Oakland City Planning Commission
Planning Commission

STAFF REPORT

Case File Number: DA06011, PUD06010-PUDF01

November 5, 2014

Location:	**Brooklyn Basin (formerly known as "Oak Street to Ninth Avenue"); specifically, Phase I, generally located south of Embarcadero, between future Main Street and 9th Avenue.**
Proposal:	Final Development Permit (FDP) for streets, landscaping and infrastructure not part of development parcels or parks in Phase I; Revision to PDP to reduce required setbacks; and Transportation Demand Management Program (TDM).
Applicant:	Zarsion-OHP 1, LLC (ZOHP), Patrick Van Ness (510)251-9272.
Owner:	Zarsion-OHP 1, Port of Oakland, City of Oakland.
Planning Permits Required:	FDP, Revision to PDP, Compliance with CEQA.
General Plan:	Planned Waterfront Development-4.
Zoning:	Oak-to-Ninth District Zone (D-OTN)
Environmental Determination:	Final EIR certified on January 20, 2009.
Historic Status:	None for affected sites.
Service Delivery District:	3
City Council District:	2 – Patricia Kernighan
Action to be Taken:	Consider FDP and PDP revision applications and make CEQA determination; TDM recommendation to City Council.
Finality of Decision:	FDP and revision to PDP appealable to City Council; TDM recommendation not appealable.
For further information:	Contact case planner **Catherine Payne** at **510-238-6168** or by e-mail at **cpayne@oaklandnet.com**

SUMMARY

The purpose of this report is to request consideration of three actions related to implementation of the Brooklyn Basin Project (formerly known as "Oak Street to Ninth Avenue"). The Brooklyn Basin Project land use entitlements were originally approved in 2006. At this time, the applicant, Zarsion-OHP 1, LLC (ZOHP) is seeking additional approvals in response to or required under the terms of the original land use entitlements, in order to commence project construction. Specifically, ZOHP is seeking approval of a revision to the Preliminary Development Permit (PDP) to reduce the required building setbacks throughout the area. In addition, ZOHP is seeking the first Final Development Permit (FDP), consistent with the applicable zoning regulations, for Phase I streets, landscaping and infrastructure; and is seeking a recommendation from the Planning Commission to the City Council for the Transportation Demand Management Program (TDM), consistent with the terms of the project Conditions of Approval (CoAs). The FDP and TDM approvals are required before the City can issue the first Final Map, which would allow sale and development of parcels.

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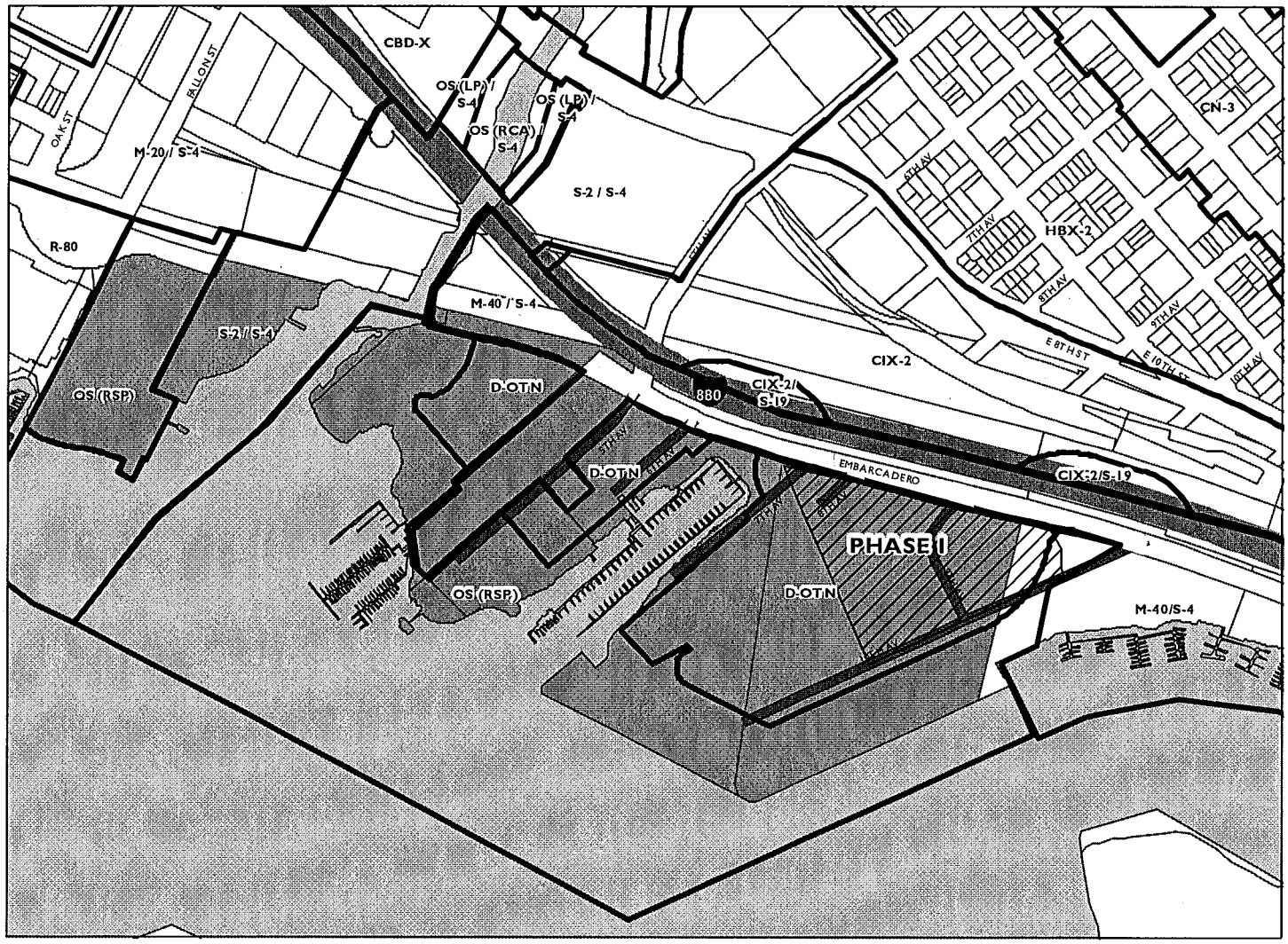
CITY OF OAKLAND PLANNING COMMISSION



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Case File: DA06011, PUD06010-PUDF01
Applicant: Zarsion-OHP 1, LLC (ZOHP), Eric Harrison
Address: Brooklyn Basin Phase I;
generally located south of Embarcadero,
between future Main Street and 9th Avenue
Zone: D-OTN

PROJECT SITE AND SURROUNDING AREA

Brooklyn Basin generally encompasses a 64-acre site that adjoins the Oakland Estuary to the south, the Embarcadero and I-880 freeway to the north, 10th Avenue to the east, and Fallon Street to the west. The Phase I Site is located in the eastern portion of Brooklyn Basin, generally between the future Main Street and 9th Avenue, and previously contained commercial and industrial uses (the Ninth Avenue Terminal, a retail furniture store, a metal recycling facility, and outdoor storage of shipping containers). The site is currently subject to the cleanup of hazardous materials and is vacant with no publicly accessible uses.

PROJECT BACKGROUND

Project History

The planned Brooklyn Basin Project consists of a mix of residential, retail/commercial, civic, and parks and open space uses preliminarily approved by the Planning Commission on March 15, 2006, and for which a Development Agreement was executed on July 18, 2006 by the City Council. Following a legal challenge, final entitlements were granted in 2009. The project sponsors plan to construct up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (total of 170 boat slips), and an existing wetlands restoration area. The existing buildings on the site will be demolished with the exception of a portion of the Ninth Avenue Terminal shed building and the Jack London Aquatic Center. The project does not include approximately six acres of privately-held property along and east of 5th Avenue that contain a mix of commercial and industrial uses, as well as a small community of work/live facilities.

Over the past year, ZOHP has worked with the City of Oakland to comply with the terms of the zoning regulations, Development Agreement (DA), Planned Unit Development permit (PUD), Environmental Impact Report (EIR) and the adopted project Conditions of Approval (CoAs) to prepare the Phase I site for parcel development activities. Parcel development cannot occur until a Final Map is issued, and specific CoAs must be met prior to issuance of the first Final Map. To this end, the applicant has worked to complete the following milestones toward issuance of the first Final Map (this matrix represents the highlights of the applicant's activities and is not exhaustive):

Summary of Brooklyn Basin Milestones Fall 2014

Milestone	Requirement	Status
Land Use Entitlements (DA, PUD/PDP, GPA, Rezone, EIR)	Oakland Municipal Code	Complies: Initial (challenged) approval 7/18/2006; Final approval 1/2009
Schematic Master Improvement Plan	CoA 33, Prior to issuance of site development grading permit	Complies: Submitted to the City of Oakland and revised based on City comments 3/2014; City Engineer approval 5/2014
Soil remediation (grading/surcharge permits)	EIR MM H, Prior to issuance of site development building permits	Complies: Activities initiated 6/2014
Sale of Parcels F, G and T to the City of Oakland	CoA 48 90 days after determination of Finished Lots or earlier	Complies: Close of escrow 8/2014 (prior to Finished Lot)
Phase I Infrastructure FDP	Zoning regulations	Complies: Staff review complete 9/14
CFD	CoA 38, Prior to issuance of first Final Map	Complies: In process as of this writing
Final TDM	EIR MM B and C, CoA 22, Prior to approval of FDP	Complies: Staff review complete 9/14; In process as of this writing
Submittal of CC&Rs	CoA 30, Prior to submittal of First Final Map	Complies: 8/2014

PROJECT DESCRIPTION

FDP and TDM

At this time, ZOHP is working toward site preparation and parcel development for Brooklyn Basin Phase I. As noted above, there are a number of milestones that need to be met prior to actual development activities occurring. The proposed project includes two milestones that are required to issue the first Brooklyn Basin Final Map and initiate parcel development, and for which Planning Commission review and recommendation or approval is also required:

- Approval of FDP: The D-OTN zoning regulations require FDPs for all development activities, including proposed buildings on development parcels, parks, and private and public infrastructure. The purpose of a FDP is to demonstrate that the detailed, articulated schematic design phase (shown in the FDP) is consistent with and a refinement and evolution of the approved PDP (the conceptual design phase). The FDP currently under consideration is for streets, landscaping and site infrastructure for Phase I. The FDP includes the facilities that will eventually be included in the public right-of-way,

including: streets, sidewalks and streetscape improvements, and utilities to be located within those areas (see Attachment A).

- TDM Recommendation: The project CoA 22 requires the TDM to be considered by the Planning Commission and approved by the City Council. The purpose of the TDM is to establish methods for achieving reduction in automobile trips by promoting and supporting reliance on public transportation, shuttles, and bicycle facilities, amongst other techniques (Attachment B). The TDM is fully discussed in the "Zoning and Related Issues" section below.

Revision to the PDP

- The proposed revision to the PDP is described and analyzed in this section to reduce confusion regarding the analysis of the FDP throughout the remainder of this report. The proposed revision to the PDP (see Attachment C) to reduce the required building setbacks is not required for issuance of the first Final Map. The proposed revision is a minor change to the PDP and associated Design Guidelines to reduce the required setbacks from eight feet to permit a range in setback dimension from "two to eight feet". This proposed revision is a refinement intended to finesse the setbacks so that they are consistent with the intent of the approvals for an urban, mixed-use neighborhood. Specifically, the intent is to provide a more urban standard consistent with the intent of the existing zoning regulations and Design Guidelines. The revision to the PDP is fully discussed in the "Zoning and Related Issues" section below.

GENERAL PLAN ANALYSIS

Existing General Plan Land Use Classifications

The Brooklyn Basin project site is located in the Planned Waterfront Development-1 (PWD-1) Estuary Policy Plan land use designation (the Estuary Policy Plan is the General Plan for the area that includes Brooklyn Basin). The adopted intent of the PWD-1 is to "provide for the transformation of maritime and marine industrial uses into a public-oriented waterfront district that encourages significant public access and open space opportunities. Encourage unique mix of light industrial, manufacturing, artist lofts and workshops, hotel, commercial, recreation, cultural uses, and water-oriented use that complement the recreational and open space character of the waterfront." The PWD-1 land use designation includes an allowable residential density of 50 units per gross acre and 140 units per net acre).

The proposed FDP is consistent with the intent of the PWD-1 designation. The proposed streets and infrastructure would provide ample and attractive access to the entire Phase I site, as well as to the Ninth Avenue Terminal and future Shoreline Park.

See "Project Description" section for analysis of the proposed revision to the PDP.

ZONING ANALYSIS

Zoning District Analysis

The Phase 1 area of the Brooklyn Basin site is located entirely within the D-OTN zoning district of the Oakland Planning Code (formerly known as, and identified in the regulations as, PWD-4). The D-OTN zoning district is intended to facilitate the development of an integrated mixed-use development, including residential, public and private open space and commercial land uses. The zoning regulations require FDPs for all improvements, including streets, sidewalks and infrastructure. FDPs are to be approved by the Planning Commission, which must find that the plans are in substantial compliance with the PDP and the Oak to Ninth Design Guidelines.

Excerpts from the D-OTN District Regulations

> "Final Development Plans shall be submitted for each phase of development. Final Development Plans shall include all information contained in the Preliminary Development Plan plus the following requirements in sufficient detail to indicate the operation and appearance of all development shown on the Final Development Plan:
> 1. The location of all public infrastructure that provides water, sewage, and drainage facilities and other utility services.
> ...
> 7. Detailed improvement plans for all public and private streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas.
>
> The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement..."

PDP Analysis

The PDP includes street design drawings and descriptions of the character of specific streets. The street design drawings establish general Right-of-Way (ROW) width and details, as well as landscaping and hardscape materials (plant palates, pavers and furnishings).

The PDP is consistent with the Vesting Tentative Tract Map (VTTM) in terms of establishing the ROW area and roadway design and layout. The proposed FDP substantially conforms to the PDP and VTTM in terms of ROW and is this conformance is discussed fully under the VTTM section (see below).

In terms of the landscaping and hardscape materials (including plant palates, pavers and furnishings), the proposed FDP substantially conforms to the PDP. The proposed FDP includes a

refined plant palate that includes plants that were part of the PDP plant palate, and is refined to include complementary plants (in terms of aesthetics, geographic origins and maintenance requirements). The paving and furnishings have been only minimally refined to specify actual brands, models, materials and fabricators for the hardscape materials (resulting in non-substantive changes to styles).

The project includes a refinement to the stormwater treatment system that provides stormwater retention basins along Embarcadero on both sides of the intersection with 9th Avenue. These features provide an attractive entry to the project made possible by a change to the alignment of Embarcadero at that location that allowed for more land on the project-side of Embarcadero. These entry features are in keeping with the aesthetic quality of the project and constitute a refinement and substantially conform to the PDP.

Regarding the ROW (and this is fully discussed below), street widths are generally consistent between the approved PDP and the proposed FDP. There are minor changes to the roadway and sidewalk widths; some roadways are widened by up to two feet (and sidewalks narrowed on either side accordingly) to accommodate changes to the Fire Code requiring increased emergency access. It should be noted that the 9th Avenue ROW is widened to allow for diagonal parking where parallel parking was previously accommodated. This is a refinement requested by the Bay Conservation and Development Commission (BCDC) to maximize public access to the future Shoreline Park and the waterfront. This refinement is a minor change that improves both vehicular access and the pedestrian experience adjacent to Shoreline Park, and is consistent with the goals of the original project approvals for maximum access to open space along the waterfront.

Open Space-Region Serving Park (OS-RSP) Zoning Regulations

The FDP does not coincide with the OS-RSP zoning district and the regulations do not apply. The entire FDP area is located in the D-OTN zoning district.

Civic Center/Design Review Combining Zone (S-2/S-4) regulations

The requirement for design review under the S-2 and S-4 combining districts does not specifically apply to the FDP because the project is already subject to a valid PUD (that was the subject of design review) (Planning Code Section 17.76.200).

Vesting Tentative Tract Map No. 7621

The proposed FDP includes refinements from the Vesting Tentative Tract Map (TTM7621). The refinements are all minor, do not necessitate revisions to TTM7621, and enhance the design and layout of the streets and infrastructure. In general, although the ROW remains unchanged, the roadways have become wider and the sidewalks narrower (with new mid-block bulbouts) to accommodate changes to the Fire code requiring 26-foot wide roadway clearance for emergency access. In addition, intersection details (e.g., curb radii, bulbout geometrics) have been refined

based on best practices recommended by the Public Works Agency. Specific non-substantive refinements include the following:

- Main Street: There is a slight realignment to Main Street in response to I-880 structural upgrades and off-ramp realignment.

- Seventh Street: Seventh Street was previously eliminated through a Parcel Map Waiver to allow flexibility in the conveyance of the affordable housing parcels to the City of Oakland. The affordable housing parcels were originally separated by Seventh Street. However, due to the intensive land use program for the affordable housing sites and the constrained parcel configurations, the City opted to eliminate Seventh Street to allow for more flexibility in developing the program for the affordable housing sites.

- Ninth Avenue: Ninth Avenue has been refined to increase the ROW to allow for diagonal parking where previously the TTM indicated parallel parking. The purpose of this refinement is to provide more public parking adjacent to Shoreline Park and the waterfront. This refinement was requested by Bay Conservation and Development Commission and is consistent with the intent of the project approvals to maximize access to waterfront open space.

- Embarcadero: Embarcadero, immediately adjacent to the project area, is realigned near Ninth Street to improve street geometrics and aesthetics, thereby allowing for stormwater treatment retention basins at the intersection with Ninth Avenue (see further discussion under next bullet).

- The retention basins are a change from the TTM but do not affect project parcels and are accommodated by the realignment of Embarcadero (discussed above). The stormwater retention system has been added to the project since the TTM was approved and was a requirement of the project so is considered an expected refinement and not a substantive change.

Conditions of Approval and Mitigation Monitoring Reporting Program

The Conditions of Approval for the Brooklyn Basin Project include conditions that provide specific guidance regarding what should be included in each FDP, requirements for FDPs and other milestones for which specific FDPs might be required. The following conditions of approval are specific to all FDPs and/or the Phase 1 streets and infrastructure FDP, in particular:

- CoA 22: CoA 22 requires each FDP to be responsive to the approved TDM. As this is the first FDP to be processed, staff is processing the Final TDM simultaneously. Although the Planning Commission and City Council previously reviewed and approved the Draft TDM, the Conditions of Approval require the Planning Commission and the City Council to approve the Final TDM, as well. Accordingly, the Planning Commission is asked to determine that the FDP considered herein is consistent with the TDM, contingent upon final approval of the TDM by the City Council.

The FDP includes the streets and ROW previously approved by the Planning Commission and the City Council. Refinements include additional parking adjacent to Shoreline Park, as well as refinements to the sidewalks (balancing narrower sidewalk sections with mid-block bulbouts) to ensure a pleasant experience for all users of and visitors to the area. The first FDP would not result in the addition of any residents or visitors to the area (as the FDP is only for streets and infrastructure, and not for development or parks parcels) so no specific components of the TDM would be required at this time.

- CoAa 32, 33 and 34: CoA 32 states requirements for revisions to the street and infrastructure improvement design included in the Vesting Tentative Tract Map (VTTM), based on Public Works Agency review. In compliance with CoA 33, the applicant has submitted a Schematic Master Improvement Plan showing all street designs to be included in this FDP. In compliance with CoA 34, The City Engineer found the Schematic Master Improvement Plan to be in compliance with CoA 33. In summary, the street and infrastructure design included in the FDP has been reviewed and found in compliance with the project approvals by the Public Works Agency, the Oakland Fire Department and the Bureau of Engineering Services.

- CoA 40: CoA 40 requires a Landscape, Open Space, Park and Trail Plan substantially consistent with the approved PDP. In compliance with this CoA, the FDP considered herein includes streetscape improvements (and no open space, parks or trails) which are fully detailed in Attachment A to this report with regards to street sections, typical paving and materials, trees and plant materials.

Development Agreement

The DA does not specifically dictate any requirements for FDPs or revisions to the PDP.

Oak to Ninth Design Guidelines

The Oak to 9th Brooklyn Basin Design Guidelines (Design Guidelines) refer to "generous sidewalks" throughout the project, and to the quality and design of specific Phase 1 streets:

- Main Street: "The wide street serves as a commercial mixed-use spine and gathering place for the community. Between the Embarcadero and 8th Avenue, it is lined with neighborhood-serving shops that will benefit from the intensity of activity, the high levels of visibility, and the convenient on-street diagonal parking." Main Street is subject to only small refinements and is designed to support attractive, intensive commercial activities.

- 8th Street: "The street will have an urban village character, with tree-lined sidewalks…" Eighth Street is narrower than Main Street and, as designed, continued to have the urban village character referred to in the Design Guidelines.

- 9th Avenue: "A wide bicycle and pedestrian promenade along the park edge of the street accommodates the significant volumes of waterfront visitors that are expected, and the street offers generous on-street curbside parking…" Ninth Avenue has been refined to further achieve the goal of providing a promenade that accommodates generous on-street curbside parking with the replacement of parallel with diagonal parking adjacent to Shoreline Park.

See "Project Description" section for analysis of the proposed revision to the PDP.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council certified an EIR for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (Attachment D) and is available to the public at the Planning Department offices and on the web at: http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409. Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed revision to the PDP, the Phase 1 streets and infrastructure FDP, and/or the TDM. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the revision to the PDP, the FDP and the TDM are refinements of, and not substantive changes to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

With regards to the proposed revision to the PDP, once an EIR has been completed and certified for a project, an agency may not require additional environmental review unless it grants a subsequent discretionary approval for the project and certain statutorily enumerated criteria are met. (Pub. Res. Code section 21166; CEQA Guidelines section 15162.) If the subsequent discretionary approval is sufficiently limited, however, additional environmental review may not be triggered. In this matter, the Planning Commission has discretionary approval of amendments to one PDP exhibit and to the project Design Guidelines (part of the PDP) to permit a variation in the required street front setbacks for architectural articulation. This minor design criteria modification does not reopen the larger project approval or implicate any environmental topics and significance criteria under the project EIR and CEQA. Although the Planning Commission has the discretion to approve or deny the proposed design change, this limited discretion does not establish a broader discretion to reconsider the project or address environmental impacts covered in the EIR. Consequently, the proposed PDP and Design Guidelines revisions do not require any additional environmental review. [San Diego Navy Broadway Complex Coalition v. City of San Diego (2010) 185 Cal. App. 4th 924; Health First v. March Joint Powers Authority (2009) 174 Cal. App 4th 1135.] Thus, the certified Oak to Ninth Project EIR satisfies the CEQA requirements for this approval.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2006 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

ZONING AND RELATED ISSUES

The proposed revision to the PDP and the TDM are fully discussed in this section. It should be noted that the Brooklyn Basin project covers an unusually long timeframe (as addressed in the background section of this report) and is subject to a complex permitting process. Therefore, this section also provides some detail regarding project status for interested parties.

Proposed Revision to the PDP

The proposed revision to the PDP would apply to the entire Brooklyn Basin Project. The proposal would likely reduce the effective setback along all non-retail project streets (all streets other than Main Street and the Clinton Basin frontage) from eight feet to two feet. This would result in a much more urban aesthetic and ambiance than under the current approvals. Applied literally, however, a two-foot setback could potentially result in a monotonous hard edge with no opportunity for softscaping (most hardy perennials that can withstand proximity to the public ROW require a minimum three feet horizontal dimension planting area for optimum survival). On the other hand, a shallower setback requirement would also support the established intent for Brooklyn Basin to be an urban neighborhood with strong connectivity between public and private realms.

The proposed two- to eight-foot building setback is intended to encourage a variety of urban design features at the street level consistent with ground-floor uses in urban areas. A flexible

building setback allows for increased connectivity between the public and private spheres adjacent to the ROW (a goal for urban areas to support safety and a sense of place). While certain features could be required through design review to be set back (such as lobbies, planting areas, stoops and patios), other features such as bay windows, cantilevers, and corner elements would be encouraged closer to the property line. Staff would use the design review process to discourage a continuous two- or eight-foot street wall and to provide for interesting ground floor treatments.

The proposed revision to the PDP is consistent with the intent of the Planned Waterfront Development-1 Estuary Policy Plan (EPP) land use classification. The proposed revision is a refinement of the PDP that would further support the EPP goals of providing a more intimate and urban characteristic to the area, supporting the synergy of the range of land uses and attractions of the district.

With regards to the Planned Waterfront District-4 zoning regulations, the proposed revision to the PDP is a refinement to the design standards to better support the urban characteristic desired by the underlying zoning. The revision would only affect the aesthetic and architectural character of the parcel edges (and adjacent to the ROW). The proposed revision would not affect approved land use, density, bulk or height regulations or approvals for the project.

Staff believes the proposal should be enhanced to address the following potential concerns (staff recommendation is indented and italicized):

- Risk of continuous building wall: Applied literally, reliance on a two-foot setback could potentially result in a monotonous, continuous building wall along the project frontage.
    - *Staff recommends that the Planning Commission revise the Design Guidelines to require ground-floor articulation where average development setback is less than 3' along non-commercial street frontages.*
- Risk of sterile edge between ROW and private parcels:
    - *Staff recommends that the Planning Commission revise the Design Guidelines to require that 50% of the provided setback area (back to 8' if a deeper setback area is provided) be softscape (vegetation) along non-commercial street frontages. The 50% area would be calculated based on the total amount of setback area provided, up to 8' in depth).*
- Protection of Privacy: Where setbacks are shallow, at-grade residential units adjacent to the property line would have compromised privacy.
    - *Staff recommends that the Planning Commission revise the Design Guidelines to require ground-floor residential uses be raised a minimum of three feet above grade if development does not have an average setback of 3' or greater from any property line along a non-commercial street. In addition, setback areas adjacent to residential units should provide separation from the public ROW with decorative low fences, vegetation or other attractive barriers.*

TDM

The 2006 Conditions of Approval for the Oak to Ninth Mixed Use Development Project (i.e., Brooklyn Basin) included specific requirements related to Travel Demand Management (TDM).:

> *The Project Applicant shall prepare a transportation demand management plan, following the recommendations included in the report entitled "Oak to Ninth Project, Transportation Demand Management Plan" by Nelson\Nygaard, dated January 2005, as well as the applicable mitigation measures set forth in the EIR (MM B.4.a., B.4.b., C.7.a., C.7.b., C.7.c., C.7ldl, C.7.e., C.7.f., C.7.g., C.7.h., C.7.i.,). The plan shall include a written commitment from AC Transit concerning bus service to the site and a shuttle operations plan serving the project area. An implementation schedule shall be included in the plan, including a specific commitment of financial participation for peak hour service, routing, schedule and phased implementation according to the threshold established for the issuance of occupancy permits for the transportation improvements phasing plan set forth in Condition of Approval No. 18. The shuttle service shall become operative within six months of occupancy of the 1,000th unit. Thereafter, the implementation and service increase required for the shuttle shall be in accordance with the approved schedule. At the Project Applicant's discretion and with the approval of the City, the shuttle program may be implemented through a provider such as AC Transit and may be coordinated with the service commitment required for the Jack London Square Development Project. In these events, the Project Applicant shall execute agreements with such providers or partners as part of the transportation demand management plan.*
>
> *The final TDM plan shall specify that the management of on-street public parking shall be through two to four-hour time limits rather than charging for parking. The plan shall also include secure bicycle parking for residents.*
>
> *The final TDM plan shall be reviewed by the Planning Commission and approved by the City council. Each Final Development Plan submitted for individual development projects or phases shall demonstrate compliance with the approved TDM plan.*

In accordance with the above requirements, Signature Development contracted with Nelson\Nygaard to update the 2005 TDM Plan. The updated plan was completed in August 2014 and is included in this report (see Attachment B). The following summarizes key issues and components associated with the TDM Plan, including compliance with the CoAs.

<u>On-Street Parking Management</u>

The COAs preclude parking pricing as a means to effectively manage on-street parking within Brooklyn Basin. However, recent experience and research both locally and nationally show that demand-responsive pricing is a critical component of on-street parking management and travel

demand management more generally. In recognition of the benefits of the proactive parking management, Oakland City Council adopted Parking Principles in 2013 (84664 C.M.S.), which establish a target usage rate of 85% and state that "Parking should be priced to achieve usage goals".

Given the efficacy of parking pricing and the 2013 policy directive regarding on-street parking management, the TDM Plan includes recommendations for on-street parking pricing. Implementing these recommendations will require a subsequent Ordinance to designate the streets within Brooklyn Basin as parking meter zones per OMC Chapter 10.36.140, and Resolution to identify parking meter locations per OMC Chapter 10.36.141.

Flexible parking pricing (e.g., varying prices by time-of-day or by location) to achieve parking management goals should be considered in Brooklyn Basin, based on the adopted Parking Principles. Preliminary results from the Montclair Flexible Parking Pilot will be available in late 2015, and should be evaluated to determine the feasibility and desirability of extending flexible parking to Brooklyn Basin.

"Free B" Shuttle Extension

The TDM Plan includes the commitment to provide a shuttle service that meets the requirements of the CoAs, including the minimum frequency and duration of the service. The TDM Plan identifies an extension of the existing Free B Shuttle to Brooklyn Basin as the preferred option for several reasons:

- Increased efficiency by making use of existing service;
- Provision of a direct connection from Brooklyn Basin to Jack London Square and downtown Oakland; and
- Reliance on a recognized brand to increase awareness of the new transit option.

Under the preferred option, the Applicant will pay the incremental costs associated with extending Free B service to Brooklyn Basin. In the event that a workable arrangement to extend the Free B proves infeasible, the TDM Plan provides a firm commitment to operating a private shuttle.

AC Transit

The COAs state that the TDM Plan should include a written commitment from AC Transit on fixed route bus service to Brooklyn Basin. AC Transit is interested in serving Brooklyn Basin but has not yet made any firm commitments as to the level of service that will be provided.

Other

Mitigation Measure B4.a in the EIR specifically identifies that "bus turnouts" be included as part of the design. Turnouts are no longer a preferred method of accommodating transit vehicles (they

can actually increase delay by making it difficult for buses to exit stops), and have not been incorporated into site design per direction of AC Transit and Oakland Public Works staff.

Status of Ongoing Work

The Applicant has commenced physical work on the Brooklyn Basin project. All current activities can precede issuance of construction-related permits (such as a building permit). Specifically, the Applicant is currently conducting soil remediation (which involves active grading and creek permits). In addition, the Applicant recently demolished three on-site buildings that were condemned by the City due to health and safety risks and nuisance (455-9th Avenue, 105 Embarcadero Road and 845 Embarcadero Road). The Applicant is also currently seeking permits to improve Embarcadero generally between the bridge over the Estuary and 9th Avenue and to construct horizontal improvements in Phase 1. With proper assurances from the Applicant to the City regarding the ability to complete the work, the existing entitlements would not hinder the City of Oakland from issuing p-job permits, creek permits and other required development permits. With this in mind, there may be street and infrastructure improvement activity occurring on Embarcadero and on-site in the near future and without any further land use entitlements beyond the permits considered in this report (such as a Final Map).

Status of Current Applications

At this time, the Applicant's objective is to have the City of Oakland issue the Final Map for Phase 1 to allow sale and development of individual land parcels consistent with the project approvals. In order for the City of Oakland to issue the first Final Map for Phase I, the CFD needs to be formed and the TDM needs to be approved. The FDP considered herein need only be approved by the Planning Commission. However, the TDM, also considered herein, is subject to a recommendation by the Planning Commission and approval by the City Council; and the CFD needs to be considered and approved by the City Council, only. City staff is currently processing all three items with the objective of having the Phase 1 Final Map in front of City Council for consideration in the first quarter of 2015.

RECOMMENDATION

Staff has reviewed the Brooklyn Basin Phase 1 streets and infrastructure FDP application and finds it to be in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the civic Center/Design Review Combining Zone (S-2/S-4) regulations, Vesting Tentative Tract map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement. The FDP includes only non-substantive changes that constitute a refinement to the PDP and is therefore entirely consistent with the PDP and the terms of the land use entitlements.

CONCLUSION

Staff requests that the Planning Commission consider the following:

- Pursuant to CEQA Guidelines Section 15162, and based on the attached findings, rely on the Oak to Ninth Avenue Project EIR as adequate under CEQA for analysis of the revision to the PDP, the FDP and the TDM;
- Recommend approval of the Final TDM to City Council;
- Based on the attached findings, approve the FDP and determine compliance with the TDM, contingent upon approval of the TDM by the City Council; and
- Based on the attached PUD and Design Review findings, approve Revision #1 to the PDP for Brooklyn Basin.

Prepared by:

CATHERINE PAYNE
Planner III

Approved by:

Robert D. Merkamp
Development Planning Manager

Approved for forwarding to the Planning Commission

Darin Ranelletti, Deputy Director
Bureau of Planning

Attachments:

A. Proposed FDP, dated September 17, 2014
B. Draft Final TDM, dated August 2014

C. Proposed Revision to the PDP, dated September, 2014 (specifically, "Oak to 9th Brooklyn Basin Design Guidelines, November 20016 and revised September 2014")
D. Oak to Ninth Avenue Redevelopment Project EIR (provided under separate cover to the Planning Commission; available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular business hours, and at http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409).
E. Background Documents:
    a. D-OTN Zoning District Regulations (formerly Planned Waterfront Zoning District (PWD-4) Oak-to-Ninth Mixed Use Development Project)
    b. Brooklyn Basin – Oak to 9th Preliminary Development Plan, October 2006, and Oak to 9th Brooklyn Basin Design Guidelines, November 2006
    c. Two- to Eight-Foot Setback Image Study
    d. Vesting Tentative Tract Map Excerpt, March 2006
    e. Conditions of Approval, 2006

FINDINGS:
BROOLYN BASIN PHASE I STREETS AND INFRASTRUCTURE
FINAL DEVELOPMENT PERMIT

California Environmental Quality Act

The City Council certified an EIR for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (Attachment D) and is available to the public at the Planning Department offices and on the web at: http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409. Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed revision to the PDP, the Phase 1 streets and infrastructure FDP, and/or the TDM. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the revision to the PDP, the FDP and the TDM are refinements of, and not substantive changes to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

With regards to the proposed revision to the PDP, once an EIR has been completed and certified for a project, an agency may not require additional environmental review unless it grants a subsequent discretionary approval for the project and certain statutorily enumerated criteria are met. (Pub. Res. Code section 21166; CEQA Guidelines section 15162.) If the subsequent discretionary approval is sufficiently limited, however, additional environmental review may not be triggered. In this matter, the Planning Commission has discretionary approval of amendments

to one PDP exhibit and to the project Design Guidelines (part of the PDP) to permit a variation in the required street front setbacks for architectural articulation. This minor design criteria modification does not reopen the larger project approval or implicate any environmental topics and significance criteria under the project EIR and CEQA. Although the Planning Commission has the discretion to approve or deny the proposed design change, this limited discretion does not establish a broader discretion to reconsider the project or address environmental impacts covered in the EIR. Consequently, the proposed PDP and Design Guidelines revisions do not require any additional environmental review. [San Diego Navy Broadway Complex Coalition v. City of San Diego (2010) 185 Cal. App. 4th 924; Health First v. March Joint Powers Authority (2009) 174 Cal. App 4th 1135.] Thus, the certified Oak to Ninth Project EIR satisfies the CEQA requirements for this approval.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2006 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

Planned Waterfront Zoning District-4(PWD-4)
Findings for FDP

"The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement…"

As demonstrated throughout this staff report, the Brooklyn Basin Phase 1 Streets, Landscaping and Infrastructure Final Development Permit is consistent with the Preliminary Development Plan, the Oak to Ninth Design Guidelines, the PWD-4, OS-RSP, and S-2/S-4 zoning regulations, TTM7621, the Conditions of Approval, the MMRP, and the Development Agreement. As noted in this report, the FDP is a refinement of the PDP and includes only non-substantive changes intended to refine and not alter the design of streets and infrastructure in the Brooklyn Basin Phase 1 project.

Planned Unit Development Findings
Findings for Revision to PDP

17.140.080 - Permit Criteria.

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

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

The revision to the PDP would result in a minor change to the building envelope in which approved development could occur. It would only affect the location of building footprints. The revised setback is a refinement to the project that would result in a more urban development pattern, consistent with the intent of the PWD-4 zoning district, approved PDP, and Design Guidelines.

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

The revision to the PDP would result in a minor change to the building envelope in which approved development could occur. The revised setback is a refinement to the project that would result in a more urban development pattern, consistent with the intent of the PWD-4 zoning district, approved PDP, and Design Guidelines.

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

The revision to the PDP would not alter the allowable land uses, densities/intensities, and/or parcel configuration in any way and would therefore not affect traffic in any way.

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

The revision to the PDP would not alter the allowable land uses, densities/intensities, and/or parcel configuration in any way and would therefore not affect demand for infrastructure and utilities.

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

The revision to the PDP would result in a minor change to the building envelope in which approved development could occur. The revised setback is a refinement to the project that would result in a more urban development pattern, consistent with the intent of the PWD-4 zoning district, approved PDP, and Design Guidelines.

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

The revision to the PDP would result in a minor change to the building envelope in which approved development could occur. The revised setback is a refinement to the project that would result in a more urban development pattern, consistent with the intent of the PWD-4 zoning district, approved PDP, and Design Guidelines. The proposed revision to the PDP would not affect the width of any adjacent ROW and would not affect any views to the planned parks or the Estuary.

Regular Design Review

17.136.050 - Regular design review criteria.
Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

A. **For Residential Facilities.**

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 revision to the PDP would result in a minor change to the building envelope in which approved development could occur. The revised setback is a refinement to the project that would result in a more urban development pattern, consistent with the intent of the PWD-4 zoning district, approved PDP, and Design Guidelines.

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

   The revision to the PDP would result in a minor change to the building envelope in which approved development could occur. The revised setback is a refinement to the project that would result in a more urban development pattern, consistent with the intent of the PWD-4 zoning district, approved PDP, and Design Guidelines.

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

The revision to the PDP would result in a minor change to the building envelope in which approved development could occur. The revised setback is a refinement to the project that would result in a more urban development pattern, consistent with the intent of the PWD-4 zoning district, approved PDP, and Design Guidelines. The proposed revision to the PDP would not affect the width of any adjacent ROW and would not affect any views to the planned parks or the Estuary.

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

   Not applicable because the project is not located on a hilly site.

5. **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.**

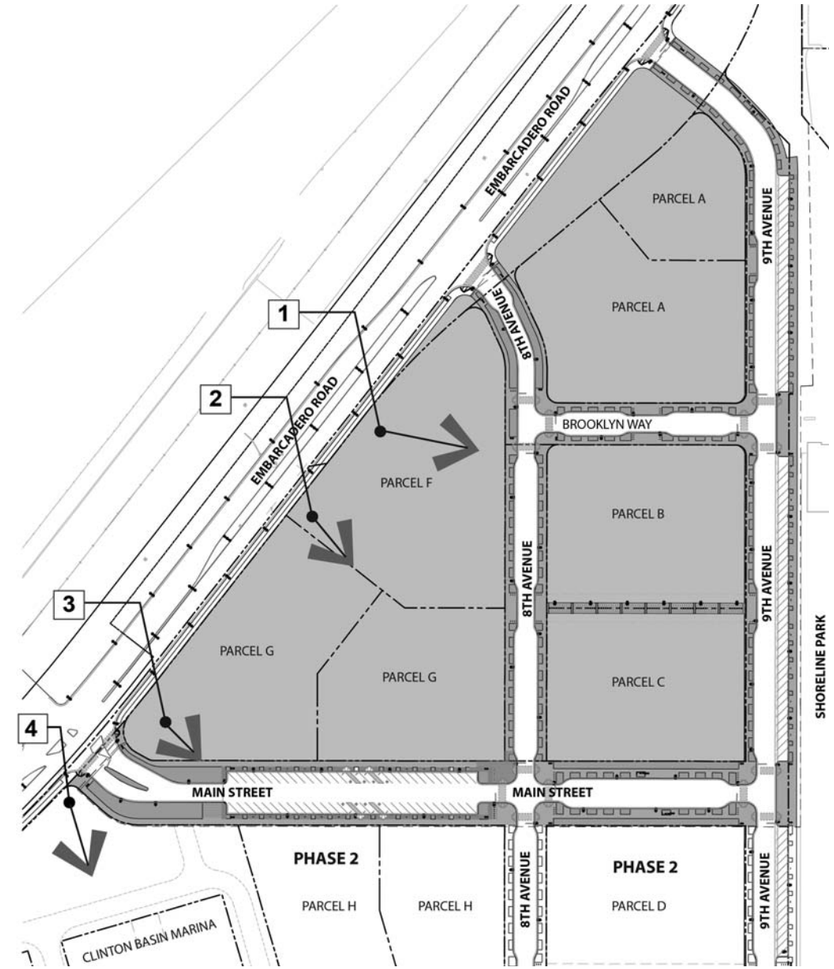
   The revision to the PDP would result in a minor change to the building envelope in which approved development could occur. The revised setback is a refinement to the project that would result in a more urban development pattern, consistent with the intent of the PWD-4 zoning district, approved PDP, and Design Guidelines.

