mitigation measures feasible, and a significant and unavoidable impact under Cumulative (2030) plus Project (Phase I and Phase II) Conditions.
IV. M Utilities and Service Systems		
Impact UTIL-1: The Proposed Project would not exceed water supplies available to serve the project from existing entitlements and resources, nor require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects. (Less than Significant)	None Required	
Impact UTIL-2: The Proposed Project's projected wastewater generation would not result in the City of Oakland exceeding its citywide projected base flow allocation or its base flow allocation for Subbasin 52-05. (Less than Significant)	Standard Condition of Approval UTIL-2: *Stormwater and Sewer*	Less than Significant

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
IV. M Utilities and Service Systems (cont.)		
Impact UTIL-3: The Proposed Project would not require or result in construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Less than Significant)	Standard Condition of Approval UTIL-2: *Stormwater and Sewer* Standard Condition of Approval HYD-2 *Stormwater Pollution Prevention Plan* Standard Condition of Approval HYD-3 *Post-Construction Stormwater Pollution Management Plan*	Less than Significant
Impact UTIL-4: The Proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would not require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects. (Less than Significant)	Standard Condition of Approval UTIL-1 *Waste Reduction and Recycling*	Less than Significant
Impact UTIL-5: The Proposed Project would not violate applicable federal, state and local statutes and regulations relating to energy standards; nor would result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities. (Less than Significant)	None Required	
Impact UTIL-6: The increased development resulting from the Proposed Project, in conjunction with population and density of other past, present, pending and reasonably foreseeable development in the City, would not result in cumulative impacts on utilities and service systems. (Less than Significant)	None Required	
NON-CEQA RECOMMENDED PROJECT-SPECIFIC CONDITIONS		
Recommendation TRANS-1: Increase sidewalk capacity on the north side of 20th Street between Broadway and Harrison Street.	**Recommendation TRANS-1** includes: • Between Broadway and Franklin Street, remove parking and widen the sidewalk. • Between Franklin Street and Webster Street, widen the sidewalk. • Between Webster Street and Harrison Street, redesign the Project frontage to be pedestrian-friendly.	Not Applicable. No CEQA Impact Identified.
Recommendation TRANS-2: Reduce cycle times of signals at the intersections of Franklin Street / 20th Street and Webster Street / 20th Street.	**Recommendation TRANS-2** includes: Reducing the cycle length of these signals from 80-second to 60- or 70-seconds.	Not Applicable. No CEQA Impact Identified.
Recommendation TRANS-3: Construct the 20th Street bikeway between Broadway and Harrison Street.	**Recommendation TRANS-3** includes: Complete the Class 2 bicycle facilities (bicycle lanes) network between on 20th Street between Harrison Street and Franklin Street	Not Applicable. No CEQA Impact Identified.

TABLE II-1 (Continued)
SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, MITIGATION MEASURES, AND RESIDUAL IMPACTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Standard Conditions of Approval and Mitigation
NON-CEQA RECOMMENDED PROJECT-SPECIFIC CONDITIONS (cont.)		
Recommendation TRANS-4: Improve bus waiting areas on 20th Street directly adjacent to the Project Site.	**Recommendation TRANS-4** includes: • A large, visible system map (currently only a small area map is provided for the immediate vicinity surrounding the stop) and comprehensive area map showing bus stop locations for other lines in the area; • Bus schedules; and, • Real-time arrival information. • Wayfinding signage to transit facilities should also be provided on major pedestrian routes, such as 20th Street to and from the 19th Street BART Station.	Not Applicable. No CEQA Impact Identified.
Recommendation TRANS-5: Close the Stanley Place approach at Intersection #1 (Harrison Street / Stanley Place / I-580 EB Off-Ramp).	**Recommendation TRANS-5** includes: Closure of the Stanley Place minor approach at Intersection #1 (Harrison Street / Stanley Place / I-580 EB Off-Ramp).	Not Applicable. No CEQA Impact Identified.
Recommendation TRANS-6: Installation of a signalized mid-block crossing across Harrison Street between 20th Street and 21st Street.	**Recommendation TRANS-6** includes: Installation of a signalized mid-block pedestrian crossing across Harrison Street between 20th Street and 21st Street under the Alternative Measure DD Configuration would require signal coordination with adjacent traffic signals at Harrison Street / 21st Street, Harrison Street / 20th Street / Kaiser Center Access Road, and other signals in the same signal coordination group. Due to the coordination, the pedestrian phase could be timed to coincide with periods of low arriving traffic flow from upstream intersections such that no additional intersection delay would be created. Instead, the signalized mid-block crossing would potentially improve operations along this corridor by "metering" traffic entering the ultimate bottleneck intersections at Harrison Street / Grand Avenue and Harrison Street / 20th Street / Kaiser Center Access Road. As a result, the crossing itself would not result in secondary impacts to other modes.	Not Applicable. No CEQA Impact Identified.