#1

#2

#3

#4

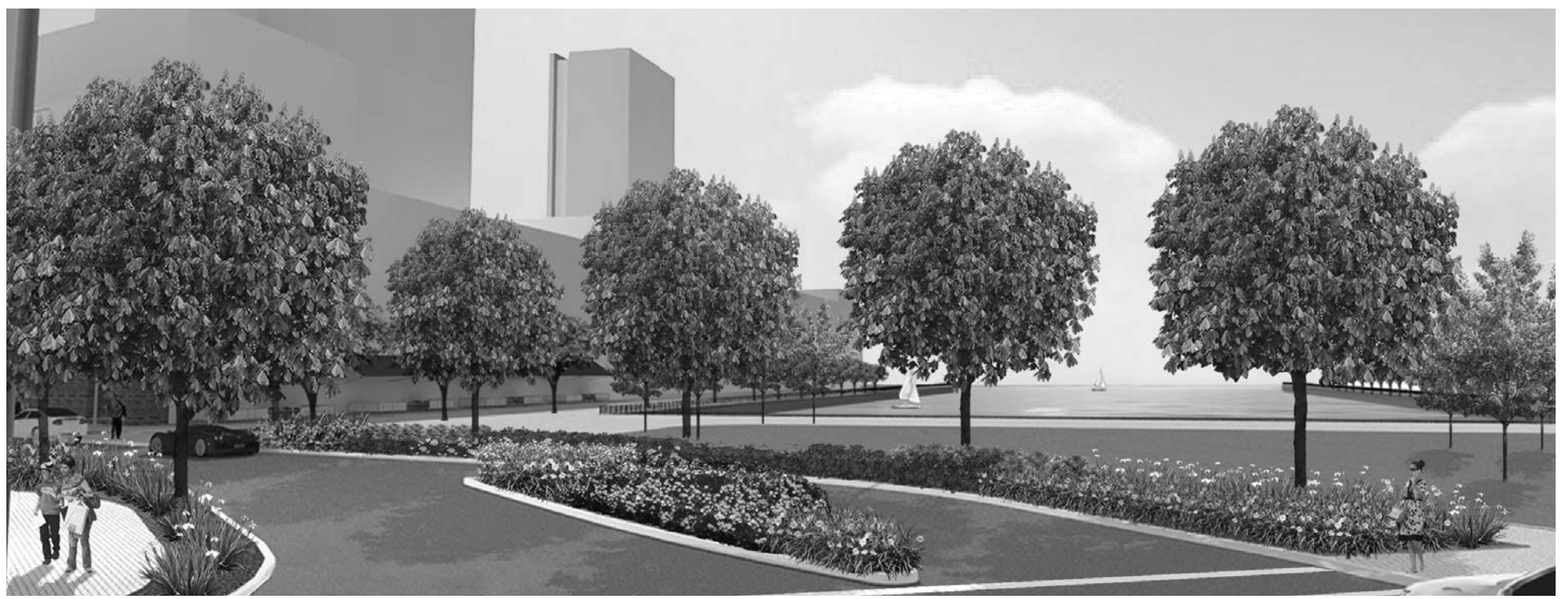


LEGEND

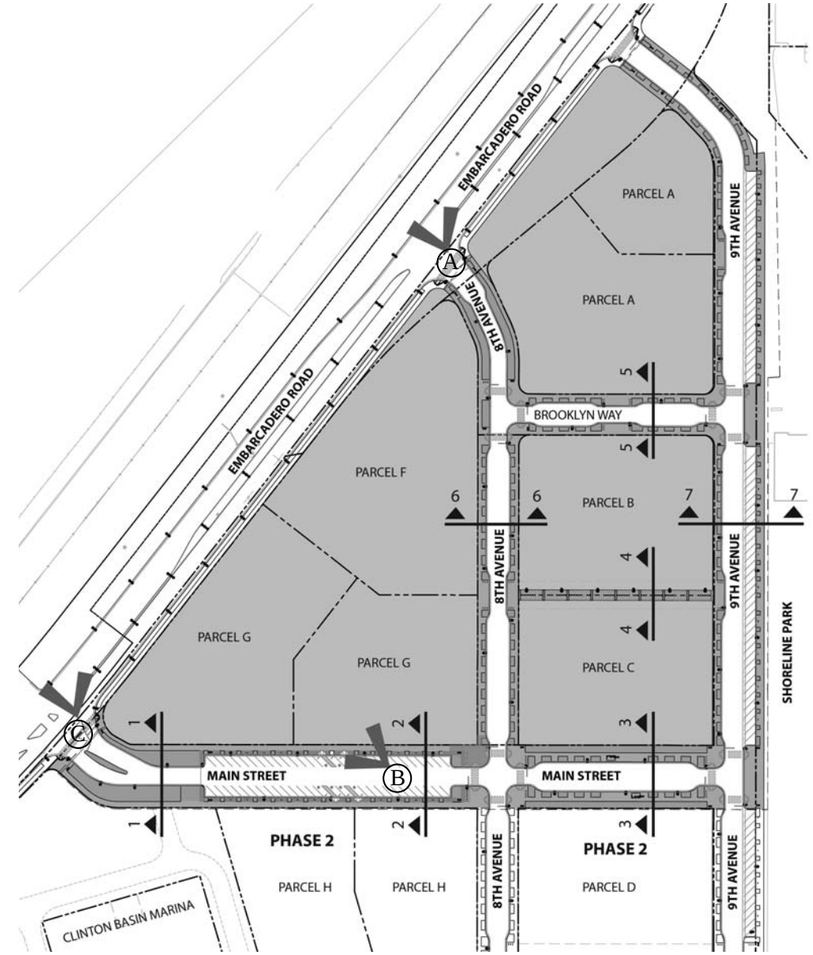
PHOTO VIEW DIRECTION

Ⓐ **8TH AVENUE - SECONDARY PROJECT ENTRY**

Ⓑ **MAIN STREET**



Ⓒ **MAIN STREET - MAIN PROJECT ENTRY**

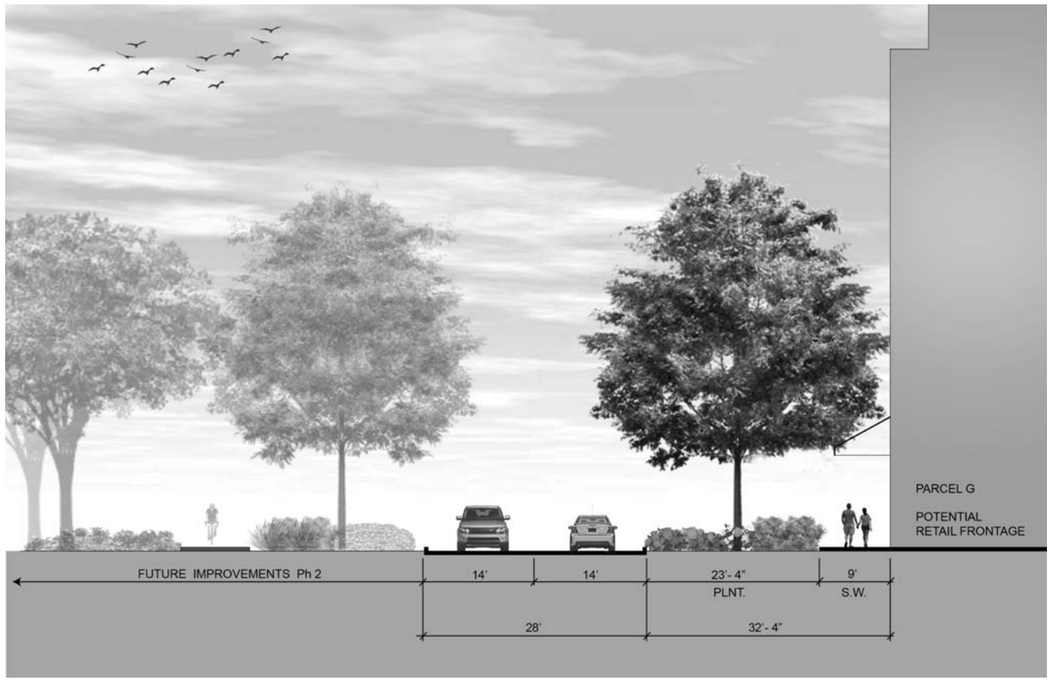


LEGEND

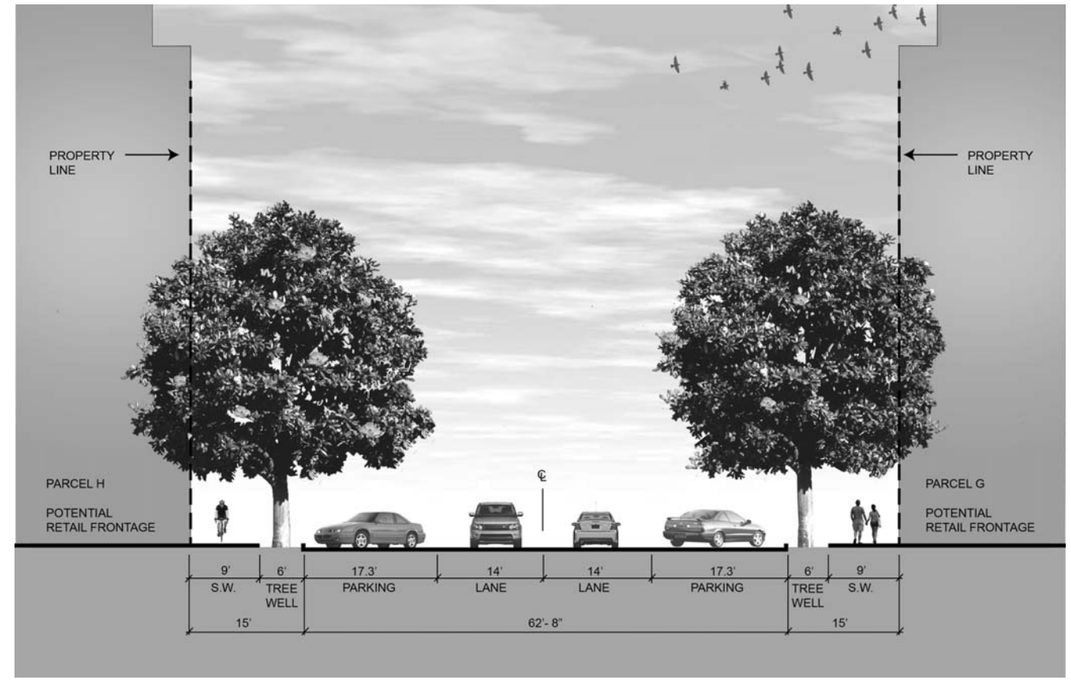
PHOTO SIMULATION VIEW

STREET SECTION

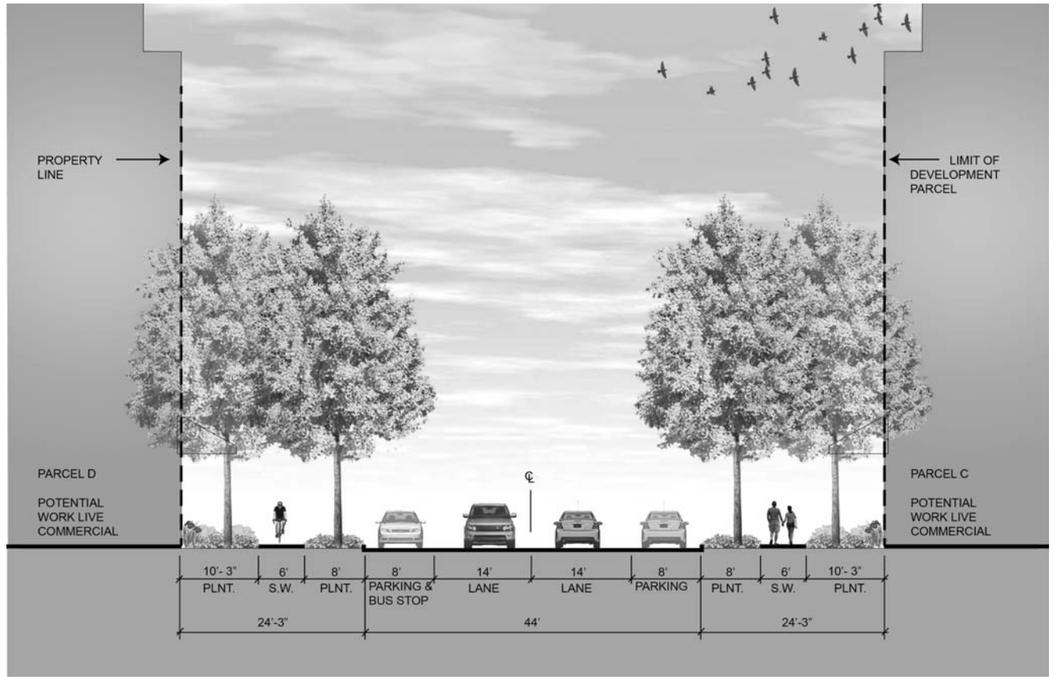
PLANTING AREA



SECTION 1 - MAIN STREET



SECTION 2 - MAIN STREET



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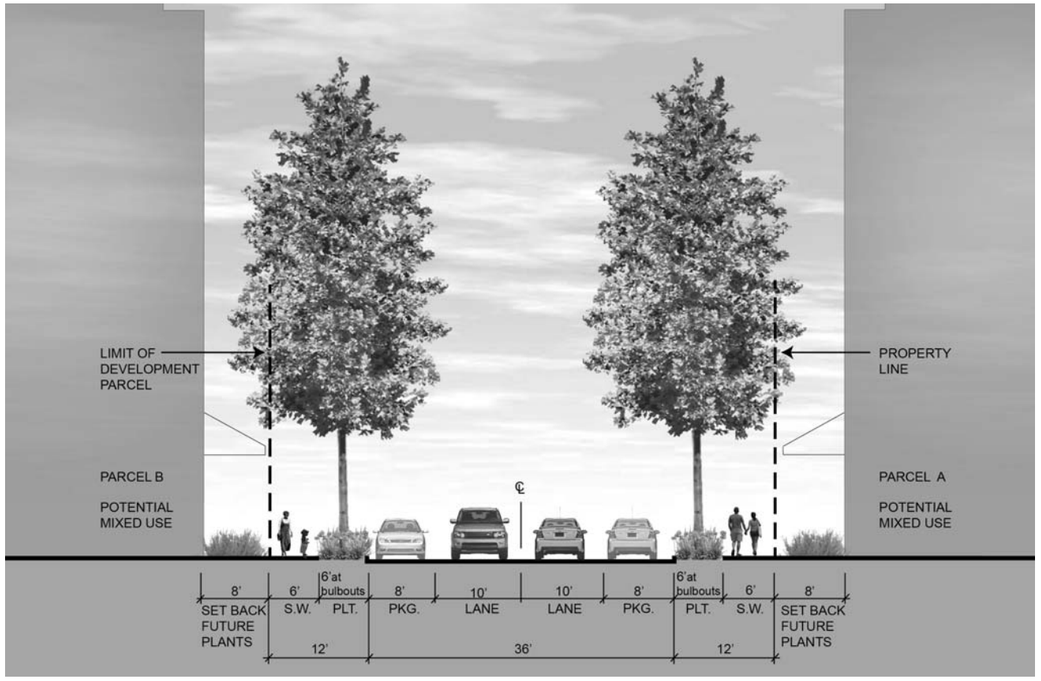
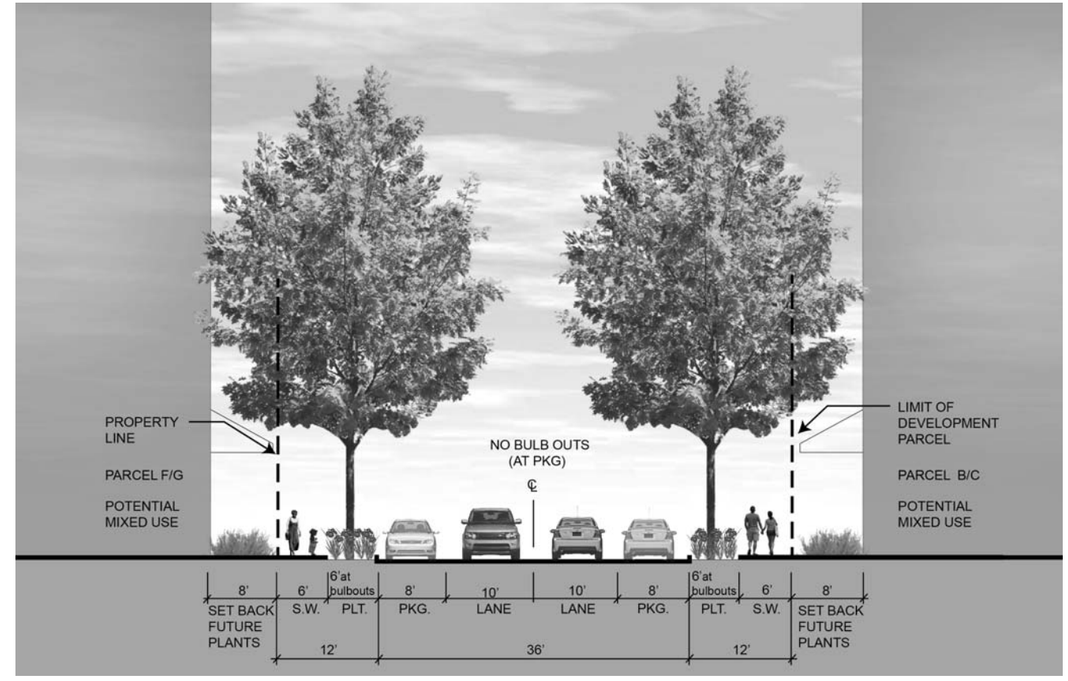
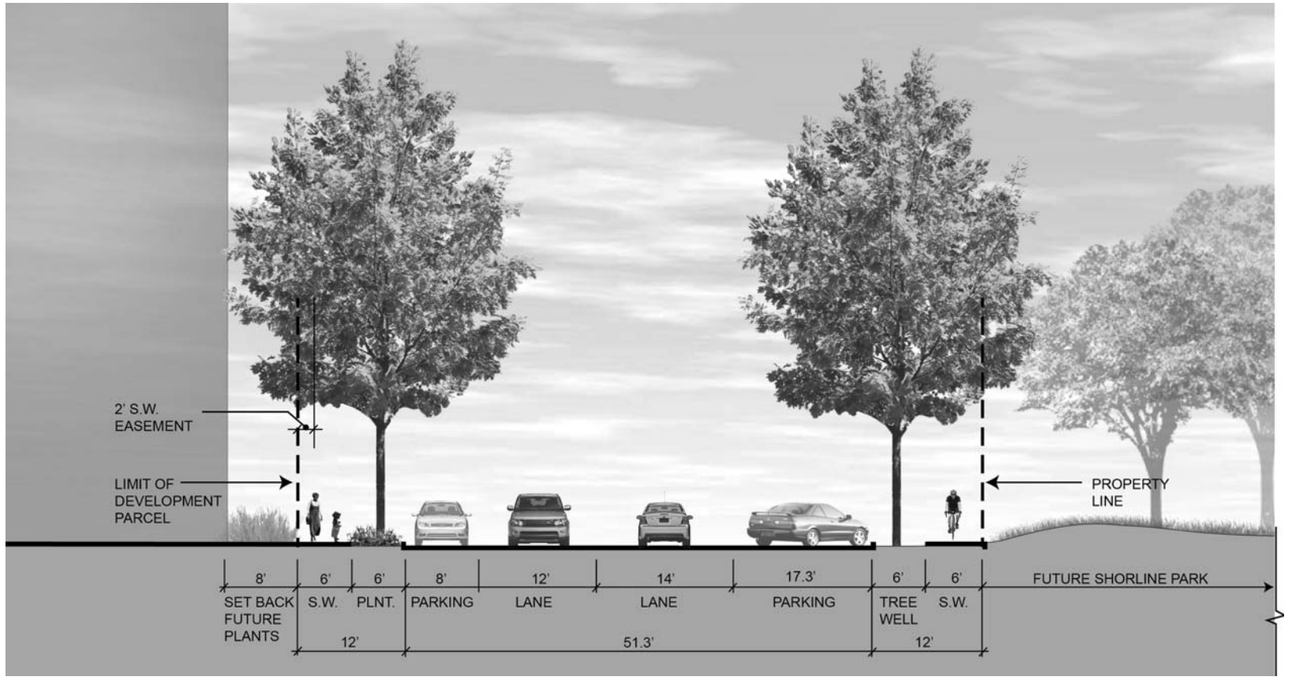


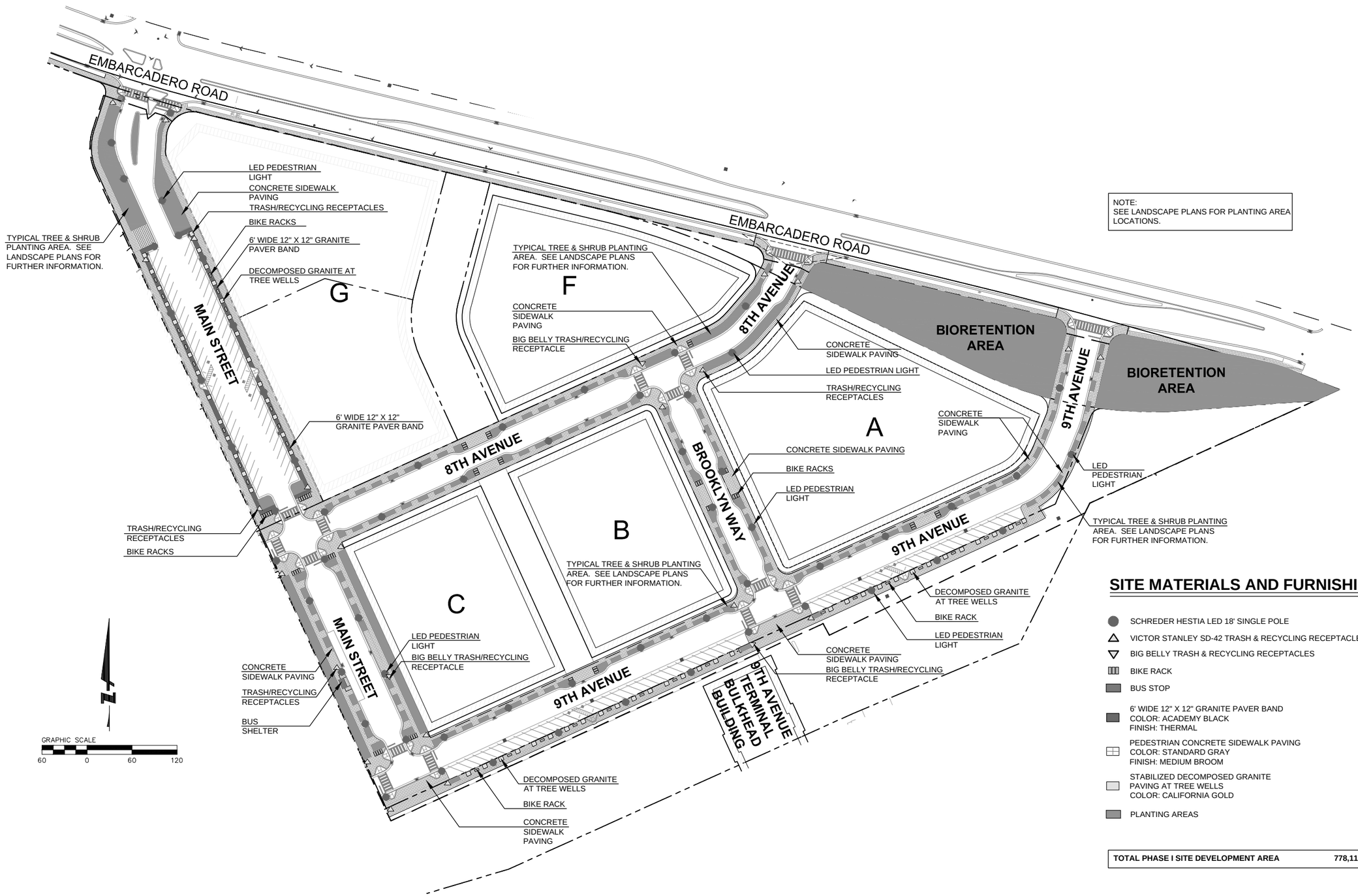
SECTION 5 - BROOKLYN WAY WITH MIXED USE STREET FRONTAGE



SECTION 6 - 8TH AVENUE WITH MIXED USE STREET FRONTAGE



SECTION 7 - 9TH AVENUE WITH WATERFRONT PARK EDGE FRONTAGE



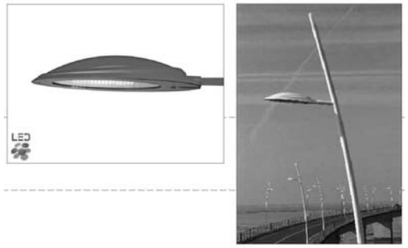
NOTE:
SEE LANDSCAPE PLANS FOR PLANTING AREA LOCATIONS.

SITE MATERIALS AND FURNISHINGS

	QUANTITY
SCHREDER HESTIA LED 18' SINGLE POLE	81
VICTOR STANLEY SD-42 TRASH & RECYCLING RECEPTACLES	35
BIG BELLY TRASH & RECYCLING RECEPTACLES	3 PAIRS
BIKE RACK	123
BUS STOP	1
6' WIDE 12" X 12" GRANITE PAVER BAND COLOR: ACADEMY BLACK FINISH: THERMAL	3,478 SF
PEDESTRIAN CONCRETE SIDEWALK PAVING COLOR: STANDARD GRAY FINISH: MEDIUM BROOM	
STABILIZED DECOMPOSED GRANITE PAVING AT TREE WELLS COLOR: CALIFORNIA GOLD	1,915 SF
PLANTING AREAS	

TOTAL PHASE I SITE DEVELOPMENT AREA	**778,112 SQUARE FEET**

SITE LIGHTING



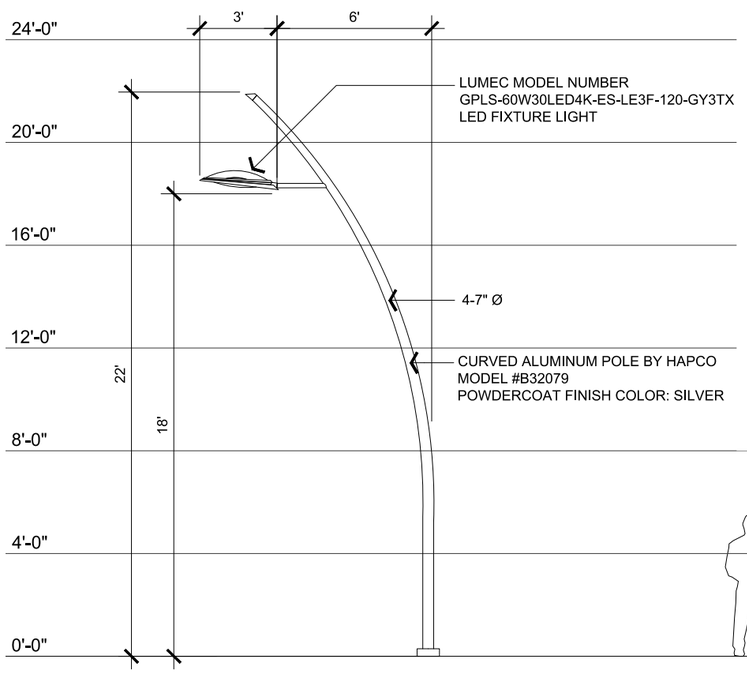
LED STREET LIGHT
MFR: LUMEC
MODEL: CAPELLA LED
COLOR: SILVER
ALUMINUM POLE: HAPCO #B32079
COLOR: SILVER

PAVING MATERIALS

PEDESTRIAN CONCRETE
SIDEWALK PAVING
COLOR: NATURAL GRAY
FINISH: MEDIUM BROOM

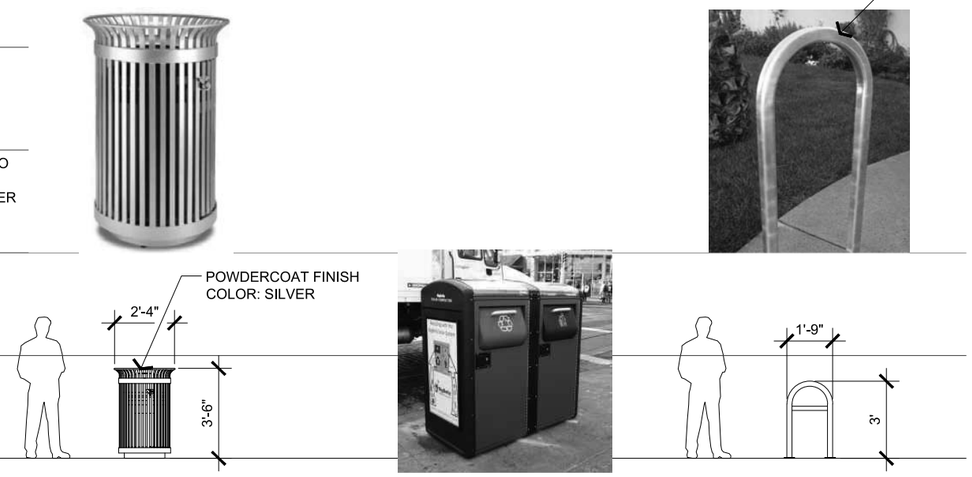
STABILIZED DECOMPOSED GRANITE
PAVING AT TREE WELLS
COLOR: CALIFORNIA GOLD

6' WIDE 12" X 12" GRANITE PAVER BAND
COLOR: ACADEMY BLACK
FINISH: THERMAL



PHASE I ONSITE LED STREET LIGHT
LUMEC CAPELLA LED
LIGHT DISTRIBUTION IES TYPE 3
BUG RATING - B1-U0-G1

SITE FURNISHINGS



TRASH/RECYCLING RECEPTACLES
VICTOR STANLEY
SD-42
CONVEX AND RECYCLE LID
SURFACE MOUNT
WITH LOCK

TRASH/RECYCLING RECEPTACLES
BIG BELLY SOLAR
DOUBLE STATION
SURFACE MOUNT
WITH LOCK

GALVANIZED
FINISH

BIKE RACK
THE PALMER GROUP
WELLE SERIES
EMBEDDED
GALVANIZED
ADA CROSS BAR
SU-20-F-SS-CB

BUS SHELTER

BUS SHELTER
MFR: PER CITY OF OAKLAND
STANDARDS
COLOR: GREEN
SHELTER COMPLIES WITH AC TRANSIT
BUS SHELTER REQUIREMENTS.

SITE LIGHTING AND SITE FURNISHINGS

Aesculus x carnea 'Briotii'
Red Horsechestnut (deciduous)

Gingko biloba 'Princeton sentry'
Maidenhair Tree (deciduous)

Liriodendron tulipifera
Tulip Tree (deciduous)

Magnolia grandiflora 'Majestic Beauty'
Southern Magnolia (evergreen)

Quercus rubra
Red Oak (deciduous)

Robinia ambigua 'Purple Robe'
Purple Robe Locust (deciduous)

Agapanthus 'monmid'
Midknight Blue Agapanthus

Anigozanthos 'bush ranger'
Dwarf Kangaroo Paw

Callistemon viminalis 'Little John'
Dwarf Bottlebrush

Dietes vegeta
Fortnight Lily

Erigeron karvinskianus
Fleabane

Hemerocallis 'Russian Rhapsody'
Purple Daylily

Hemerocallis 'Yellow'
Yellow Daylily

Limonium perezii
Sea Lavender

Loropetalum chinense 'Plum Delight'
Plum Delight Fringe Flower

Phormium tenax 'Apricot Queen'
New Zealand Flax

Phormium 'Duet'
New Zealand Flax

Rhaphiolepis indica 'ballerina'
Dwarf Indian Hawthorne

Rosa Meidiland 'Red'
Meidiland Rose

Rosa Meidiland 'White'
Meidiland Rose

Cercis occidentalis,
Western Redbud

Chondropetalum tectorum,
Cape Rush

Limonium californicum,
Cape Rush

Schoenoplectus americanus,
Chairmaker's Bulrush

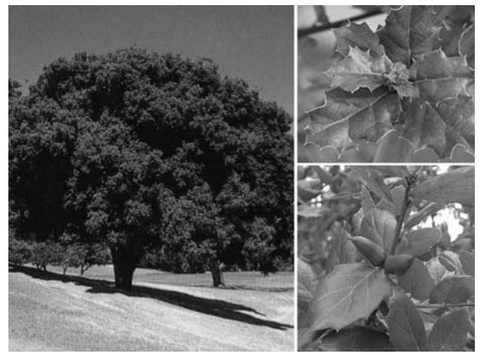
Juncus patens,
Common Rush

Juncus effusus,
Soft Rush

Sisyrinchium californicum,
Yellow-eyed Grass

Distichlis spicata,
Saltgrass

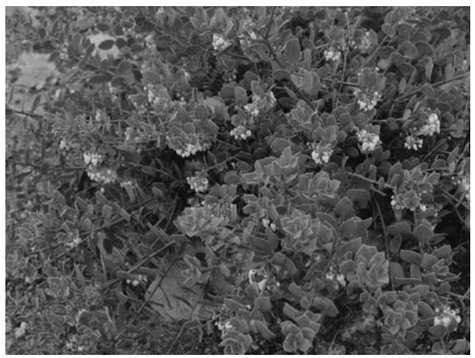
Cercis occidentalis,
Western Redbud



Quercus agrifolia,
Coastal Live Oak

Quercus kelloggii,
California Black Oak

Corylus cornuta,
Hazel



Arctostaphylos edmundsii,
Big Sur Manzanita

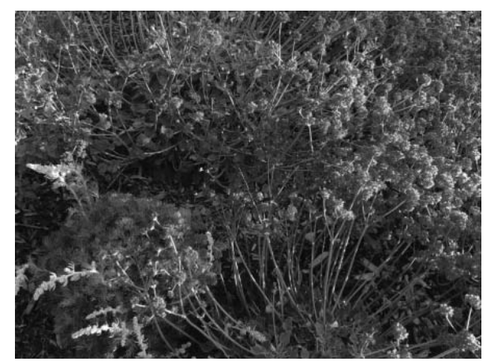
Arctostaphylos densiflora 'Howard McMinn',
Manzanita

Ceanothus 'Concha',
California Mountain Lilac

Ceanothus griseus horizontalis 'Yankee Point,
Carmel Mountain Lilac

Cistus salvifolius prostratus,
Sage Leaved Rockrose

Echium candicans.
Pride of Madeira



Eriogonum grande rubescens,
Red Buckwheat

Dietes vegeta,
Fortnight Lily

Frangula californica 'Mound San Bruno',
Coffeeberry

Hemerocallis 'Bitsy',
Daylilies

Limonium perezii,
Sea Lavender

Muhlenbergia rigens,
Deer Grass

Muhlenbergia capillaris,
Pink Muhly Grass

Romneya coulteri,
Matilija Poppy

Rosa californica,
California Wild Rose

Rosa Meidiland,
Meidiland Rose

Salvia mellifera,
Black Sage

Salvia spathacea,
Hummingbird Sage

Salvia leucantha 'Santa Barbara'
Dwarf Mexican Bush Sage

Brooklyn Basin Transportation Demand Management Plan

August 2014

NELSON
NYGAARD

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1 INTRODUCTION

Purpose of the Plan

The Brooklyn Basin Project represents one of the most exciting opportunities for dense, urban development in the Bay Area, not least because of its size. This report presents the proposed Transportation Demand Management (TDM) plan for the project. It sets out a series of measures by which the developer and property manager will reduce vehicle travel to and from the site, and promote transit, walking and cycling. These measures capitalize on the mix of uses, walkability and future transit accessibility of the development, giving people a choice whether or not to use their vehicles.

At the same time, the TDM plan is designed to manage the demand for auto travel and ensure that the parking system works well, and that spaces are readily available for all users. The project is designed using "urban" parking ratios, rather than the "suburban" model of unlimited free parking. While this brings numerous advantages – increased development potential and reduced auto use, to name just two – it also requires careful management of the parking system and the provision of alternatives to the auto. The analysis is intended to provide assurances to the developer, lenders, the City and the public that the transportation system will be sufficient to meet the needs of residents, employees, visitors and recreational users.

In summary, the plan concludes that a comprehensive transportation demand management plan can reduce auto trips to and from the site, improve the accessibility of the site to all users and ensure that all modes of transportation including the parking system function well. The basic building blocks of the transportation demand management plan are summarized in Figure 1-1.

Measures Included in the Plan

Chapter 2 proposes transit improvements to serve the site. Chapter 3 describes the proposed facilities for bicyclists, while Chapter 4 details a recommended parking management plan.

The full set of recommended measures is shown Figure 1-1. Many of these measures, particularly the bicycle facilities, have already been incorporated into the project design from an early stage. The table divides the measures into required mitigations, which are considered essential for the project's success, and recommended actions.

Figure 1-1 Summary of Planned TDM Measures

Program Elements	Implementation
Coordination	
TDM Coordination	The Brooklyn Basin property manager will be responsible for implementing the strategies in this plan.
Transit	
Brooklyn Basin Shuttle	There will be frequent, direct weekday shuttle service between Brooklyn Basin and BART, This service could be operated by a private contractor or by AC Transit. Several potential operating models are discussed in this plan document. The preferred option is an extension of the Free B shuttle service to downtown Oakland. If extension of the Free B proves infeasible at the time of implementation, the second option is extension of AC Transit's Route 1 from downtown Oakland to Brooklyn Basin. If an agreement with AC Transit cannot be reached, the third option would be a privately operated shuttle.
Other AC Transit service	The developer and property manager will work with AC Transit staff to encourage AC to serve the site with one or more frequent routes. Potential service options include re-routing AC Transits Route 1 or extending Route 72 to serve Brooklyn Basin.
Bicycle Access	
Bicycle network	The development will have a full pedestrian and bicycle network, which will be integrated into the City of Oakland's network, and which will include the proposed Bay Trail connection.
Bicycle parking	The development will provide secure and on-street bicycle parking as outlined in the development plan.
Bikesharing	The Brooklyn Basin property manager will work with the City of Oakland to advocate for bike share bikeshare stations at the development in case of future expansion of Bay Area Bike Share.
Wayfinding and lighting	The developer will provide consistent bicycle, pedestrian, transit rider, and vehicle wayfinding and lighting throughout Brooklyn Basin. All bicycle wayfinding will be consistent with City of Oakland and Bay Trail guidelines and standards.
Parking Management	
Shared commercial parking	Commercial uses will rely on a shared pool of parking.
Unbundled residential parking	Residential parking will be leased to residents. Parking prices will be varied by location as appropriate. If residential units are sold in the future, parking spaces should be maintained as a leased amenity.
Metered on-street parking	On-street parking would be priced using demand-responsive methodology. Note that this measure requires approval and coordination from the City of Oakland.
Carsharing	The Brooklyn Basin property manager will work with providers to encourage them to provide car share vehicles located at the development.

Ferry	
Ferry	If WETA wishes to provide ferry service to the site in the future, work with them to provide terminal space, access, and wayfinding.

TDM Coordination

The property manager will coordinate and implement the various elements of this plan. The following is a summary of the potential TDM activities of the property management office. Additional details are provided in the remaining sections of the plan. Activities may include:

Manage Parking Operations. The property manager will manage operations for off –street parking and the parking operations on site. Activities may include:

- Selling parking permits and allocating spaces
- Overseeing parking administration, enforcement and maintenance
- Monitoring parking occupancy
- Recommending parking price adjustments
- Marketing the car-share program
- Special event planning

- **Provide Transit information to residents, workers, and visitors.** While transit information is widely available through other sources (such as the 511 website and telephone service), a consolidated local source will help newcomers orient to available transit services, and will encourage them to try transit for the first time. Details of transit connections to and from the site may also be provided to prospective residents and included in a "welcome packet" for new homeowners and renters on site.
- **Manage Transit:** The property manager may also be responsible for managing the shuttle, should it be contracted with a private operator.
- **Providing bicycling information:** The property manager will allocate bicycle cage spaces and lockers, issue keys, distribute bicycle maps, and monitoring bicycle rack usage and the need for more racks.
- **Conduct outreach to commercial tenants.** The property manager will be responsible for the outreach activities required by the development's conditions of approval. Activities may include:
  - Encouraging commercial tenants to implement employee rideshare incentive programs.
  - Encouraging commercial tenants to meet standard, minimum employee ridesharing requirements or to provide incentives to encourage employees to rideshare.
  - Encouraging commercial tenants to implement a parking cash-out program for employees (e.g., non-driving employees receive transportation allowance equivalent to the value of subsidized parking).
  - Publicizing City, County or regional programs such as 511 and the car- pooling matching database

  - Distribute information about the Alameda County Congestion Management Agency's Guaranteed Ride Home Program to tenants of the building to facilitate non-auto travel modes.

- **Communicate with the City and the public.** The property manager will liaise with City transportation staff and respond to questions or complaints from the public. The property manager will conduct transit ridership surveys annually and provide findings to the City of Oakland Transportation Services Manager or relevant party. The report will also include readily available information regarding the operations and effectiveness of TDM programs".

2 TRANSIT

At present, the Brooklyn Basin development area does not have transit service. As Brooklyn Basin is built out, transit service will also be required to serve the needs of residents and visitors to the area. For residents, transit service must connect to local and regional transit networks and job centers, as well as provide a way for residents to make local and regional non-work trips (e.g., shopping, educational, or recreational). Transit service also needs to provide a way for non-residents to access Brooklyn Basin's employment, retail, and recreational opportunities.

Initially, there will be relatively low demand for transit service. It is important, however, for transit service to be available from the time the first residents are in place, to encourage a culture of transit riding on the site. The amount that transit service reduces vehicle demand depends upon its frequency, span (hours of operation), and usefulness – its speed, cost, convenience, and how well it connects people to other transit service and key destinations.

Important transit linkages include:

- *Connections with downtown Oakland, including BART's 12th Street City Center Station.* Demand for travel to these destinations will include commuters, and trips for a full range of trip purposes in downtown Oakland. This primary service should operate at least five days per week, providing fast and frequent service for residents accessing transportation connections and services downtown, and also for connecting visitors to the site.
- *Connections to the Lake Merritt BART station.* A connection to Lake Merritt BART would provide the fastest possible access to the regional transit system.
- *Connections with Jack London Square, the retail and entertainment center closest to Brooklyn Basin.* Residents will need access to goods and services at Jack London, while visitors may want to "make a day" of a trip to both locations. A connection between Jack London and the site could also provide connections to the Aquatic Center, the Ferry Terminal, and to Amtrak, all within reasonable walking distance.
- *Connections from residential areas to the east of Brooklyn Basin.* Transit connections to east Oakland are desired primarily to provide access from residential areas to the open space and retail amenities in Brooklyn Basin.

As part of this TDM plan, Brooklyn Basin intends prioritize a fast, frequent transit connection providing service to either Lake Merritt BART Station or 12th Street Civic Center BART Station in downtown Oakland. Service could be privately contracted, or operated by AC Transit, depending on circumstances at the time of implementation. Brooklyn Basin also strongly encourages AC Transit to extend one or more routes to the area of the development to provide connectivity to Jack London Square, downtown Oakland, Lake Merritt BART station and/or points east. These strategies are described in more detail below.

The developer will also construct transit facilities, such as bus turnouts/bus bulbs, benches, shelters, etc., as necessary to accommodate the transit service described in this section.

Brooklyn Basin Shuttle

Brooklyn Basin will either provide or work with local partners to provide frequent transit service from Brooklyn Basin to one of the two nearby BART Stations. Irrespective of the service provider or the contracting arrangement, the characteristics of the service will be as follows:

- **Service level:** the minimum level of service will be weekday, peak hour service only, to be in place by the issuance of the 1,000th certificate of occupancy. The targeted level of service is every 15 minutes during peak commute periods and every 30 minutes during non-commute periods between 6 AM and 8 PM, Monday through Friday, from the issuance of the 1st certificate of occupancy. When demand warrants, off-peak service will be increased in frequency to every 15-mintes.
- **Vehicle requirements:** Buses will accommodate at least 16 seated passengers, and will be fully accessible to passengers using wheelchairs and other mobility devices. Buses will be targeted to have the capacity to transport bicycles.
- **Stop Amenities:** For stops located on the Brooklyn Basin site, the developer will provide signage showing the route and schedule of the bus, as well as a shelter and waiting area. Real-time arrival information will be provided at major bus stops on-site. A private shuttle (if used) will have real-time arrival information available through mobile devices (as is currently provided for the Free B).
- **Route:** The shuttle service will be designed to provide a high quality connection between the development and a BART station. As illustrated in Figure 2-1, shuttle service would operate on one of two routes, at the discretion of the developer and property manager:
    - From 9th Street in Brooklyn Basin along to Jack London Square, and then continuing on Broadway to the 12th Street BART station. Key stops along this route would be at the Aquatic Center, 5th Avenue, Main Street and Embarcadero, Main and 9th Avenue and 9th at Embarcadero in addition to existing AC Transit stops along Broadway to the 12th Street BART station. This route will be selected if it proves feasible to enter into a cost-sharing agreement with either the City of Oakland's Free B operation or AC Transit.
    - From 9th Street in Brooklyn Basin directly to Lake Merritt BART station. Key stops along this route could be at Main and Embarcadero, and 5th and Embarcadero.

A diagram illustrating potential shuttle routes is provided in Figure 2-1. While either of these routes provides connectivity to BART as required by the developer's conditions of approval, Option 1 would provide more direct connections to AMTRAK and the Capitol Corridor, Oakland's ferry services and downtown Oakland with both BART and significant AC Transit service. Because this route is longer and much of it duplicates existing Free B and AC Transit routes, this extension will be possible only if a cooperative agreement can be reached with the primary operator of those services.

Preferred Option: Partner to Extend the City of Oakland's 'Free B' shuttle

If possible at the time of implementation, Brooklyn Basin may choose to partner with the City of Oakland to extend the 'Free B' Shuttle to Brooklyn Basin.

The Free B, which is specially branded and free to customers but operating under contract by AC Transit, connects 19th Street and 12th Street BART Stations in Downtown Oakland to Jack London Square via Broadway. It currently operates every 10 minutes during peak periods and every 15 minutes during off-peak periods. The current span of service is 7 AM to 7 PM, Monday to Thursday, 7 AM to 1 AM on Friday, and Saturday 6 PM to 1 AM. The Free B is the preferred option for the following reasons:

- The ease and cost effectiveness of adding to existing bus infrastructure.
- The quality of buses and value of its "brand".
- The role its "brand" plays in encouraging ridership from Brooklyn Basin residents.

Key features of the extension would be as follows:

- ***Route:*** As shown in Figure 2-1, this option would involve extending the service from its current terminus at Webster Street to a new terminus at 9th Avenue. The round-trip route would be roughly 2 miles longer than the current route.
- ***Service levels:*** Weekday service would run from 6 AM to 8 PM on weekdays, requiring two additional hours of service in addition to what is currently provided by the Free B. Current peak (10 minute) and off-peak (15 minute) frequency levels would be maintained. Service will be scaled up through either a larger vehicle or more frequent service when any bus is at service capacity service.
- ***Space Requirements:*** The extension would require space to lay-over at least one 30-foot vehicle at or near the route's terminus.
- ***Cost:*** Modifying the current Free B shuttle's weekday service plan to serve Brooklyn Basin would require placing one additional vehicle on the route during current service hours and three additional vehicles on the route from 6 AM to 7, Monday through Friday. The cost-sharing arrangement would have to be negotiated with the City of Oakland and AC Transit at the time of implementation.

Note that the City of Oakland is currently studying options to replace the Free B with a new service, called the Broadway Circulator, which would provide a longer span of service and connect to other destinations north of downtown Oakland, such as Macarthur or Rockridge BART Stations. Alternatives under consideration include both bus and streetcar options. Generally, options to extend a future Circulator to Brooklyn Basin would have roughly the same costs and other considerations as a Free B extension. The cost ranges estimated for the Free B would apply. However, there are the following key differences:

- If the Circulator were implemented as a streetcar, it could not be extended to Brooklyn Basin. Other options would have to be explored, including an independently contracted shuttle or the extension of an AC Transit route to Brooklyn Basin.
- While the current 'B' service is free, it is likely that the Circulator would require passengers to pay a fare.

At the time of implementation, the property manager will consider recent or pending changes to the Free B service before choosing a transit service option for the site.

Alternate/Option 2: Extend AC Transit Route 1

While an extension of the Free B is the preferred option to serve Brooklyn Basin, if it proves infeasible, the property manager would consider entering an arrangement with AC Transit to provide for extending AC Transit Route 1 after it is severed from the southern (International Boulevard) segment in downtown Oakland.

Today, this route begins in Downtown Berkeley and serves the Telegraph Avenue corridor between Berkeley and downtown Oakland. South of downtown Oakland, it proceeds along International Boulevard to San Leandro and Bay Fair BART stations. However, a separate bus rapid transit (BRT) service is planned for International Boulevard, and Route 1 will no longer serve this corridor after BRT implementation. At this time, Route 1 could instead be re-routed to serve Brooklyn Basin.

Specific service levels, operational details, and cost sharing arrangement would be agreed with AC Transit at the time of implementation, but is proposed to be 6 AM to 8 PM, every 10 minutes. Potential routing is illustrated in Figure 2-1.

Alternate/Option 3: Independently Contract a New Shuttle Service to Lake Merritt BART Station

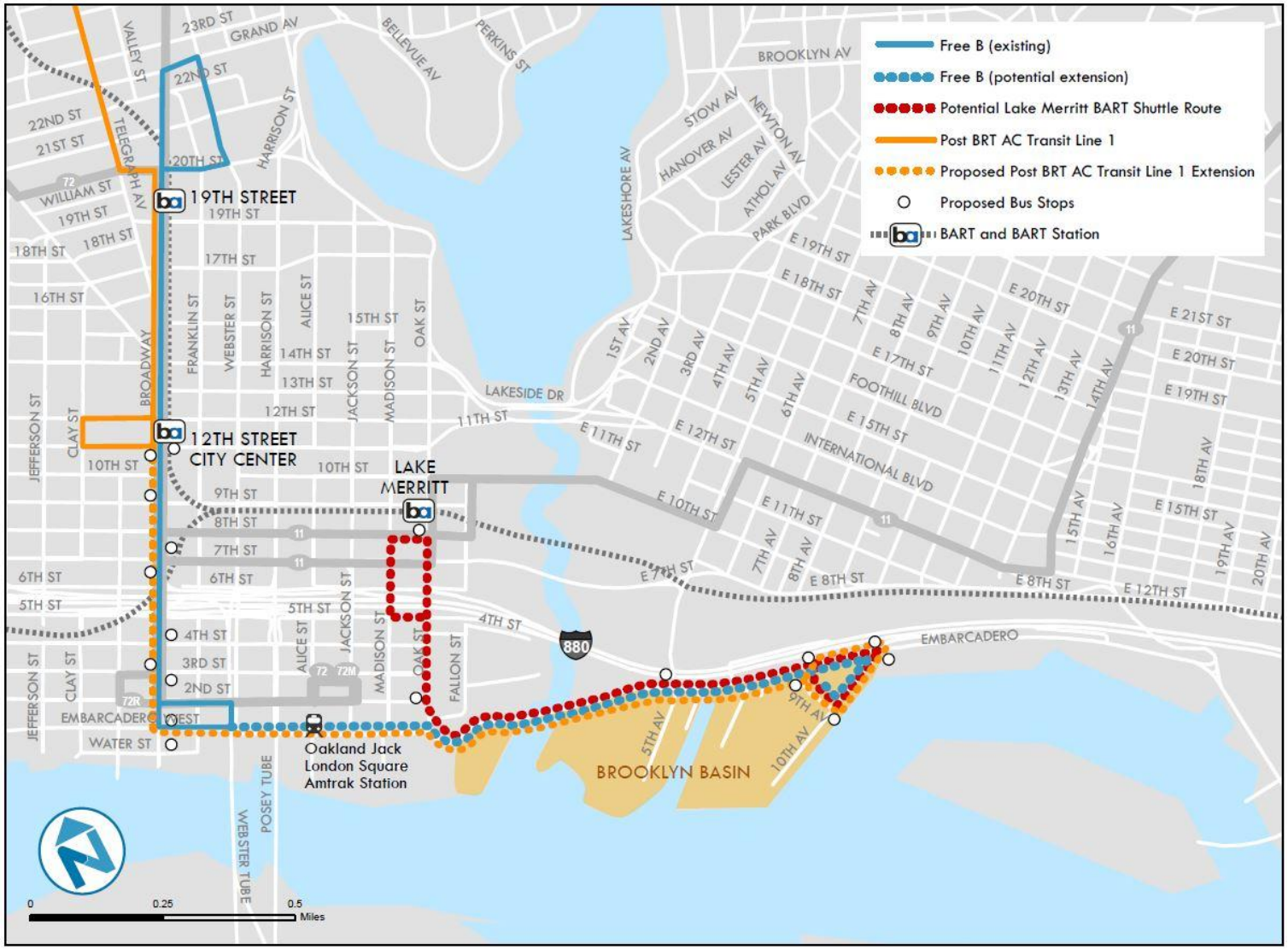
If partnering with either the City of Oakland or AC Transit is not an option, Brooklyn Basin may independently contract with a private transit operator to provide shuttle service to Lake Merritt BART Station. Features would be as follows:

As shown in Figure 2-1, an independent shuttle would operate between Lake Merritt BART station and 9th Avenue in Brooklyn Basin. The total round-trip route would be roughly 2.8 miles.

The minimum level of service would be weekday, peak hour service only. The targeted level of service would be weekday service between 6 AM and 8 PM, every 15 minutes during peak commute periods and every 30 minutes during off-peak periods. Service would be scaled up to every 15 minutes all day as demand warrants.

Like the Free B extension, the independent shuttle would require space to lay-over up to three cut-away vehicles at or near the route's terminus.

Figure 2-1 Brooklyn Basin Potential Shuttle Services



3 BICYCLE NETWORK

Bicycle facilities are a critical part of the Brooklyn Basin Project. They will allow easy access for residents and visitors to and from nearby destinations and transit hubs, particularly Jack London Square, downtown Oakland and Lake Merritt BART station. These are all between one and two miles from the project site – a long walk, but a brief bicycle ride. In turn, bicycle facilities will help to reduce parking demand and traffic impacts from the development.

At the same time, provision of bicycle facilities can help the wider community take advantage of the recreational opportunities that redevelopment will bring. The San Francisco Bay Trail runs through the project site, and many trail users will enjoy the facility by bicycle.

This chapter of the Transportation Demand Management Plan discusses how bicycle facilities will be integrated into the Brooklyn Basin Project. The first section outlines the proposed bikeway network, including the Bay Trail and links to the City of Oakland network. The second section covers bicycle parking facilities.

BIKEWAYS

Bikeway Network

The developer will provide bicycle lanes and paths, connected to the community-wide network. These paths, described below, will provide direct, safe, attractive pedestrian and bicycle access to transit stops and adjacent development. In addition, the developer will provide adequate street lighting within the street right of way immediately adjacent to and within the project site.

Bikeways must meet the design standards specified in Chapter 1000 of the Caltrans Highway Design Manual. In this chapter, three types of bikeways, are defined:

- Class I Bike Path. Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with cross- flow minimized.
- Class II Bike Lane. Provides a striped lane for one-way bike travel on a street or highway.
- Class III Bike Route. Provides for shared use with pedestrian or motor vehicle traffic.

At the Brooklyn Basin Project, Class I bike paths will primarily provide for recreational use. The path will follow the shoreline, as part of the Bay Trail. Class II bike lanes, meanwhile, will provide a higher-speed, direct route along the Embarcadero. Fifth Avenue, Main Street and Eighth Avenue will carry some bicycle traffic, and should be treated as Class III bicycle routes, although need not be signed.

The existing and planned bikeway network is shown in Figure 3-1. Along the Embarcadero, 6' wide Class II bicycle lanes have been implemented and provide the most direct route past the project site. For recreational users or less experienced cyclists, a proposed Class I Bike Path will follow the shoreline, as follows:

- From Fourth Avenue to Clinton Basin, this will provide a 40' section, including a 10-12' bike path separated from the pedestrian path (Figure 3-2).
- Around Clinton Basin, there will be a 35' Promenade Zone, shared between pedestrians and bicycles, stepped down from a 15' Cafe Zone (Figure 3-3).
- Along Ninth Avenue and along Fourth Avenue, the Bay Trail will split into separate bicycle and pedestrian sections. The pedestrian route will hug the shoreline, while the bicycle path (Figure 3-4) will follow the roadway.

Main Street will also be an important access route to the project site, particularly for more experienced cyclists.

Figure 3-1 Existing and Planned Bikeway Network

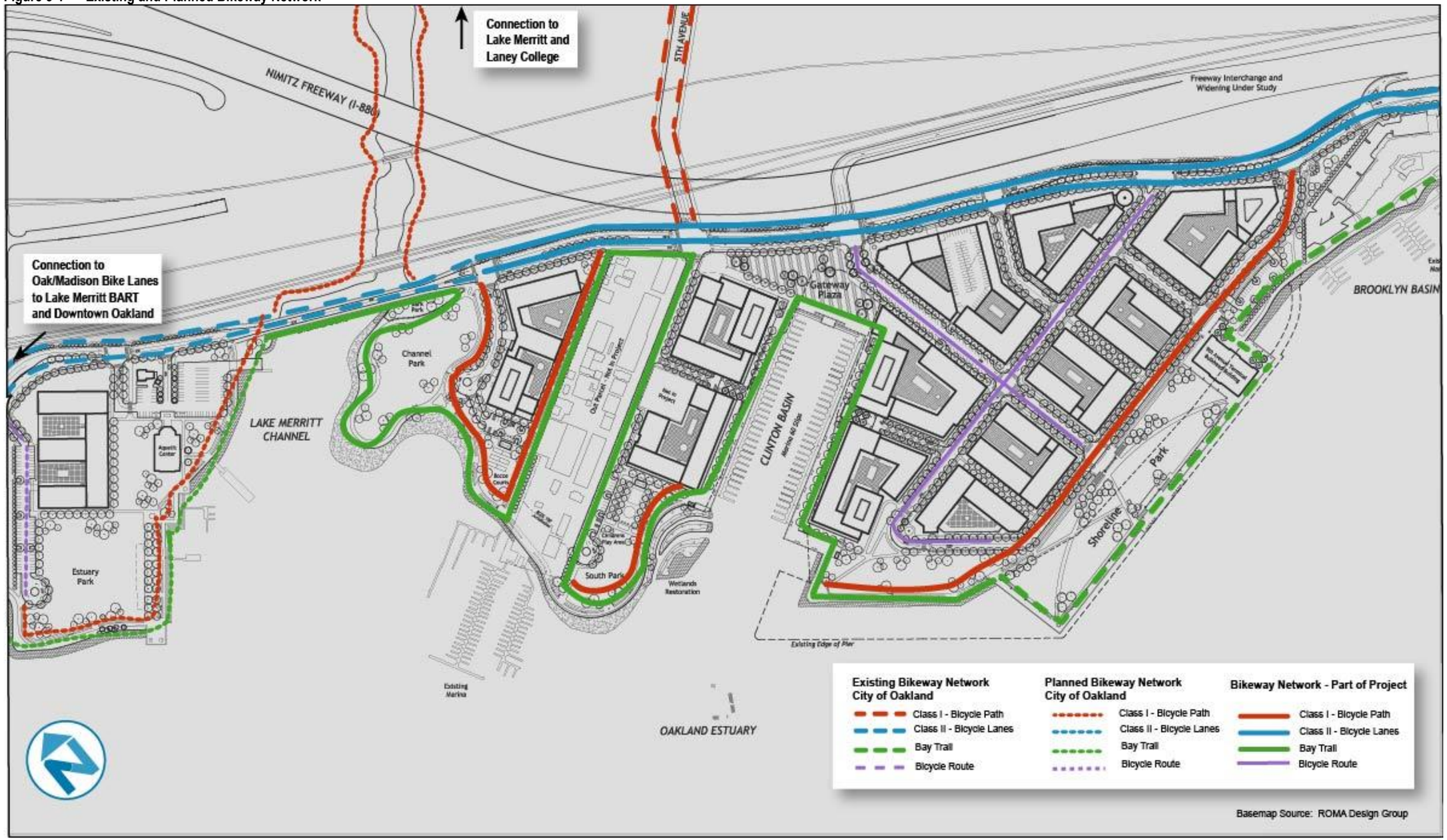
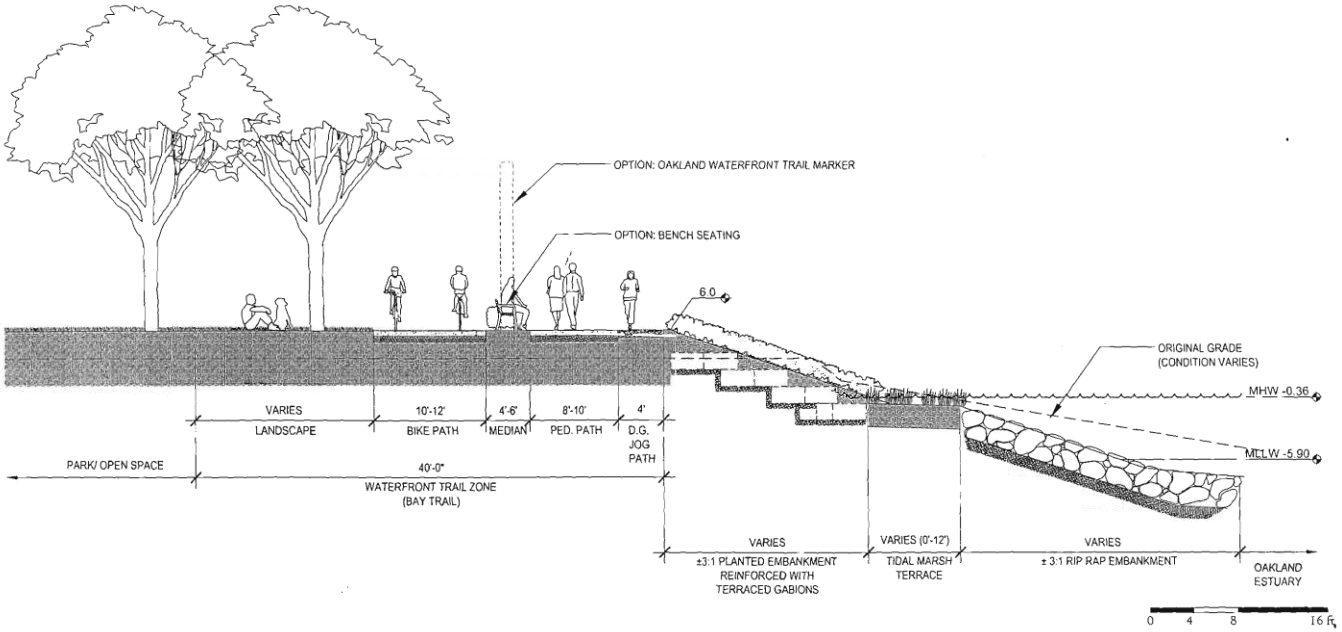
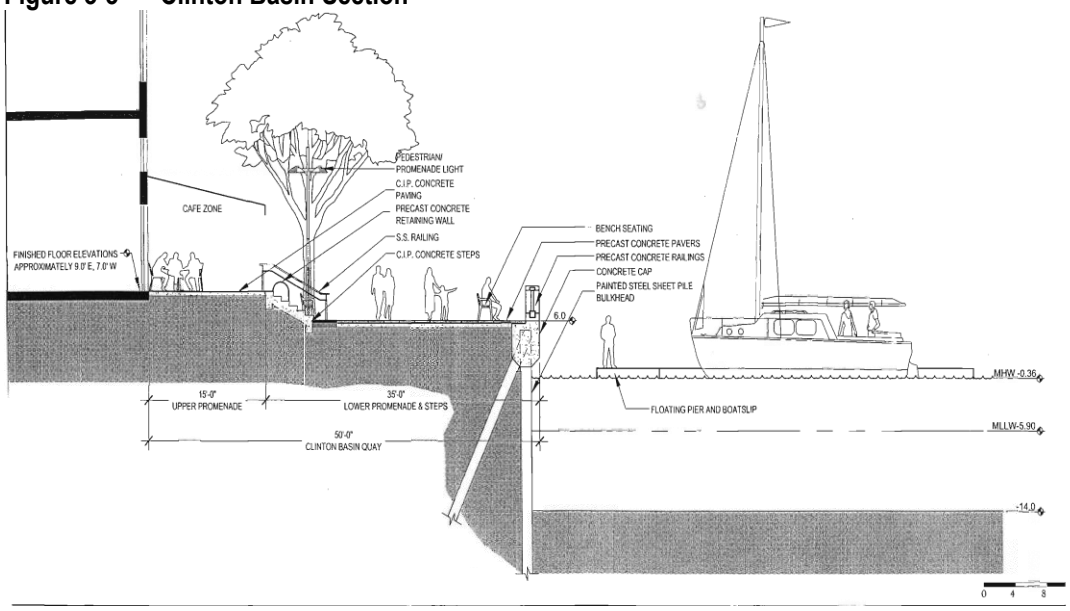


Figure 3-2 Typical Bay Trail Section



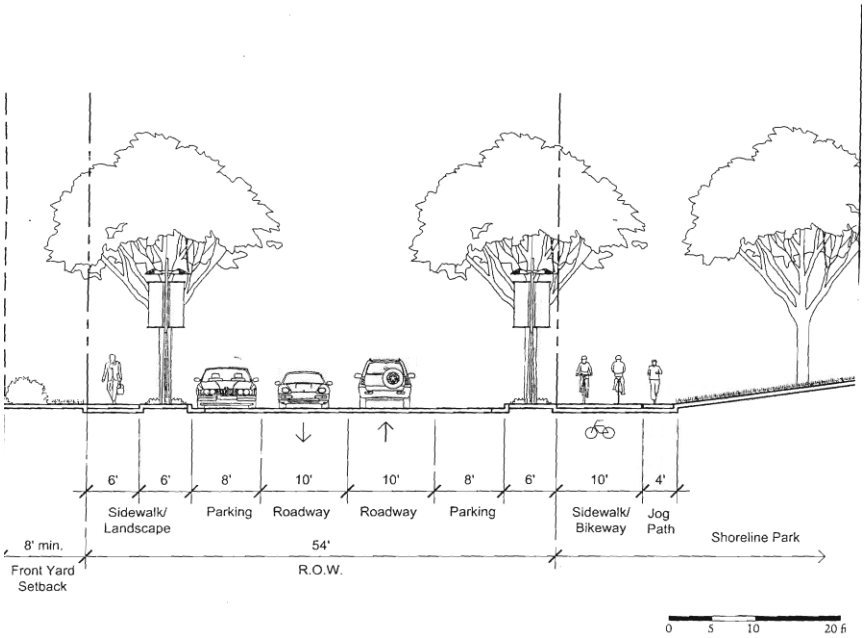
Source: Prepared by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

Figure 3-3 Clinton Basin Section



Source: Prepared by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

Figure 3-4 Ninth Avenue Section



Source: Prepared by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

Bay Trail

In addition to Caltrans Highway Design Standards for bikeways, the San Francisco Bay Trail Plan sets out trail alignment and design policies in order to ensure high-quality public access to pedestrians and bicycles as close to the shoreline as possible. The Brooklyn Basin Project will implement the Bay Trail according to these policies through the project site, as shown in Figure 3-5 and Figure 3-6.

Figure 3-5 Relevant Bay Trail Alignment and Design Policies

Policy	Implementation
Trail Alignment Policies	
Ensure a feasible, continuous trail around the Bay.	The trail will be continuous through the project site.
Locate trail, where feasible, close to the shoreline.	The trail will follow the shoreline through the project site.
In selecting a trail alignment, use existing stream, creek, slough and river crossings where they are available. This may require bridge widenings in some locations.	The trail will cross Lake Merritt Channel via the existing Embarcadero bridge.
In order to minimize the use of existing staging areas along the shoreline and to reduce the need for additional staging areas, the choice of trail alignment should take full advantage of available transit, including rail service (e.g. Caltrain, BART), ferries and bus service.	The trail can be accessed by a bike path from Lake Merritt BART station, and by planned new AC Transit and shuttle service.
Trail Design Policies	
Provide access wherever feasible to the greatest range of trail users on each segment.	The trail will be fully accessible through the project site.
Wherever possible, new trails should be physically separated from streets and roadways to ensure the safety of trail users.	The trail will be fully separated from roadways through the project site (Class I facility). However, the trail will use the Embarcadero bridge to cross Lake Merritt Channel.
Create a trail that is as wide as necessary to accommodate safely the intended use, with separate alignments, where feasible, to provide alter- native experiences.	Bay Trail design standards will be adhered to within the project site (Figure 3-6). The north part of the site will offer several different alignments through Channel Park and South Park.
Highlight the interpretive potential of certain trail segments, including opportunities for interpretation, education, rest, and view enjoyment.	Benches, cafes and other amenities will be provided throughout the project site.
Incorporate necessary support facilities, using existing parks, parking lots, and other staging areas wherever possible.	Through shared parking, the project will minimize the need to construct dedicated parking facilities for Bay Trail users.
Design new segments of trail to meet the highest practical standards and regulations, depending on the nature and intensity of anticipated use, terrain, existing regulations, and standards on existing portions of the trail.	Design standards for both the Bay Trail and City of Oakland will be adhered to.

Policy	Implementation
Minimum and maximum standards by use, width, surface, etc. should be developed, to ensure safe enjoyment of the trail and compatibility with surroundings and existing facilities, and to encourage use and design of surfaces for which long-term maintenance will be cost-effective.	Bay Trail design standards will be adhered to within the project site (Figure 3-6).
Design and route the trail to discourage use of undesignated trails.	In general, the alignment will provide the most direct route along the shoreline.

Figure 3-6 Bay Trail Design Guidelines

Item	High-Use Facilities (Separate Paths)	Multi-Use Paths	Bicycle-Only Paths
Minimum width (one-way)	8-10'	10'	8'
Minimum width (two-way)	10-12'	10-12'	10-12'
Surface	Asphalt	Asphalt	Asphalt
Horizontal clearance (incl. shoulders)	12-16'	14-16'	10'
Shoulder	2'	2'	2'
Vertical clearance	10'	10'	10'
Cross slope	2% max	2% max	2% max
Maximum grades[1]	5%	5%	5%

Bicycle Access

There are three major access routes to the project site for bicyclists, shown in Figure 3-7:

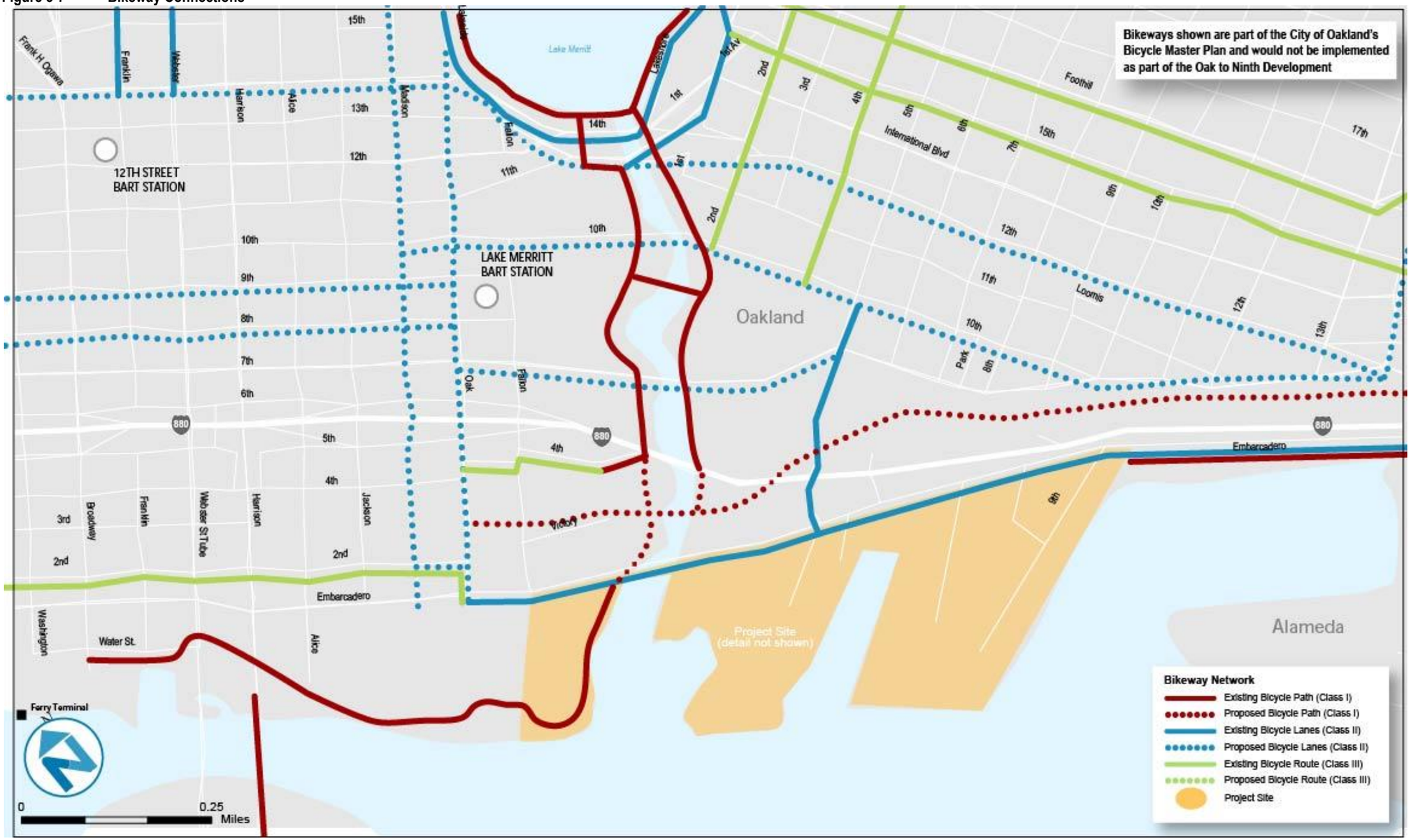
- Embarcadero: Bicycle lanes have been implemented on Embarcadero, providing a key connection to the site by linking to Jack London Square and the Amtrak station to the northwest, and to the Oak/Madison bicycle lanes which provide access to Lake Merritt BART station and downtown Oakland.
- 5th Avenue: Bicycle lanes have been implemented on 5th Avenue from Embarcadero to 10th Street.
- Lake Merritt Channel Pathway: a planned multi-use bicycle and pedestrian path linking to Laney College and Lake Merritt, and a planned east-west Class I bicycle path along the Union Pacific right-of-way

Note that Lake Merritt Channel Pathway is identified in the City of Oakland bicycle plan and as such would not be implemented as part of the Brooklyn Basin project.

[1] Percentage grade for short distances with flat rest areas at turn outs, except where site conditions require a greater slope for short distance.

Slight modifications to several proposed intersection designs are recommended to provide good connections from the project site to these access routes.

Figure 3-7 Bikeway Connections



WAYFINDING

Wayfinding signage will be provided along the length of the Bay Trail within the project site. This signage will help visitors to locate the trail once they arrive at the site, and also to stay on the trail. Gateway signage will be provided at every intersection with the Embarcadero, although the most important locations are:

- **Gateway Park.** This will be the primary point of access for many visitors, since it is adjacent to the freeway off-ramp. The park is also directly across the street from the proposed overflow parking facility under the freeway, which will primarily be utilized on sunny summer weekends. As well as signage, there will be a direct line-of-sight connection to the Bay Trail and the cafes around Clinton Basin, which will help to draw visitors in.
- **Channel Park.** This marks the western entrance to the Bay Trail; good signage here is important in drawing pedestrians and cyclists off the Embarcadero and down to the waterfront.
- **Ninth Avenue.** In a similar way to Channel Park, Ninth Avenue marks the eastern entrance; good signage will help to draw pedestrians and cyclists off the Embarcadero.

Secondary markers such as a map kiosk, light marker or interpretive signage marker will be provided at regular intervals along the trail, where there is a choice of paths. This will comply with Bay Trail policies, which state:

A consistent signing program should be established throughout the trail system, using a Bay Trail logo which will identify trails within the Bay Trail system as distinct from other connecting trails. The choice of materials used should be the concern of the individual implementing jurisdictions and agencies.

BICYCLE PARKING

Bicycle parking on the project site serves two important markets.

- Long-Term parking is needed for bicycle storage for residents and employees. This parking will be in secure, weather-protected, restricted access facilities (Class I parking).
- Short-Term parking will serve shoppers, trail users and other visitors (Class II parking). As well as security, convenient locations are a priority – otherwise, bicyclists will tend to lock their bicycles to poles or fences close to their final destination.

Long-Term Parking

A mix of long-term bicycle parking facilities is recommended in each parking garage.

- Bicycle racks at garage entrance. These will primarily serve employees, and are particularly important on Parcel G which will be a staffed garage. Here, racks should be located in clear view of the garage attendant, and may replace one or more vehicle parking spaces. In other garages, racks can make use of nooks and corners that are too small for a vehicle parking stall, provided that these are close to the entrance and have adequate visibility.

- Bicycle cages are needed in all garages, and will primarily serve residents. The cage will be secured with a locked gate (ideally using an electronic keycard). Within the cage, cyclists will be able to lock their bicycles to a rack, providing an additional level of security.
- Bicycle lockers will provide an additional option for the most security-conscious bicycle users (both residents and employees). Since they are more space-intensive than other options, they should be made available for a modest fee. A small number of lockers can be introduced initially, with the demand being closely monitored.

The parking garage is the most suitable location, as bicyclists can use the vehicle entry without the need to navigate stairs or elevators. Bicycle parking should be on the ground floor, as close to the entry as possible.

Keys or access cards would be managed by the on-site property management office. The property manager would also need to monitor the cages and racks regularly, for example to identify and remove abandoned bicycles and assess security.

Figure 3-8 shows the number of long-term caged bicycle parking spaces that are recommended initially. However, these will need to be adjusted in line with demand; should a cage fill up or lockers be oversubscribed, additional parking must be provided, even if this replaces a vehicle parking space. The initial parking requirements are set to meet the City of Oakland Zoning Code requirements, however new bicycle parking can be added if demand outstrips supply. They are calculated as follows:

- The City of Oakland zoning code calls for one long-term space per four units.
- Bicycle parking provision for Phase II should be readjusted based on experience in Phase I.
- Any parcel that includes senior housing could include a lower number of cages.

Employee demand will be greatest on parcels “G” and “H”, where secure racks will be available within sight of the Parcel G garage attendant. On other parcels, employee bicycle parking demand is likely to be minimal and can be catered for with the racks located in nooks and corners, with lockers available as required.

A typical cage can be sized at slightly less than one vehicle parking stall (i.e. 9’ by 16’). This cage would accommodate 4 to 5 racks holding 8 to 10 bicycles[2]. Any cage that is larger than ten bicycles poses a security risk due to the number of key holders.

[2] This sizing accommodates the dimensions recommended by the Association of Pedestrian and Bicycle Professionals. There would be two rows of three parallel racks with the middle rack in one row to provide access from the 9” side of the cage. Each row would be 6’ wide with a 4’ aisle in between. The racks would be spaced at 2.5’ intervals, with 2’ clearance to the wall.

Figure 3-8 Initial Long-Term Bicycle Parking Provision

Parcel	Number of Units	Baseline Number of Spaces	Initial Cages Recommended[3]
A	375	94	12
B	160	40	5
C	160	40	5
D	160	40	5
E	86	22	3
F	164	41	5
G	280	70	9
H	335	84	10
J	292	73	9
K	310	78	10
L	144	36	5
M	334	84	10
N	300	75	9
Total	**3,100**	**775**	**97**

Short-Term Parking

Short-term parking will be provided by means of on-street racks immediately adjacent to high-demand locations, in the following locations:

- On all retail frontages
- Around Clinton Basin
- Next to the primary transit stops; this will allow cyclists to park their bicycle should the on-bus racks be full
- In other locations, where the presence of bicycles locked to fences or railing indicates demand

Initially, a single "U" or similar rack should be placed as close as possible to the entrance of all retail businesses where this is not prevented by other obstructions. Additional racks are easy to install and this should be done based on demand. The on-site property management office will need to conduct regular observations.

Figure 3-9 shows the number of short-term bicycle parking spaces that are recommended. The initial parking requirements are set to meet the City of Oakland Zoning Code requirements, however new bicycle parking can be added if demand outstrips supply. They are calculated as follows:

[3] Each cage measures at least 9' by 16', and holds 4 racks or 8 bicycles. Most cages will replace a single vehicular parking space.

- The City of Oakland zoning code requires:
  - 1 short-term space per 20 units for multi-family housing without a private garage
  - 1 short-term space per 5,000 square feet of general retail sales
  - No short-term bicycle parking is required for the marina
- Bicycle parking provision for Phase II should be readjusted based on experience in Phase I.
- Any parcel that includes senior housing could include a lower number of bicycle racks.

Figure 3-9 Initial Short-Term Bicycle Parking Provision

Parcel	Number of Units	Retail Square Footage	Residential Short-term Parking Spaces	Retail Short-term Parking Spaces	Total
A	375	10,000	19	2	21
B	160	6,000	8	1	9
C	160	6,000	8	1	9
D	160	6,000	8	1	9
E	86	8,000	4	2	6
F	164	5,000	8	1	9
G	280	42,000	14	8	22
H	335	35,000	17	7	24
J	292	12,000	15	2	17
K	310	17,000	16	3	19
L	144	15,000	7	3	10
M	334	5,000	17	1	18
N	300	15,000	15	3	18
Total	**3,100**	**182,000**	**156**	**35**	**191**

The street furniture zone will generally be the most appropriate place for racks, where they can be placed in between street trees and lights. This maintains the maximum clear width for pedestrians. The City of Oakland has developed detailed standards for rack placement, as follows:

- **Measurements**
  - Footprint: 6' long x 2½' wide (the "foot- print" is the area occupied by a bicycle when it is parked at the rack)
  - Rack: 36" tall x 21" wide
- **Location Details**
  - Commercial district
  - On public property
  - With business owner's permission

  - On a flat concrete sidewalk
  - Sidewalk must be free from cracks or other damage
- **Clearance**
  - There should be a minimum of 5½' clear for pedestrian right-of-way outside the footprint; 7' in areas of heavy pedestrian traffic. Rack should be located a minimum of:
    - 5' from Fire Hydrant
    - 4' from AC Transit Red Zone, Loading Zone, Blue Zone (disabled parking), Curb/Curb ramps, Crosswalk or BART entrance
    - 3' from Newspaper Racks, US Mailbox, Light Pole, Sign Pole, Bus Shelter, Drive-way, Surface Hardware (PG&E, Cable grates, etc.), Street Furniture, Standpipes, Bus Benches, Trash Cans, or other side- walk obstructions
    - 30" from light pole
    - 18" from the curb

BIKESHARING

The Bay Area Bike Share is a bike sharing system that currently has 700 bikes placed at 70 stations across the region, with locations currently in San Francisco, Redwood City, Mountain View, Palo Alto, and San Jose. Bikes can be rented from and returned to any station in the system, creating a network with a variety of origins and destinations. MTC has allocated $8.7 million to begin implementation of Bay Area Bike Share in Oakland, Berkeley, and Emeryville. Service is expected to begin in 2016.

As a population and activity center within comfortable biking distance of major destinations and transit hubs, Brooklyn Basin is an ideal location for bike sharing. To facilitate bicycle acess to Brooklyn Basin, the developer and property manager will:

- Work with the City of Oakland to advocate for stations at the development during future expansion of Bay Area Bike Share.
- Make space available for a bike sharing station at one or more locations within the development.

4 PARKING

INTRODUCTION

This chapter presents Nelson\Nygaard's parking analysis for the planned Brooklyn Basin development. It covers two areas:

- Quantification of parking demand
- Discussion of parking management arrangements

Effective parking management and a correctly sized supply are extremely important if the potential of this development is to be fully realized. The strategies presented in this chapter will ensure that the parking system works well, and that spaces are readily available for all users at all times.

This Transportation Demand Management (TDM) plan provides a detailed parking demand analysis; it takes into account surplus/deficits in each parcel and also includes the impacts of unbundling residential parking costs, which will be a very important tool to reduce parking demand. Typically, when a residential unit is bought or rented, the costs of providing parking are included in the price or the rent. At Brooklyn Basin, this Plan proposes that residents will be able to choose how many parking spaces they need, and will be charged for these costs separately – providing a financial incentive to own fewer cars, and to take advantage of alternatives such as carsharing. Residents who do not park in the structures would benefit from lower housing prices or rents. Of course, this calls for on-street parking management and pricing, to avoid congesting on-street parking.

Parking demand will also to a great extent depend on how the development is marketed and presented to the public, due to a "self-selection" process. A marketing message that stresses the availability of good regional transit connections, the mix of uses and the availability of carsharing (if provided) is likely to disproportionately attract households who want the choice to own just one vehicle – or in some cases none at all.

The strategies outlined here also analyze parking demand in two phases; Phase I which includes construction of Parcels A, B, C, G and F; and project build-out.

Since there are very few similar developments that can be used as a model to estimate travel behavior and thus parking demand, it is difficult to provide precise estimates of parking demand with a high degree of certainty. Parking supply ratios can thus be more generous in early phases, taking account of the fact that parking demand will be higher in earlier phases until the mix of uses matures and future transit services begin. In later phases of development, the supply of parking can reflect both this initial surplus and the actual level of demand.

Summary of Results

The analysis in this chapter shows that parking supply will be adequate to meet demand, provided that residential parking is charged for and shared between different users. The peak time of demand is expected to be weekday evenings, meaning that parking will be available on weekends for Bay Trail users and other recreational visitors. It is estimated that there will be almost 130 on-street parking spaces available on Saturday afternoons. Figure 4-1 shows the summary of peak parking demand.

Figure 4-1 Summary of Peak Parking Demand with Shared Parking and Residential Parking Pricing

	Supply	Demand	Occupancy
Phase 1	1,621	1,553	95%
At build-out	3,878	3,814	98%

These estimates are conservative, as they do not take into account the impact of transit service improvements, bicycle facilities or carsharing. These investments will serve to reduce demand further, but – more importantly – provide amenities to residents and realistic alternatives to paying for parking.

PARKING SUPPLY

The proposed project will provide covered parking at a rate of one space per residential unit, one space per 500 sq. ft. of commercial space, and one space per five boat slips, which is consistent with parking requirements for the Waterfront Zoning District. Figure 4-2 shows the number of on-street and off-street parking spaces provided after Phase I and at project build-out.

Figure 4-2 Parking Supply

	On-street		Off-street	
Parcel	Phase 1	Total	Phase 1	Total
A	67	67	444	444
B	32	32	185	185
C	33	33	185	185
D	7	33	0	185
E	0	36	0	147
F	13	13	172	172
G	79	79	372	372
H	32	39	0	472
J	0	6	0	375
K	0	26	0	355
L	0	20	0	176
M	0	36	0	390
Total	**263**	**420**	**1,358**	**3,458**

PARKING DEMAND ANALYSIS

This section, together with Appendix A, which documents the full analysis, provides a quantitative estimate of parking demand in the development that can be used to guide the initial management of parking. Rather than using generic estimates of parking demand, they are adapted to consider how vehicle ownership and use patterns are likely to vary on the site:

- Estimates of residential parking demand are made using 2010 Census Transportation Planning Package vehicle ownership data from an Oakland traffic analysis zone with similar characteristics[4]
- Employee parking demand estimates are based on the expected number of employees in each parcel and employee mode split from two neighboring traffic analysis zones[5], rather than standard parking ratios from the Institute of Transportation Engineers.[6]
- Visitor parking demand is derived from assuming a commercial parking demand of two spaces per 1,000 sq. ft. and then subtracting employee parking demand (since these two together constitute the commercial demand)
- Marina parking demand is a conservative estimate based on standard parking ratios from the Institute of Transportation Engineers
- Recreational parking demand has not been estimated, since little or no data exists for estimating the number of recreational visitors. However, the figures show the number of parking spaces available for these visitors during daytime on weekdays and weekends.
- Allowance is made for shared parking, as different users will have different times of peak demand

Methodology

Residential Parking Demand

To estimate vehicle ownership amongst potential residents, 2010 Census Transportation Planning Package data from one of the adjacent traffic analysis zones was used.[7] This method generates an estimate of 1.25 vehicles per household, which is in between typical urban and suburban residential peak parking demand ratios.

Employee Parking Demand

Typically employee and customer/visitor parking demand are combined into a single analysis for commercial parking demand. However, these two components are separated in this analysis, since a key aim is to manage the parking to en- sure that the most convenient, visible spaces are

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[4] TAZ 00103698 was used as this is coterminous with Block Group 1, Census Tract 4033, Alameda County, California which was used in the previous analysis.

[5] TAZ 00103698 (coterminous with Tract 4033, BG1) and 00103349 (coterminous with Tract 9832, formerly 4032) were used.

[6] Problems with the Institute of Transport Engineers' standard ratios are discussed in Shoup, Donald (2002), "Truth in Transportation Planning", Journal of Transportation and Statistics.

[7] TAZ 00103698 was used as this is coterminous with Block Group 1, Census Tract 4033, Alameda County, California which was used in the previous analysis.

available for customers. The 2003 Commercial Buildings Energy Consumption Survey from the Energy Information Administration reveals information about typical number of employees per 1,000 sq. ft. of gross floor area for more than 15 types of commercial uses, such as retail and grocery stores. This data was used to retrieve the expected number of employees in each parcel in the development.

The second step was to estimate the number of employees who will need a parking space in each parcel. The Census Transportation Planning Package (CTPP 2010.[8] . Neighboring traffic analysis zones include Jack London Square, This method generates an estimated parking demand of 0. 0.71 spaces per employee, based on 67% of employees driving alone and 9% carpooling.

Visitor Parking Demand

A review of parking demand of "main street districts" comparable to the Brooklyn Basin development found that parking occupancy rates for successful mixed-use districts ranged from just 1.6 to 1.9 spaces per 1,000 sq. ft. of non-residential built areas (see Figure 4-3). We have therefore assumed a commercial parking demand of 2 spaces per 1,000 sq. ft. of gross 1,000 sq. ft. of gross floor area in the Brooklyn Basin development. By subtracting employee parking demand in each parcel we get visitor parking demand (since these two together constitute the commercial demand).

Figure 4-3 Summary of Parking Occupancy in Four Main Street districts

		Mode Split[9]							Occupied Parking Spaces per 1,000 Sq. Ft.[10]
	City Population	Drove Alone	2 or More Person Carpool	Transit	Bicycle	Walked	Other Means	Worked at Home	
Chico	59,900	61%	12%	1%	11%	13%	1%	1%	1.7
Palo Alto	58,600	80%	9%	4%	3%	3%	1%	0%	1.9
Santa Monica	84,100	74%	11%	11%	1%	2%	1%	0%	1.8
Kirkland, WA[11]	45,600	77%	12%	4%	0%	2%	1%	4%	1.6

Marina Parking Demand

There is very little known about parking demand generated in marinas. There are several factors influencing parking demand, such as presence of guest boats (which typically will not need any parking), size of each boat, and the potential for public attraction. The ITE Parking Generation manual only refers to one study, where Saturday demand is 0.35 parking spaces per boat slip and Sunday demand is 0.59 spaces per slip. During weekdays parking demand is even lower.

[8] TAZ 00103698 (coterminous with Tract 4033, BG1) and 00103349 (coterminous with Tract 9832, formerly 4032) were used. These TAZs align with the census tracks that were used before.

[9] Source: Census Transportation Planning Package (CTTP) 2000.

[10] Sq. ft. refers to occupied non-residential built area in Chico and Palo Alto and both vacant and occupied non-residential built area in Santa Monica and Kirkland.

[11] Commuter mode split for Kirkland, Washington is not limited to the main street district, but covers commuting to the entire city, due to lack in data from CTPP 2000.

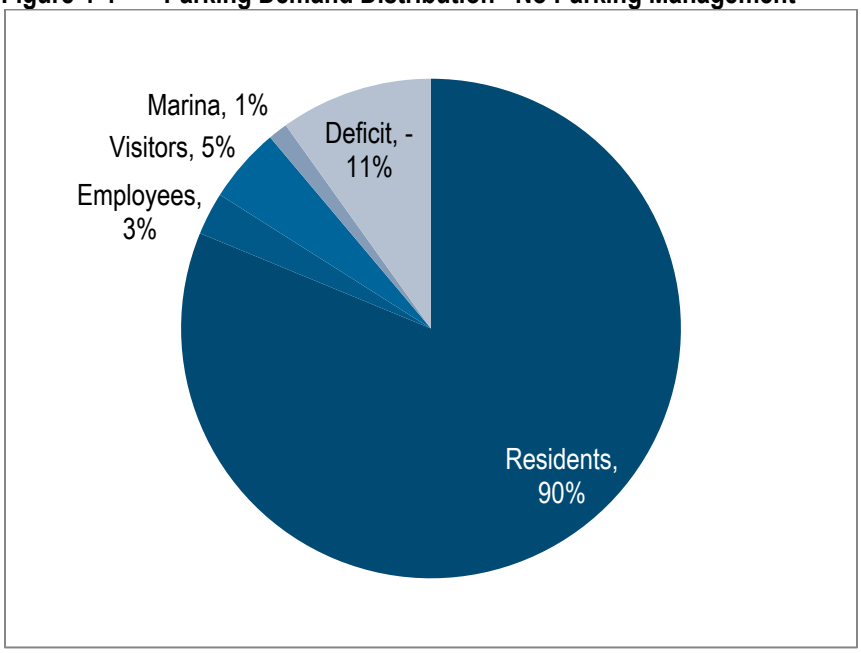
In this plan, we have assumed that its parking demand will be held constant during the entire week. To keep the analysis conservative, the Saturday parking demand for marina users was chosen over the weekday parking demand.

Overall Parking Demand with No Parking Management

Figure 4-4 shows how parking demand would be distributed between the four major parking user groups. Based on the methodology described above, there would be a deficit of 11% or 425 parking spaces (4,299 spaces needed of a total of 3,912 spaces provided) at project build-out, if no parking management strategies were implemented. In Phase I there would be a deficit of 132 parking spaces.

This analysis indicates that active parking management will be required to ensure that residents and employees as well as commercial and recreational visitors can easily find a space. This will help reduce the baseline parking demand. At the same time, these management strategies will help reduce the traffic impacts of the development, and encourage travel by transit, bicycle and walking. The group that is the most important to reach with parking management techniques is residents, who account for 90% of the total parking demand.

Figure 4-4 Parking Demand Distribution –No Parking Management



PROPOSED MANAGEMENT APPROACH

There are two key principles that should govern the management of parking in order to realize more "urban" demand ratios: charge the appropriate rate to maintain availability, and build and manage as much parking as possible as a common pool. These two principles will do the most to ensure that parking is readily available to all users. At the same time, these principles support other goals such as development marketability, improving walkability, reducing the cost and land requirements for parking, and maintaining public access to the shoreline.

Charging for Parking

Parking should be priced to reflect the real costs of its provision, and leased separately from residential or commercial space.

Although it is often provided at no charge to the user, parking is never free. A typical cost for structured parking in California is $20,000 in construction costs alone. This equates to a monthly cost of $130 per space, including debt service, operations and maintenance, insurance and enforcement. Where parking takes up land that could be put to other uses, it is appropriate to add in land costs as well. Even on-street spaces incur costs in terms of land value and maintenance.

Parking fees are generally subsumed into lease fees or sale prices for the sake of simplicity and because that is the more traditional practice in real estate. However, providing anything for free or at highly subsidized rates encourages use and means that more parking spaces have to be provided to achieve the same rate of availability. Charging for parking is also the single most effective strategy to encourage people to use alternatives to the single occupant vehicle.

It is important that parking fees not be seen as being punitive to "bad" car drivers. Parking fees can be made more acceptable by ensuring there are good alternatives to driving, by making it clear that the fees cover the costs of parking, and by providing different parking options at different price points.

It is also critical that residents are made aware that rents are reduced because parking is charged for separately. Rather than paying "extra" for parking, the cost is simply separated out – allowing residents and businesses to choose how much they wish to purchase. No resident should be required to lease any minimum amount of parking.

Effects on Residential Parking Demand

It is important to note that construction costs for residential parking spaces can substantially increase the sale/rental price of housing. This is because the space needs of residential parking spaces can restrict how many housing units can be built within allowable zoning and building envelope. For example, a study of Oakland's 1961 decision to require one parking space per apartment (where none had been required before) found that construction cost increased by 18% per unit, the number of units per acre decreased by 30% and land values fell by 33%.[12]

As a result, bundled residential parking can significantly increase "per-unit housing costs" for individual renters or buyers. Two studies of San Francisco housing found that units with off-street parking bundled with the unit sell for 11% to 12% more than comparable units without included parking.[13] One study of San Francisco housing found the increased afford- ability of units without off-street parking on-site can increase their absorption rate and make home ownership a reality for more people. In that study, units without off-street parking:

- Sold on average 41 days faster than com- parable units with off-street parking

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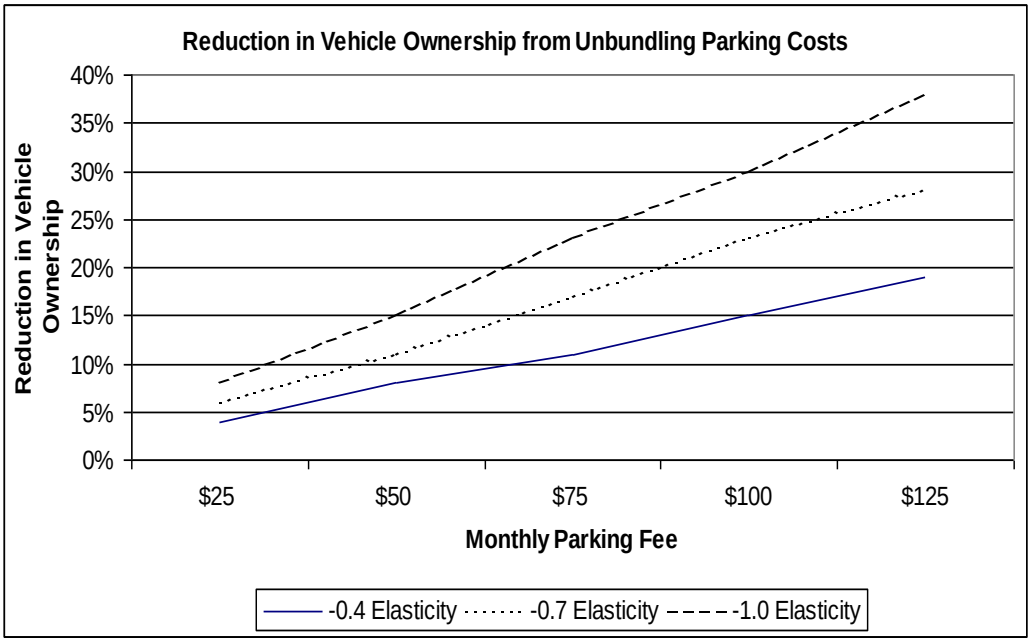
[12] Bertha, Brian. "Appendix A" in The Low-Rise Specula- tive Apartment by Wallace Smith UC Berkeley Center for Real Estate and Urban Economics, Institute of Urban and Regional Development, 1964.

[13] Wenyu Jia and Martin Wachs. "Parking Requirements and Housing Affordability: A Case Study of San Francisco." Univer- sity of California Transportation Center Paper No. 380,1998 and Amy Herman, "Study Findings Regarding Condominium Parking Ratios," Sedway Group, 2001.

- Allowed 20% more San Francisco house- holds to afford a condominium (com- pared to units with bundled off-street parking)
- Allowed 24% more San Francisco house- holds to afford a single-family house (compared to units with bundled off- street parking)

Charging separately for parking is also the single most effective strategy to encourage households to own fewer cars, and rely more on walking, cycling and transit. According to one study, unbundling residential parking can significantly reduce household vehicle owner- ship and parking demand. These effects are presented in Figure 4-5. Based on this data, we assume residential parking demand at Brooklyn Basin to fall by 11% if parking is unbundled from housing costs, and is charged for at cost – approximately $130 or more per month. Actual parking prices will be set by the developers at the time of sale.

Figure 4-5 Reduced Vehicle Ownership with Unbundled Residential Parking

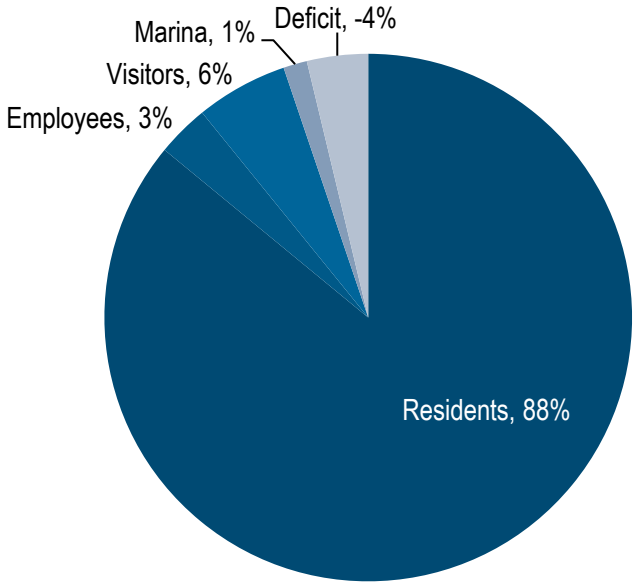


Source: Victoria Transport Policy Institute (2009), Parking Requirement Impacts on Housing Affordability, http://www.vtpi.org/park-hou.pdf

Effects on Total Parking Demand

Figure 4-6 shows the impacts of a $50/month parking charge for residents. There will be a total parking deficit of approximately 4%, or 149 spaces, at project build-out, with 127 on-street parking spaces available and a deficit of 276 off-street parking spaces. In phase I, the parking deficit will be smaller, with 1% or 24 spaces needed, with 97 on-street parking spaces available and a deficit of 121 off-street spaces at peak times. See Appendix B for the full parcel-by-parcel calculations.

Figure 4-6 Parking Demand With Unbundled Parking



The policy of pricing parking does not preclude the charging of different rates to different users or in different areas. For example residents might pay a premium for an assigned space. These and other recommendations are discussed in later sections of this chapter.

Allow for a public and shared parking system

The mix of uses at Brooklyn Basin, their physical proximity to each other and their staggered times of peak parking demand set the stage for a successful shared parking arrangement. Uses that could share parking include:

- Residential
- General commercial
- Grocery store
- Marina
- Public shoreline access

There is likely a shared parking reduction for retail of up to about 160 spaces, which is largely achieved by the mixed-use nature of the development rather than physical sharing of spaces. There are potentially greater reductions that could be achieved through the strategies discussed below, particularly through a move away from assigned residential spaces for some users. Greater use of shared parking will allow for a greater "buffer" that can absorb the natural variations in parking demand, and account for the uncertainties in demand analysis. It also allows potentially greater shared parking reductions to be factored into Phase II of the development.

A common management framework for parking spaces allows the supply to be utilized in the most efficient way possible. It facilitates the sharing of parking between commercial and residential uses and recreational users, and allows the greatest availability for a given level of supply. This principle capitalizes on the facts that lower-than-expected demand among some users can

compensate for higher demand amongst others, and that the demand among users is staggered throughout different times of the day.

The parking supply can be divided into five broad categories, based on the physical location of spaces and their real or perceived degree of 'public ownership'. At one extreme, garages provide private parking facilities, while at the other end of the spectrum on-street parking is generally perceived as open to all. 'Public' spaces are the easiest to manage as a common pool, since there are no limitations as to who is allowed to park and there is one administrative body that manages the supply for multiple users. Therefore the proportion of public spaces should be maximized.

The current site plan already ensures that all spaces can be made public. This feature needs to be retained throughout the planning process, to ensure that physical design decisions do not constrain access for any group of users. Note that this principle does not preclude the use of controlled-access systems (e.g. garage access via card) or provision of assigned spaces at a premium cost.

Effects on Total Parking Demand

The analysis shows that peak parking demand for Brooklyn Basin occurs around 8:00 PM during weekdays, when residents have returned from work and restaurants on the site are busy. Since there is very little data available for marina usage, we have assumed that its parking demand will be held constant during the entire week (conservative estimate). Appendix C contains details about the effects of shared parking on demand, both for Phase I and at project build-out.

As Figure 4-7 and

Figure 4-8 show, there will be a surplus of 64 parking spaces during peak demand (8:00 PM during weekdays) at project build-out. Many of the parcels are projected to not satisfy their residential parking demand on the same parcel. For these parcels, there is a very small surplus of spaces on adjacent parcels G and H that can be provided to residents at discounted rates. Overall, 2% of all parking spaces – and 51% of all on-street spaces – will be available at this time. This gives an overall occupancy level of 98%, which means users may have to spend some time looking for parking but ultimately should be able to find a space.

On weekend days, there will be more than 100 spaces available on-street and good availability in the Parcel G Garage (which will be open to the public). All of these spaces can be used by recreational visitors to the site.