CITY OF OAKLAND

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Community and Economic Development Agency
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COMBINED NOTICE OF AVAILABILITY AND RELEASE OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND NOTICE OF PUBLIC HEARINGS ON THE DEIR FOR THE KAISER CENTER OFFICE PROJECT

TO:	All Interested Parties
PROJECT NAME:	Kaiser Center Office Project
PROJECT LOCATION:	300 Lakeside Drive, Oakland, CA 94612
PROJECT SPONSOR:	The Swig Company as "Project Applicant" on behalf of its affiliate, SIC-Lakeside Drive. LLC, the Property Owner
CASE FILE NO:	ER 08-003, PUD 08-103, TPM 9848; CEQA State Clearinghouse No. 2008052103
REVIEW PERIOD:	**August 23, 2010 through October 7, 2010**

PROJECT LOCATION: The Proposed Project would redevelop approximately 2.2 acres at the westernmost portion of the 7.2-acre Kaiser Center property ("Project Site"). The Proposed Project is located at the northeast corner of Webster and 21st Streets and the southeast corner of Webster and 20th Streets in the vicinity of downtown Oakland. The Project Site is bounded by Webster Street to the west, 20th Street to the south, Harrison Street to the east, and 21st Street to the north. The site is a portion of a larger parcel identified as Assessor Parcel Number 008-0652-001-05 and includes the 5-story Kaiser Center Parking Garage, roof garden, the Webster Street Mall, and the 29th Street Mall. The existing 29-story Kaiser Center office tower at the eastern side of the Project Site is not a part of the Proposed Project and would not be altered or affected by the Proposed Project. The Project Site is not on the Cortese List.

PROJECT DESCRIPTION: The Proposed Project includes without limitation a Vesting Tentative Parcel Map, Planned Unit Development Permit, and a Preliminary Development Plan to add two new office towers to a portion of the existing 7.2 acre Kaiser Center site. The Project would add approximately 1,474,992 square feet of net new development in two development phases. Phase I would demolish the existing 20th Street Mall (approximately 58,190 square feet) and construct a 34-story (469 feet tall) office tower (approximately 641,972 square feet) at the corner of 20th/Webster Streets. The existing 122,606 square foot roof garden will be partially demolished (removing approximately 18,369 square feet) and replaced/reconfigured with 22,933 square feet along 20th Street, resulting in an additional 4,564 square feet of roof garden space. Phase II includes the demolition of the Webster Street Mall (approximately 38,190 square feet) and construction of a 42-story (573 feet tall) office tower (approximately 833,020 square feet) at the corner of Webster/21st Street. This project also includes the addition of 697 parking spaces in a subterranean and above ground parking garage.

The Project Site is within the Central Business District land use designation indentified in the Oakland General Plan. The zoning on the Project Site at the time the Project application was deemed complete was C-55 Central Core Commercial Zone, which is combined with the S-17 Downtown Residential Open Space Combining Zone,

ATTACHMENT C

and the S-4 Design Review Combining Zone[1]. The Project Site is also located within the Lake Merritt Historic District.

ENVIRONMENTAL REVIEW: The City issued a Notice of Preparation (NOP) of a DEIR on May 22, 2008. A DEIR now has been prepared for the Project, under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et.seq.

The DEIR analyzes potentially significant environmental impacts in the following categories: Aesthetics, Shadow and Wind; Air Quality and Greenhouse Gases; Biological Resources; Cultural Resources; Geology, Soils, and Seismicity; Hazardous Materials; Hydrology and Water Quality; Land Uses, Plans, and Policies; Noise and Vibration; Population, Employment, and Housing; Public Services and Recreation; Transportation and Circulation; and Utilities and Services Systems.

The DEIR identifies significant and unavoidable impacts related to Wind Hazards, Air Quality (PM10 emissions), Historic Resources; Noise (related to Traffic), and Transportation (intersection/roadway) impacts.

Copies of the DEIR are available for review or distribution to interested parties at no charge at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. The DEIR may also be reviewed at the following website: http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157. This project is document number 10.

PUBLIC HEARINGS ON DEIR:

1. The Oakland City Planning Commission will conduct a public hearing on the DEIR on **October 6, 2010**, **at 6:00 p.m.** in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza; and

2. The Oakland Landmarks Preservation Advisory Board will conduct a public hearing on the historic resource aspect of the DEIR on **October 4, 2010**, **at 6:00 p.m.** in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza.

The City of Oakland is hereby releasing this DEIR, finding it to be accurate and complete and ready for public review. Members of the public are invited to comment on the DEIR. There is no fee for commenting, and all comments received will be considered by the City prior to finalizing the EIR and making a decision on the Project. In light of the EIR's purpose to provide useful and accurate information about such factors, comments on the DEIR should focus on the sufficiency of the DEIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Project. Comments may be made at the public hearing described above or in writing. Please address all written comments to: Heather Klein and Darin Ranelletti, City of Oakland, Community and Economic Development Agency, Major Projects, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612; (510) 238-3658 (fax); or emailed to hklein@oaklandnet.com and dranelletti@oaklandnet.com. Comments should be received no later than **4:00 p.m. on October 7, 2010**. Please reference case number ER 08-003 in all correspondence.

If you challenge the EIR or Project in court, you may be limited to raising only those issues raised at the Planning Commission public hearing described above, or in written correspondence received by the Community and Economic Development Agency on or prior to 4:00 p.m. on **October 7, 2010**.

[1] Effective July 21, 2009, the zoning on the Project Site was changed to CBD-C Central Business District Commercial. However, pursuant to Section 6 of the rezoning ordinance, the Proposed Project is "grandfathered" under the C-55, S-17, and S-4 zones, and thus, the City is processing the application as such.

After all comments are received, a Response to Comments/Final EIR will be prepared and the Planning Commission will consider certification of the Final EIR and render a decision on the Project at a meeting date to be scheduled. For further information, please contact Heather Klein **at (510) 238-3659 or at hklein@oaklandnet.com or Darin Ranelletti at (510)238-3663 or at dranelletti@oaklandnet.com**.

ERIC ANGSTADT
Deputy Director, Community and Economic Development Agency

Date of Notice: **August 19, 2010**
File Number ER 08-003