Figure 4-7 On-Street Parking Demand (8PM on Weekday)

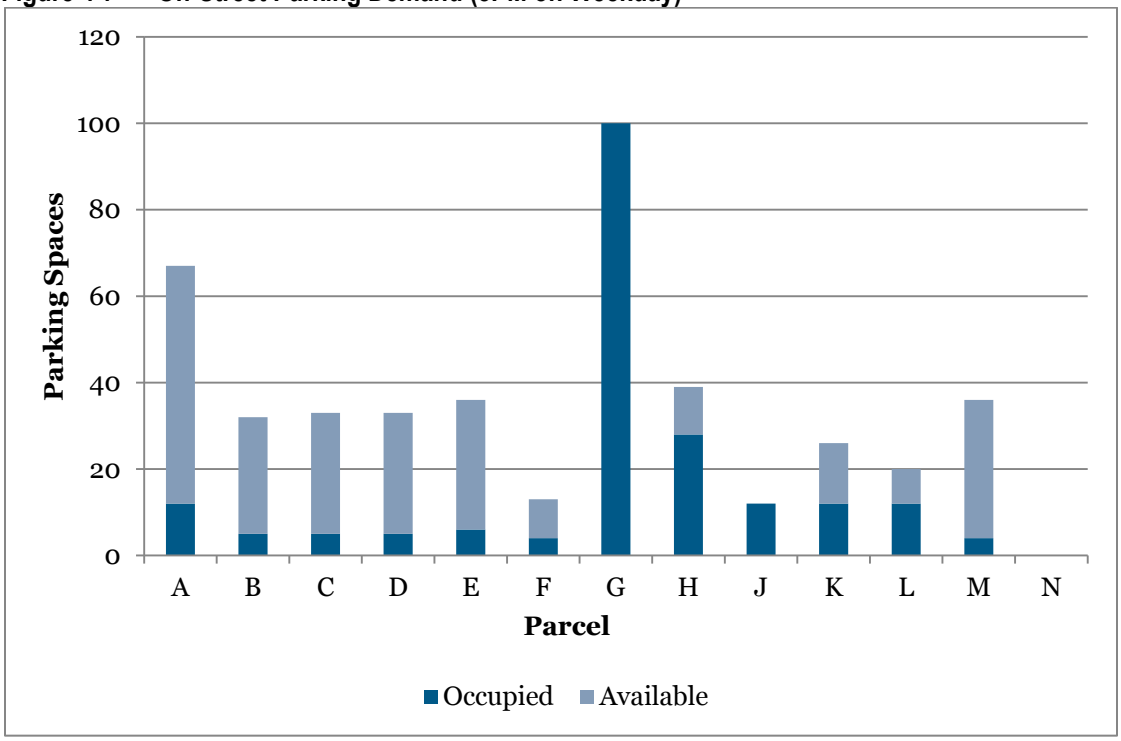
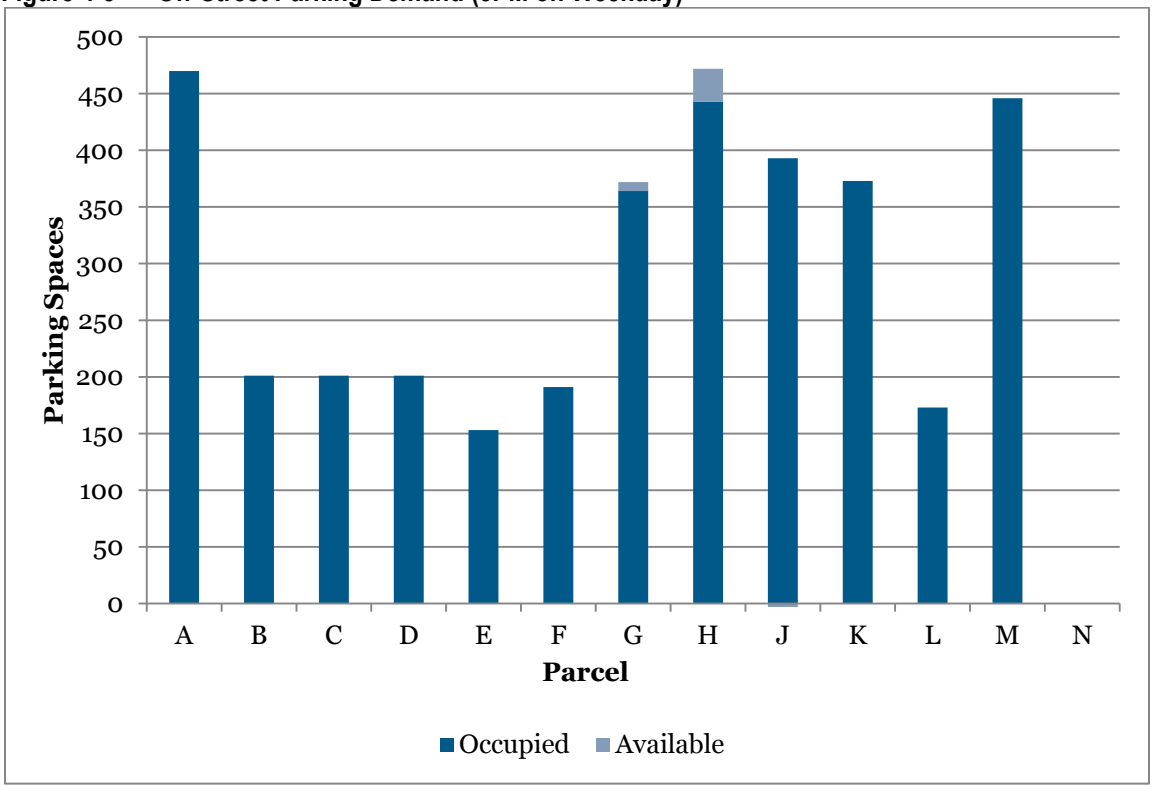


Figure 4-8 Off-Street Parking Demand (8PM on Weekday)



Segment Users Based on Price

Parking pricing is the most effective tool available to manage demand, facilitate shared parking and steer users to parking facilities with spare capacity. The exact pricing structure will evolve over time; this discussion is intended as an example of how users can be segmented based on their individual tradeoffs between price and convenience.

For residential parking, assigned spaces that are reserved for an individual household should command a premium price. These spaces are likely to be close to the garage entrance. Households that do not wish to pay for an assigned space could opt for a lower-cost permit that would allow them to park in their preferred facility (i.e., the parking structure in the same building as their residential unit). This would provide an economic incentive for them to share spaces with employees and other residents.

If necessary to balance demand between various parking structures, permits could be offered at an even lower cost to households that are willing to park in another structure, and walk the short distance to their residential unit.

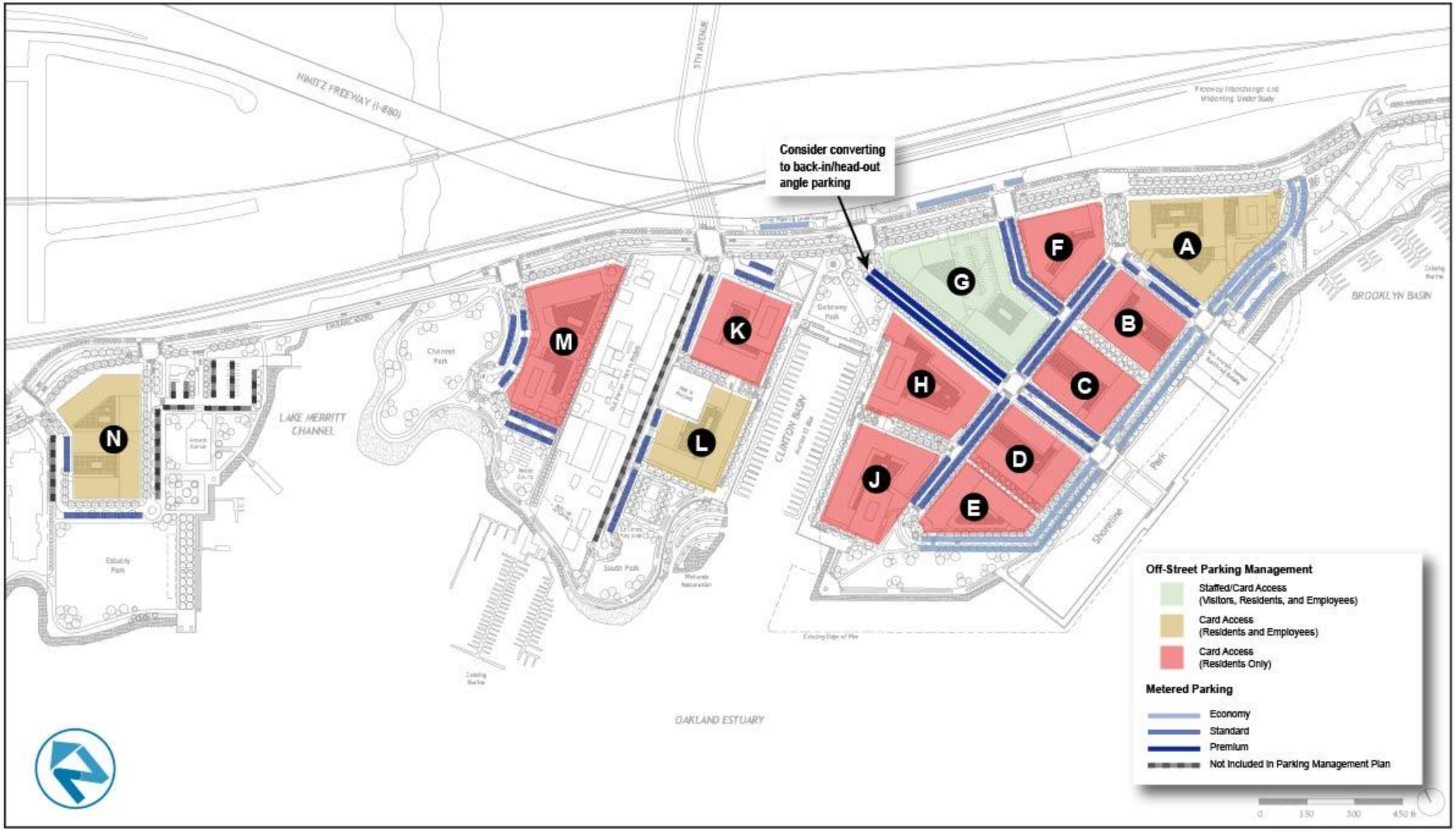
Pricing could also distinguish between households with different numbers of vehicles. For example, residents could receive a percentage discount on the first permit per household, with subsequent permits being sold at full cost.

Figure 4-9 illustrates proposed locations for visitors, employees and residents, as well as the three tiers of on-street parking. This proposal concentrates employee parking in controlled access garages on Parcels G, H, L and M.

Meter On-Street Parking

The developer encourages the City to implement on-street metered parking in Brooklyn Basin. .

Figure 4-9 Proposed Parking Locations



Basemap Source: ROMA Design Group

OPTIONAL PARKING POLICIES

The following parking management strategies are optional, and may be undertaken by the property manager if conditions warrant.

Strategy	Detail
Install Controlled Access Systems to All Garages	Controlled access systems may be used to manage use of the structured parking supply.The varied composition of the parking supply gives an opportunity to direct certain users to different types of parking. This can maximize flexibility, while minimizing revenue collection costs.
Parking Cash Out	Since parking will be leased separately from commercial space, parking cash-out is actually mandated through state law for any employer with more than 50 employees. However, as per the development's conditions of approval, Brooklyn Basin property managers will encourage employers to implement this strategy.
Establish a Car-Sharing Program	City CarShare and Zipcar provide car-sharing services in San Francisco, Oakland and Berkeley. Carsharing is likely to be ultimately successful at Brooklyn Basin, it will be a marginal location for car-sharing in the early phases of development. Brooklyn Basin property managers will work with car sharing providers to encourage expansion to the development as soon as possible. Note that because the development proposes minimum allowable number of parking spaces, developers would have to increase parking to provide dedicated car sharing spaces. Note that this will policy will be suggested to, but cannot be required of future developers.
Undertake Continuous Monitoring	Continuous monitoring of parking occupancy can help to effectively manage the parking supply, so that decisions on pricing and space assignments can be made. Controlled access systems for the parking garages can allow this information to be gathered automatically, but regular counts of on-street parking occupancy will also be needed. The property managers may undertake these activities

Appendix A

Parking Demand Baseline

A-1 Baseline Parking Demand: Phase 1

Parcel	Parking Supply		Parking Demand					Surplus/ Deficit		
	On-Street	Off-Street	Residents	Employee	Visitors	Marina	Total	On-Street	Off-Street	Net
A	67	444	509	11	19	0	539	48	-75	-28
B	32	185	219	4	8	0	231	24	-38	-14
C	33	185	219	4	8	0	231	25	-38	-13
D	33	185	219	4	8	0	231	25	-38	-13
E	36	147	164	6	10	0	180	26	-22	3
F	13	172	206	4	6	0	216	7	-38	-31
G	79	372	375	36	65	60	535	-45	-39	-84
H	39	472	469	26	46	0	541	-7	-22	-30
J	6	375	424	11	19	0	454	-13	-59	-73
K	26	355	403	11	19	0	433	7	-58	-52
L	20	176	183	11	19	0	213	1	-17	-17
M	36	390	488	4	6	0	498	30	-101	-72
Total	0	0	0	0	0	0	0	0	0	0

Assumptions

- Saturday will yield peak demand, with peak in marina and recreational usage, as well as in residential and retail/commercial usage
- Residential parking demand based on vehicle ownership west and north of the site
- Parking demand per 1,000 square feet of retail uses: 2 spaces Based on main street parking demand in 6 cities
- Parking demand per boat slip: 0.35 spaces ITE Parking Generation, Code 420, Saturday Demand

A-2 Baseline Parking Demand: Build-Out

Parcel	Parking Supply		Parking Demand					Surplus/ Deficit		
	On-Street	Off-Street	Residents	Employee	Visitors	Marina	Total	On-Street	Off-Street	Net
A	67	444	509	11	19	0	539	48	-76	-28
B	32	185	219	4	8	0	231	24	-38	-14
C	33	185	219	4	8	0	231	25	-38	-13
D	33	185	219	4	8	0	231	25	-38	-13
E	36	147	164	6	10	0	180	26	-23	3
F	13	172	206	4	6	0	216	7	-38	-31
G	79	372	375	36	65	60	536	-46	-39	-85
H	39	472	469	26	46	0	541	-7	-23	-30
J	6	375	424	11	19	0	454	-13	-60	-73
K	26	355	403	11	19	0	433	7	-59	-52
L	20	176	183	11	19	0	213	1	-18	-17
M	36	390	488	4	6	0	498	30	-102	-72
Total	**420**	**3,458**	**3,878**	**132**	**233**	**60**	**4,303**	**127**	**-552**	**-425**

Assumptions

- Saturday will yield peak demand, with peak in marina and recreational usage, as well as in residential and retail/commercial usage
- Residential parking demand based on vehicle ownership west and north of the site
- Parking demand per 1,000 square feet of retail uses: 2 spaces Based on main street parking demand in 6 cities
- Parking demand per boat slip: 0.35 spaces ITE Parking Generation, Code 420, Saturday Demand

Appendix B

Parking Demand with Residential Unbundled Parking

B-1 Parking Demand with Residential Unbundled Parking: Phase 1

Parcel	Parking Supply		Parking Demand					Surplus/ Deficit		
	On-Street	Off-Street	Residents	Employee	Visitors	Marina	Total	On-Street	Off-Street	Net
A	67	444	458	11	19	0	488	48	-25	23
B	32	185	197	4	8	0	209	24	-16	8
C	33	185	197	4	8	0	209	25	-16	9
D	33	185	197	4	8	0	209	25	-16	9
E	36	147	147	6	10	0	163	26	-6	20
F	13	172	186	4	6	0	196	7	-18	-11
G	79	372	338	36	65	60	497	-46	-2	-48
H	39	472	422	26	46	0	494	-7	24	17
J	6	375	381	11	19	0	411	-13	-17	-30
K	26	355	362	11	19	0	392	7	-18	-11
L	20	176	164	11	19	0	194	1	1	2
M	36	390	439	4	6	0	449	30	-53	-23
Total	**420**	**3,458**	**3,488**	**132**	**233**	**60**	**3,911**	**127**	**-162**	**-35**

Assumptions

- Saturday will yield peak demand, with peak in marina and recreational usage, as well as in residential and retail/commercial usage
- Residential parking demand based on vehicle ownership west and north of the site
- Parking demand per 1,000 square feet of retail uses: 2 spaces Based on main street parking demand in 6 cities
- Parking demand per boat slip: 0.35 spaces ITE Parking Generation, Code 420, Saturday Demand
- Unbundling of residential parking costs will yield a 7% parking demand reduction

B-2 Parking Demand with Residential Unbundled Parking: Build-Out

Parcel	Parking Supply		Parking Demand					Surplus/ Deficit		
	On-Street	Off-Street	Residents	Employee	Visitors	Marina	Total	On-Street	Off-Street	Net
A	67	444	458	11	19	0	488	48	-25	23
B	32	185	197	4	8	0	209	24	-16	8
C	33	185	197	4	8	0	209	25	-16	9
D	7	0	0	0	0	0	0	7	0	7
E	0	0	0	0	0	0	0	0	0	0
F	13	172	186	4	6	0	196	7	-18	-11
G	79	372	338	36	65	60	499	-46	-2	-48
H	32	0	0	0	0	0	0	32	0	32
J	0	0	0	0	0	0	0	0	0	0
K	0	0	0	0	0	0	0	0	0	0
L	0	0	0	0	0	0	0	0	0	0
M	0	0	0	0	0	0	0	0	0	0
Total	**263**	**1,358**	**1,376**	**59**	**106**	**60**	**1,601**	**97**	**-77**	**20**

Assumptions

- Saturday will yield peak demand, with peak in marina and recreational usage, as well as in residential and retail/commercial usage
- Residential parking demand based on vehicle ownership west and north of the site
- Parking demand per 1,000 square feet of retail uses: 2 spaces Based on main street parking demand in 6 cities
- Parking demand per boat slip: 0.35 spaces ITE Parking Generation, Code 420, Saturday Demand
- Unbundling of residential parking costs will yield a 7% parking demand reduction

Appendix C

Parking Demand with Residential Unbundled Parking and Shared Parking

C-1 Parking Demand with Residential Unbundled Parking and Shared Parking: Phase 1

Parcel	Parking Supply		Parking Demand				Shared Parking Analysis								Peak Period Surplus/ Deficit	
							Weekday 2 PM		Weekday 8PM		Saturday 2PM		Saturday 8PM			
	On-Street	Off-Street	Residents	Employee	Visitors	Marina	On-Street	Off-Street	On-Street	Off-Street	On-Street	Off-Street	On-Street	Off-Street	On-Street	Off-Street
A	67	444	458	11	19	0	18	285	12	456	19	336	10	427	55	-12
B	32	185	197	4	8	0	8	122	5	196	8	144	4	183	27	-11
C	33	185	197	4	8	0	8	122	5	196	8	144	4	183	28	-11
D	33	185	197	4	8	0	8	122	5	196	8	144	4	183	28	-11
E	36	147	147	6	10	0	10	94	6	148	10	110	6	139	30	-1
F	13	172	186	4	6	0	6	115	4	185	6	136	3	173	9	-13
G	79	372	338	36	65	60	123	238	100	353	125	276	96	331	-21	19
H	39	472	422	26	46	0	45	278	28	429	46	326	25	403	11	43
J	6	375	381	11	19	0	18	239	12	380	19	282	10	357	-6	-5
K	26	355	362	11	19	0	18	228	12	361	19	268	10	339	14	-6
L	20	176	164	11	19	0	18	109	12	167	19	127	10	157	8	9
M	36	390	439	4	6	0	6	267	4	433	6	316	3	406	32	-43
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
							2,507		**3,701**		**2,901**		**3,470**		**177**	

Shared Parking Assumptions (Source: ULI Shared Parking Manual)

	Weekday 2PM	Weekday 8PM	Saturday 2PM	Saturday 8PM
Residential	60%	98%	71%	92%
Retail	97%	61%	100%	55%

1.	Parking demand per 1,000 square feet of retail uses:	2 spaces	Based on main street parking demand in 6 cities
2.	Parking demand per boat slip:	0.35 spaces	ITE Parking Generation, Code 420, Saturday Demand

3. Unbundling of residential parking costs will yield a 7% parking demand reduction

C-2 Parking Demand with Residential Unbundled Parking and Shared Parking: Build-Out

Parcel	Parking Supply		Parking Demand				Shared Parking Analysis								Pea Surp
							Weekday 2 PM		Weekday 8PM		Saturday 2PM		Saturday 8PM		
	On-Street	Off-Street	Residents	Employee	Visitors	Marina	On-Street	Off-Street	On-Street	Off-Street	On-Street	Off-Street	On-Street	Off-Street	On-Stre
A	67	444	458	11	19	0	18	285	12	456	19	336	10	427	55
B	32	185	197	4	8	0	8	122	5	196	8	144	4	183	27
C	33	185	197	4	8	0	8	122	5	196	8	144	4	183	28
D	33	185	197	4	8	0	8	122	5	196	8	144	4	183	28
E	36	147	147	6	10	0	10	94	6	148	10	110	6	139	30
F	13	172	186	4	6	0	6	115	4	185	6	136	3	173	9
G	79	372	338	36	65	60	123	238	100	353	125	276	96	331	-21
H	39	472	422	26	46	0	45	278	28	429	46	326	25	403	11
J	6	375	381	11	19	0	18	239	12	380	19	282	10	357	-6
K	26	355	362	11	19	0	18	228	12	361	19	268	10	339	14
L	20	176	164	11	19	0	18	109	12	167	19	127	10	157	8
M	36	390	439	4	6	0	6	267	4	433	6	316	3	406	32
Total	**420**	**3,458**	**3,488**	**132**	**233**	**60**	**286**	**2,219**	**205**	**3,500**	**293**	**2,609**	**185**	**3,281**	**215**
							2,505		**3,705**		**2,902**		**3,466**		

Shared Parking Assumptions (Source: ULI Shared Parking Manual)

	Weekday 2PM	Weekday 8PM	Saturday 2PM	Saturday 8PM
Residential	60%	98%	71%	92%
Retail	97%	61%	100%	55%

1.	Parking demand per 1,000 square feet of retail uses:	2 spaces	Based on main street parking demand in 6 cities
2.	Parking demand per boat slip:	0.35 spaces	ITE Parking Generation, Code 420, Saturday Demand
3.	Unbundling of residential parking costs will yield a 7% parking demand reduction		

Appendix D Comparison of Cost and Operational Considerations for Transit Operations (AC Transit Estimates)

D-1 Transit Operational Considerations - Peak (AC Transit Estimates)

	*Proposed Line 1 Extension (10 min frequency) 6am-8pm	Proposed Broadway Shuttle Extension (10-12 min frequency) 7am - 7pm	Proposed Line 88 Extension (20 min frequency) 5am-10pm	Estimated Private Shuttle to 12th St BART (15 min frequency peaks) (30min frequency off-peak) 6am-8pm	Estimated Private Shuttle to Lake Merritt BART (15 min frequency peaks) (30min frequency off-peak) 6am-8pm
Travel Time (min)	75	24	86	-	-
Additional Distance to Brooklyn Basin (miles)	3.4	2.5	2.5	4.1	2.8
Additional Travel time to Brooklyn Basin (min)	16	11	11	19	13
Layover** (min)	12	6	12	2	1
Cycle Time (min)	103	41	109	21	14
Frequency (min)	10	10	20	15	15
Current Vehicles Required	9	3	5	-	-
New Vehicles Required	10.26	4.14	5.47	1.37	0.95
New Vehicles Required (Rounded up)	11	5	6	2	1
Additional Vehicles required for Brooklyn Basin (min)	1	2	1	2	1

D-2 Transit Operational Considerations - Off Peak (AC Transit Estimates)

	*Proposed Line 1 Extension (10 min frequency) 6am-8pm	Proposed Broadway Shuttle Extension (10-12 min frequency) 7am - 7pm	Proposed Line 88 Extension (20 min frequency) 5am-10pm	Estimated Private Shuttle to 12th St BART (15 min frequency peaks) (30min frequency off-peak) 6am-8pm	Estimated Private Shuttle to Lake Merritt BART (15 min frequency peaks) (30min frequency off-peak) 6am-8pm
Travel Time (min)	-	24	-	-	-
Additional Distance to Brooklyn Basin (miles)	-	2.5	-	4	2.8
Additional Travel time to Brooklyn Basin (min)	-	11	-	19	13
Layover** (min)	-	6	-	2	1
Cycle Time (min)	-	41	-	21	14
Frequency (min)	-	12	-	30	30
Vehicles Required	-	3.45	-	0.69	0.48
Vehicles Required (Rounded up)	-	4	-	1	1
SCHEDULE					
Total Hours of Peak Frequency Service (hr)	14.00	7.00	17.00	7.00	7.00
Total Hours of Off - Peak Frequency Service (hr)		6.00		7.00	7.00
Time to Lake Merritt BART (mins)	-		6 & 7	-	6 & 7
Time to 12th St BART (mins)	10 & 9	10 & 9	-	10 & 9	

D-3 Transit Scenario Cost Estimates (As Determined by AC Transit)

	Proposed Local Telegraph Extension route (10 min frequency)	Proposed Broadway Shuttle Extension (10-12 min frequency) in service 7am - 7pm	Proposed 88 Extension (20 min frequency) 5am-10pm	Estimated Private Shuttle to 12th St BART (15 min frequency peaks) (30min frequency off-peak) 6am-8pm	Estimated Private Shuttle to Lake Merritt BART (15 min frequency peaks) (30min frequency off-peak) 6am-8pm
PRICING	AC Transit Marginal Rate			Estimated Private Shuttle Cost per TDM Plan	
Hourly Marginal Rate ($)	$85.68	$85.68	$85.68	$85.00	$85.00
Daily Cost ($)	$1,200	$1,714	$1,457	$1,785	$1,190
ANNUAL COST for Brooklyn Basin service	$ 305,878	$ 436,968	$ 371,423	$ 455,175	$ 303,450
	AC Transit Direct Rate				
Hourly Direct Rate ($)	$ 132.45	$ 135.45	$ 132.45	-	-
Daily Cost ($)	$1,854	$2,709.00	$2,252	-	-
ANNUAL COST for Brooklyn Basin service	$ 472,847	$ 690,795	$ 574,171	-	-
* With the opening of International Ave. BRT, the Telegraph Ave. segment of Line 1 extends to Brooklyn Basin. This reroute assumes Lines 72/72M terminate in downtown Oakland so the proposed Telegraph line only costs one net bus.					
* *Estimating 10% layover for private shuttle option					

Patio or street front gardens are permitted along residential street frontages provided that they include landscaping, garden walls and frequent entries.

Streets with a Mixture of Conditions

Along 5th, 7th and 8th Avenues, and along Brooklyn Way and Harbor Lane East and West (see diagram), the ground level should be designed to provide an attractive building base, utilizing high quality materials (e.g., stone, precast masonry, etc.) detailing and treatments that complement the public environment. A variety of treatments are encouraged, including retail or commercial work/live frontages.

A 2 to 8 foot building setback along the mixed use streets and along the waterfront/park edges is intended to encourage a variety of urban design features at the street level consistent with ground floor uses; the urban design features may be expressed in the form of lobby entrance setback, stoops, planters and landscape buffer, with a variety of design expressions and materials. In order to create a vibrant pedestrian experience, a continuous street wall at the minimum 2 foot setback line is strongly discouraged. Aside from retail/commercial uses, proposed live/work and street level loft unit should provide appropriate setback to glass line with landscape hedges or planter buffer to provide for privacy.

1. Frontages should include one or more of the following:

    - Residential lobbies with articulated building entries that provide a welcoming gesture to the street;

- Common areas and/or sales or leasing offices generally flush with the elevation of the sidewalk;

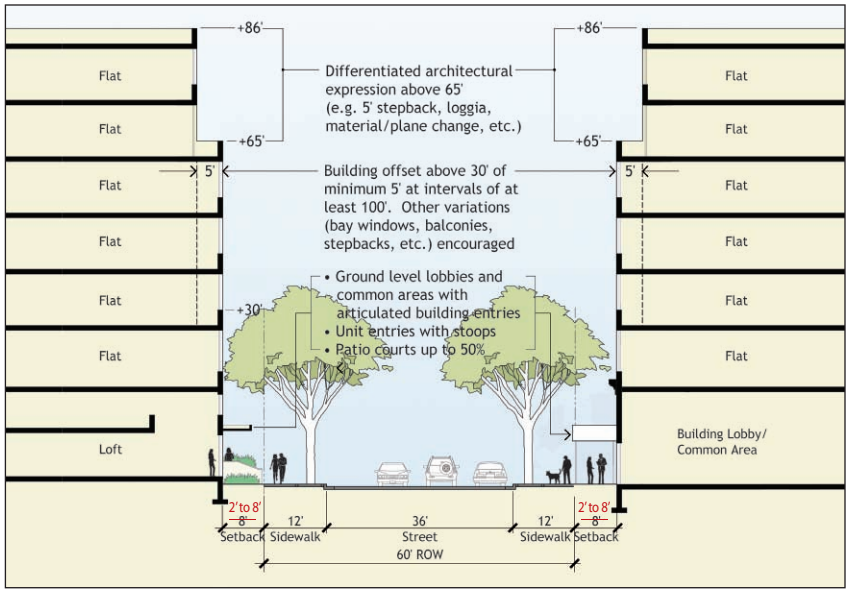
- Ground level residential units that are at grade or elevated above the adjacent sidewalk should include other devices that protect the privacy of the unit from the street.

2. If stoops are used, they should become an attractive addition to the ambience of the street and provide another layer of positive activities to the streetscape environment.

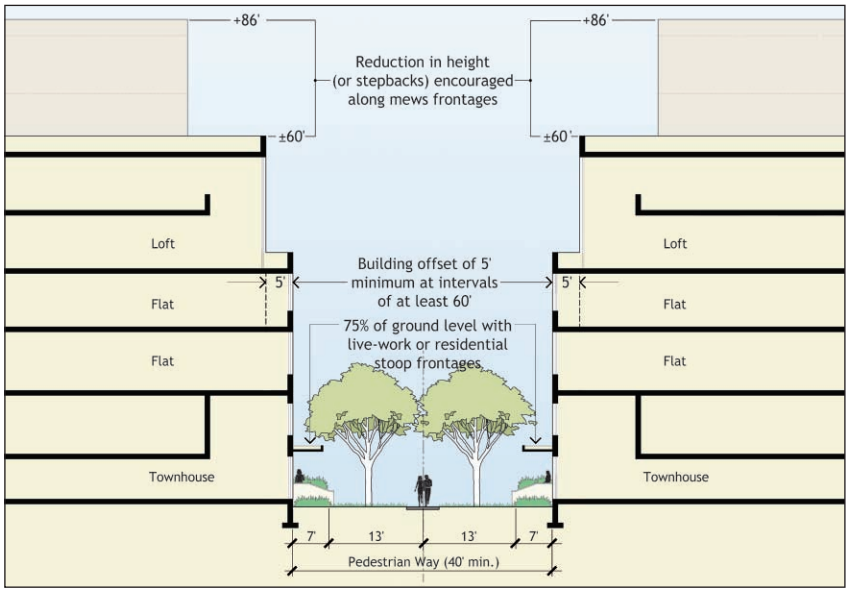
3. Residential street fronts should incorporate landscaping in the front yard setback including planting beds, hedges, planters, etc.

4. Ground level residential windows should generally be located at least 48 inches above the elevation of the sidewalk or include elements that protect privacy.

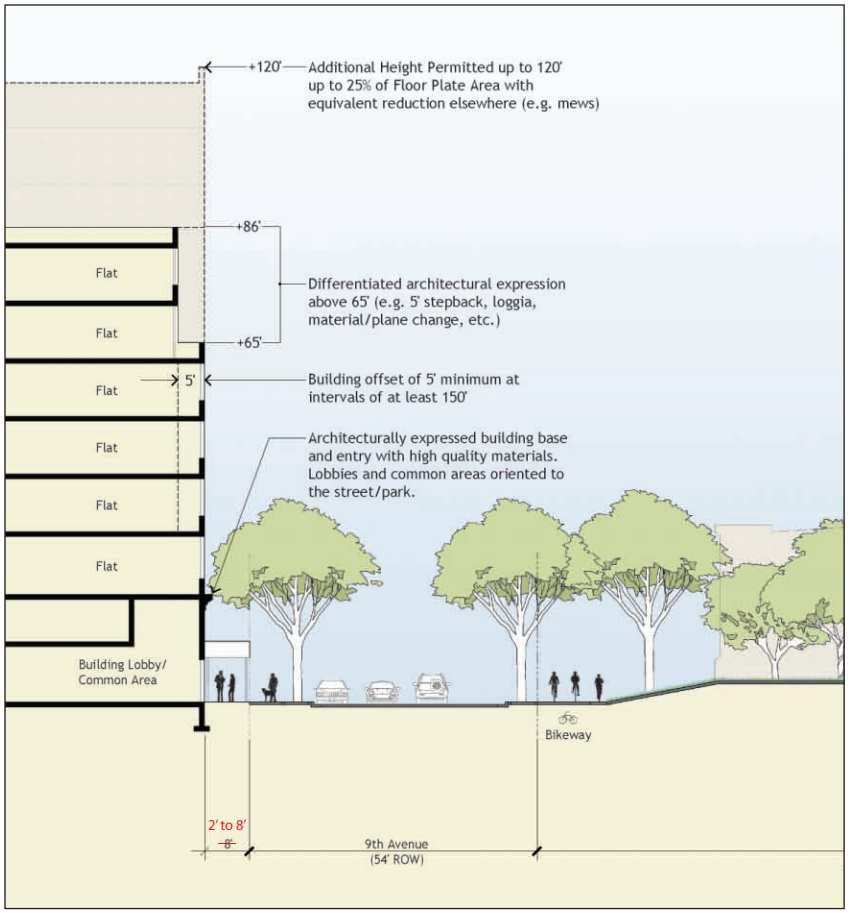
5. Patio or street front gardens are also permitted within the setback area along residential street frontages, provided that they include attractive garden walls and landscaping to soften the edge, create a positive transition to the street and are well fitted to the scale and architectural character of the building.



TYPICAL MIXED USE STREET SECTION



TYPICAL MEWS SECTION



TYPICAL BUILDING SECTION ADJACENT TO SHORELINE PARK

Mews Edges

Two pedestrian streets providing public pedestrian and visual access between 8th Avenue and Shoreline Park should be designed as intimately scaled mews lined with residential stoops that provide primary access to individual units. The following guidelines should be followed for these frontages:

1. Ground level residential or live-work units should be located along at least 75% of these frontages.

2. If the ground level use is residential, it should be elevated above the grade of the adjacent sidewalk and/or incorporate devices that protect the privacy of the unit from the street.

3. If the ground level use is live-work, it may be located generally flush with the sidewalk. However, provision should be made for appropriate privacy screening through low walls and landscaping.

4. If stoops are used, they should be an attractive addition to the ambience of the street and provide another layer of positive activities to the streetscape environment.

5. The mews should incorporate landscaping along the building fronts between entries and stoops, including planting beds, hedges, planters, etc.

Embarcadero Frontage

Ground level treatment of buildings along the Embarcadero should provide an attractive visual edge to this important street, while offering a buffer from the adjacent freeway. Because of noise issues and the lack of on-street parking, significant street-oriented ground level uses are not anticipated. A greater setback of 25 feet from the back of sidewalk is established along the street, with generous provision for landscaping to create a suitable buffer.

Articulated building entries with a high level of architectural finish should be provided along each block face.

1. High quality materials (stone, masonry, terra cotta, architectural pre-cast, etc.), architectural detailing, and decorative elements, should be employed on the base of the building up to a height of at least 20 feet to create a distinctive appearance that is suitable to this important boulevard.

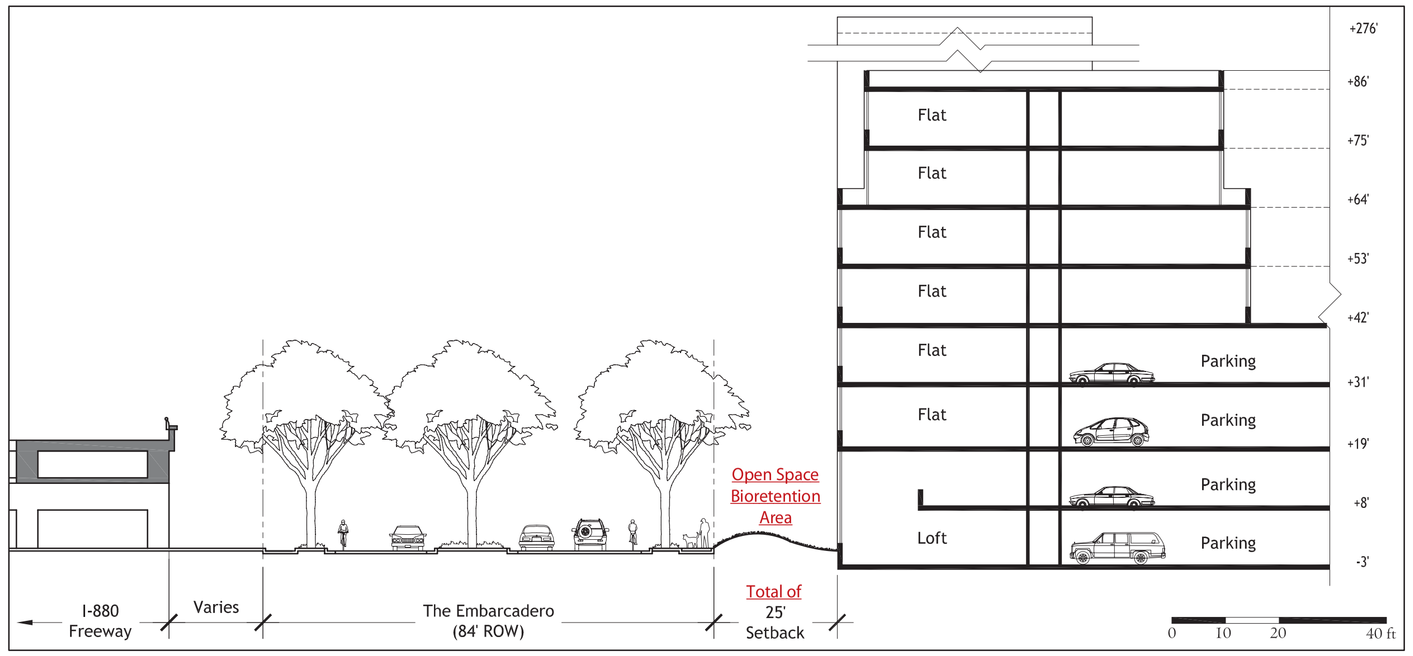
2. Parking and service facilities should be architecturally screened with finishes that are an integral part of the building design, and that render all parking and service facilities invisible from public view.

3. Ground level uses are encouraged along the Embarcadero frontage (e.g., lobbies, common areas, retail display windows, etc.) to the maximum extent practicable.

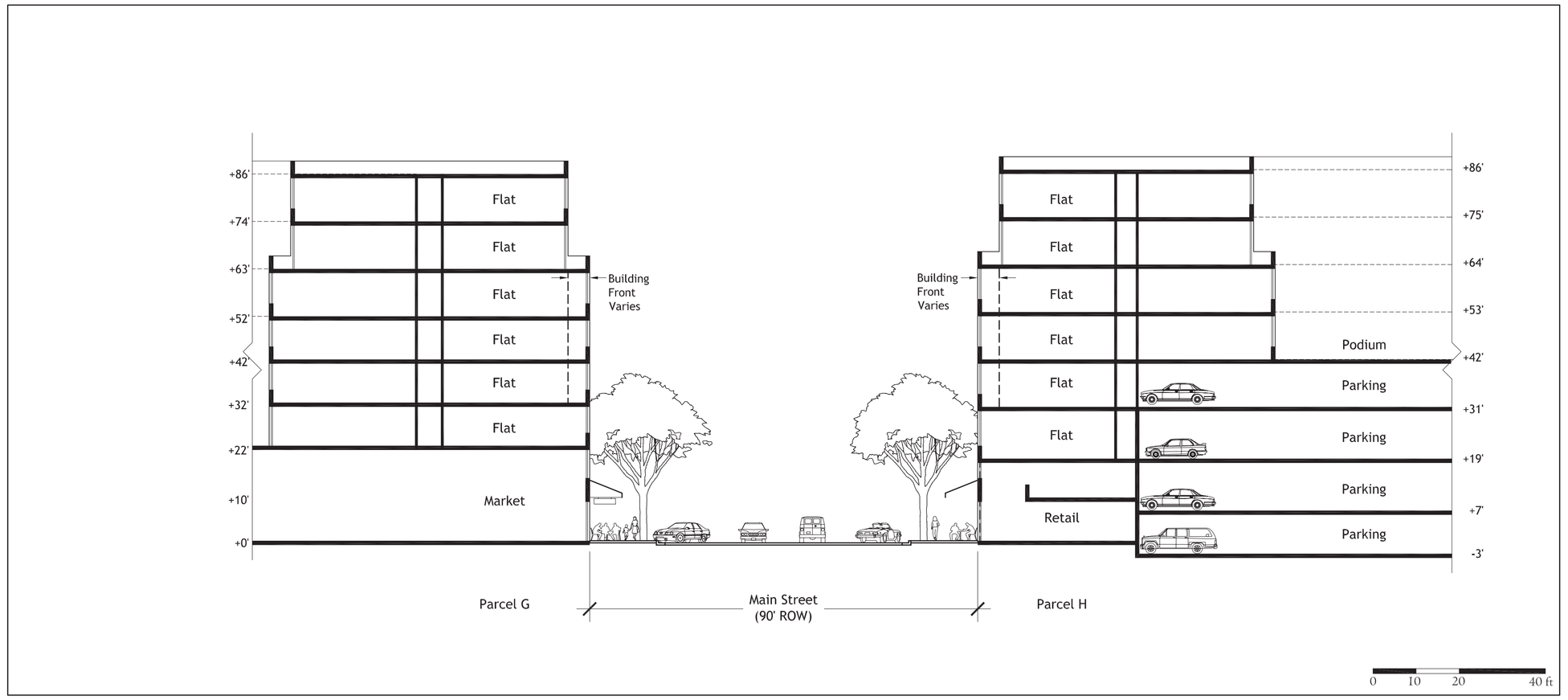
4. For the purposes of measuring setback from the Embarcadero, the back of sidewalk shall be used.

Blank Walls

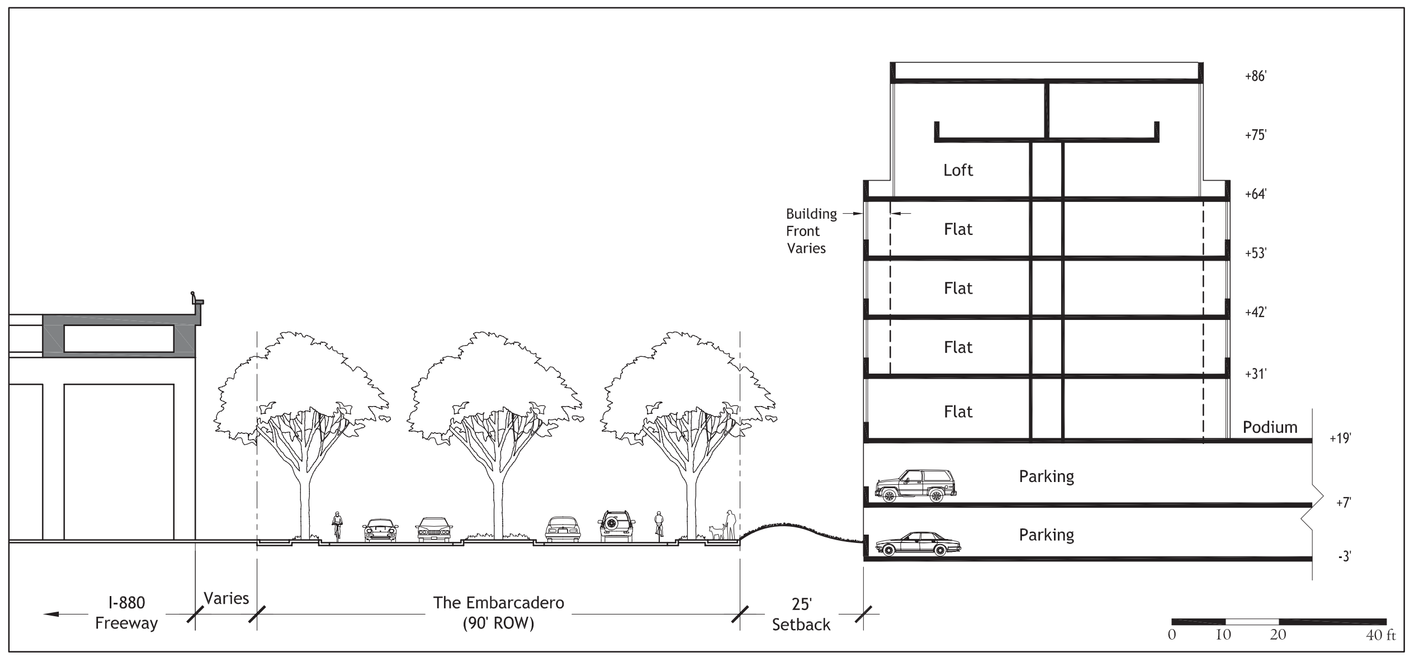
Blank walls are discouraged along public streets and open spaces, but where they are unavoidable should be treated with high quality materials that are integral with the remainder of the building.



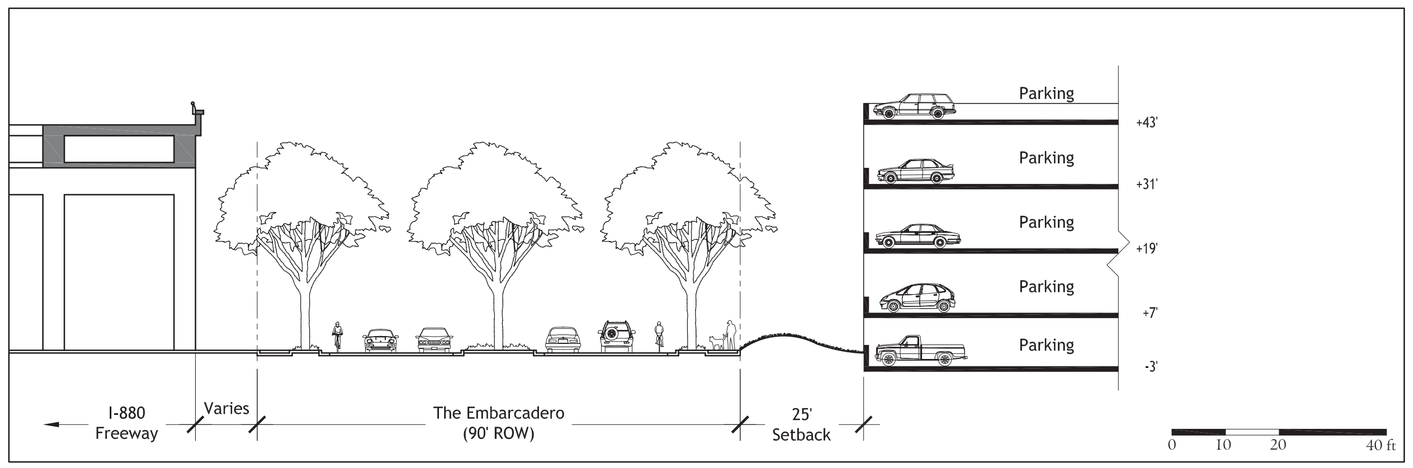
EMBARCADERO AT PARCEL A



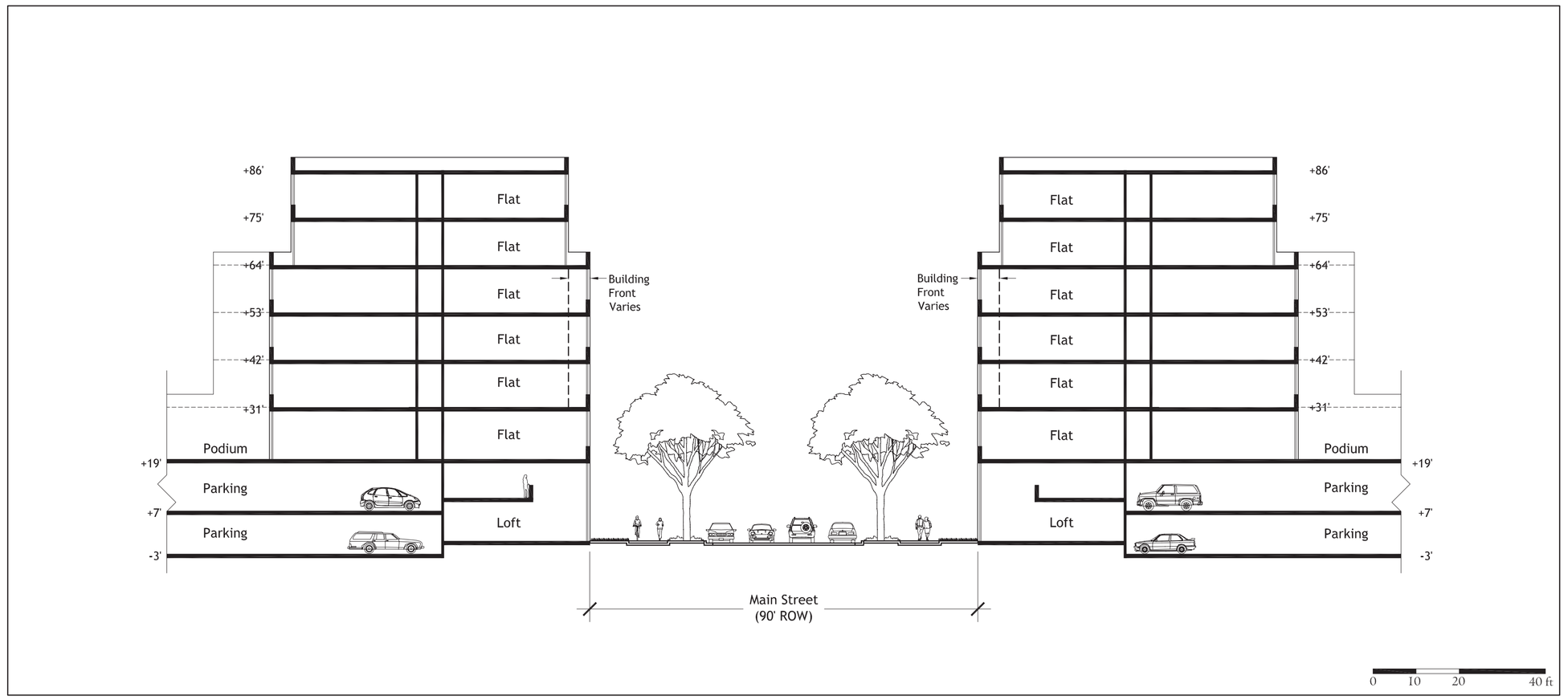
MAIN STREET AT PARCELS G & H



EMBARCADERO AT PARCEL F



EMBARCADERO AT PARCEL G



MAIN STREET AT PARCELS C & D

ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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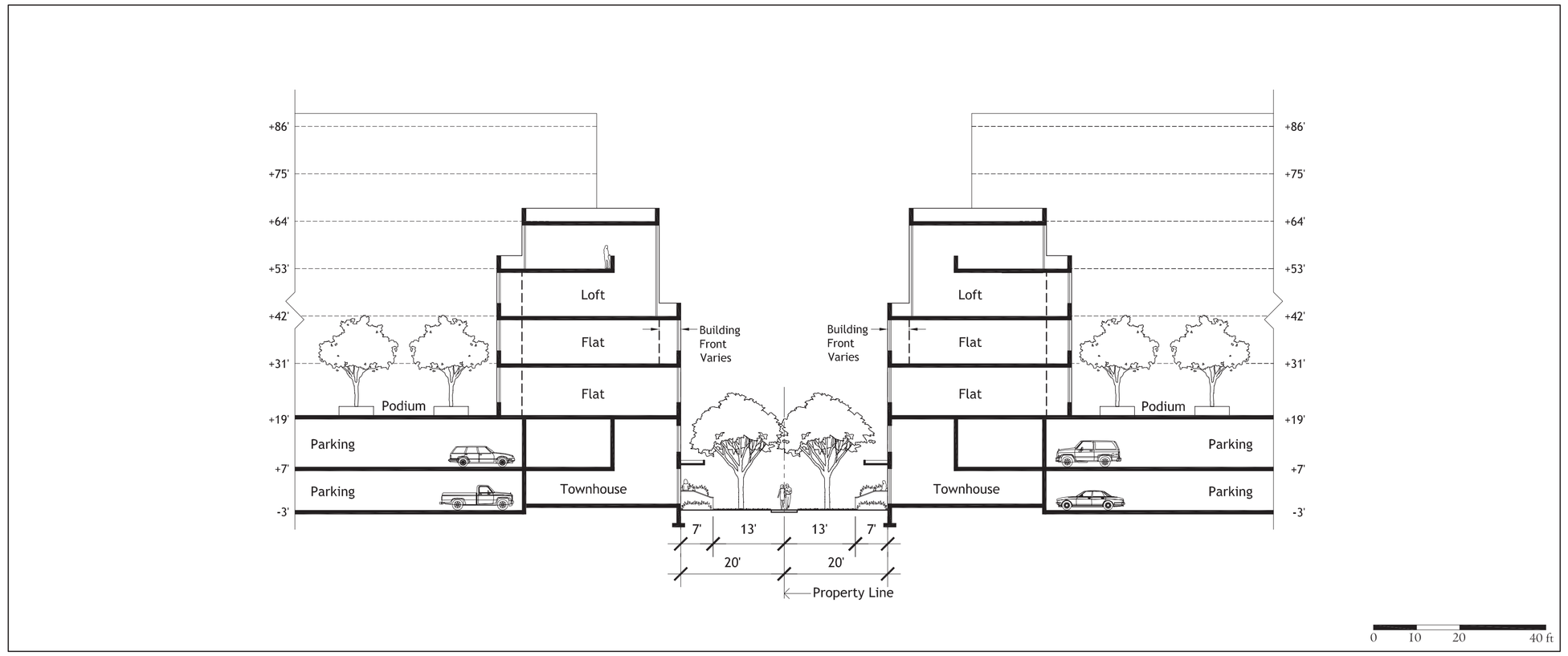
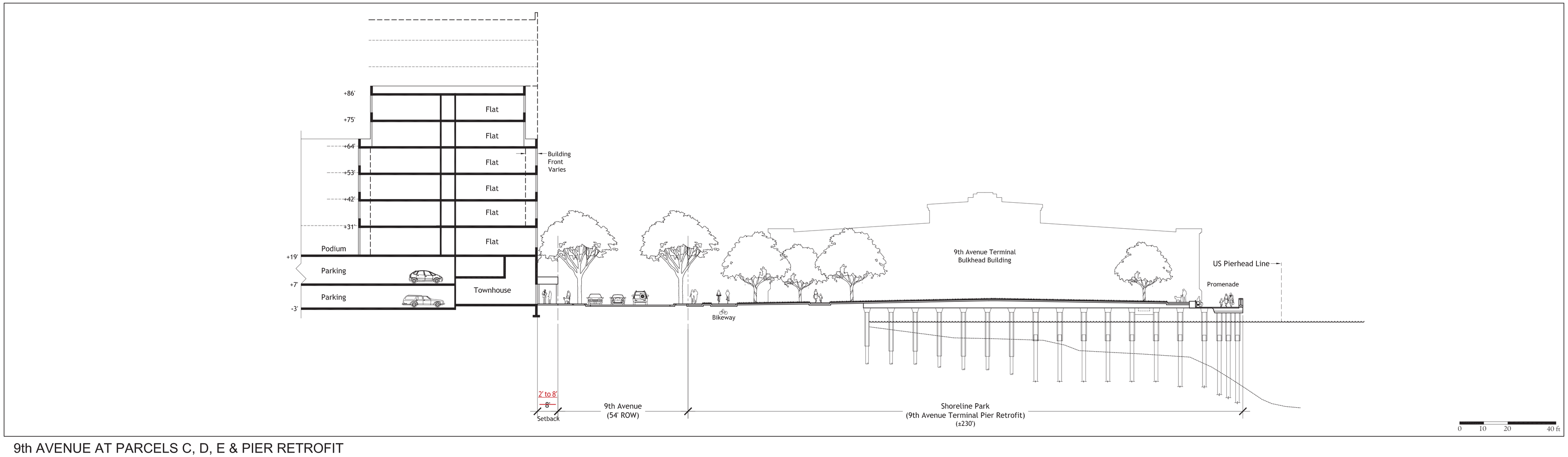


PEDESTRIAN WAYS BETWEEN PARCELS B, C, D & E



9th AVENUE AT PARCELS C, D, E & PIER RETROFIT

ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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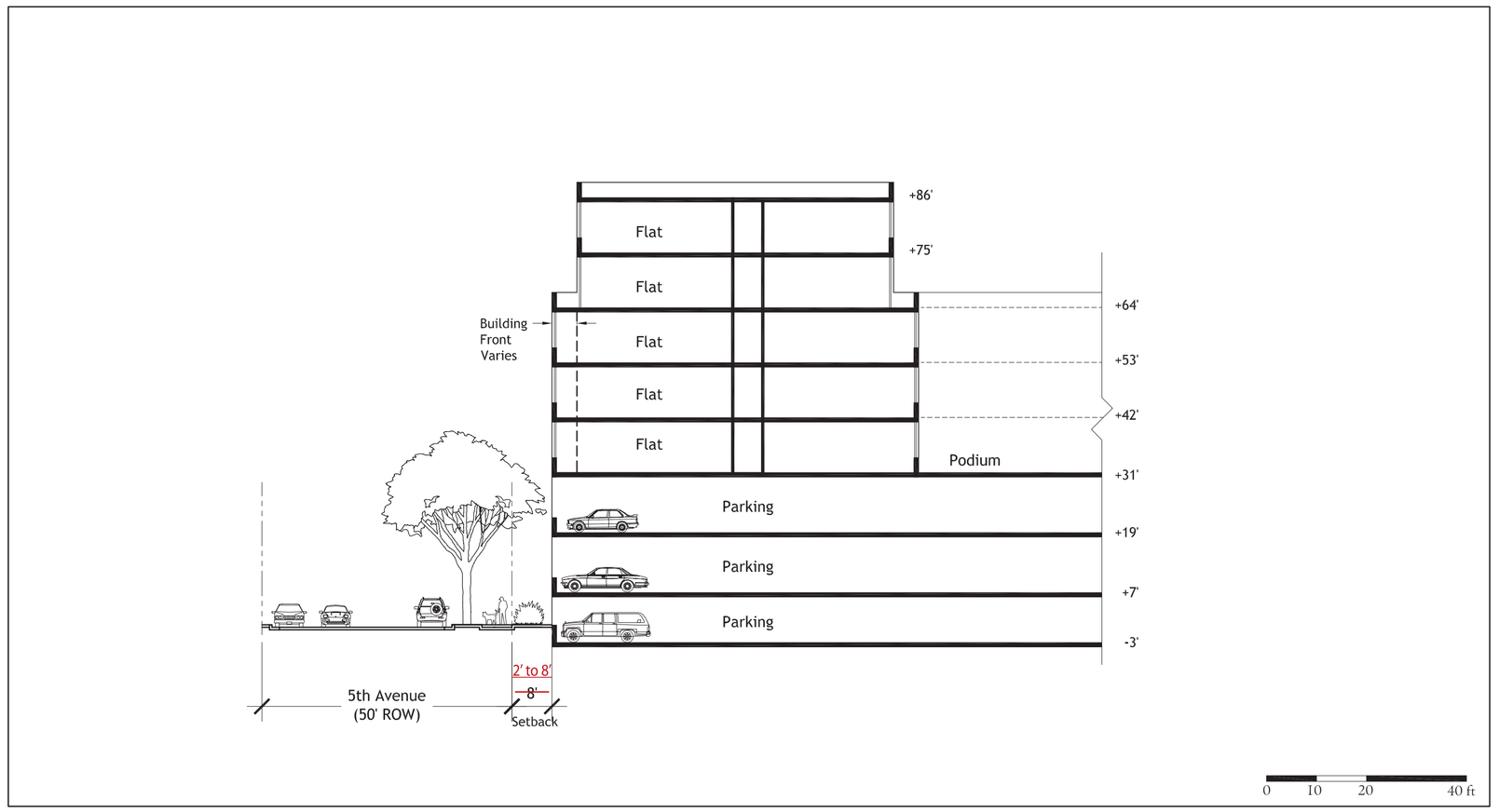
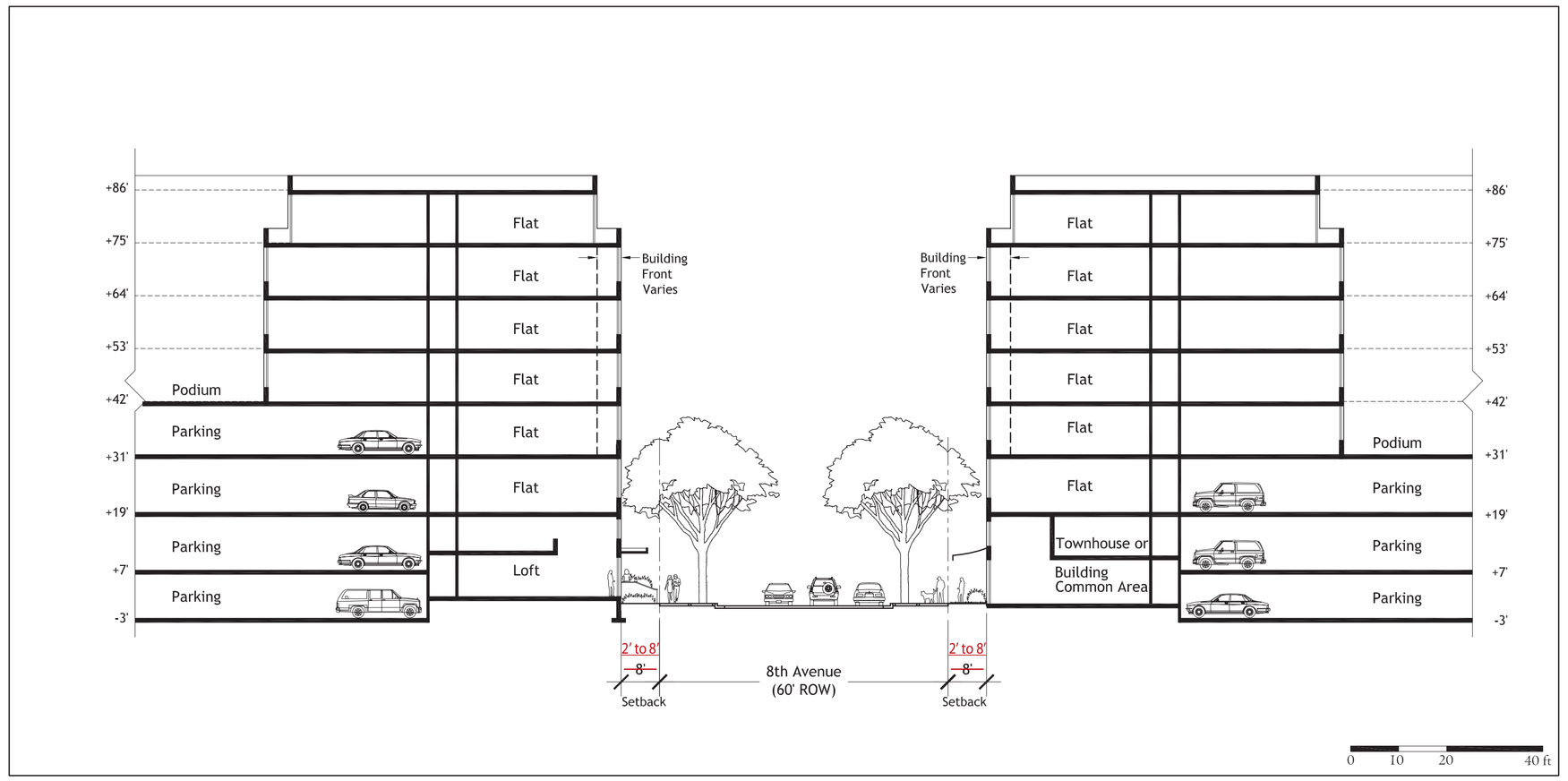
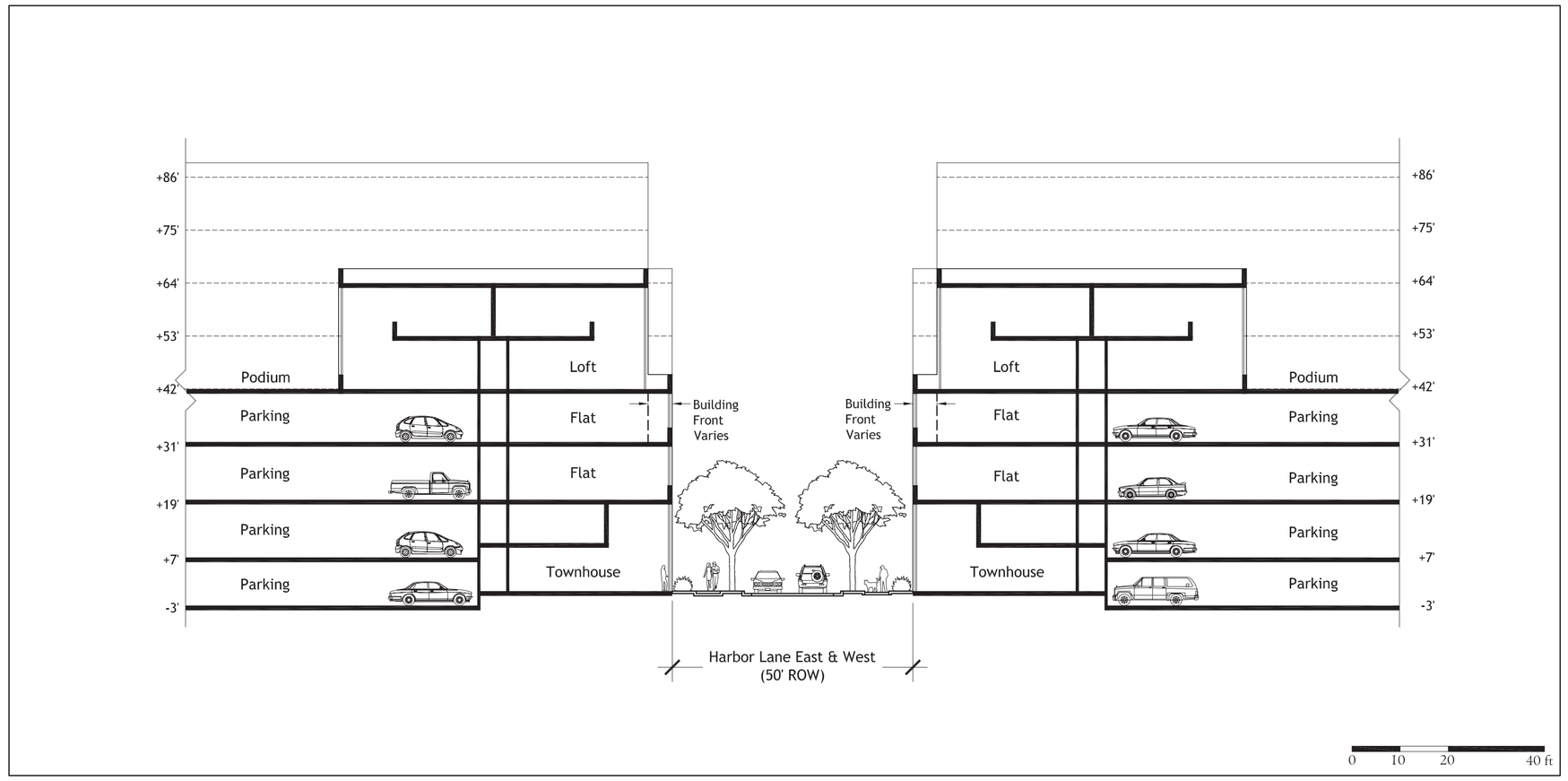


5th AVENUE AT PARCELS K & L



8th AVENUE AT PARCELS B, F, C, G, D, H, E & J



HARBOR LANE EAST & WEST AT PARCELS H, J, K & L

ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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~~OCTOBER 2006~~

REVISED SEPTEMBER 2014

SHEET NO.
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Chapter 17.__

PLANNED WATERFRONT ZONING DISTRICT (PWD-4)
OAK-TO-NINTH MIXED USE DEVELOPMENT PROJECT

Sections:

17. .010 Title, Purpose, and Applicability
17. .020 Development Plans and Design Review
17. .030 Preliminary Development Plan
17. .040 Review of Preliminary Development Plan
17. .050 Final Development Plan
17. .060 Review of Final Development Plan
17. .070 Architectural Design Review for Individual Development Projects
17. .080 Modifications and Extensions to a Preliminary or Final Development Plan
17. .090 Alterations after Issuance of Certificate of Occupancy
17. .100 Land Use Regulations
17. .110 Maximum Residential Density
17. .120 Maximum Retail and Commercial Square Footage
17. .130 Building Height
17. .140 Yards and Setbacks
17. .150 Lot Area, Width, Frontage
17. .160 Private Open Space for Residential Uses
17. .170 Landscaping, Paving and Buffering
17. .180 Parking Requirements
17. .190 Signs

17. .010 Title, purpose, and applicability

This chapter establishes land use regulations and development standards for the Oak to Ninth Mixed Use Development. The approximately 63.82 acre site is bounded by Embarcadero Road, the Oakland Estuary, Fallon Street, and 10th Avenue, and includes the Clinton Basin Marina and the Fifth Avenue Marina, but does not include Fifth Avenue Point (see **Exhibit A**, Zoning Map).

The 63.82 acre Oak to Ninth Mixed Use Development is governed by the following: the Planned Waterfront Zoning District-4 (PWD-4) regulations; the Open Space – Regional Serving Park (OS-RSP) zoning regulations; the Civic Center/Design Review Combining Zone (S-2/S-4) regulations; the Preliminary Development Plan dated February 2006 and approved on June 20, 2006; Oak to Ninth Design Guidelines; Vesting Tentative Tract Map No. 7621 dated March 8, 2006 and approved on June 20, 2006; Conditions of Approval approved on June 20, 2006; the Mitigation Monitoring Reporting Program approved on June 20, 2006, and the Development Agreement approved on June 20, 2006.

The specific purposes of the Planned Waterfront Zoning District-4 are to:

A. Encourage the **creation of a mixed-use district** that integrates a combination of residential, commercial, public open space and civic uses.

B. Establish **development standards** that allow residential, commercial, public open space and civic activities to compatibly co-exist.

C. Provide a **balance of private development and public open space** with convenient access to public open space and the waterfront.

D. Improve **access to the waterfront** and recreational opportunities along the waterfront including boat launches and marinas.

E. Encourage **quality and variety in building and landscape design** as well as compatibility in use and form.

F. Encourage development that is **respectful of the environmental qualities** that the site has to offer.

The 63.82 acre Oak to Ninth Mixed Use Development Project is divided into two major areas: private residential and commercial development (approximately 34 acres), and public parks, open space, and civic uses (approximately 30 acres), and is assigned three separate zoning districts. Refer to **Exhibit A**, Zoning Map.

Residential and Commercial Uses

Planned Waterfront Zoning District-4. The **PWD-4** zone is intended to provide mid-rise and high-rise housing opportunities together with ground floor retail and commercial uses. Future development will be set back from the waterfront and will stress compatibility between residential and nonresidential uses and reflect a variety of housing and business types.

Public Parks, Open Space, and Civic Uses

Open Space - Region Serving Park. The **OS (RSP)** zone is the area that is designated for public parks, open space, and civic uses. New parks include Shoreline Park, including the remaining portion of the 9th Avenue Terminal, South Park, Channel Park, and Estuary Park. Clinton Basin and the Fifth Avenue Marina are also included in this zoning district. Uses proposed in this zone are regulated by the City of Oakland as Trustee in consultation with the State Lands Commission which retains jurisdiction over Public Trust lands.

Notwithstanding the provisions of Chapter 17.11, Open Space Zoning Regulations, open space activities and facilities in the Oak to Ninth Mixed Use Development that would otherwise require a conditional use permit pursuant to sections 17.11.060 and 17.11.090 instead shall be approved as part of the Preliminary Development Plan or Final Development Plan.

Notwithstanding the provisions of Municipal Code 6.04.080, dogs shall be allowed leashed in all public parks and open space areas in the PWD-4 zoning district. Dogs shall be allowed unleashed in the dog park designated in the Final Development Plan.

Civic Center Zone/Design Review. The **S-2/S-4** zone is intended to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses, and is typically appropriate for public facilities. This zone is assigned to the Jack London Aquatic Center and the East Bay Municipal Utility District dechlorination facility.

17. .020 Development Plans and Design Review

All development projects within the Planned Waterfront Zoning District-4 will be processed using a planned unit development approach. The approved Preliminary Development Plan dated June 20, 2006 provides the comprehensive development framework for the entire 63.82 acre site. The entire development will be constructed in five phases. Each phase requires submittal and approval of a Final Development Plan. Design Review for each Final Development Plan shall follow the schedule outlined in Chapter 17.136, Design Review Procedure. Each building or structure not submitted with the application for a Final Development Plan will require separate design review approval. Both the Preliminary and Final Development Plans shall be prepared by a professional design team consisting of a registered civil engineer, licensed architect, planner or licensed building designer, and any other qualified professionals that the City may require. Other applications required for development and use of property within Planned Waterfront Zoning District-4 (e.g., subdivision map) may be submitted concurrently with the Preliminary Development Plan or the Final Development Plan.

17. .030 Preliminary Development Plan

The Preliminary Development Plan shall include the following:

1. Streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas, including integration with surrounding uses;

2. Shoreline improvements;

3. Location and dimensions of structures;

4. Utilization of property for residential and non-residential use;

5. Population estimates;

6. Public uses, including civic buildings, parks, playgrounds, and other open space uses;

7. Major landscaping features, including a tree survey indicating trees protected by Chapter 12.36, as it may be amended;

8. Creeks protected by Chapter 13.16, as it may be amended;

9. Historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 22 of the California Code of Regulations;

10. Plan and elevation drawings establishing the scale, bulk, massing, character, and relationships of buildings, streets, and public and private open space in a schematic or conceptual format;

11. A tabulation of the land use area and gross floor area to be devoted to various uses and a calculation of the average residential density per gross acre and per net acre;

12. A preliminary phasing plan generally depicting projected development time frames including quantitative data, such as population, housing units, land use acreage, and other data sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services;

13. A preliminary public services and facilities plan including proposed location, extent and intensity of essential public facilities and services such as public and private streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities; and a table comparing the plan description to the existing location, extent, and intensity of such essential public facilities and services; and

14. A public facilities financing plan.

17. .040 Review of Preliminary Development Plan

The Planning Director shall forward the Preliminary Development Plan to the City Engineer for review no later than 10 days after a determination that the submittal is complete. The Planning Commission shall hold a public hearing on the Preliminary Development Plan no later than seventy-five days after it is sent to the City Engineer or within thirty days of the Planning Commission receiving a report from the City Engineer, whichever is earlier. Notice of the hearing shall be given by the City Clerk or Planning Director, as set forth in Section 17.140.030.

The Planning Commission shall approve the Preliminary Development Plan if it makes written findings that the Preliminary Development Plan is in substantial conformance with the Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, the Oak to Ninth Design Guidelines, Vesting Tentative Tract Map No. 7621, Conditions of Approval, and the Mitigation Monitoring Reporting Program.

The Planning Commission shall disapprove the Preliminary Development Plan if it makes written findings that the Preliminary Development Plan is not in substantial conformance with the Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review (S-2/S-4) zoning regulations, the Oak to Ninth Design Guidelines, Vesting Tentative Tract Map No. 7621, Conditions of Approval, and the Mitigation Monitoring Reporting Program, and that it is not

possible to require changes or impose conditions of approval as are reasonably necessary to ensure conformity to these documents.

The decision of the Planning Commission on the Preliminary Development Plan shall become final ten calendar days after the adoption of the findings, unless the Planning Commission decision is appealed to the City Council in accordance with Section 17.140.070. In the event the last date to file an appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

If the Preliminary Development Plan satisfies the requirements for a Final Development Plan (as described in 17.__.050), the Preliminary Development Plan may also serve as a Final Development Plan and shall be entitled the "Preliminary and Final Development Plan," and include all the submittal requirements for each application as set forth in 17.__.030 and 17.__.050. No separate Final Development Plan shall be required to be filed when the Preliminary Development Plan is combined with a Final Development Plan.

17. .050 Final Development Plan

Final Development Plans shall be submitted for each phase of development. Final Development Plans shall include all information contained in the Preliminary Development Plan plus the following requirements in sufficient detail to indicate the operation and appearance of all development shown on the Final Development Plan.

1. The location of all public infrastructure that provides water, sewage, and drainage facilities and other utility services.

2. The location of all private infrastructure that provides gas, electric, and other utility services.

3. The location of all shoreline improvements and remediation plans.

4. Detailed building plans, elevations, sections, and a description of all exterior building materials if a development project is included with the Final Development Plan. The application for the first building proposed in a phase must show the conceptual building massing, heights, and rooflines of future buildings on all adjacent parcels to be constructed within the phase in order to evaluate shadows, relationships between buildings, access and circulation.

5. Landscape plans, and buffering plans, if required, prepared by a landscape architect, if a development project is included with the Final Development Plan.

6. The character and location of signs.

7. Detailed improvement plans for all public and private streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas.

8. Detailed improvement plans for all parks and open space areas, including programmed activities and the Bay Trail;

9. Detailed demolition plans for the appropriate phase;

10. Grading and soil remediation plans approved by the appropriate agency, other earth-moving plans, if appropriate, including estimated quantities and the grading schedule for the appropriate phase;

11. The public facilities financing plan for the appropriate phase approved as part of the Preliminary Development Plan modified as necessary to reflect changed conditions or new information.

12. Plan references to all improvements for the appropriate phase required for the Vesting Tentative Tract Map 7621 approved on June 20, 2006 and as may be amended.

13. Plan references to all improvements for the appropriate phase required of the Conditions of Approval for the project approved on June 20, 2006 and as may be amended.

14. Plan references to all improvements for the appropriate phase required of the Mitigation Monitoring Reporting Program for the project approved on June 20, 2006 and as applicable.

An applicant shall submit evidence of all documents required for dedication or reservation of land and for all bonds or other forms of financial assurances acceptable to the City required for timely completion of on-site and off-site public improvements necessitated by the project including, without limitation, for guaranteeing completion and faithful performance of the work with the Final Development Plan, including but not limited to, approved subdivision improvement agreements.

17. .060 Review of Final Development Plan

The Planning Director shall forward the Final Development Plan to the City Engineer for review no later than 10 days after a determination that the submittal is complete. The Planning Commission shall hold a public hearing on the Final Development Plan, including Design Review, no later than seventy-five days after the Plan is sent to the City Engineer or within thirty days of the Planning Commission receiving a report from the City Engineer, whichever is earlier. Notice of the hearing shall be given by the City Clerk or Planning Director as set forth in Section 17.140.030.

The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement.

The Planning Commission shall disapprove the Final Development Plan if it makes written findings that the Final Development Plan is not in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement, and that it is not possible to require changes or impose conditions of approval as are reasonably necessary to ensure such conformity.

The decision of the Planning Commission on the Final Development Plan shall be final ten calendar days after the adoption of the findings unless the Planning Commission decision is appealed to the City Council in accordance with Section 17.140.070. In the event the last date to file an appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17. .070 Architectural Design Review for Individual Development Projects

Design review for any residential, commercial, or civic development projects that are not submitted with a Final Development Plan application will be reviewed and approved separately. The procedure for Design Review shall follow the schedule outlined in Chapter 17.136, Design Review Procedure. Design Review shall be limited to a determination of whether or not the proposed design conforms to the Oak to Ninth Design Guidelines and is in substantial compliance with the Final Development Plan, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement. The Director of City Planning shall refer the application to the Planning Commission. The Planning Commission's decision may be appealed to the City Council.

17. .080 Modifications to a Preliminary or Final Development Plan

Minor changes to an approved Preliminary or Final Development Plan may be approved by the Planning Director prior to issuance of a certificate of occupancy if such changes are consistent with the purposes and character of the approved Preliminary or Final Development Plan. Minor changes, modifications or adjustments may include, but are not limited to, minor adjustments to the phasing plan boundaries, adjustments to public improvements and access if the proposed changes do not interfere with view corridors or access to the waterfront, minor modifications to the grading plan, minor changes to lot lines, minor modifications to the street sections, minor adjustments to roadway alignments, the amount and distribution of commercial uses within an existing phase, modifications to shoreline treatment, minor adjustments to setbacks and exterior materials, and modifications of the landscaping plan. The decision of the Planning Director can be appealed to the Planning Commission and final action on any appeal rests with the Planning Commission.

Amendments to the Preliminary Development Plan or Final Development Plan would be required if changes to the road alignments affected views and access to the waterfront, changes were proposed to the height, massing, and location of buildings (other than those in the tower zones), if the overall density were changed, and for any other change that the Planning Director

found was not in substantial compliance with the Preliminary Development Plan or the Final Development Plan. The revised Preliminary Development Plan or Final Development Plan would be reviewed by the Planning Commission at a noticed public hearing. The decision of the Planning Commission may be appealed to the City Council.

17. .090 Alterations after Issuance of Certificate of Occupancy

After issuance of a certificate of occupancy, no building, sign, or other structure shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal have been approved with a finding that the proposals shall be in substantial compliance with the Oak to Ninth Design Guidelines specified for the Oak to Ninth Development Project. Approval is not required for temporary realty or development signs, holiday decorations, and displays behind a display window; or for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

17. .100 Land Use Regulations

The following table lists the permitted, conditionally permitted, and prohibited activities in the PWD-4 and the OS (RSP) zoning districts. Refer to Chapter 17.76 for the land use regulations for the S-2/S-4 combining zone. The description of these land uses are contained in Chapters 17.10 and 17.11.

"P" designates permitted activities in the corresponding zone

"C" designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone

"--" designates uses that are prohibited in the corresponding zone

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	**OS (RSP) Open Space Regional Serving Park** [1/]	
RESIDENTIAL ACTIVITIES			
PERMANENT	P	C	See 17.11.060
SEMI-TRANSIENT	C	--	See 17.102.212
RESIDENTIAL CARE	C	--	See 17.102.212
SERVICE-ENRICHED PERMANENT HOUSING	C	--	See 17.102.212
TRANSITIONAL HOUSING	--	--	
EMERGENCY SHELTER	--	--	
CIVIC ACTIVITIES			
ESSENTIAL SERVICE	C	C	See 17.11.060
LIMITED CHILD-CARE	P	C	See 17.11.060
COMMUNITY ASSEMBLY	P	C	See 17.11.060
COMMUNITY EDUCATION	P	C	See 17.11.060
NONASSEMBLY CULTURAL	P	C	See 17.11.060

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	**OS (RSP) Open Space Regional Serving Park** [1/]	
ADMINISTRATIVE	P	C	See 17.11.060
HEALTH CARE	C	--	
SPECIAL HEALTH CARE	C	--	See 17.102.410
UTILITY AND VEHICULAR	C	--	
EXTENSIVE IMPACT	C	C	See 17.11.060
A. Marinas [2/]	--	C	See 17.11.060
TELECOMMUNICATIONS	C	--	See 17.128
COMMERCIAL ACTIVITIES			
GENERAL FOOD SALES			
A. Restaurant	P	C	See 17.102.335
B. Limited Service Restaurant	P	C	
C. Fast Food Restaurant	C	--	See 17.102.210
D. Vehicular Food Vending	--	--	
E. Grocery	P	--	
F. Convenience Market	P	--	See 17.102.210
ALCOHOLIC BEVERAGE SALES	C	C	See 17.102.210 See 17.11.060
MECHANICAL OR ELECTRONIC GAMES	C	--	See 17.102.210
MEDICAL SERVICE	C	--	
THERAPEUTIC MASSAGE	P	--	
GENERAL RETAIL SALES	P	--	
LARGE SCALE COMBINED RETAIL AND GROCERY SALES	--	--	
GENERAL PERSONAL SERVICE	P	--	
CONSULTATIVE AND FINANCIAL SERVICE	P	--	
CHECK CASHIER AND CHECK CASHING	--	--	
CONSUMER LAUNDRY AND REPAIR SERVICE	P	--	
GROUP ASSEMBLY	C	--	
ADMINISTRATIVE	P	--	
BUSINESS AND COMMUNICATIONS SERVICE	P	--	
RETAIL BUSINESS SUPPLY	P	--	
RESEARCH SERVICE	P	--	
GENERAL WHOLESALE SALES	--	--	
TRANSIENT HABITATION	C	--	See 17.102.370
CONSTRUCTION SALES & SERVICE	--	--	
AUTOMOTIVE SALES, RENTAL, AND DELIVERY	--	--	
AUTOMOTIVE SERVICING	--	--	
AUTOMOTIVE REPAIR AND CLEANING	--	--	
AUTOMOTIVE FEE PARKING	C	--	
TRANSPORT AND WAREHOUSING	--	--	
ANIMAL CARE	--	C	See 17.11.060
UNDERTAKING SERVICE	--	--	
SCRAP OPERATION	--	--	
JOINT LIVING & WORKING QUARTERS	P	--	See 17.102.190
MANUFACTURING ACTIVITIES	--	--	

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	**OS (RSP) Open Space Regional Serving Park** 1/	
AGRICULTURAL AND EXTRACTIVE ACTIVITIES	--	--	
ACCESSORY USES/FACILITIES	P or C	C	See 17.10.040 See 17.10.070 See 17.11.060
SIGNS	P	P	See 17.104 See 17.11
NONCONFORMING USES			See 17.114

1/ Uses permitted or conditionally permitted in the OS(RSP) zone must be compliant with the Public Trust Doctrine. Acceptable trust uses include, but are not limited to, uses that promote water-oriented or water dependent recreation and commerce, navigation, fisheries, public access and the preservation of the land in its natural condition.

2/ "Marinas" are defined as "Water basins with docks, mooring facilities, supplies and equipment for boats."

17. .110 Maximum Residential Density

A. The residential density for the overall 63.82 acre project site averages approximately 50 dwelling units per gross acre, and approximately 140 dwelling units per net acre. The density is distributed over thirteen development parcels or areas as shown below.

Maximum Residential Density

Density	Gross Acres	Net Developable Acres
Site Area	63.82	22.18
Number of Residential Units	3,100	3,100
Average Residential Density	50 du/gross acre	140 du/net acre

* net developable acres exclude 9.18 acres of roads

Development Parcels or Areas

	A	B	C	D	E	F*	G*	H	J	K	L	M	N	Total
Net Acres	2.38	1.53	1.48	1.46	1.20	1.75	2.72	2.08	1.84	1.69	1.45	2.60	0	**22.18**
No. D.U.	407	175	175	175	131	165	300	375	339	322	146	390	0	**3,100**
D.U./Net Acre	171	114	118	120	108	94	110	180	184	190	101	292	0	**140**

* These two parcels are designated for 465 units of affordable housing. Refer to the Conditions of Approval for the project and the Development Agreement, Exhibit L, for the details of the affordable housing obligations.

B. Density Transfer. Unused allowable densities, or number of units approved for a development parcel may be used on, or transferred to, another development parcel. The number of dwelling units per development parcel may increase or decrease provided that: (1) the number of dwelling units being transferred does not exceed more than 33% of the allocation of the development parcel receiving the transferred units (more than 33% up to 50% of the dwelling

units may be transferred subject to design review approval); (2) the total number of dwelling units does not exceed 3,100 for the entire Oak to Ninth Mixed Use Development Project; (3) the average density for the entire project does not exceed 140 dwelling units per net acre; and (4) the height of the buildings where the density is being transferred does not exceed the building heights approved in the PDP, unless specified in the PDP.

17. 120 Maximum Retail and Commercial Square Footage

Approximately 200,000 square feet of retail, commercial, and civic uses is distributed throughout the project area primarily on the ground floor level of the structures with residential units above. The remaining portion of the Ninth Avenue Terminal is also included in this total.

17. .130 Building Height

Height limits throughout the project area range from 86 feet to 240 feet. The height of mid-rise structures on designated parcels can increase up to 120 feet; however, the heights of the 240-foot towers cannot be increased. Any increases in density and height will need to be approved by the Planning Commission when considering the Final Development Plan or architectural design review for a development project that is not part of the Final Development Plan submittal.

Development Parcels or Areas
Height Limits

	DEVELOPMENT PARCELS												
HEIGHTS/FLOORPLATES	**A**	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**J**	**K**	**L**	**M**	**N**
Building Height Limit (ft)	86	86	86	86	86	86	86-100	86	86	86	86	86	
Allowable Height Increase (ft)		120	120	120				120					
Towers (ft)	240							240	240	240		240	
Max. floor plate of Towers (1,000 sf)	15							15	12	15		15	

17. .140 Yards and Setbacks

All front, side, rear, and corner side yard setbacks will be determined through the design review approval process and must conform to the Preliminary Development Plan, Final Development Plan, Oak to Ninth Mixed Use Development Design Guidelines, and Vesting Tentative Tract Map No. 7621, if specified. Appropriate buffer treatments may be required of buildings adjacent to other zoning district boundaries or between uses that the Planning Director has determined to be potentially incompatible. Buffer treatments could include, but are not limited to, a combination of setbacks, visual buffers, barriers, or dense landscaping.

17. .150 Lot Area, Width, and Frontage

All lot area, width, and frontage requirements will be determined through the design review approval process and must conform to the Preliminary Development Plan, Final Development

Plan, Vesting Tentative Tract Map No. 7621, and Oak to Ninth Mixed Use Development Design Guidelines, if specified.

17. .160 Usable Open Space Standards

Residential Uses - A minimum of 150 square feet per residential unit must be provided as usable open space. Each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two square feet of required group usable open space and may be so substituted. Group open space may be located anywhere on the same development parcel including the roof of any building on the site.

Joint Living/Working Quarters - A minimum of 75 square feet per unit must be provided as usable open space. Each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two square feet of required group usable open space and may be so substituted. Group open space may be located anywhere on the same development parcel including the roof of any building on the site.

17. .170 Landscaping, Paving, and Buffering

A detailed landscaping, paving, and buffering plan shall be submitted for every development project, consistent with the Preliminary Development Plan or Final Development Plan, the Oak to Ninth Design Guidelines, and Chapter 17.124 except as noted below, and shall contain the following:

1. An automatic system of irrigation for all landscaping shown in the plan;

2. A minimum of one fifteen-gallon tree, or substantially equivalent landscaping as approved by the Planning Director, shall be provided for every 20 to 25 feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half feet, the trees to be provided shall include street trees to the satisfaction of the Public Works Agency.

3. For surface parking lots greater than 3,000 square feet in size, at least one tree shall be provided for every six parking spaces.

4. For surface parking lots adjacent to private property or public open space, buffering shall be provided to minimize potential impacts between uses.

5. For buildings adjacent to other zoning district boundaries, or between uses that the Planning Director has determined to be potentially incompatible, buffer treatments should be applied and could include, but are not limited to, a combination of setbacks, visual buffers, barriers, or dense landscaping. This does not apply to development which is separated from public open space by a street right-of-way.

17. .180 Parking Requirements

Parking and Loading Standards shall be consistent with Chapter 17.116, unless as specified below.

Parking Standard	Zoning Districts		
	PWD-4	**OS (RSP)**	**S-2/S-4**
Parking spaces per residential unit	1 space/du	N/A	N/A
Parking spaces per 1,000 sq. ft. of commercial area	2 spaces/ 1000 s.f.	N/A	N/A
Parking spaces per five boat slips	1 space/ five boat slips	1 space/ five boat slips	N/A
Parking spaces required per acre of public open space	N/A	5 spaces per acre	N/A
Jack London Aquatic Center	N/A	N/A	1 space/1,400 s.f. of floor area

Note: A 75% reduction in parking is permitted for housing for persons who are physically disabled, or who are 60 years or older, and the occupancy of the units is guaranteed for at least 50 years (See Chapter 17.116.110).

17. .190 Signs

Signs in the Oak to Ninth Mixed Use Development project shall be consistent with the adopted Master Sign Plan requirements listed below.

A. Individual Signs. Individual signs not part of an approved Master Sign Plan are subject to design review in accordance with Chapter 17.104.

B. Master Sign Plan. A master sign plan shall be submitted with each Final Development Plan to be approved by the Planning Commission. The decision of the Planning Commission may be appealed to the City Council. Applications for approval of a master sign plan shall include the following:

1. A master sign program, drawn to scale, delineating the site proposed to be included within the signing program and the general location of all signs;

2. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs, or projecting signs are proposed;

3. A statement of the reasons for any requested modifications to the regulations or standards of Chapter 17.104;

4. A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.

C. Master Sign Plan Approval. In approving a master sign program, the Director shall find:

1. That the plan's contribution to the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards of Section 17.104.

2. That the proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other.

3. That future tenants will not be denied adequate opportunities for identification if transfers of sign area from one building frontage to another are proposed by the master sign plan.

4. Roof and penthouse signs are permitted provided that the signs are integrated with the design and materials of the building, subject to design review by the Planning Director. No more than one sign is approved per phase unless approved by the Planning Director.

5. One Master Identification Sign visible to the I-880 freeway is permitted for the project subject to design review by the Planning Director.

The Planning Director may require any reasonable conditions necessary to carry out the intent of the master sign plan requirements while still permitting each sign user opportunities for effective identification and communication.

D. Prohibited Location, Sign Type, and Message. The following types of signs and locations of signs are prohibited.

1. A sign in a required yard adjoining a street property line which interferes with driveway visibility. Visibility of a driveway crossing a street property line shall not be blocked between a height of 2.5 feet and 7 feet for a depth of 5 feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of 50 feet or at the nearest property line intersecting the street property line, whichever is less.

2. Moving flashing or animated signs, balloons or similar inflated signs, portable signs, searchlights, flags, pennants, streamers, spinners or similar devices, except as specifically authorized by the Planning Director.

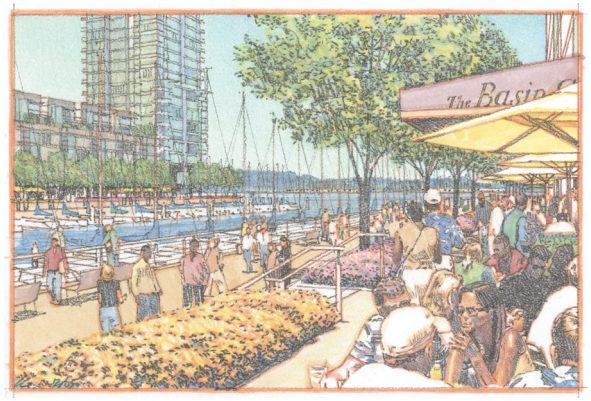
3. Signs with lighting, colors, design or text that could be confused with a public traffic directional sign or control device.

4. Signs containing statements, words, pictures, or other representations which are in reference to obscene matter which violates the California Penal Code Section 311 et. seq.

5. Exterior signs made of materials that are impermanent and will not stand exposure to weather.

6. Signs affixed to any vehicle or trailer on a public street or public or private property unless the vehicle or trailer is intended to be used in its normal business capacity and not for the sole purpose of attracting business.

Exhibit A – Zoning Map



OAK TO 9TH BROOKLYN BASIN

DESIGN GUIDELINES

NOVEMBER 2006

OAK TO 9TH BROOKLYN BASIN

DESIGN GUIDELINES

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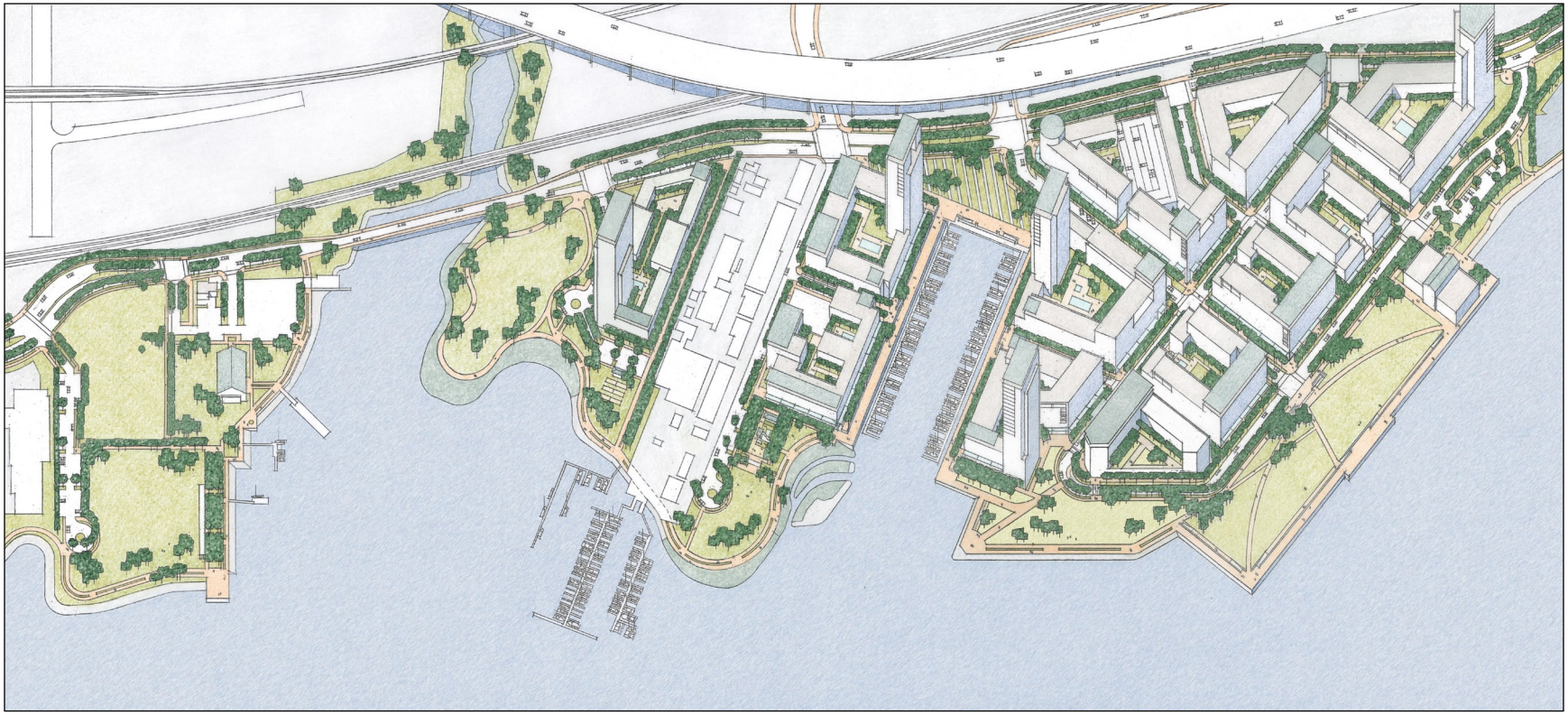
PREPARED BY ROMA DESIGN GROUP

NOVEMBER 2006

ILLUSTRATIVE PLAN

THE VISION FOR BROOKLYN BASIN



Brooklyn Basin will establish a vibrant new mixed-use neighborhood on the Oakland Estuary, reinforcing the public role and destination appeal of the waterfront as a civic destination of regional importance. With its extensive "necklace" of parks, promenades, quays and plazas, the new community will significantly extend and enliven Oakland's waterfront eastward from Jack London Square, reconnecting the City with a significant portion of its shoreline. In addition to its open space network, a rich offering of cultural, commercial and recreational activities will give Brooklyn Basin importance to Oakland and the Bay Area community. A diverse mix of residents will further enliven this part of the City and establish it as a viable neighborhood with sufficient critical mass to overcome the significant transportation infrastructure that now separates the waterfront from the downtown and the remainder of the community.

OPE

URBAN DESIGN PRINCIPLES

The goal for Brooklyn Basin is to create a vibrant mixed-use neighborhood that furthers Oakland's efforts to promote urban living and to reconnect the city with its waterfront. The following urban design principles are intended to support this goal:

1. Establish a continuous and diverse network of public open spaces, including parks, promenades and plazas along the Estuary shoreline.

2. Configure and design the open space system to serve as a city-wide and regional resource.

3. Create walkable and lively public streets, open spaces and pedestrian ways that provide strong visual and pedestrian linkages between the waterfront and inland areas.

4. Provide a range of cultural, recreational and commercial activities that reinforce the public destination appeal and civic role of the waterfront.

5. Introduce a mix of housing that supports a diverse population of residents and that promotes a day and nighttime environment along the waterfront.

6. Maintain and enhance public views to the waterfront.

7. Configure and design buildings to spatially define and reinforce the public character of streets and open spaces.

8. Introduce ground level activities that enliven streets and public spaces.

9. Develop a dynamic composition of taller and shorter buildings that reinforce the spatial characteristics of the waterfront and open space system, and that dramatize this unique shoreline setting.

10. Allow for a diversity of architectural expressions within the strong public framework of streets and open spaces.

CONTINUOUS WATERFRONT OPEN SPACE

URBAN DESIGN CONCEPT

A Continuous Necklace of Waterfront Open Space

Brooklyn Basin will provide approximately 32 acres of public open space along the Estuary, linked by a continuous pedestrian and bicycle trail system that connects Jack London Square with Oakland's eastern waterfront. The open space system will include a restored wetland, four new parks, an expanded Estuary Park, and a wide public promenade along the perimeter of Clinton Basin. More specifically:

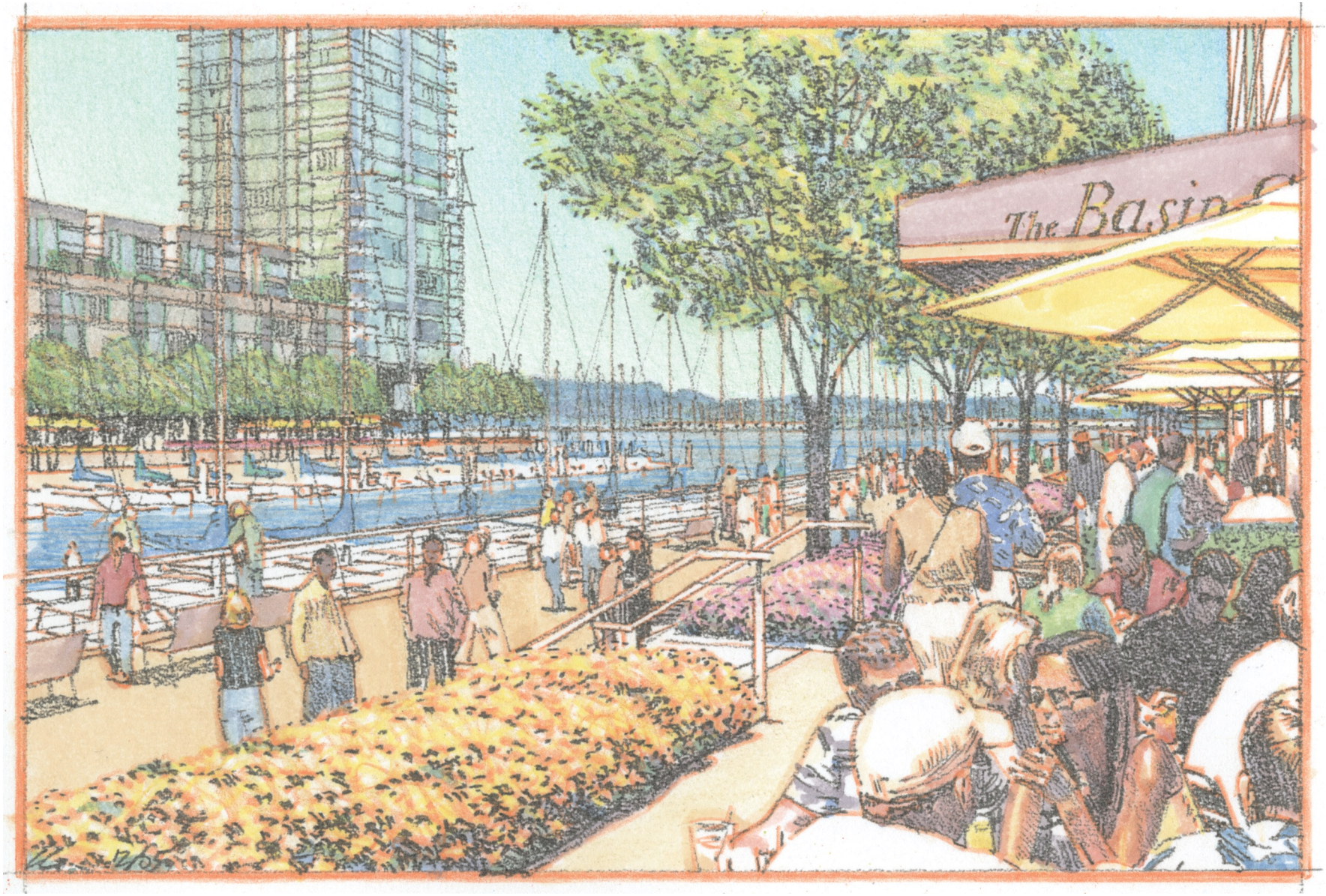
- ***Estuary Park*** will be expanded by approximately 2 acres to the north and east, and more strongly integrated with the Aquatic Center at the mouth of Lake Merritt Channel; public parking will be provided along the western edge of the open space and the large field space will be enhanced. The park will open up panoramic views to the Estuary from The Embarcadero.

- ***Channel Park*** across Lake Merritt Channel from Estuary Park will be designed as a large waterfront meadow with a new vegetated edge, suitable for passive recreation, picnicking and sunbathing. Bocce ball courts are incorporated in the southeastern portion of the open space, adjacent to a small public parking lot. A dog park is planned immediately south of the Lake Merritt Channel bridge along the Embarcadero. The park will be designed to accommodate future connections to Lake Merritt along the Channel.

- ***South Park*** at the southern terminus of Fifth Avenue will provide panoramic views up and down the Estuary. The park also overlooks a reclaimed wetland at the mouth of Clinton Basin, and features a children's playground.

- ***Clinton Basin*** forms the heart of the new community. The 3.6-acre water space will be a unique urban destination animated by recreational vessels and surrounded by a public esplanade lined with overlooking cafes and restaurants. The 50-foot wide public quay is organized in two stepped tiers, a 15-foot wide promenade with outdoor cafes providing overlook onto a 35-foot wide promenade at the water's edge with public seating and landscaping.

- ***Gateway Park*** offers dramatic views of Clinton Basin and the Estuary from the Embarcadero and I-880, and a direct visual and pedestrian connection between Fifth Avenue and the shoreline. The park will provide a stage for civic events as well as commercial (e.g., farmers market, arts/crafts fairs, etc.) and recreational activities oriented to both Clinton Basin and Main Street.



Clinton Basin forms the heart of the new community. It is defined by a public esplanade lines with overlooking cafés and restaurants.

- ***Shoreline Park*** along the southern and western edges of the community provides a grand civic space oriented to the open water of Brooklyn Basin. The park is designed to accommodate large celebrations, concerts, water festivals, as well as day-to-day activities, such as informal play and passive recreation. Much of the park is built on the existing pile-supported pier structure of the 9th Avenue Terminal, the maritime history of which will be celebrated through interpretive elements and displays.

A Rich Pattern of Public Streets and Pedestrian Ways

Streets in the Brooklyn Basin community are configured and designed as an integral extension of the open space system, providing direct pedestrian and visual linkages between the city and the waterfront. The streets are aligned to offer direct views to the Estuary from the Embarcadero and oriented to ensure maximum exposure to the sun throughout the day and year. Each street is designed to create a unique urban and pedestrian experience with generous sidewalks and adjoining buildings that provide activities, eyes on the street and strong spatial definition. The pattern of blocks, at intervals of 300 to 400-feet, extends the grid pattern of the city and offers multiple and diverse routes between the Embarcadero and the shoreline. More specifically:

- ***Main Street*** joins the Embarcadero at the foot of Clinton Basin, and terminates at Shoreline Park. The wide street serves as a commercial mixed-use spine and gathering place for the community. Between the Embarcadero and 8th Avenue, it is lined with neighborhood-serving shops that will benefit from the intensity of activity, the high levels of visibility, and convenient on-street diagonal parking. Between 8th and 9th Avenues, workshops, galleries and work-live lofts will extend the commercial character and activity of the street to Shoreline Park.

- ***Ninth Avenue*** forms a strong public edge to Shoreline Park, and a direct and welcoming entrance to the community from the Embarcadero. A wide bicycle and pedestrian promenade along the park edge of the street accommodates the significant volumes of waterfront visitors that are expected, and the street offers generous on-street curbside parking as well as access to a public parking lot just north of the 9th Avenue Terminal.

- ***Eighth Avenue*** is an urban residential street connecting the Embarcadero with the waterfront at the southeastern tip of the Brooklyn Basin community. The street will have an urban village character, with tree-lined sidewalks defined by ground level lobbies, townhouse and loft units.

- ***Fifth Avenue:*** As a major north-south corridor through Oakland, Fifth Avenue will be maintained and enhanced as a critical linking and gateway street in the Brooklyn Basin community. The street provides the principal address and

Shoreline Park provides a grand civic space oriented to the open water of Brooklyn Basin.

access for the existing artists' community, which will remain. Provision will be made for continuous pedestrian access along the western edge of the street, and the relatively light volumes of vehicular traffic will make the street a comfortable route for recreational cyclists destined for the waterfront.

- ***Fourth Avenue*** will provide public pedestrian, vehicular and bicycle access along the western edge of Channel Park from the Embarcadero. The street will include on-street public parking and provide access to a small public parking lot for park visitors.

- ***Pedestrian Mews:*** Complementing and extending the public street network, a series of more intimately scaled pedestrian streets will offer additional access through the community and to the waterfront. These include a pedestrian and bicycle way along the eastern edge of the Fifth Avenue artists' community, which will be lined with workshops and lofts, and two residential mews between Eighth and Ninth Avenues that connect Clinton Basin with Shoreline Park.

A Diverse Mix of Public-Oriented Activities

A program of cultural, recreational and commercial activities has been programmed to reinforce the public spiritedness of the Brooklyn Basin community and its appeal as a citywide resource and waterfront open space destination. More specifically:

- ***Ninth Avenue Terminal:*** A refurbished section of the Ninth Avenue Terminal will provide an opportunity for historical and interpretive exhibits that celebrate the maritime heritage of the site, a cultural center, community-gathering place, restaurant and retail opportunities.

- ***Recreational Boating*** will be further expanded in the area through the renovation of the Clinton Basin and Fifth Avenue Marina. The Aquatic Center at Estuary Park will be maintained and enhanced as an integral part of the new community.

- ***Commercial Recreation:*** Visitor-oriented shops and restaurants will further reinforce the public appeal of Clinton Basin, creating a vibrant urban place at the water's edge, and a waterfront destination unique in the region and indeed the country.

Main Street is envisioned as a commercial mixed-use spine connecting the Embarcadero with Shoreline Park.

- ***Neighborhood Serving Commercial Use:*** In addition, Main Street is planned with 75,000 square feet of ground level shops and a grocery store that will be attractive to both residents and visitors. The friendly pedestrian environment and the proximity to both Clinton Basin and Shoreline Park will make this a popular new activity center in Oakland.

A Wide Range of Housing Opportunities

Brooklyn Basin is planned and designed as a new Oakland neighborhood, focused on livability and diversity in the spirit of the broader community. As such, the neighborhood includes a wide range of housing types that can meet the needs of families, seniors, young couples and singles. More specifically:

- ***Live-Work Loft Units*** capable of accommodating artist workshops or galleries and other small businesses are envisioned in a variety of locations in the Brooklyn Basin community, including along Main Street between 8th and 9th Avenues and along other internal streets of the community where they will contribute to a lively and interesting pedestrian environment.

- ***Townhouse Style Units*** will also activate sidewalks along the pedestrian mews near Shoreline Park and along the other internal streets of the community. With their direct proximity to the open space and trail system, these units will be particularly suitable for young families.

- ***Podium Units*** in the mid-rise buildings of Brooklyn Basin will come in a full range of sizes and as such will serve a broad segment of the population including seniors, singles, and young couples. Many of these units will enjoy direct views to the waterfront and/or internal courtyard open spaces with resident serving amenities.

- ***High Rise Tower Units:*** As an urban neighborhood, Brooklyn Basin also offers high rise living with units that will have broad panoramic views of the Estuary, Bay and Oakland hills.

A Dynamic Composition of Building Forms and Expressions

Rather than a homogeneous or monolithic grouping of buildings, the Brooklyn Basin community is conceived as a diverse and varied skyline carefully composed to give form to the waterfront and to the public spaces and streets of the neighborhood. From a distance the community will appear as an extension of the city, with five distinctive towers spaced in a manner that maintains views to the water from the Oakland hills and upland areas. Along the Embarcadero and the I-880 freeway, the building wall will be varied in height and broken at regular intervals by streets and open spaces that provide views to the Estuary and shoreline parks. Within the community, the height and massing of buildings serve to dramatize the visual setting of the waterfront and open space, spatially define

Eighth Avenue will have an urban village character with tree-lined sidewalks defined by ground level lobbies, townhouses and loft units.

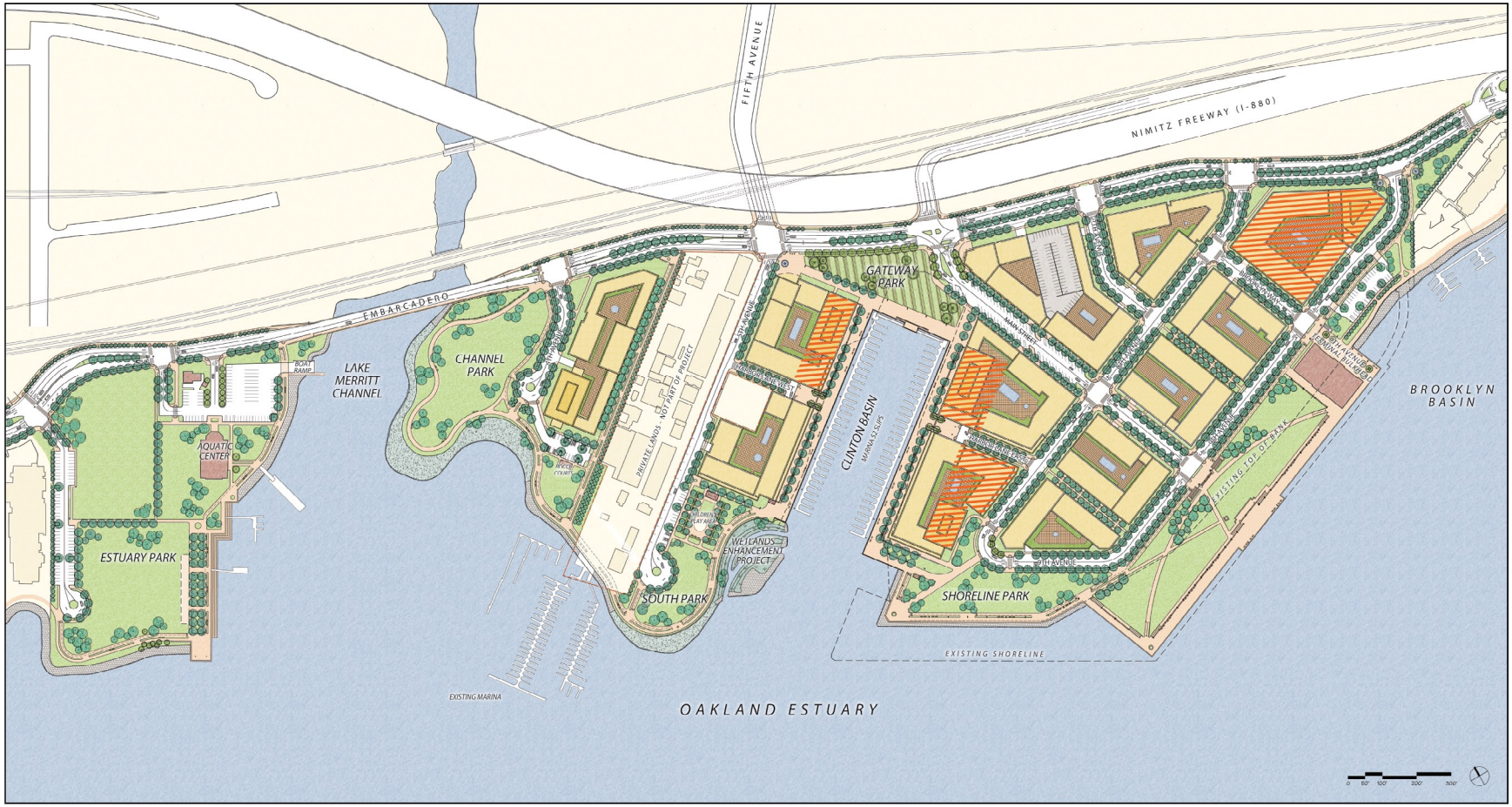
key public spaces, and lend diversity and interest to the public environment. The composition of buildings is predicated on the following principles:

- ***Four-Sided Architecture:*** Although Brooklyn Basin is a waterfront community with dramatic views up and down the Estuary, the waterfront edge is not given priority over any other edge. In order to ensure strong integration with the remainder of the city, a high quality of architectural treatment is planned on all sides, those facing the Embarcadero and I-880 freeway, internal streets and pedestrian ways, as well as the public open spaces and waterfront.

- ***Multiplicity of Architectural Expressions:*** Buildings within Brooklyn Basin are not restricted to any specific architectural style. Rather, a variety of architectural expressions are encouraged as a means of enhancing the diverse mixed-use, urban character of the community. Each development project will, by use of massing, articulation, materials and detail, contribute to a coherent form and structure within the new community.

- ***Buildings that Provide Strong Spatial Definition:*** Individual buildings are not conceived as isolated or stand-alone projects, but instrumental in shaping and defining the public spaces and streets of the community. Buildings will be generally built to the property lines of streets and parks to provide such definition and overlook, but will be massed and articulated to avoid the creation of an undifferentiated and monolithic environment. Building walls will become lively and delightful edges to streets and open spaces through the variation of building materials and planes, and the introduction of architectural elements like balconies, loggias, moldings, stepbacks, etc.

- ***Towers that Punctuate the Urban Landscape:*** The placement of tower buildings up to 240 feet in height has been carefully considered relative to the surrounding waterfront context and the overall skyline. Five towers are located where they will have minimal impact on the shading of public spaces, and where they will have a positive effect in creating gateways, defining major public places and in creating an exciting and dynamic urban environment. Three towers flanking Clinton Basin will accentuate the primary importance of this urban water space and create a dramatic gateway from both the water and the land. Two additional towers, one facing Channel Park and the other Shoreline Park provide a visual counterpoint to the horizontal plane of water and open space, and strong gateways along Embarcadero and I-880 Freeway. The spacing of the towers ensures that views from upland areas as well as from within the community are maintained.


FIFTH AVENUE
NIMITZ FREEWAY (I-880)
EMBARCADERO
BOAT RAMP
LAKE MERRITT CHANNEL
CHANNEL PARK
AQUATIC CENTER
ESTUARY PARK
PRIVATE LANDS - NOT PART OF PROJECT
SOUTH PARK
WETLANDS ENHANCEMENT PROJECT
CLINTON BASIN
MARINA SLIPS
GATEWAY PARK
MAIN STREET
SHORELINE PARK
EXISTING SHORELINE
EXISTING TOE OF BANK
BROOKLYN BASIN
EXISTING MARINA
OAKLAND ESTUARY

TOWER ZONE

DESIGN GUIDELINES

Building Height, Massing and Treatment

Design Intent

The massing of buildings should contribute to the overall form and structure of the community, to the spatial definition of public spaces and streets, and to the visual diversity and interest of the public realm. Taller buildings up to 240 feet in height should be designed and sited to accentuate the form and importance of Clinton Basin, and to mark the key gateways into the community. Mid-rise buildings up to 86 feet in height should be utilized to define internal streets, and building edges should step down to 55 feet along the remainder of the Clinton Basin and along more intimately-scaled residential mews. Portions of buildings should also be permitted to a height of 120 feet where such massing can be visually supported by the adjacent public open space. Within these overall massing envelopes, additional variation and articulation should be provided in both the horizontal plane and the vertical profile of buildings to break down their perceived mass and bulk, and to promote a finer increment of development. Building massing should provide additional variation and architectural interest that promotes a cohesive community scale and an attractive pedestrian environment.

a. Building volumes should be articulated separately to break down the perceived scale and mass of the structure and to provide visual interest.

b. Corner locations, visual termini, major entries and other visible building frontages should receive special emphasis and treatment.

c. A varied building silhouette is encouraged through significant changes in massing at rooflines.

Tower Location and Massing

Buildings above 120 feet and up to 240 feet in height are limited to particular tower zones (see diagram) located in areas that will have less shadow impact, and that will reinforce the overall form and structure of the community. Tower zones are established: at the edges of Clinton Basin and Gateway Park, along the Embarcadero at Channel and Shoreline Parks, and near the foot of Eighth Avenue. Within each of these zones, one tower will be permitted, subject to the following guidelines:

1. The tower should be sited and shaped in a manner that reinforces the spatial characteristics of the public space and/or street on which it is located.

Special treatments (e.g. shaping, fenestration, materials, etc.) like these examples in Vancouver should be employed to accentuate the vertical proportion of towers.

2. The maximum floorplate of all towers should not exceed 15,000 square feet with the exception of the tower at the foot of 8th Avenue, which shall not exceed 12,000 square feet. Towers should have compact floorplates with no dimension exceeding 165 feet.

3. The tower should be spaced such that one tower is at least 200 feet away from another tower.

4. Architectural treatments should be employed to accentuate the vertical proportion of the towers through shaping, fenestration, materials, etc.

5. Special treatments should be introduced to vary and create interest across and enhance the skyline appeal and visual appearance of the structure (e.g., reduction of floorplate size and/or increase in floor-to-floor dimension on top floors, change in fenestration, spires, introduction of special materials or visual features, etc.).

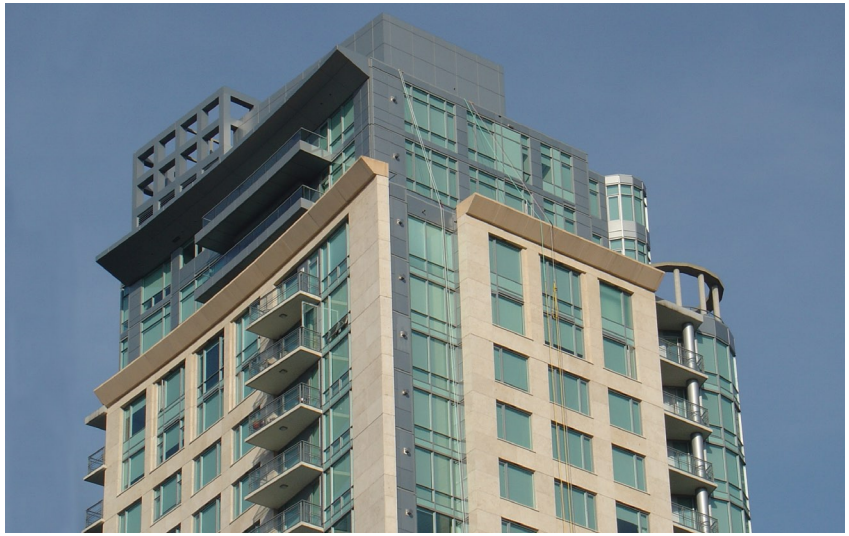
6. The tower should be designed to provide an interesting silhouette, profile and volumetric form on the skyline through variation of building material, building shape, plane and stepbacks.

7. The topmost floors of the building should be architecturally differentiated through the use of stepbacks or changes in material and fenestration as appropriate to the overall architectural expression of the building.

8. The tower should be architecturally integrated with the perimeter block architecture at its base, differentiated by a change in plane, material and/or fenestration. While stepbacks may be appropriate to create a building base, vertical expression of the tower is also encouraged; "wedding-cake" buildings are discouraged.

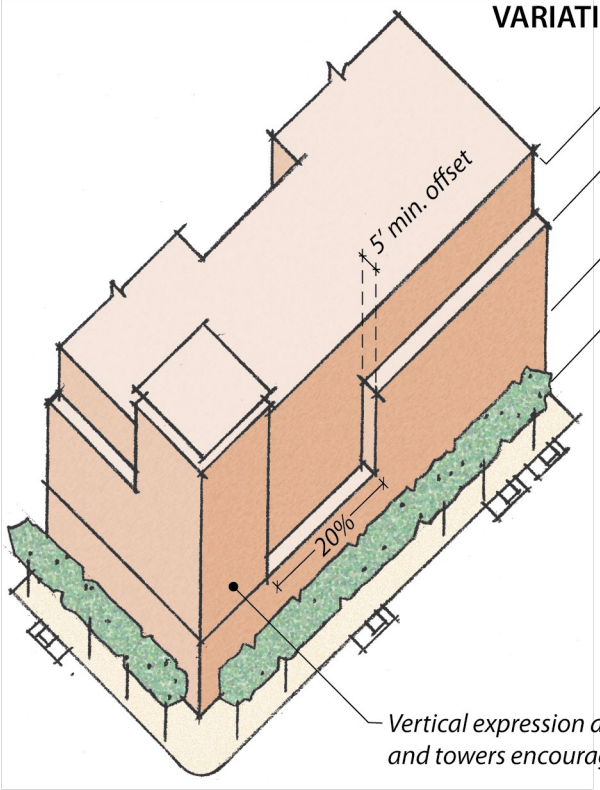
9. The use of mirrored or highly reflective glass is discouraged in favor of tower buildings that combine transparent curtain wall glazing with punctured wall treatments.

10. Placement and design of balconies should avoid repetitive egg-crate patterns, but rather be located and designed to reinforce the overall building form.



The topmost floors of towers should be architecturally differentiated through the use of stepbacks, changes in material, building shape, etc.

VARIATION IN STREET WALL BUILDING VOLUME AND PLANE



86' — *Differentiated architectural expression and/or 5' stepback above 65', except as noted*

65' — *Minimum offset of 5' at specified intervals* along 20% of building fronts*

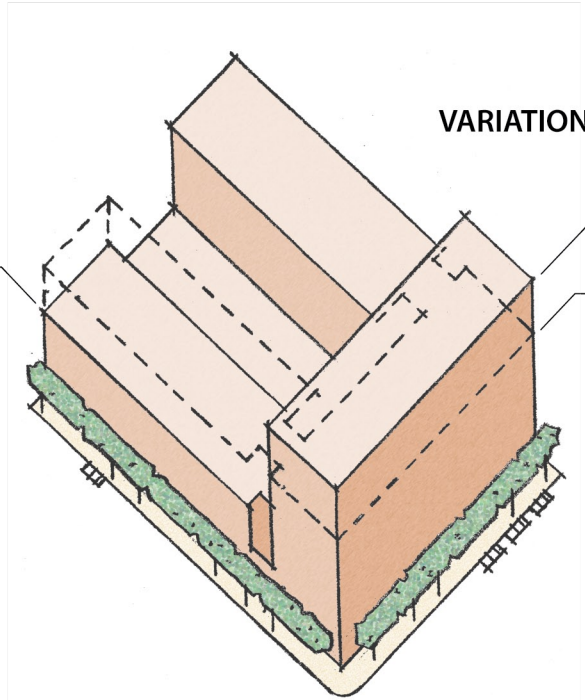
30' — *Building base built to property or setback line*

0'

*
- *150' along Main Street, Clinton Basin, Shoreline Park, Embarcadero, Channel Park*
- *100' along all other streets*
- *60' along pedestrian mews*

Vertical expression at corners and towers encouraged

VARIATION IN OVERALL BUILDING HEIGHT



Additional height up to 120' not to exceed 50% of topmost floor below 86'

86' height limit

Equivalent height reduction encouraged to increase solar access to streets and mews

Variation in Overall Building Height

Apart from the tower zones, the predominant building height within the Brooklyn Basin community is 86 feet. To promote additional variation in building height and to avoid a "pancake" or benching effect on the skyline, buildings will be permitted additional height of up to 120 feet, subject to the following guidelines:

1. The additional height is located along edges that will not result in excessive shading of public and pedestrian-oriented spaces. Acceptable locations include the 9th Avenue/Shoreline Park edge, on Parcels B, C, D, and H of the Preliminary Development Package.

2. The additional height is employed in areas that articulate key intersections, gateways, and/or street and building geometries.

3. The additional height does not exceed 50% of the area of the topmost floor below the 86-foot height.

4. A reduction of building height is encouraged below 86 feet (equivalent to the total floor area of the additional height above 86 feet); these reduced height areas should be located in areas that will result in increased solar access to streets, mews, or other public spaces.

Variation in Street Wall Building Volume and Plane

Within a clear and coherent architectural composition, building facades should be articulated by means of recesses, changes in plane, bays, projecting elements, variations in exterior finishes or a combination thereof. Articulation strategies may include emphasis of groupings of dwelling units or occupied spaces, establishing vertical and horizontal rhythms, creating a varied building silhouette, adding visual accents and similar architectural strategies. Long unarticulated street walls should be avoided. The following guidelines apply to buildings of 86 feet in height or less:

1. Buildings should introduce a differentiated architectural expression and/or a step of at least 5 feet, above a height of 65 feet, to allow for the uppermost floors to be articulated, and to maintain a perceived street wall height roughly equivalent to, or less than, the building face-to-face dimension across the street. Along Clinton Basin, such expression should be provided above a height of 55 feet. (In order to encourage vertical expression, this stepback does not apply to tower buildings, corner elements, or to areas where additional height above 86 feet is permitted.)

2. Significant changes in building massing should be provided above a height of 30 feet. Such changes are defined as a building offset of not less than five (5) feet for 20% of the building frontage along a public street or open space, incorpo-

Buildings should introduce a differentiated architectural expression and/or a stepback of at least 5 feet above a height of 65 feet. Varied fenestration, balconies, bay windows, loggia etc., are encouraged to promote variation and articulation along streetfronts.

rated at particular intervals depending upon the frontage and the scale of the adjoining street or public space. These intervals are as follows:

- 150 feet along Main Street, Clinton Basin, Shoreline Park, the Embarcadero, and Channel Park;
- 100 feet along all other internal streets; and
- 60 feet along pedestrian mews.

3. To promote additional variation and articulation, changes in building materials are encouraged, consistent with a coherent volumetric approach to the overall massing and architectural expression. Varied fenestration, balconies, bay windows, loggia, etc. are also encouraged.

Parking Garage Facades

While parking garages are encouraged to be encapsulated within buildings, it is anticipated that some frontages may have portions of garages exposed to public street fronts. In such cases, special architectural treatments should be implemented to reduce their visual dominance and to integrate them into the overall form and character of the primary building, without masking the function of the structure for parking. Exposed parking garage facades should comply with the following guidelines:

1. The parking garage façade should be architecturally integrated with the façade of the occupied space served by the garage.

2. Patterns of openings at garage facades should be similar in rhythm and scale to other openings within the building.

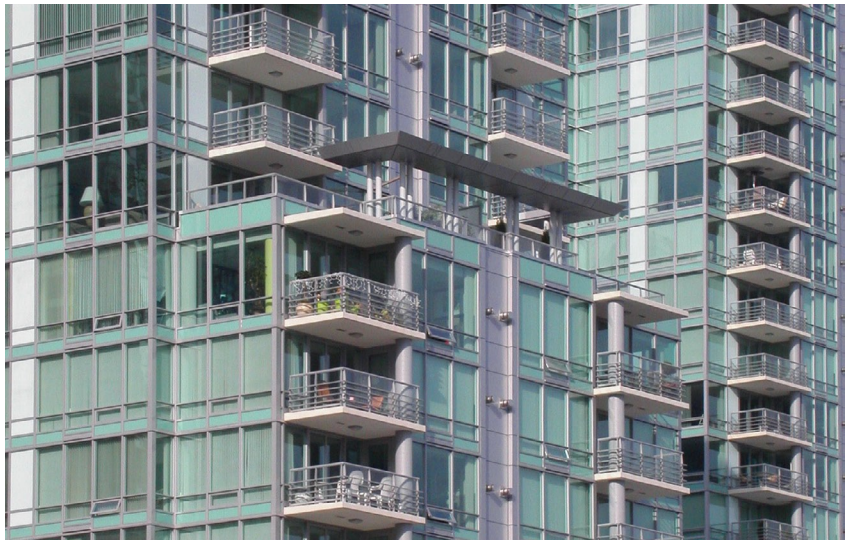
3. Building materials should be the same as those utilized in the occupied portion of the building.

4. Awnings, canopies, sunscreens, planters, ornamental railings, and other elements should be utilized to provide visual richness.

5. Transparent glazed or unglazed openings should not exceed 50% of the wall area visible from any public street front.

6. Interior lighting of garages should be designed to prevent direct view of the light source from streets or public access areas to the greatest degree practicable.

7. Exposed parking garages are not permitted along Clinton Basin, Shoreline Park or Channel Park.



Roofs should be designed to be visually interesting, using non-reflective materials and colors.

Windows

The proportion and subdivision of typical windows should reflect the overall proportion and character of the building.

1. Window materials, trim (if any), and detailing should be of a good quality and consistent with the architectural character of the building.

2. Windows set flush with cement plaster (stucco) finish without provision of trim, projecting sills, or other perimeter detailing are discouraged unless it can be demonstrated that the detail is critical to the architectural expression of the building. A recess dimension of not less than 2.5 inches should be the applicable general rule with larger recess dimensions encouraged to provide shadow lines and visual interest.

3. Glazing should be transparent to the maximum extent practicable. Reflective glazing, except at special locations that are consistent with the overall architectural design, is discouraged.

4. Punctured windows inset within an opaque wall should predominate in the lower portions of the building, where they can help to give scale to the public realm. Curtain wall glazing should be primarily utilized on the upper portions of buildings where vertical expression is more desirable.

Rooftop Treatment

Since many roofs will be visible from surrounding structures, they should be designed to be visually interesting, using non-reflective materials and colors.

1. Terraces and open spaces for the use and enjoyment of residents are encouraged.

2. Appliance vents, exhaust fans, and similar roof penetrations should be located so as to not be visible from streets or open spaces. Exposed metal penetrations and roof accessories should be finished to match or blend with the roof color.

3. Any screening devices employed should be consistent with the architectural character and composition of the building.

Exterior Wall Materials

All exterior materials should be durable and of a high quality. Acceptable materials include: cement plaster (stucco), cement boards or pre-cast panels, concrete, metal panels, stone, brick and split face block. EIFS (Exterior Insulation and Finish Systems), unfinished concrete block, hardboard or plywood siding, vinyl or aluminum siding are not allowed.

Roofing Materials for Sloped Roofs

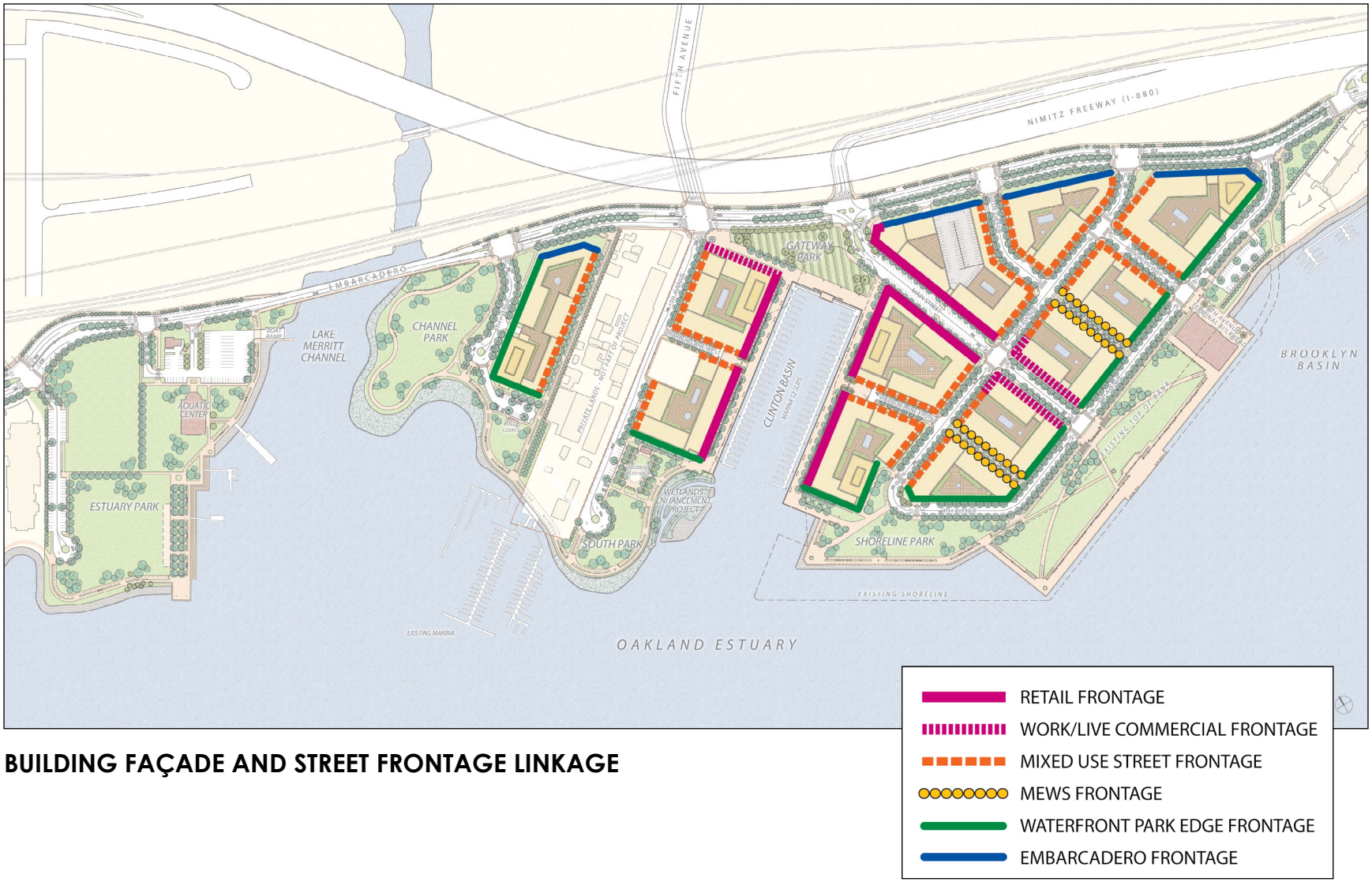
Concrete or clay tile, high quality composition shingles, slate, and standing seam metal roofing are permitted roof materials for slopes of 2:12 or greater. Sheet or roll roofing, synthetic shakes or shingles, high glaze tiles or glossy painted concrete tiles are discouraged.

Exterior Color

Each project should create a cohesive color palette that takes into consideration the finish of all exterior elements, and that complements the architectural character and composition of the building. Projects are encouraged to employ more than one body color to articulate the form, rhythm and scale of the building. Accent colors are encouraged where they enhance the architectural character of the development project.

Mechanical Penetrations at Facades

Mechanical penetrations at building facades, including kitchen and dryer vents, bath exhausts and other penetrations should be minimized to the maximum extent practicable. Where necessary they should be aligned horizontally and vertically with other penetrations, window openings and/or other architectural features to present an organized appearance, consistent with the architectural character and composition of the building.



RETAIL FRONTAGE
WORK/LIVE COMMERCIAL FRONTAGE
MIXED USE STREET FRONTAGE
MEWS FRONTAGE
WATERFRONT PARK EDGE FRONTAGE
EMBARCADERO FRONTAGE

BUILDING FAÇADE AND STREET FRONTAGE LINKAGE

Building Orientation and the Public Realm

Design Intent

Buildings should contribute to the spatial definition and to the activation of public spaces and streets, through appropriate massing, orientation and treatment. A diversity of conditions should be established throughout the community, to create a rich pedestrian environment suitable to the particular location and to the spatial characteristics of the adjacent public space or street. Six predominant conditions are envisioned for the Brooklyn Basin community: retail edges, commercial and live/work edges, streets with a mixture of edge conditions; the mews edges; edges along the parks and waterfront; and the Embarcadero edges (see diagram). Treatment of blank walls, service areas, waste handling, etc. should also be carefully considered to minimize any negative effects on the public realm. More specifically:

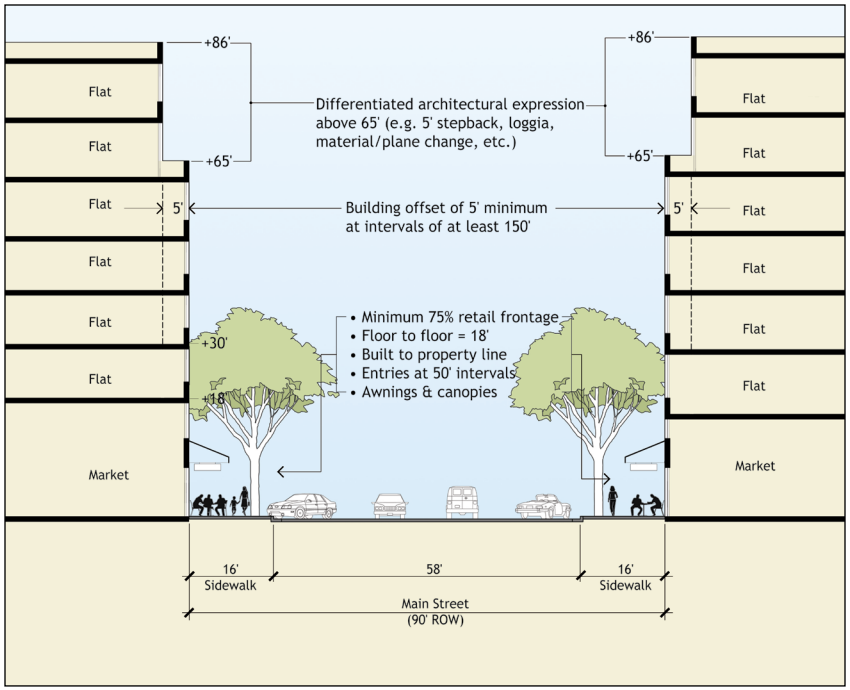
Retail Edges

Along Main Street (between 8th Avenue and the Embarcadero), and along the Clinton Basin frontage, at least 75% of the building frontage should be in retail use including shops, restaurants, and cafes. These building frontages should adhere to the following guidelines:

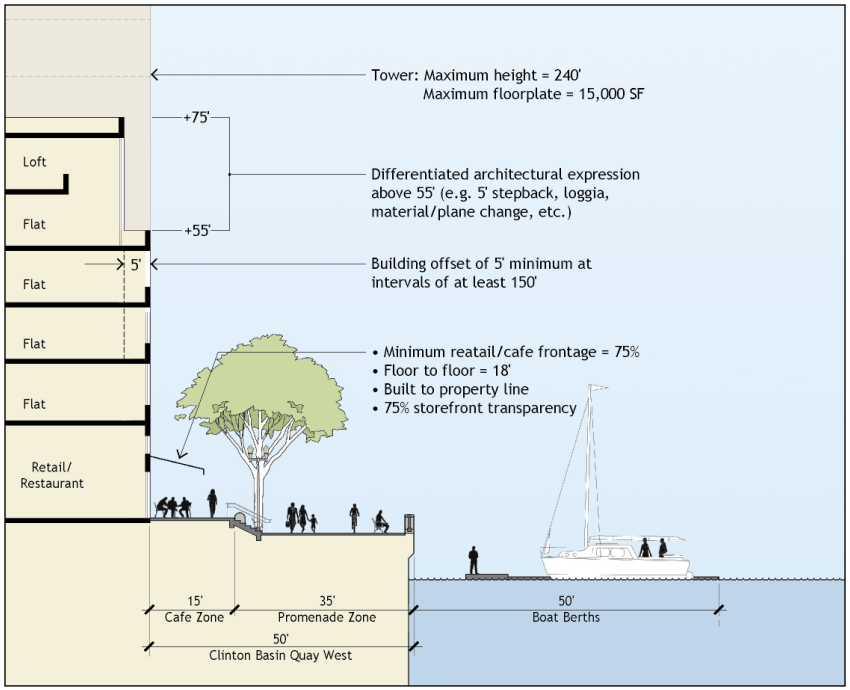
1. The ground floor-to-floor dimension should promote viable retail uses that are welcoming and transparent in nature.

2. The minimum depth of retail space from storefront to rear should be at least 40 feet to promote viable uses.

3. The retail frontage should be built to the property line at the back of the sidewalk, except where an additional setback is required by zoning, or occupied by an outdoor café.



TYPICAL BUILDING SECTION: MAIN STREET RETAIL



CLINTON BASIN PROMENADE SECTION

4. The interior finished floor elevation should be generally flush with the adjacent street or promenade frontage.

5. Building entries should be oriented to the street or promenade at intervals of approximately 50 feet, except for major anchor tenants such as grocery or drug stores, which could be a greater interval.

6. Shop fronts with a high level of transparency – at least 75% - should be established along these frontages.

7. The use of canvas awnings and metal canopies are encouraged to provide shelter and shade to the pedestrian, and color and life to the building façade (see awnings and canopies below).

Commercial and Work/Live Frontages

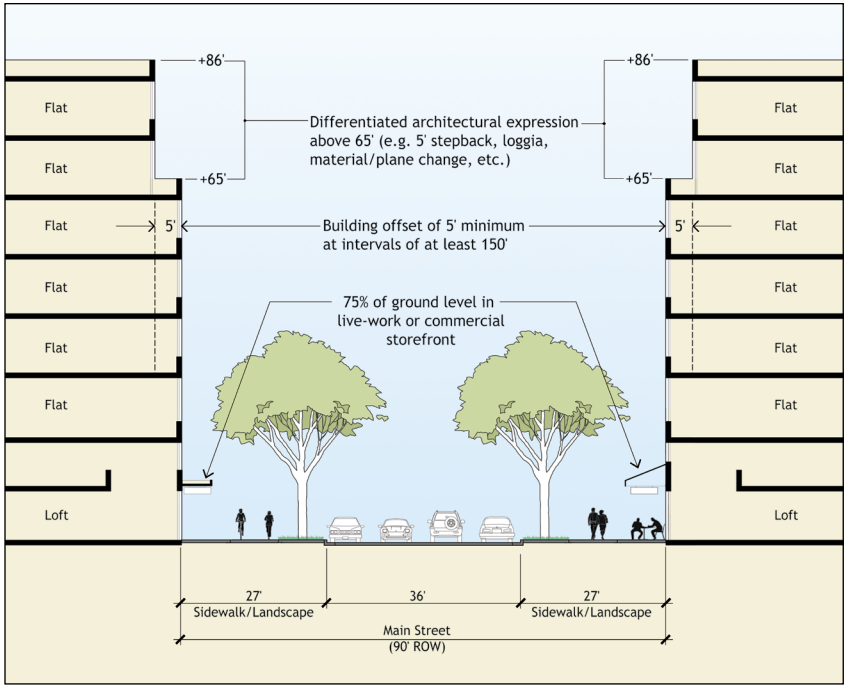
Along Main Street (between 8th and 9th Avenues, and along Gateway Park (see diagram), at least 75% of the building frontages should be developed with a retail frontage as described above, and/or with a commercial work/live frontage that includes ground floor work spaces (e.g., workshops, studios, galleries, offices, etc.) with a direct orientation to the street or public space. These building frontages should adhere to the following guidelines:

1. Ground floor uses should have their primary access from the street or public space.

2. The ground level use should be accessible to the public, and as such generally flush with the elevation of the adjacent sidewalk or promenade.

3. The commercial frontage should be built to the front yard setback or build-to line, except where an additional setback is occupied by a publicly accessible entry court that is visible from the street or promenade.

4. Building entries to ground level work-live or commercial space should be oriented to the street or promenade at intervals of approximately 50 feet or less.



TYPICAL BUILDING SECTION: MAIN STREET LIVE/WORK COMMERCIAL

5. Building fronts should include a moderate to high level of transparency – at least 50% - to promote pedestrian interest and security.

6. The use of canvas awnings and metal canopies are encouraged to provide shelter and shade to the pedestrian, and color and life to the building façade.

Patio or street front gardens are permitted along residential street frontages provided that they include landscaped garden walls and frequent entries. Individual unit entries with stoops are encouraged along street fronts.

Streets with a Mixture of Conditions

Along 5th, 7th and 8th Avenues, and along Brooklyn Way and Harbor Lane East and West (see diagram), the ground level should be designed to provide an attractive building base, utilizing high quality materials (e.g., stone, precast masonry, etc.) detailing and treatments that complement the public environment. A variety of treatments are encouraged, including retail or commercial work/live frontages as described above, and/or frontages that comply with the following guidelines:

1. Frontages should include one or more of the following:

    - Residential lobbies with articulated building entries that provide a welcoming gesture to the street;

    - Common areas and/or sales or leasing offices generally flush with the elevation of the sidewalk;

    - Ground level residential units that are elevated above the grade of the adjacent sidewalk and/or that include other devices that protect the privacy of the unit (e.g., screen walls or elevated patio areas) from the street.

2. Individual unit entries with stoops connecting to the public sidewalk are encouraged, provided that such entries function as a primary entrance to the unit, and that the stoop is not utilized as a rear balcony.

3. Residential street fronts should incorporate landscaping in the front yard setback including planting beds, hedges, planters, etc.

4. Ground level residential windows should generally be located at least 48 inches above the elevation of the sidewalk or include elements that protect privacy; bay windows are encouraged to encroach 24 inches into the setback area.

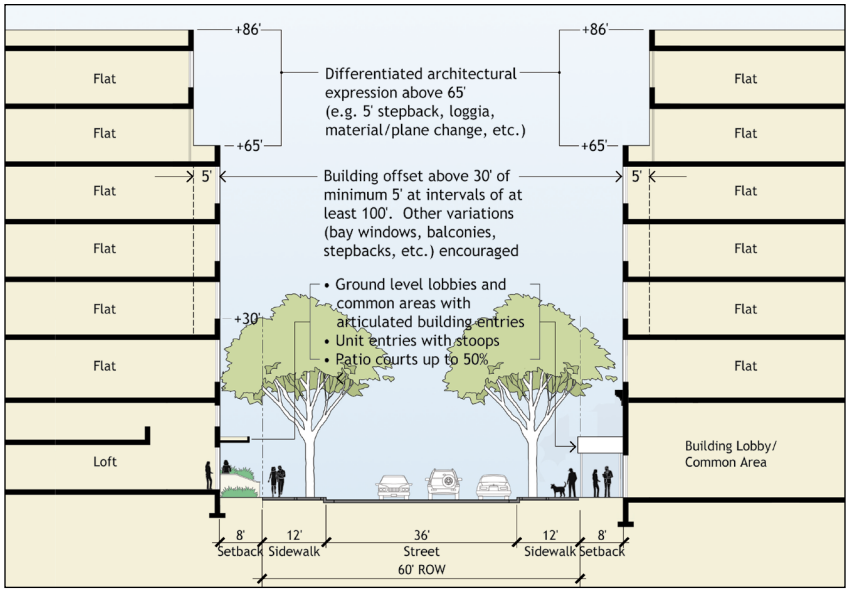
5. Patio or street front gardens are also permitted within the setback area along residential street frontages, provided that they include entries at intervals no less than 50 feet and garden walls to provide a level of privacy, landscaping (e.g., hedges, vine pockets) to soften the wall.

Mews Edges

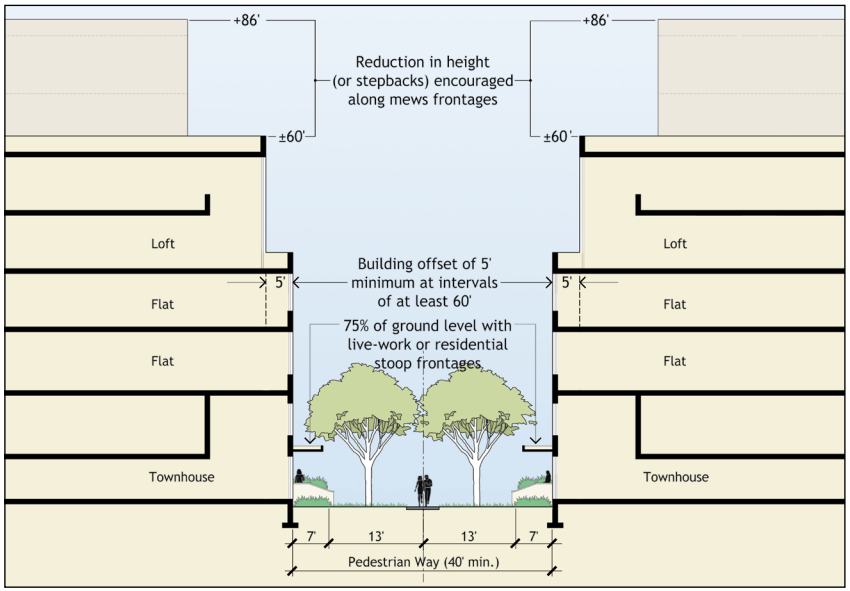
Two pedestrian streets providing public pedestrian and visual access between 8th Avenue and Shoreline Park should be designed as intimately scaled mews lined with residential stoops that provide primary access to individual units. The following guidelines should be followed for these frontages:

1. Ground level residential or live-work units should be located along at least 75% of these frontages.

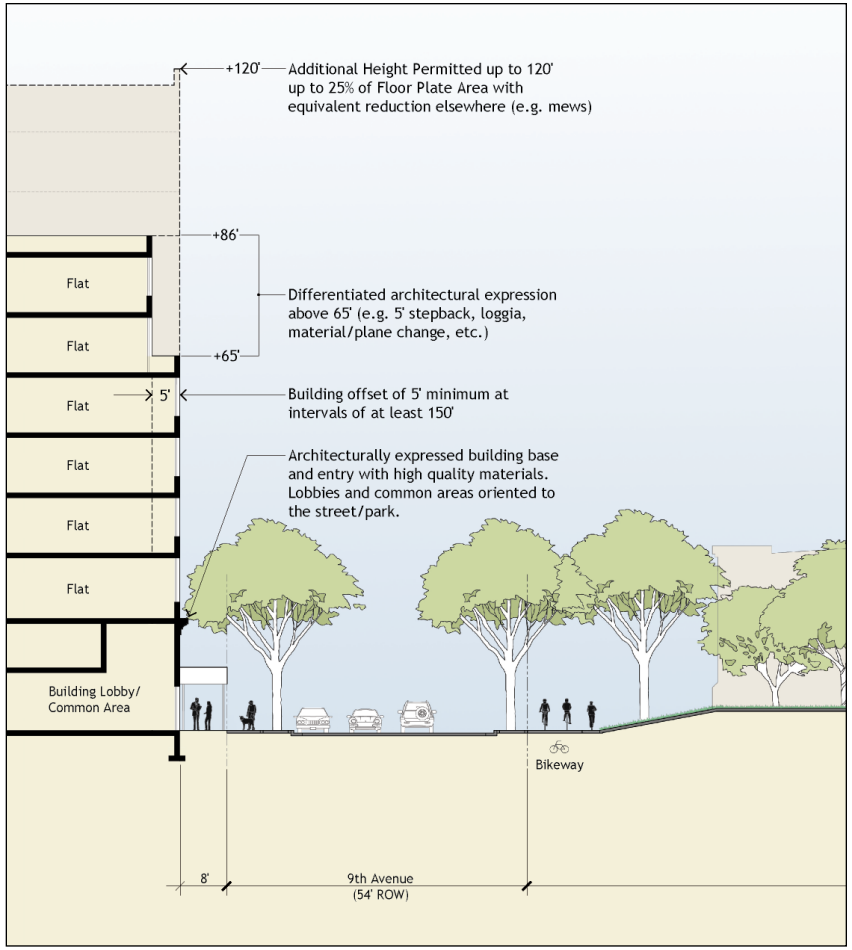
2. If the ground level use is residential, it should be elevated above the grade of the adjacent sidewalk and/or incorporate other



TYPICAL MIXED USE STREET SECTION



TYPICAL MEWS SECTION



TYPICAL BUILDING SECTION ADJACENT TO SHORELINE PARK

devices that protect the privacy of the unit (e.g., screen walls, landscaping or elevated patios) from the street.

3. If the ground level use is live-work, it may be located generally flush with the sidewalk. However, provision should be made for appropriate privacy screening through low walls and landscaping.

4. Entries with stoops connecting to the public sidewalk should be provided as a primary entrance to the residential unit at intervals no less than 50 feet; the stoop should be designed as a public entry to the unit, and not as a private balcony or patio.

5. The mews should incorporate landscaping along the building fronts between entries, including planting beds, hedges, planters, etc.

Waterfront/Park Edge

Ground level treatment of buildings facing waterfront open space including those along Shoreline Park (9th Avenue), South Park, Channel Park and Estuary Park should be designed to create a strong and visually attractive edge to the parks. While ground level activities are encouraged along these edges to the maximum extent practicable, it is particularly important for the buildings to introduce high quality architectural finishes and treatments that reinforce the public and civic nature of the open spaces. The following guidelines should be followed for these frontages:

1. Ground level common spaces such as courtyards or gardens that are accessible and visible from adjacent streets are encouraged.

2. Second level terraces and balconies that overlook the open space and provide a sense of security are also encouraged.

3. High quality materials (stone, masonry, terra cotta, architectural pre-cast, etc.), architectural and storefront detailing, and decorative elements, should be employed on the base of the building up to a height of at least 20 feet.

Along park edges, buildings should introduce high quality architectural finishes and treatments to reinforce the public and civic nature of the open space. Ground level common spaces and second level terraces that overlook the open space are encouraged.

4. Articulated building entries should be provided wherever appropriate, at intervals of at least 200 feet or one per block face.

5. Entries should have a high level of architectural finish and detailing (e.g., moldings, canopies, etc.) that is in scale with the adjacent open space.

6. Landscaping (e.g., planting beds, hedges, etc.) should be incorporated in the setback area along public sidewalks and promenades.

Embarcadero Frontage

Ground level treatment of buildings along the Embarcadero should provide an attractive visual edge to this important street, while offering a buffer from the adjacent freeway. Because of noise issues and the lack of on-street parking, significant street-oriented ground level uses are not anticipated. A greater setback of 25 feet from the back of sidewalk is established along the street, with generous provision for landscaping to create a suitable buffer.

1. High quality materials (stone, masonry, terra cotta, architectural pre-cast, etc.), architectural detailing, and decorative elements, should be employed on the base of the building up to a height of at least 20 feet to create a distinctive appearance that is suitable to this important boulevard.

2. Parking and service facilities should be architecturally screened with finishes that are an integral part of the building design, and that render all parking and service facilities invisible from public view.

3. Ground level uses are encouraged along the Embarcadero frontage (e.g., lobbies, common areas, retail display windows, etc.) to the maximum extent practicable.

Articulated building entries with a high level of architectural finish should be provided along each block face.

Blank Walls

Blank walls are discouraged along public streets and open spaces, but where they are unavoidable should be treated with high quality materials that are integral with the remainder of the building.

Awnings and Canopies

Along ground level commercial street frontages, storefront awnings and/or canopies are encouraged to provide articulation and interest along the building façade, to avoid solar heat gain and glare within the buildings, and to provide sun and rain protection to pedestrians.

1. Awnings should be canvas or of a similar durable fabric designed for exterior use.

2. Retractable awnings are strongly encouraged and preferred over stretched framed awnings or awnings that are designed as signs.

3. Canopies should be of a lightweight material (e.g., metal) that is complementary with the overall design of the building.

4. Awnings and canopies should be divided into sections that relate to and emphasize the vertical elements and horizontal datum of the building façade.

Service Areas

Along street fronts and public access ways, service doors and gates should be designed as an integral element of the building design, and screened from predominant public view.

1. The aggregate width of service doors should not exceed fifteen (15) feet within 60 (sixty) feet of any frontage.

2. Doors exceeding thirty (30) square feet in area should be recessed a minimum of six (6) inches from the primary building plane.

3. Service doors or gates should not allow any views into spaces served. Louvers required for venting or ventilation purposes are acceptable provided that they do not allow visibility into service areas.

Equipment Screening

Mechanical equipment should be screened from predominant public view. All equipment within twenty (20) feet of a street front or setback line should be screened by one of the following means:

1. By enclosure entirely within the structure of the building with access provided by opaque service access doors, a portion of which may be exposed for meter reading;

2. By enclosure in a below grade vault or structure;

3. By provision of a fence or wall with a maximum average transparency of 50 percent. The top of the fence or wall should be at least equal in height to the equipment screened but not higher than eight (8) feet;

4. By combination of an open fence and adjoining planting that will reach a height sufficient to screen the equipment within three years.

5. Residential gas meters serving individual dwelling units in groups not exceeding four meters, individual commercial gas meters, and back flow preventers for irrigation systems not exceeding 2" nominal size, are excluded from the screening requirements.

Waste Handling Areas

All waste handling areas should be either enclosed in the structure of the building or screened by a wall or fence consistent with the architectural character of the building and adequate to prevent view of trash or recycling containers from the street, public access areas, common circulation areas, or open spaces.

PRELIMINARY DEVELOPMENT PLAN SUBMITTAL

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

Preliminary Development Plan Submittal

COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
City of Oakland, California
Permit No._____

Developer

OAKLAND HARBOR PARTNERS

4670 Willow Road
Pleasanton, CA 94588
Phone: (925)463-1122
Fax: (925)463-0832

Consultants

Master Plan Architect:

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Phone: (415)616-9900
Fax: (415)788-8728

Civil Engineer:

BKF Engineers
255 Shoreline Drive, Suite 200
Redwood City, CA 94065
Phone: (650)482-6300
Fax: (650)482-6399

Associated Architects:

McLarand Vasquez & Partners
1900 Main Street
Irvine, CA 92614
Phone: (949)809-3300
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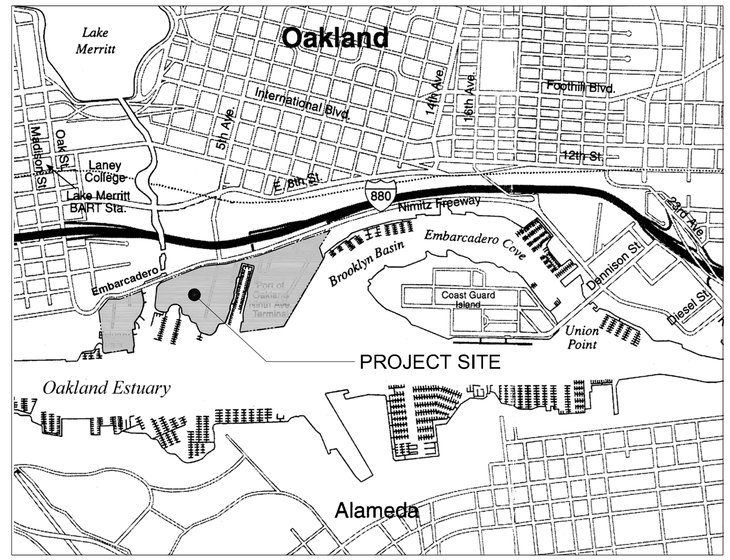
Coastal Engineer:

Moffatt & Nichol Engineers
2001 North Main Street, Suite 360
Walnut Creek, CA 94596
Phone: (925)944-5411
Fax: (925)944-4732



Vicinity Map

N.T.S.

List of Drawings

Sheet # Description:

1. Overview - Master Development Plan

- 1.1 Axonometric View
- 1.2 Illustrations
- 1.3 Illustrative Development Plan
- 1.4 Development Program - Parcelization Plan
- 1.5 Phasing Plan

2. Shoreline

- 2.1 Shoreline Reconfiguration and Stabilization Plan
- 2.2 Shoreline Sections
- 2.2a Shoreline Sections
- 2.2b Shoreline Sections

3. Parks and Open Space

- 3.1 Parks and Open Space Plan
- 3.2 Pedestrian and Bike Circulation Diagram
- 3.3 Enlarged Illustrative Plan - West
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- 3.5 Enlarged Plan - Park Grading Concept - West
- 3.6 Enlarged Plan - Park Grading Concept - East
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- 3.7b Enlarged Plan - Gateway Plaza
- 3.8 Site Furnishings Diagram - West
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4. Streets

- 4.1 Streets and Pedestrian Ways
- 4.2 Landscape Concept Plan
- 4.3a Street Sections
- 4.3b Street Sections
- 4.4 Street Intersections
- 4.5 Streetscape Standards - 50' and 60' R.O.W.
- 4.6 Streetscape Standards - 90' R.O.W. Retail
- 4.7 Streetscape Standards - 90' R.O.W. Residential
- 4.8 Street Lighting Standards

5. Buildings

- 5.1 Illustrative Ground Level Building Plan
- 5.2 Illustrative Upper Level Building Plan
- 5.3 Illustrative Building Sections
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- 5.5 Illustrative Building Sections
- 5.6 Illustrative Building Sections

6. Civil Engineering

- C-1 Existing Topography
- C-2 Existing Utilities
- C-3 Preliminary Grading Concept Plan
- C-4 Preliminary Utility Concept Plan

AXONOMETRIC VIEW

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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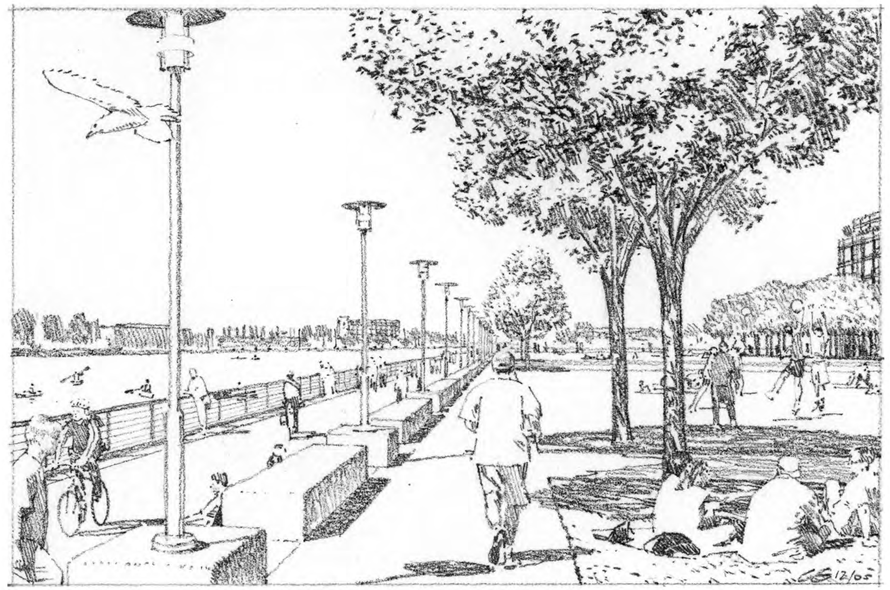
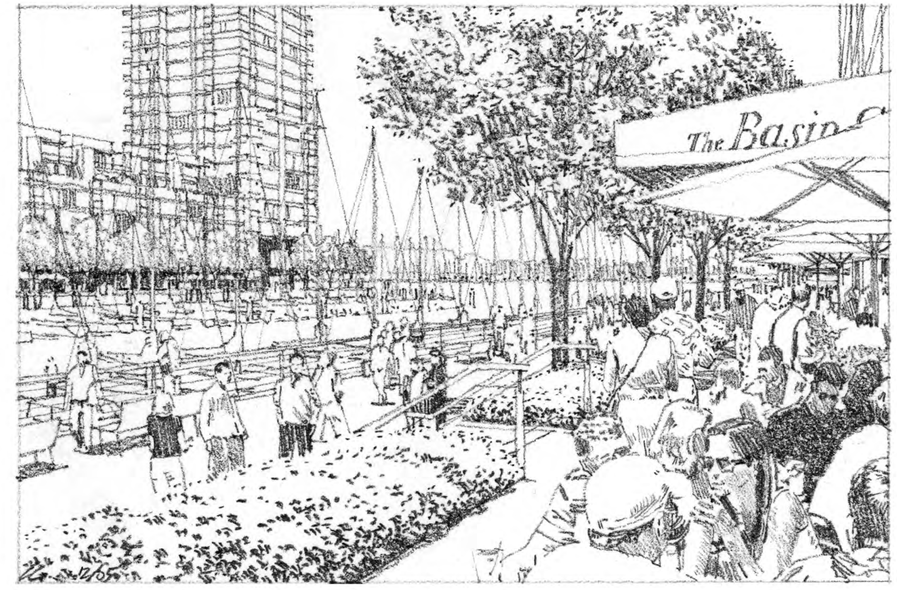


Shoreline Park Promenade

Residential Streetscape Character

Retail Streetscape Character



Clinton Basin Quay

ILLUSTRATIONS

Brooklyn Basin - Oak to 9th Development Plan

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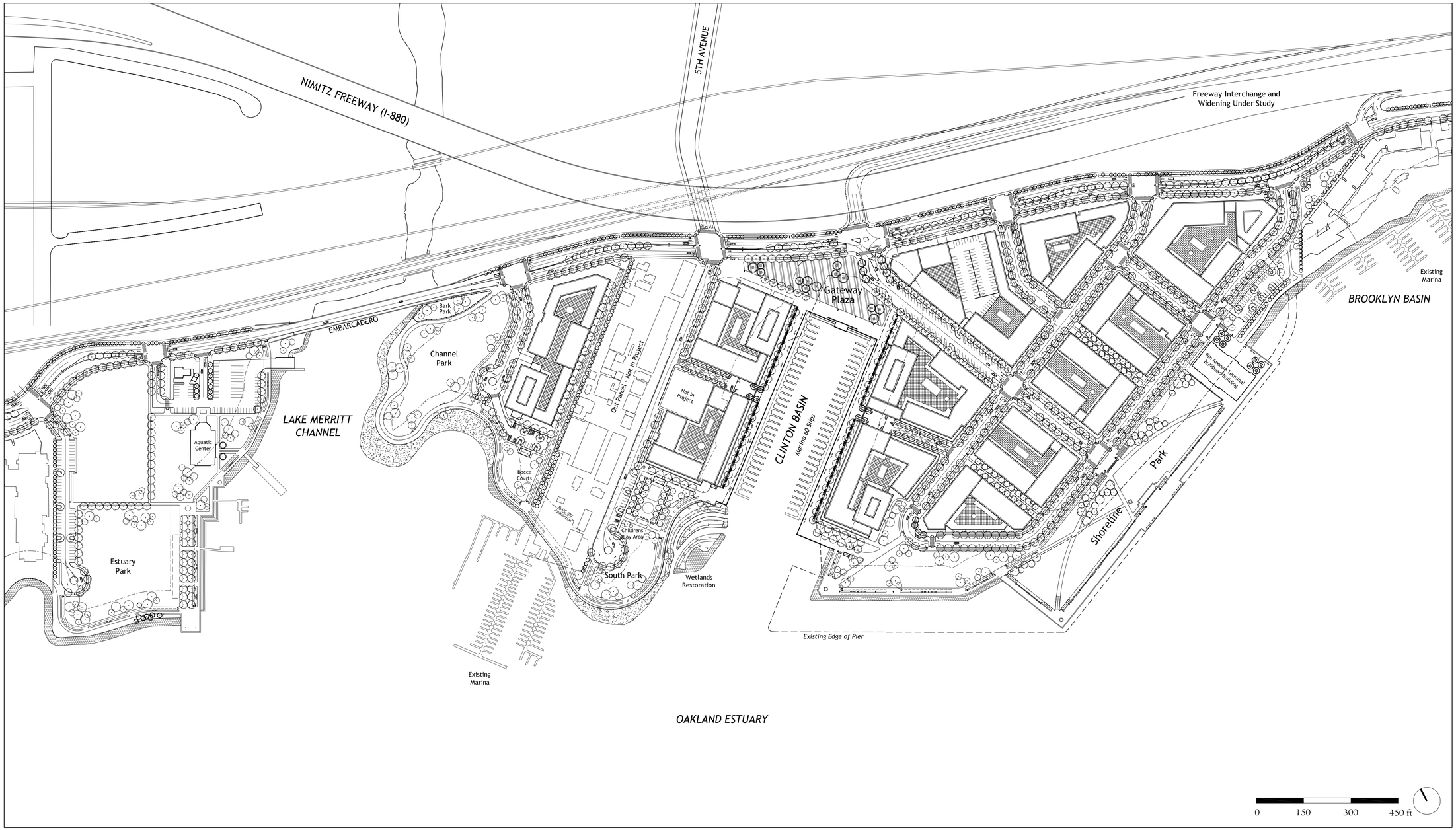

ILLUSTRATIVE DEVELOPMENT PLAN

Brooklyn Basin - Oak to 9th Development Plan

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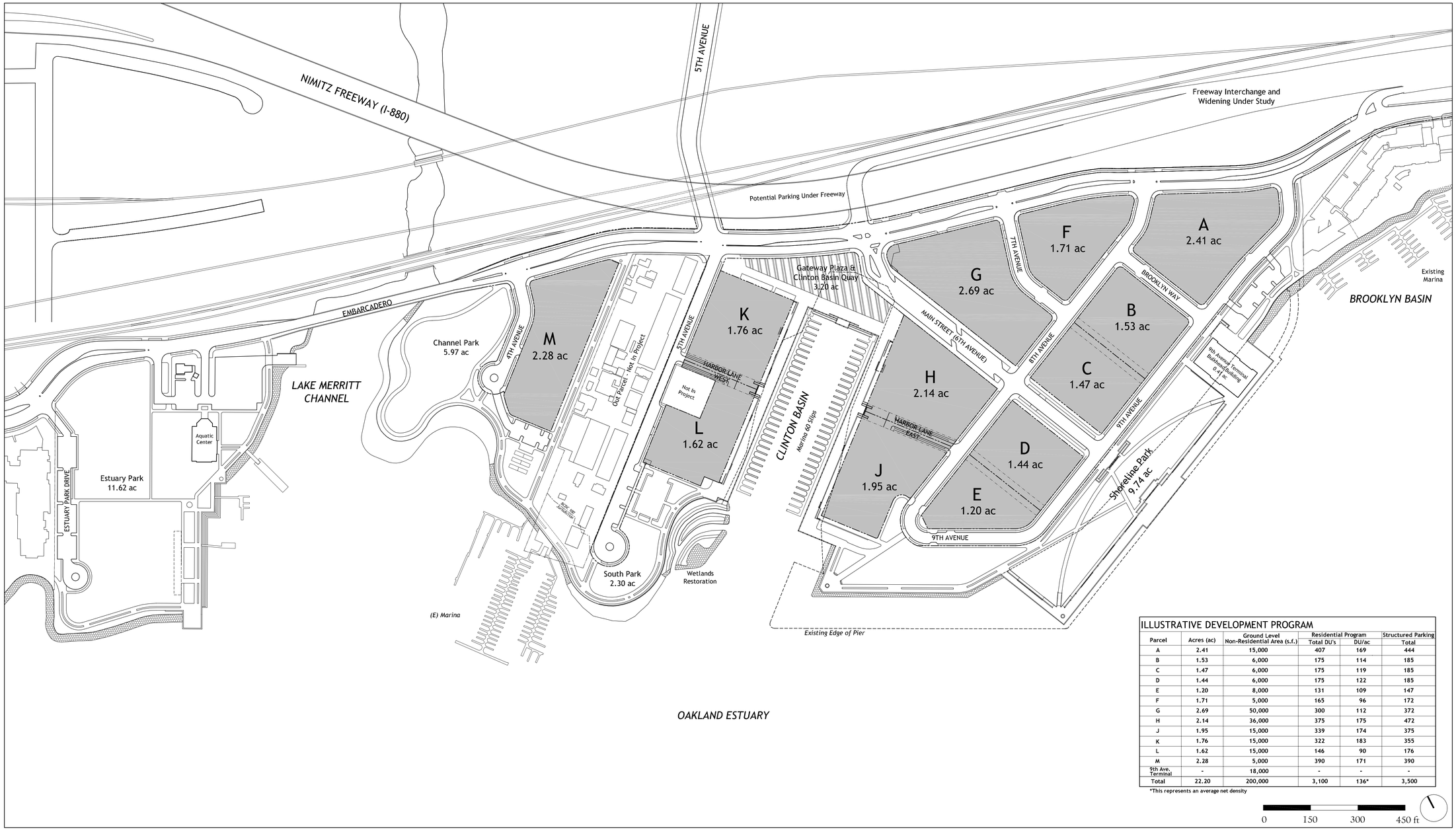

ILLUSTRATIVE DEVELOPMENT PROGRAM

Parcel	Acres (ac)	Ground Level Non-Residential Area (s.f.)	Residential Program Total DU's	Residential Program DU/ac	Structured Parking Total
A	2.41	15,000	407	169	444
B	1.53	6,000	175	114	185
C	1.47	6,000	175	119	185
D	1.44	6,000	175	122	185
E	1.20	8,000	131	109	147
F	1.71	5,000	165	96	172
G	2.69	50,000	300	112	372
H	2.14	36,000	375	175	472
J	1.95	15,000	339	174	375
K	1.76	15,000	322	183	355
L	1.62	15,000	146	90	176
M	2.28	5,000	390	171	390
9th Ave. Terminal	-	18,000	-	-	-
Total	22.20	200,000	3,100	136*	3,500

*This represents an average net density

DEVELOPMENT PROGRAM AND PARCELIZATION PLAN

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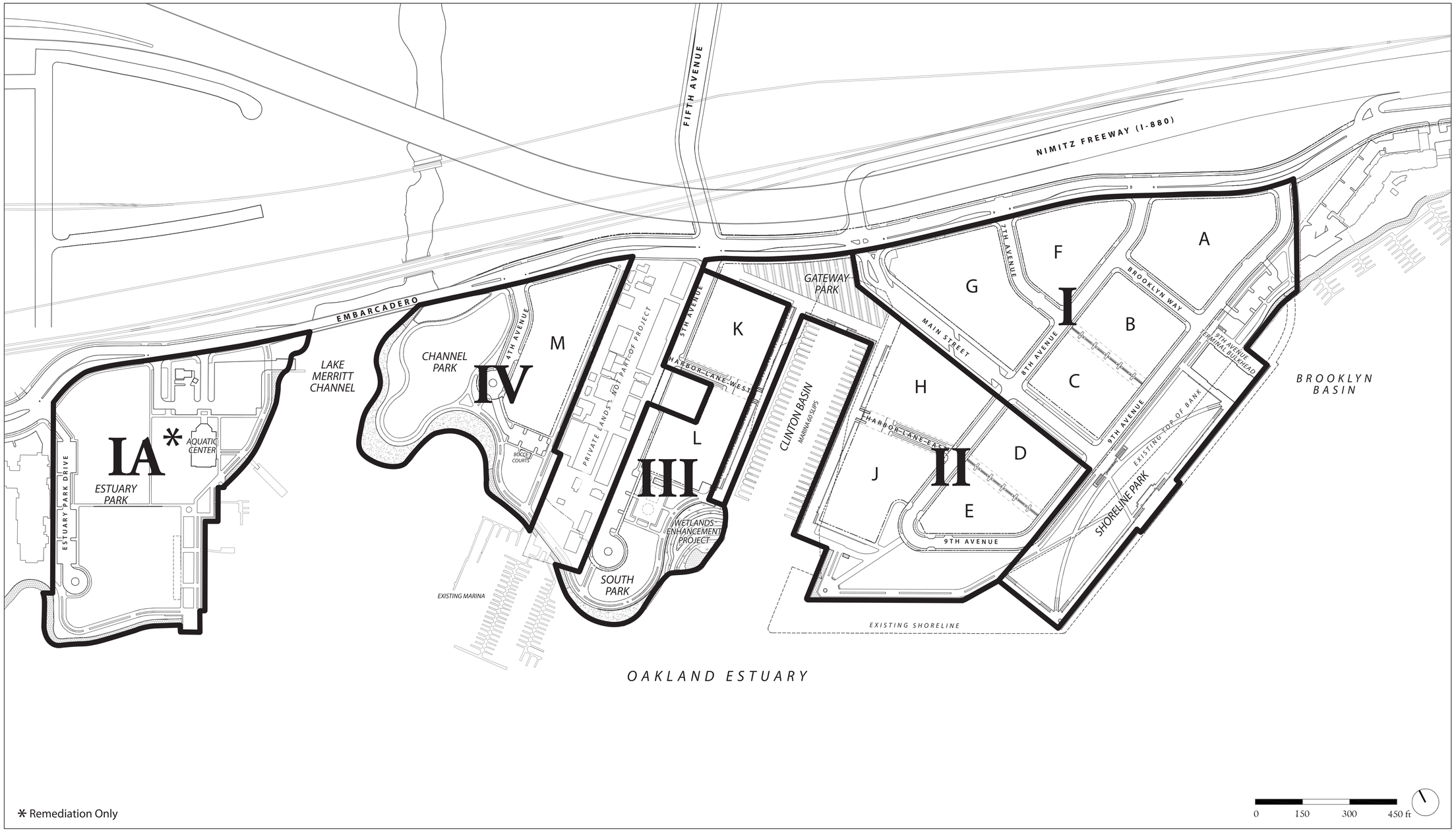

* Remediation Only

PHASING PLAN

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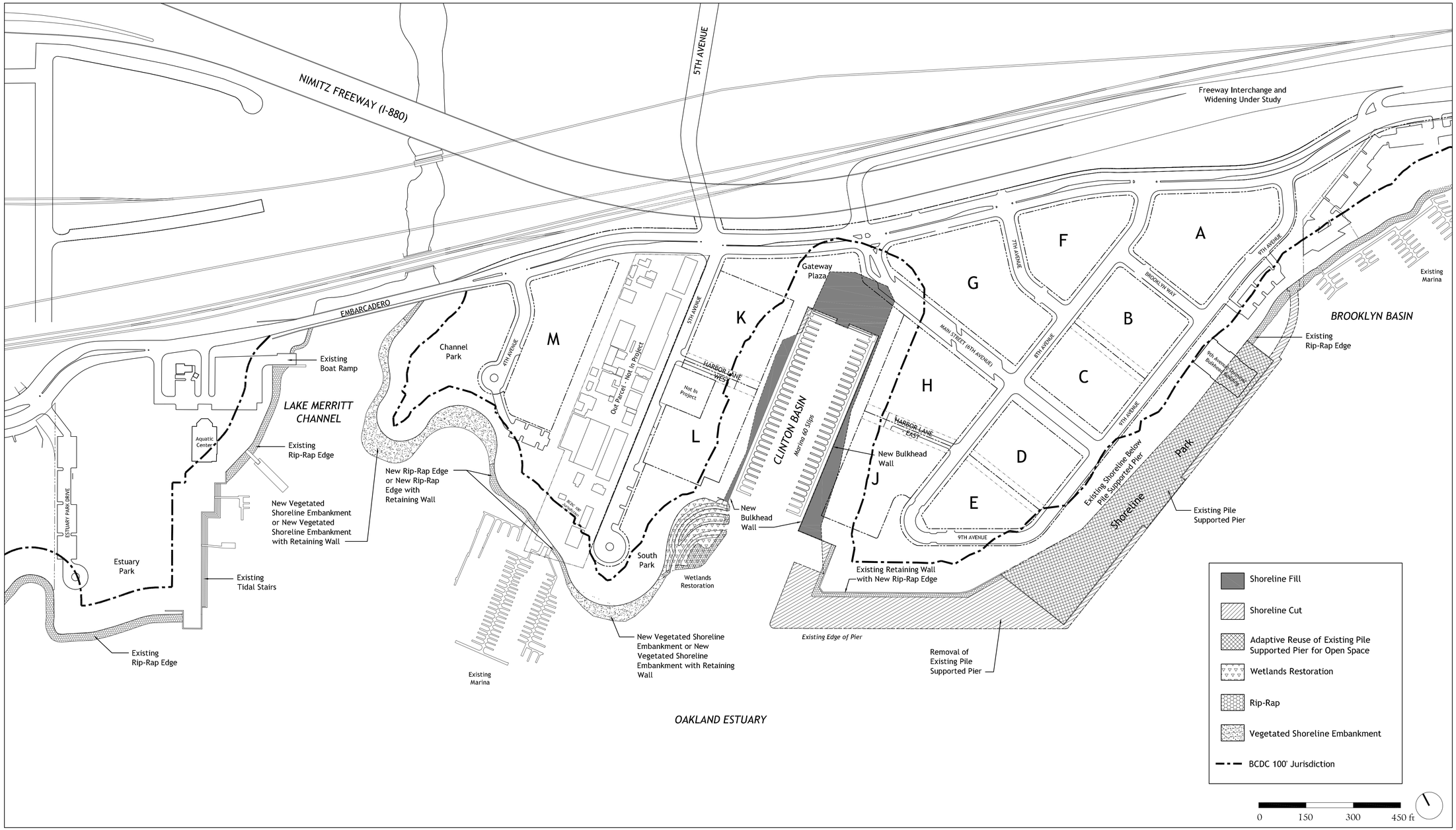

SHORELINE RECONFIGURATION AND STABILIZATION PLAN

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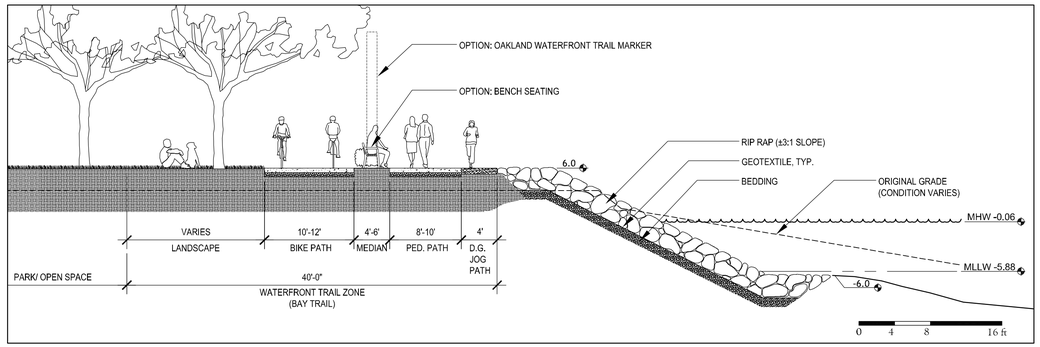
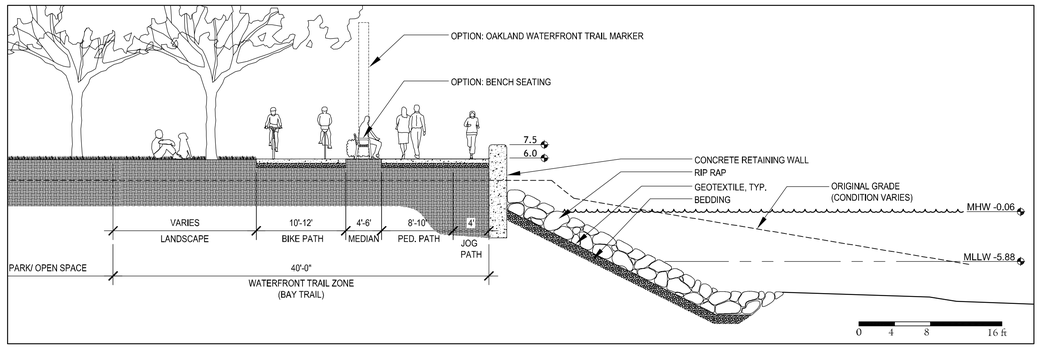
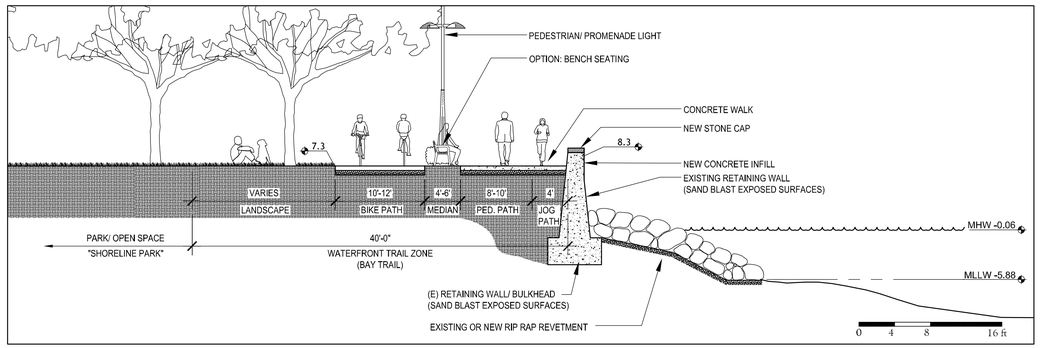


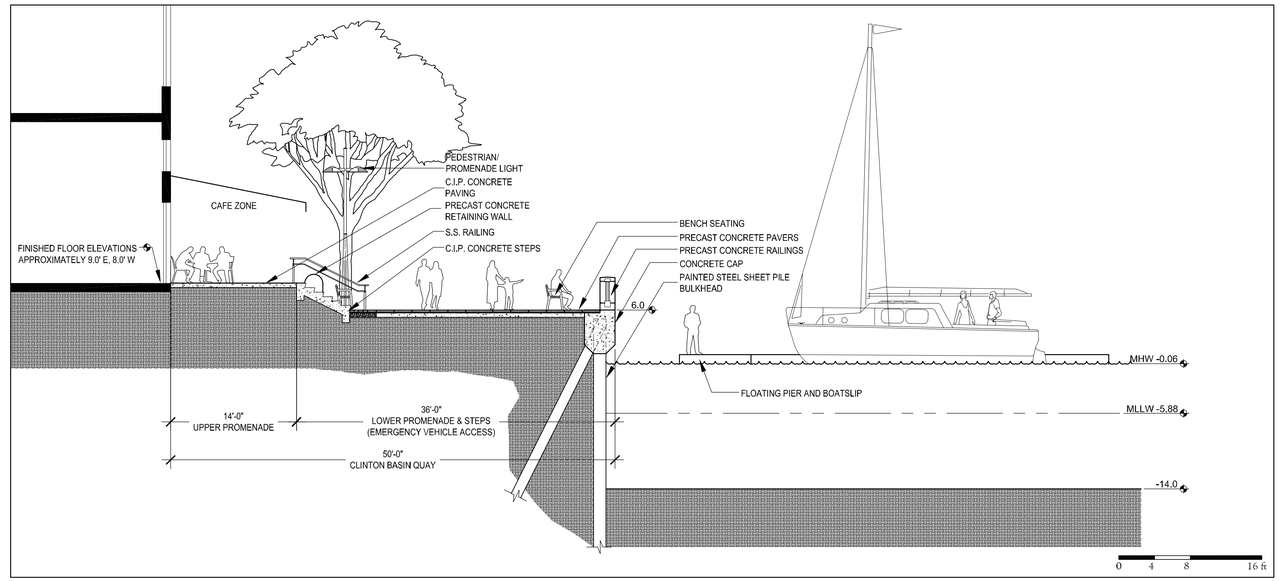
1 RIP-RAP SHORELINE EMBANKMENT WITH WATERFRONT / BAY TRAIL



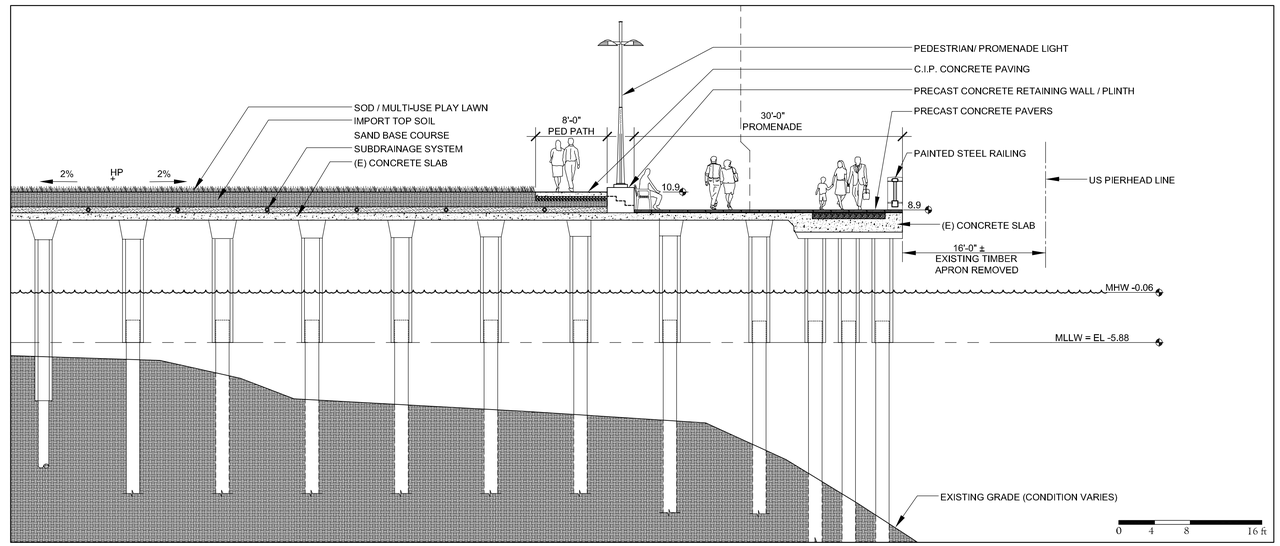
2 ALTERNATE RIP-RAP EDGE WITH RETAINING WALL



3 WATERFRONT TRAIL AT EXISTING RETAINING WALL



4 CLINTON BASIN QUAY (East Side)



5 9TH AVENUE PIER RETROFIT - TYPICAL SECTION

SHORELINE SECTIONS

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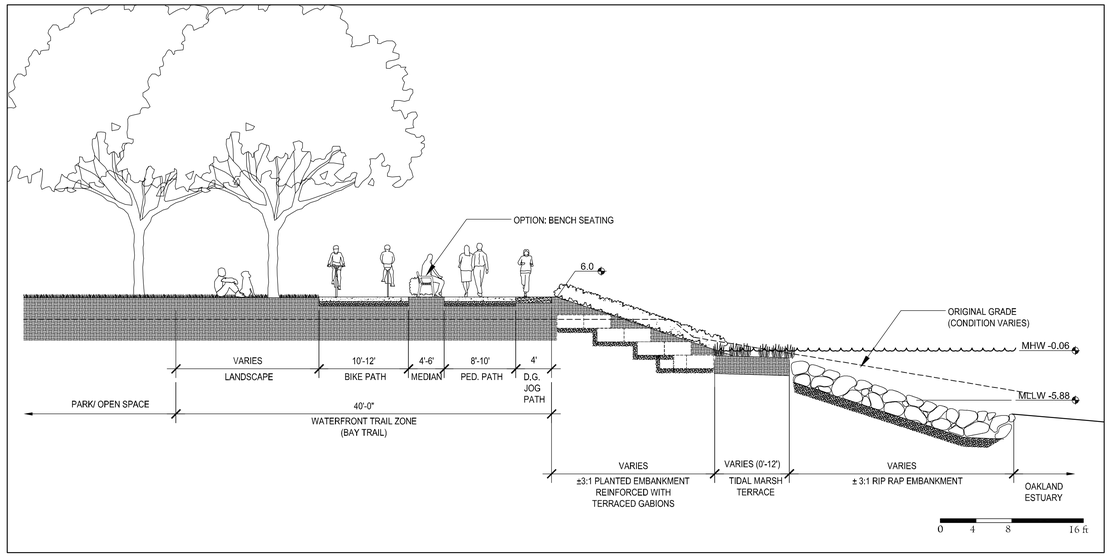
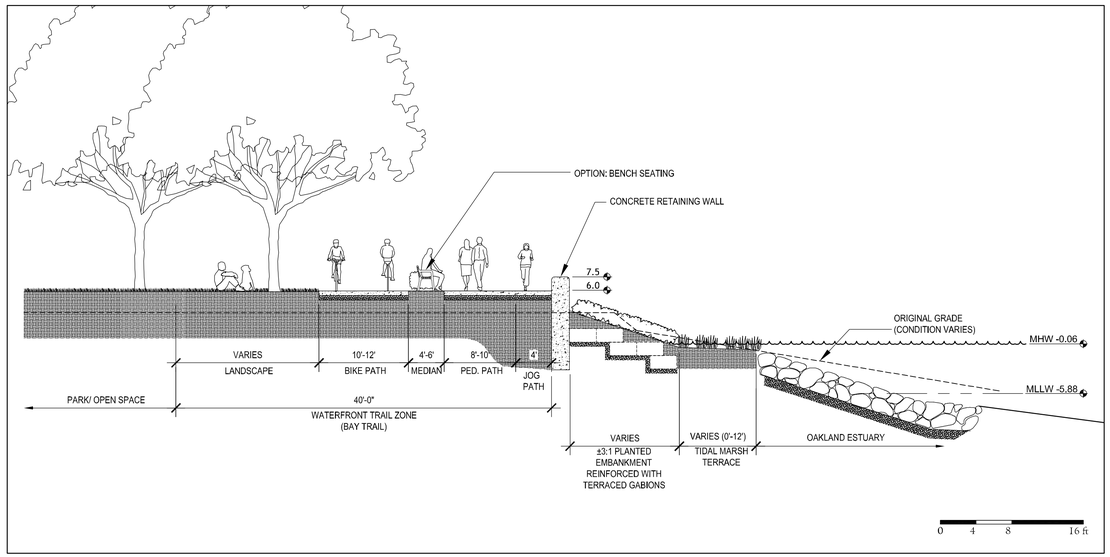


6 VEGETATED SHORELINE EMBANKMENT WITH WATERFRONT / BAY TRAIL



7 ALTERNATE VEGETATED SHORELINE WITH RETAINING WALL

SHORELINE SECTIONS

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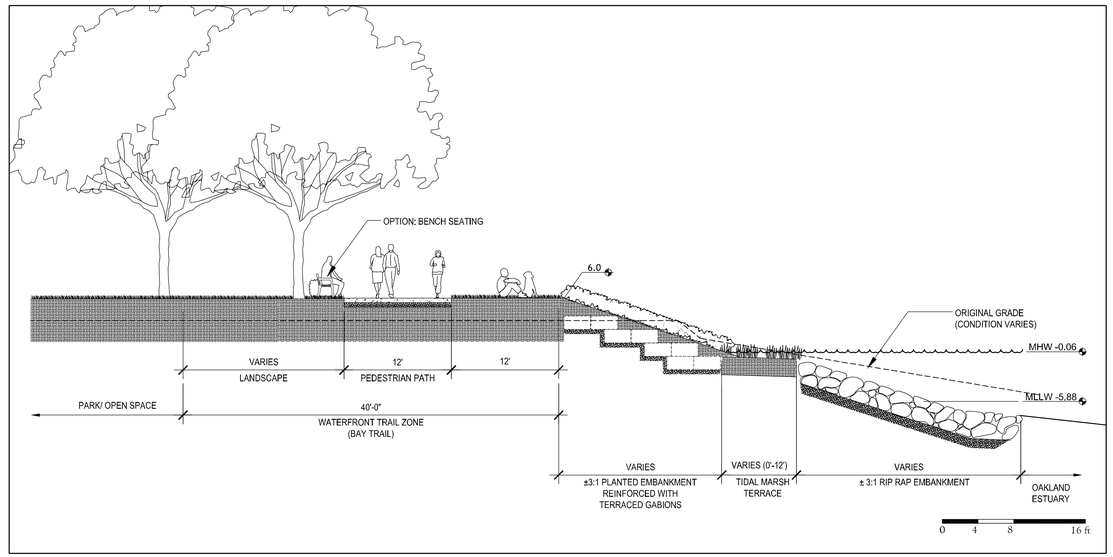

8 VEGETATED SHORELINE EMBANKMENT WITH HIKE / BIKE TRAIL (AT CHANNEL PARK)

SHORELINE SECTIONS

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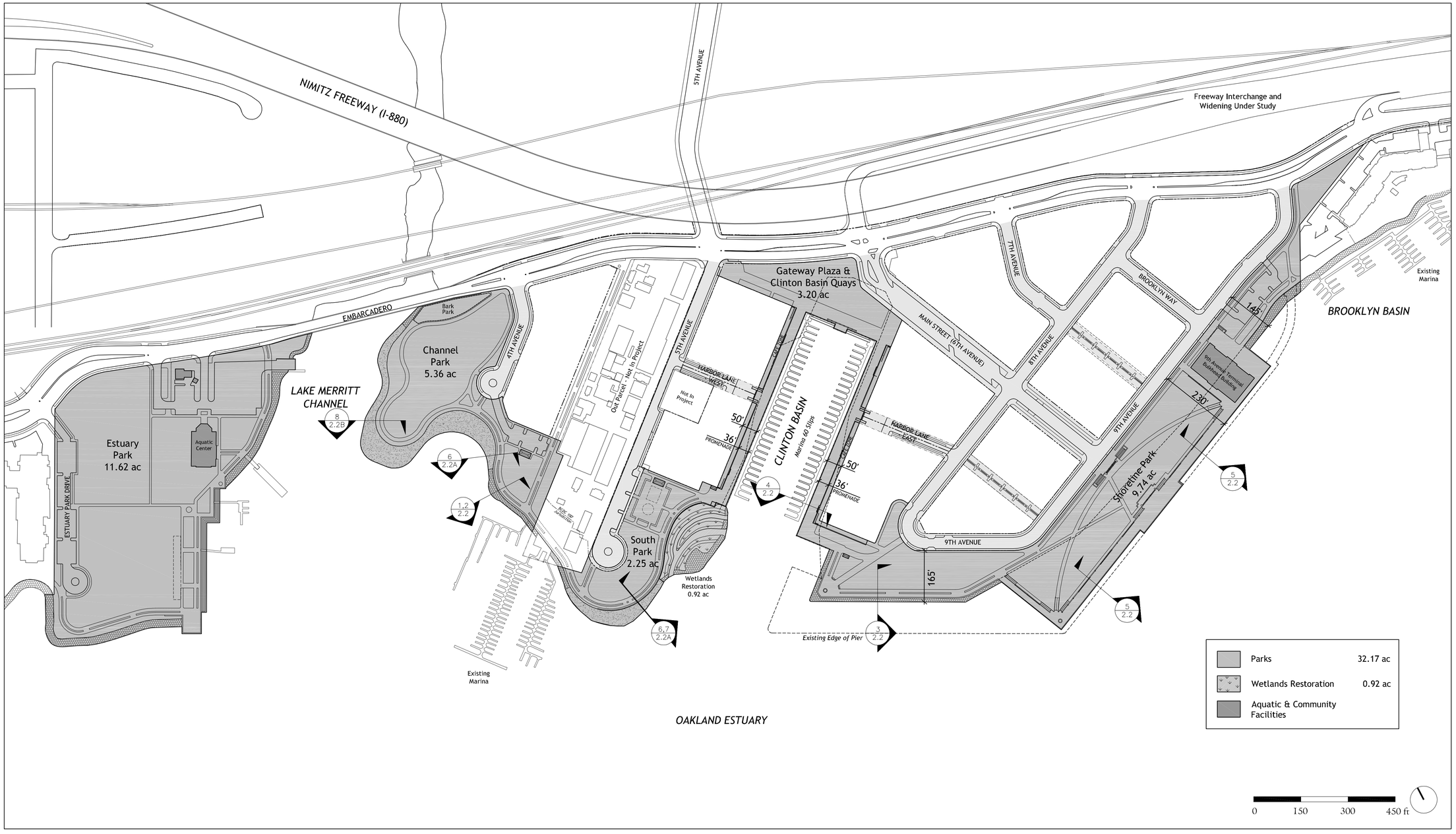

PARKS AND OPEN SPACE PLAN

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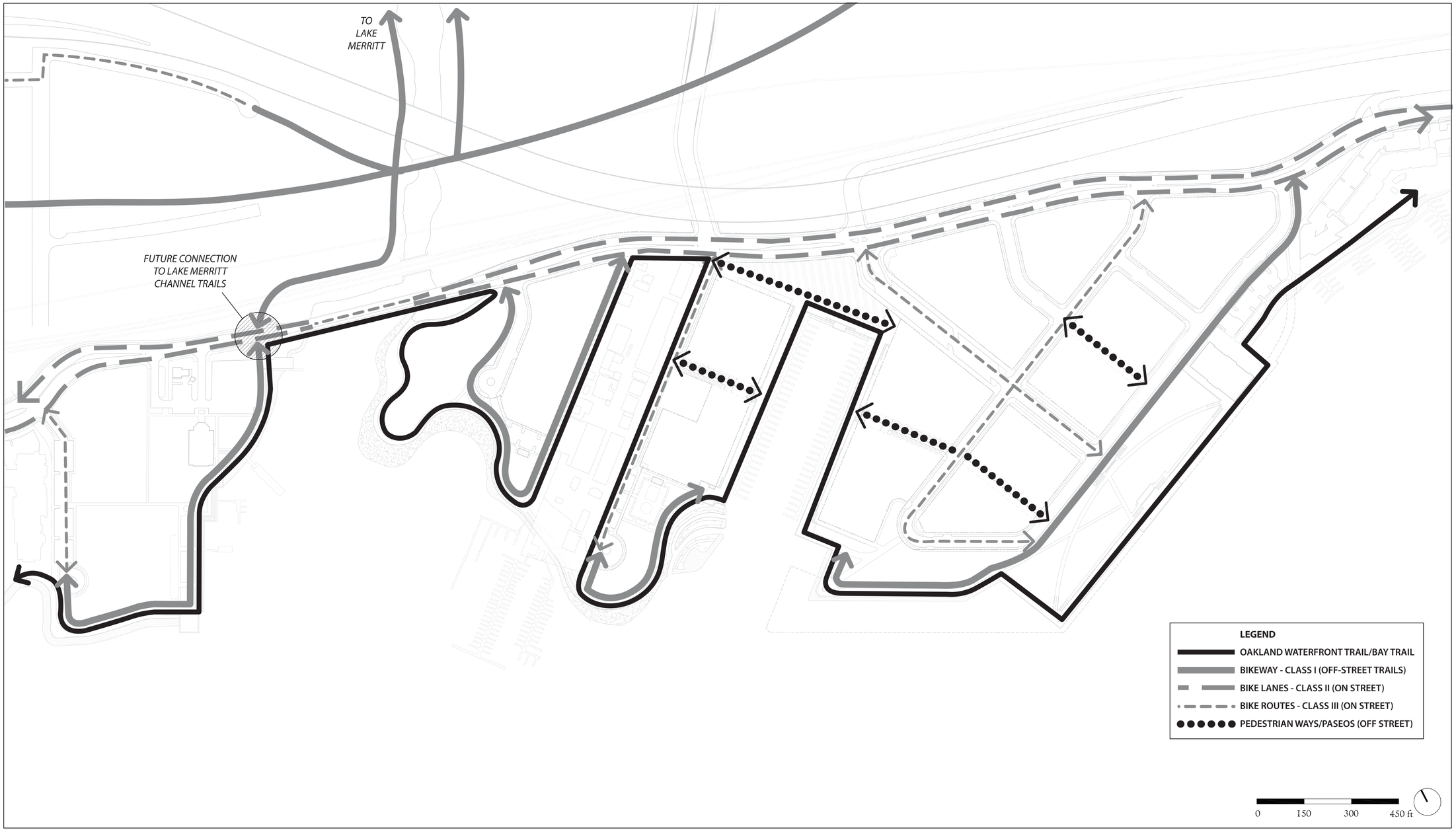

PEDESTRIAN & BICYCLE CIRCULATION DIAGRAM

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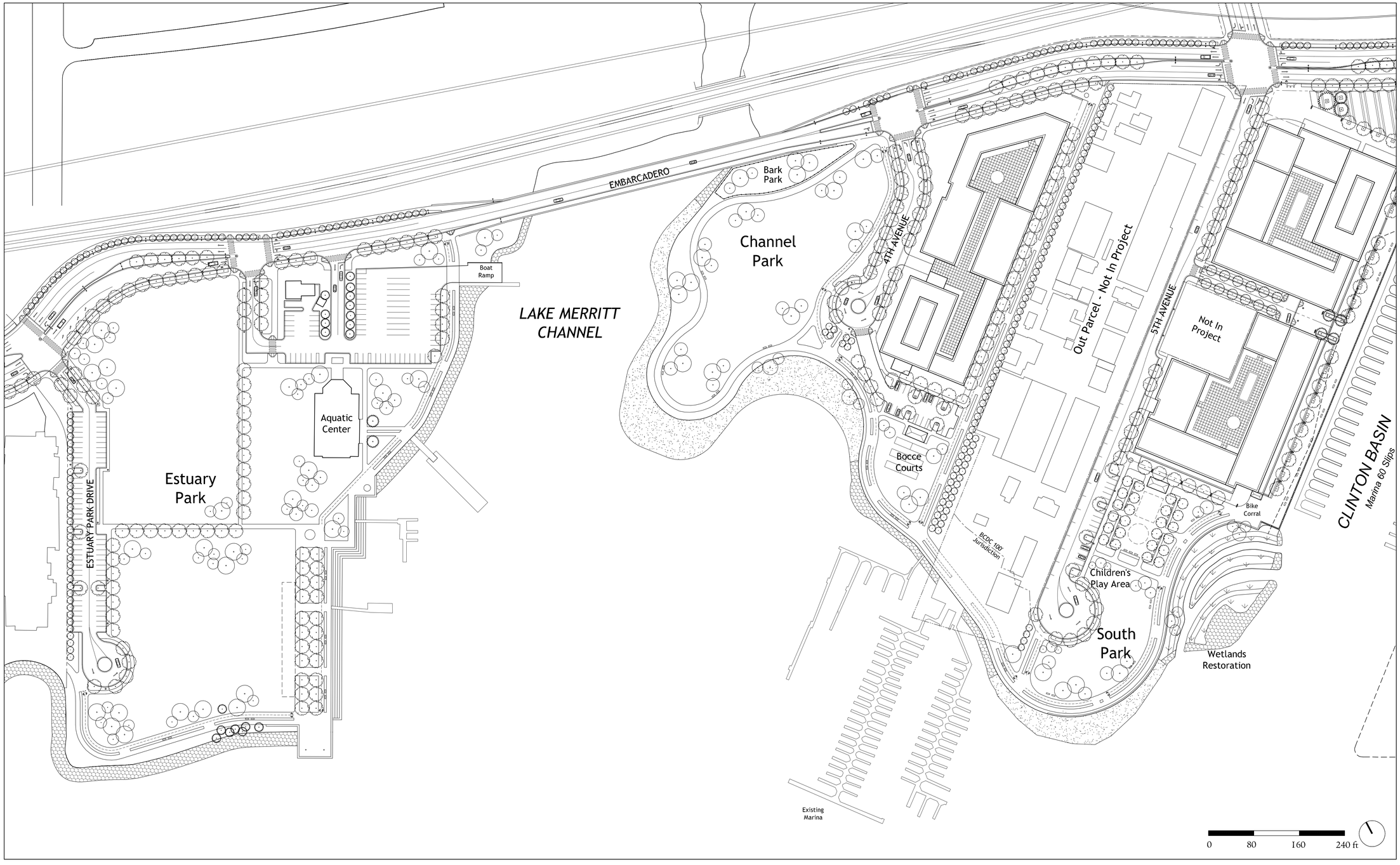

ENLARGED ILLUSTRATIVE PLAN - WEST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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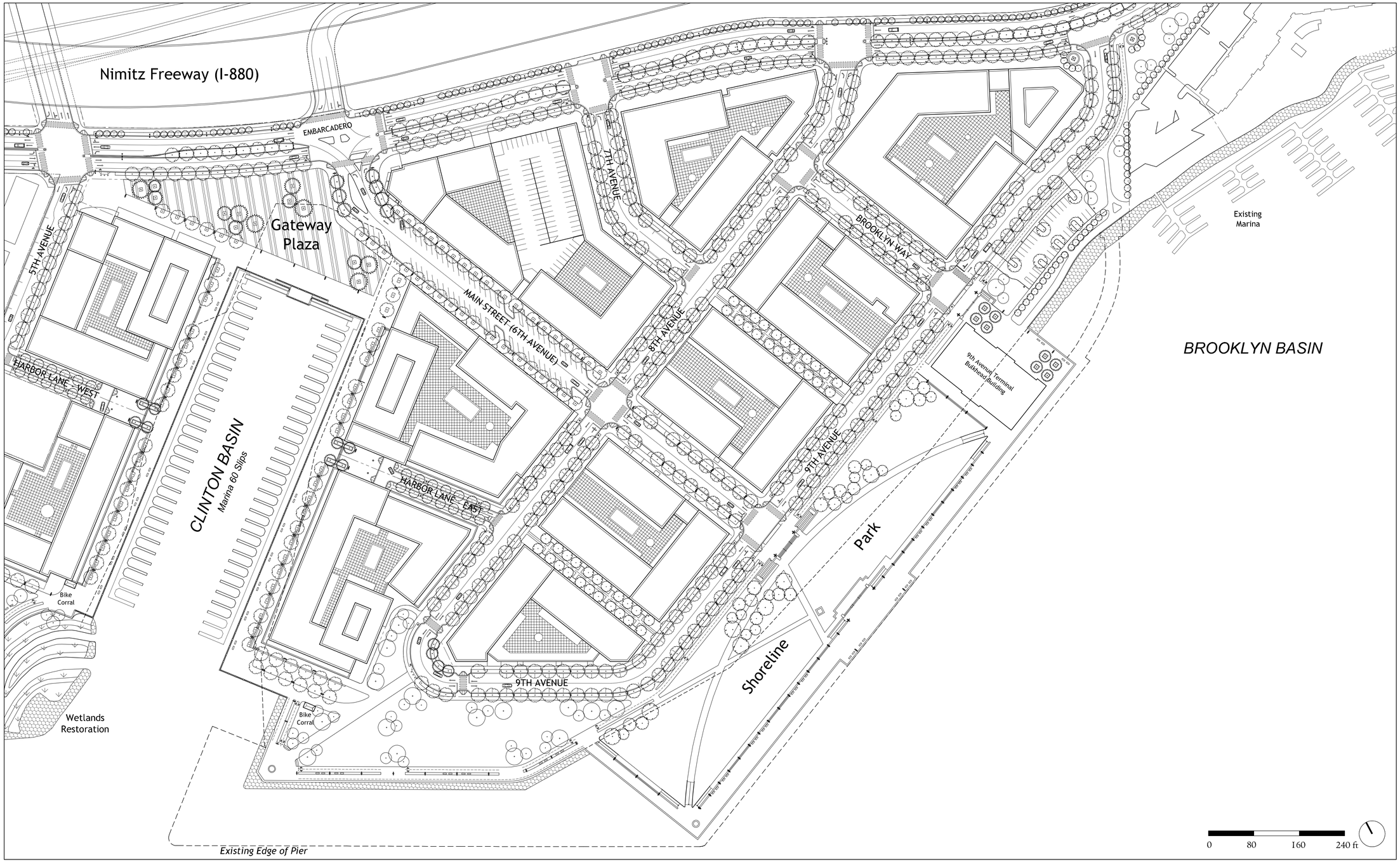

ENLARGED ILLUSTRATIVE PLAN - EAST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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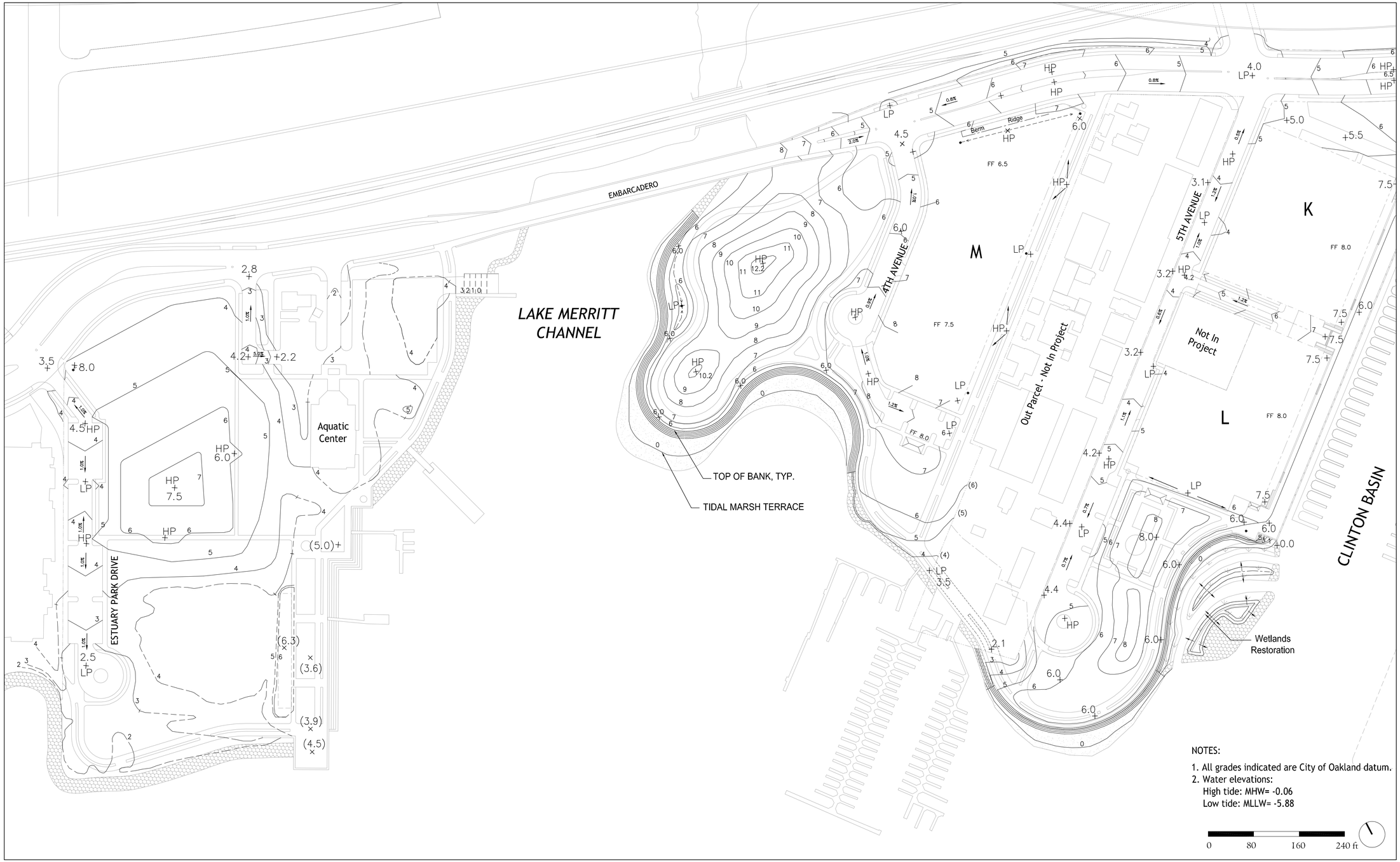

ENLARGED PLAN - PARK GRADING CONCEPT - WEST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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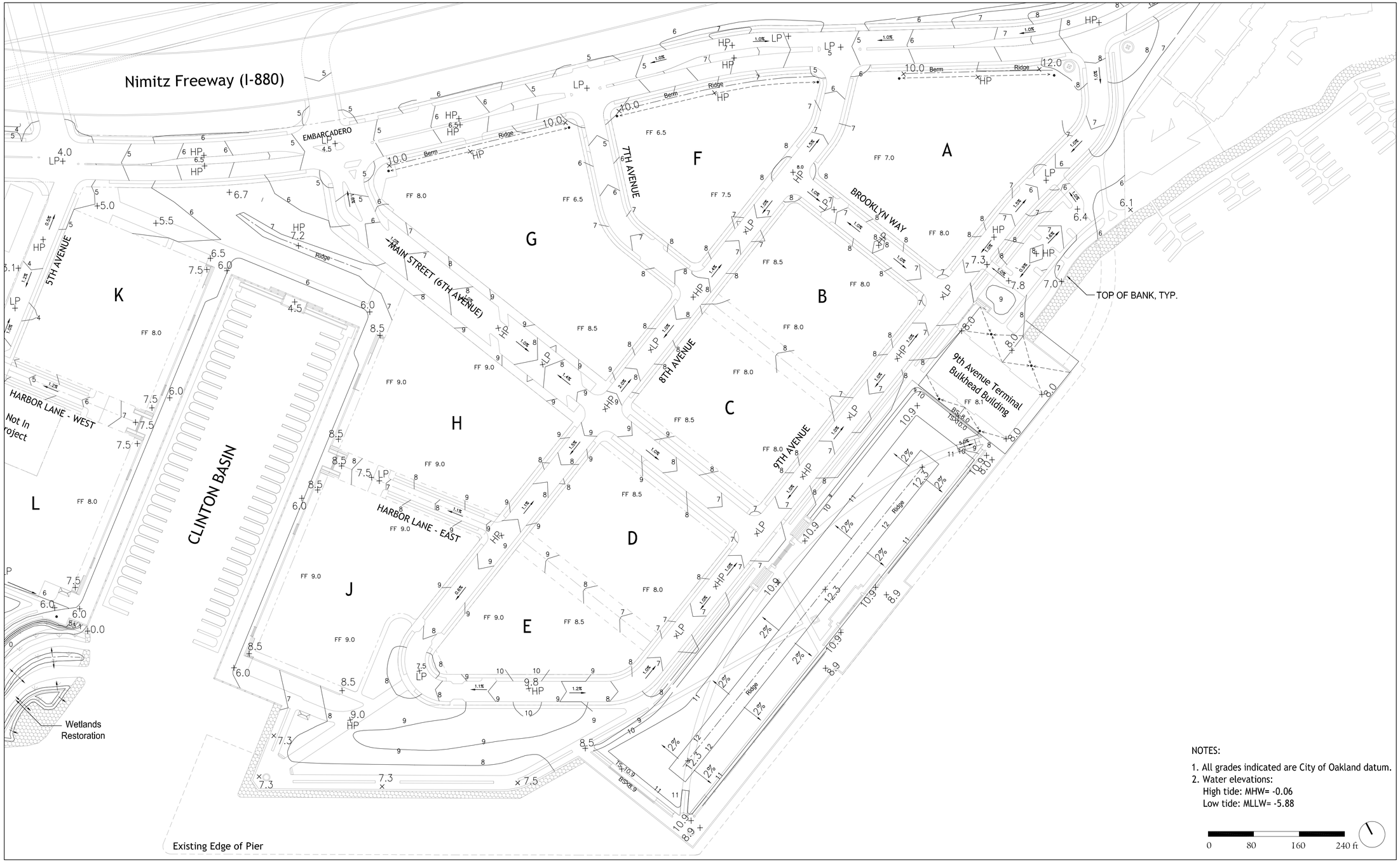

ENLARGED PLAN - PARK GRADING CONCEPT - EAST

Brooklyn Basin - Oak to 9th Development Plan

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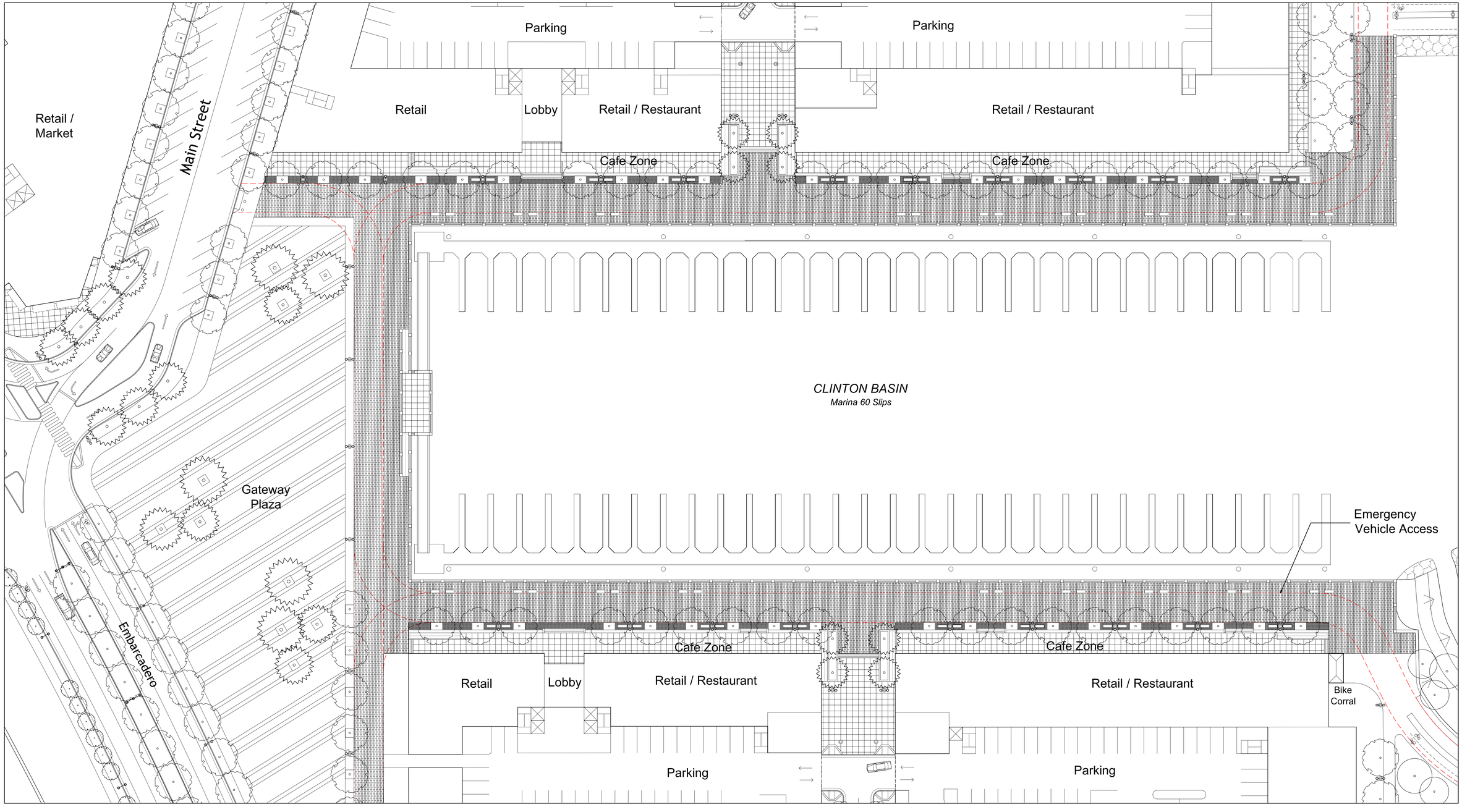

ENLARGED PLAN - CLINTON BASIN QUAYS

0 30 60 90 ft

Brooklyn Basin - Oak to 9th Development Plan

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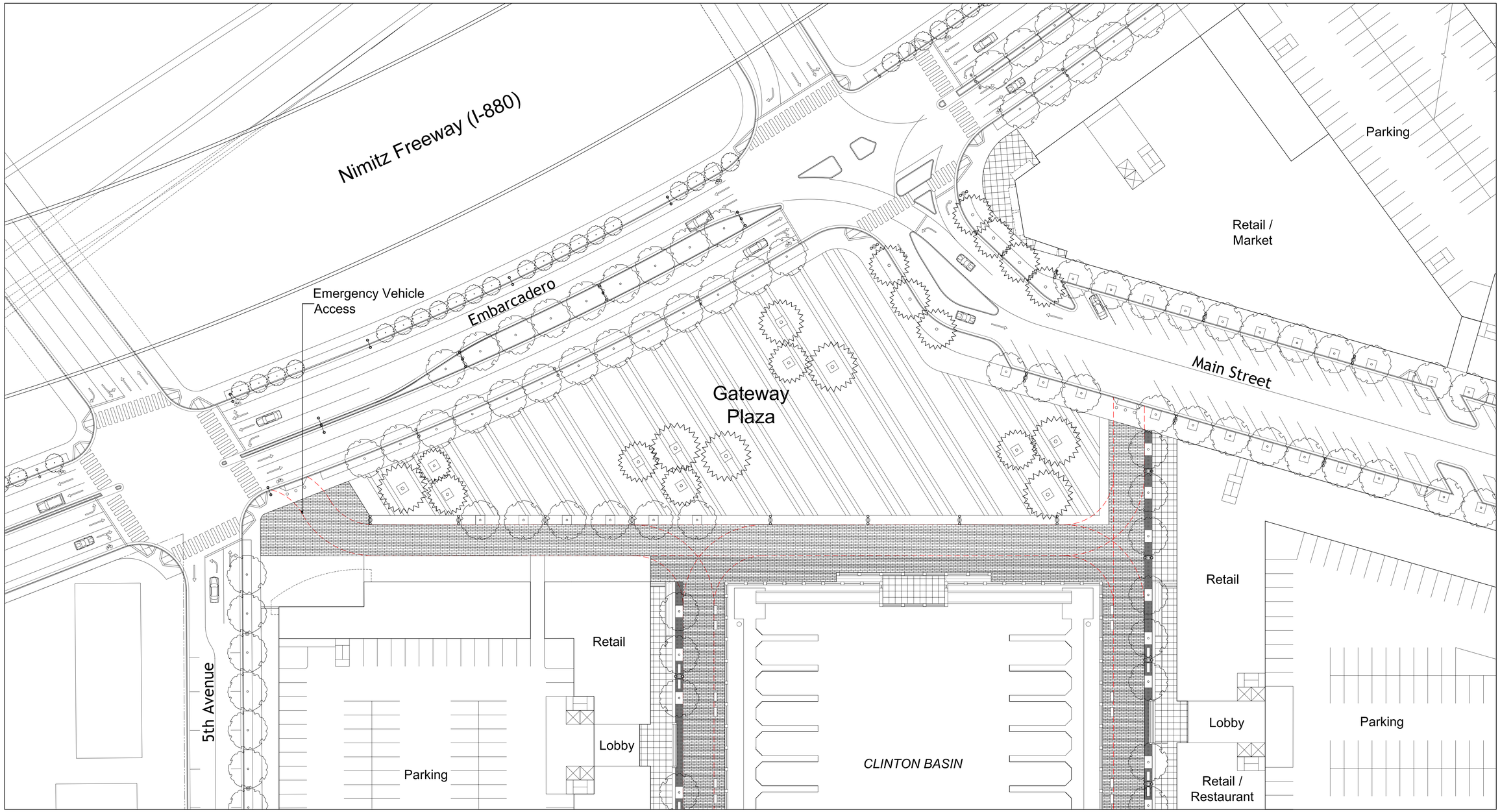

ENLARGED PLAN - GATEWAY PLAZA

0 30 60 90 ft

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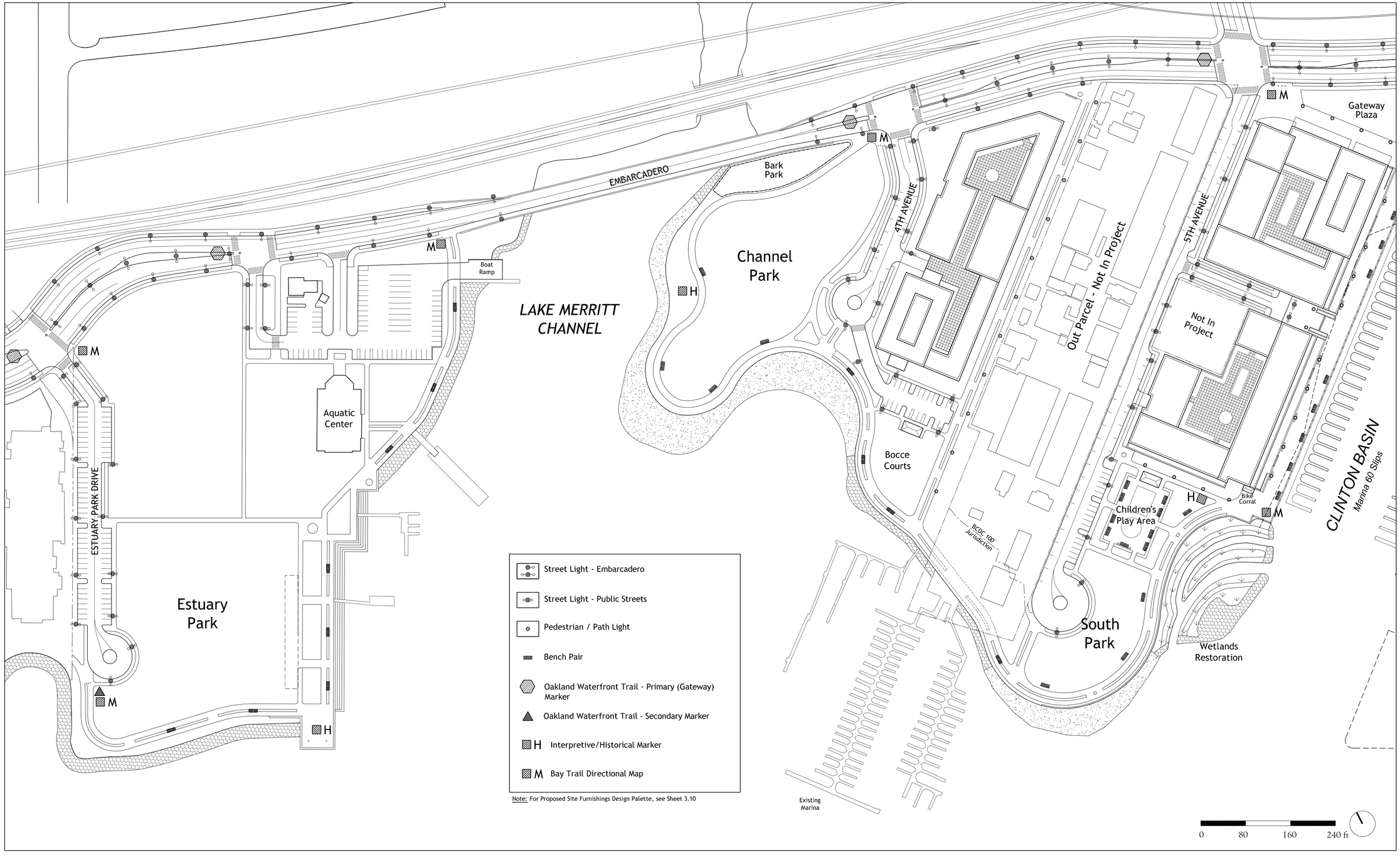

SITE FURNISHINGS DIAGRAM - WEST

Brooklyn Basin - Oak to 9th Development Plan

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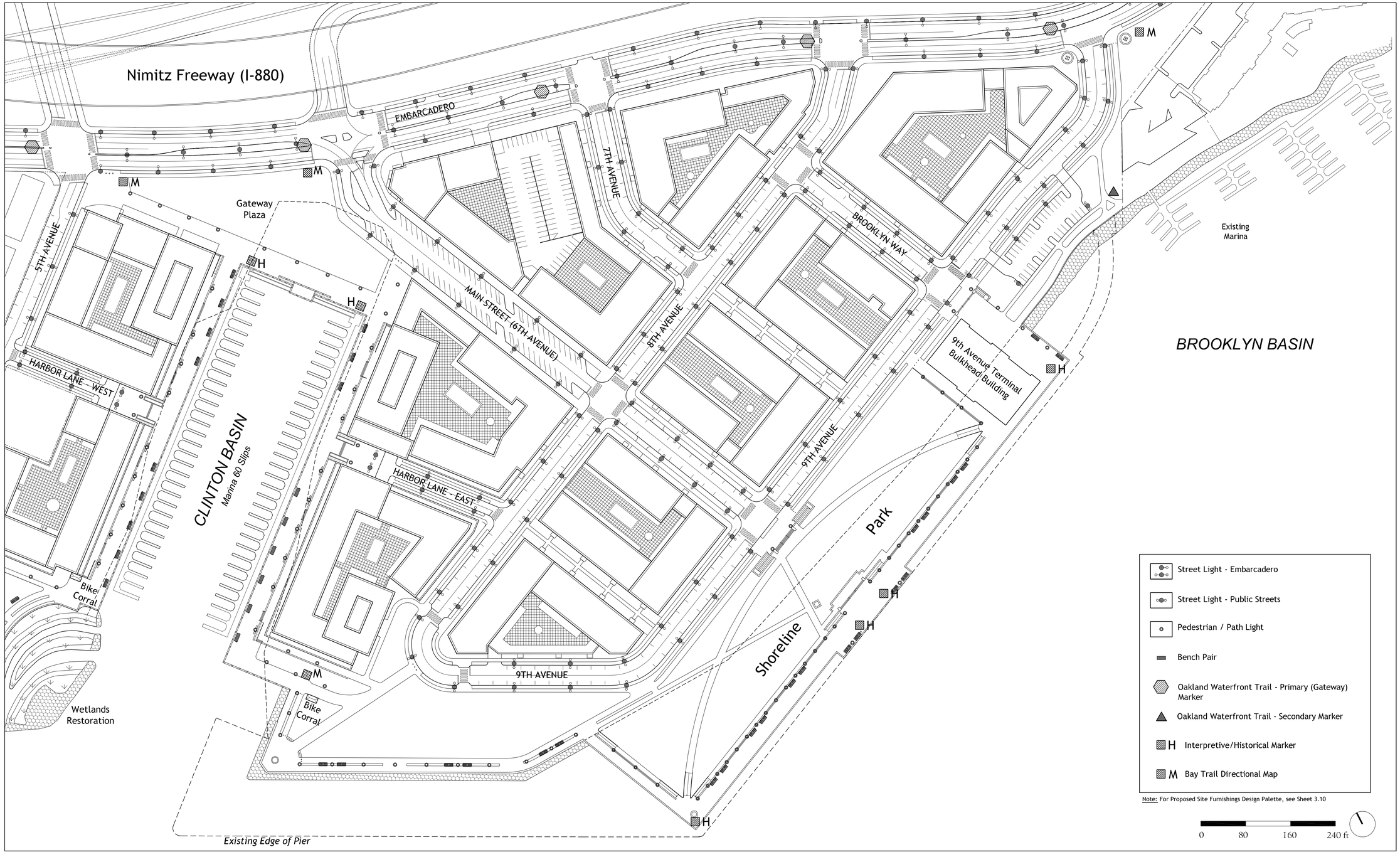

SITE FURNISHINGS DIAGRAM - EAST

Brooklyn Basin - Oak to 9th Development Plan

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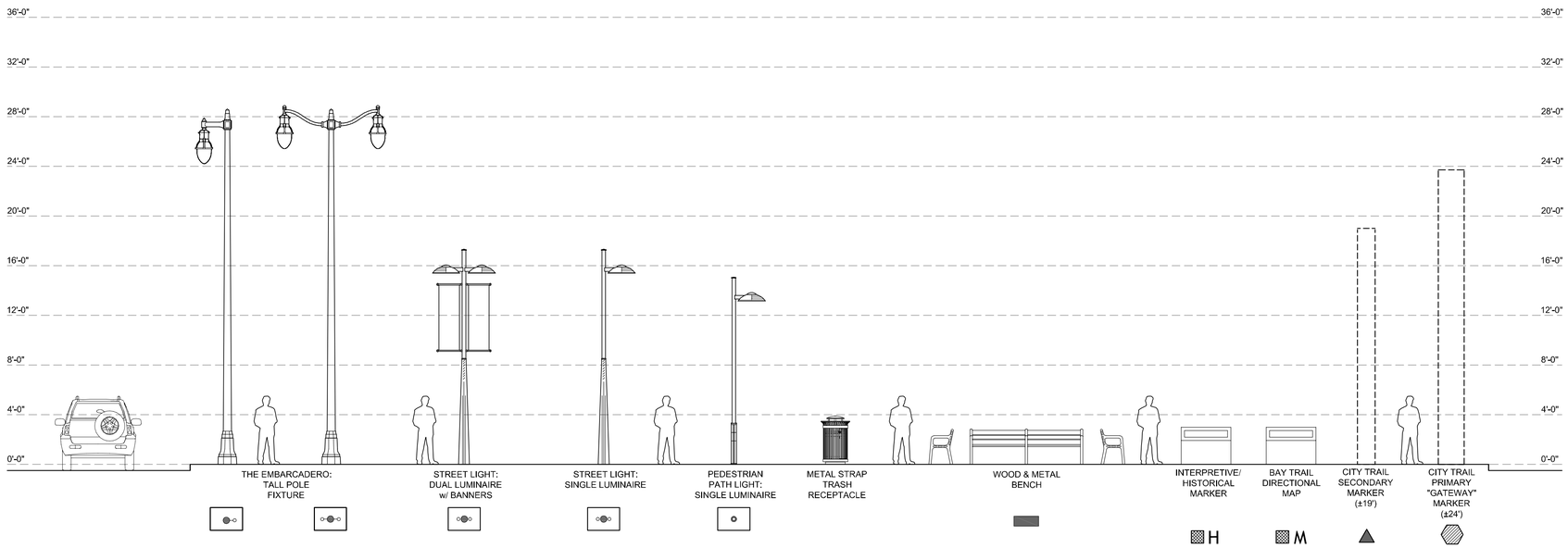
3.9



SITE FURNISHINGS & SITE LIGHTING DESIGN PALETTE

Scale: 3/16" = 1'-0"

- Street Light - Embarcadero
- Street Light - Public Streets
- Pedestrian / Path Light
- Bench Pair
- Oakland Waterfront Trail - Primary (Gateway) Marker
- Oakland Waterfront Trail - Secondary Marker
- H Interpretive/Historical Marker
- M Bay Trail Directional Map

SITE FURNISHINGS & SITE LIGHTING DESIGN PALETTE

Brooklyn Basin - Oak to 9th Development Plan

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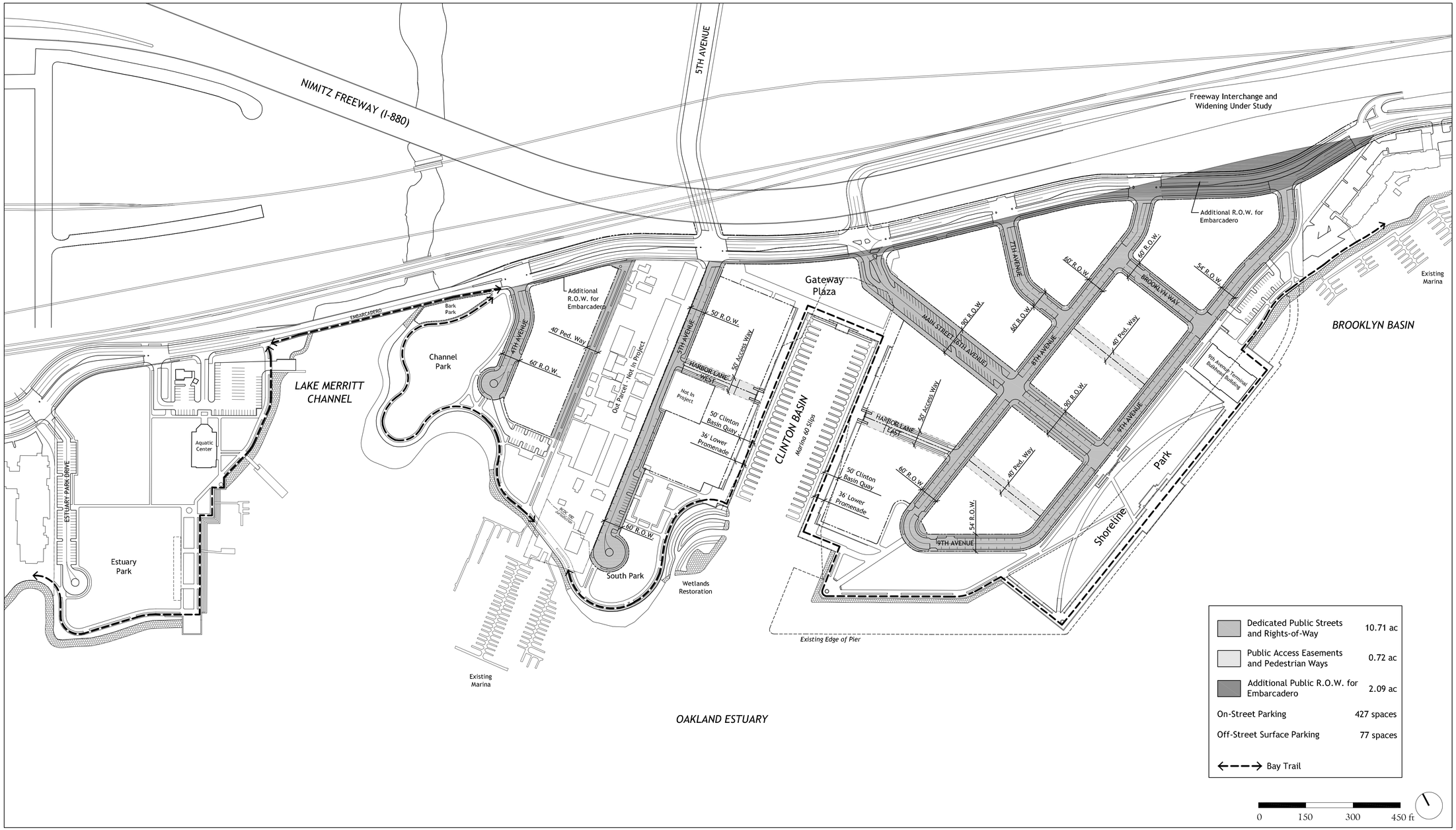
SHEET NO.
3.10



STREETS AND PEDESTRIAN WAYS

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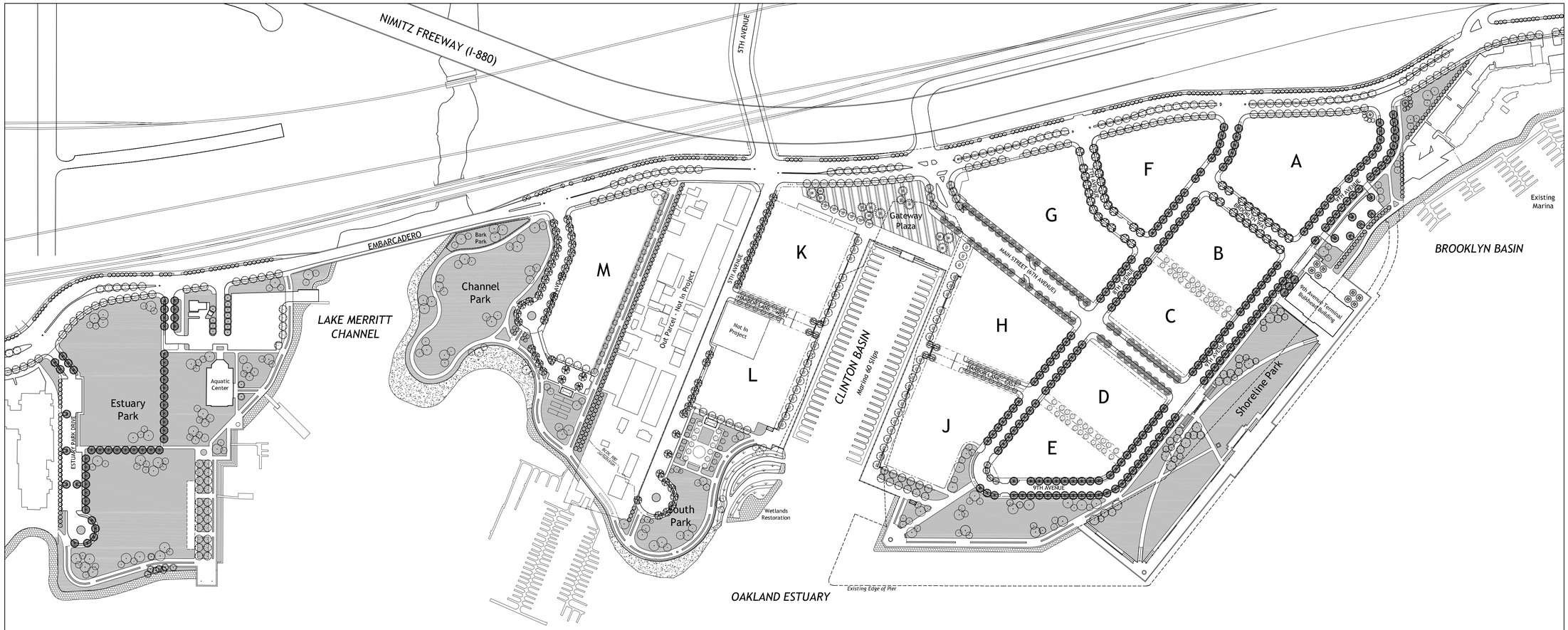
SHEET NO.
4.1



STREET TREE PALETTE

The Embarcadero:	· *Platanus acerifolia 'Yarwood'*, Yarwood London Plane · *Populus nigra 'Afghanica'*, Theves Poplar *Alternates:* · *Tilia tomentosa 'Sterling'*, Silver Linden · *Hymenosporum flavum*, Sweetshade Tree · *Podocarpus gracilior*, Fern Pine	
Main Street: (6th Avenue)	· *Pistacia chinensis 'Pearl Street'*, Chinese Pistache *Alternate:* · *Pyrus calleryana 'Aristocrat'*, Aristocrat Pear · *Ulmus parvifolia 'Drake'*, Evergreen Elm	
Residential Streets: (7th Avenue, Brooklyn Way)	· *Liriodendron tulipifera*, Tulip Poplar *Alternate:* · *Quercus rubra*, Red Oak	
Residential Streets: (4th & 5th Avenues)	· *Nyssa sylvatica*, Tupelo Tree *Alternate:* · *Ulmus parvifolia 'Brea'*, Evergreen Elm · *Robinia idahoensis 'Purple Robe'*, Idaho Locust	

STREET TREE PALETTE

8th-9th Avenue Loop & Estuary Park Drive:	· *Tilia tomentosa 'Sterling'*, Silver Linden *Alternates:* · *Platanus acerifolia 'Yarwood'*, Yarwood London Plane · *Quercus shumardii*, Shumard Oak	
Clinton Basin Quay:	· *Platanus acerifolia 'Yarwood'*, Yarwood London Plane *Alternates:* · *Tilia tomentosa 'Sterling'*, Silver Linden · *Quercus coccinea*, Scarlet Oak Palm Accents: · *Phoenix canariensis*, Canary Island Date Palm	
Harbor Lane (East & West) & Pedestrian Ways:	· *Liriodendron tulipifera 'Arnold'*, Columnar Tulip Poplar *Alternates:* · *Crataegus phaenopyrum*, Washington Hawthorn · *Carpinus betulus fastigiata*, Upright European Hornbeam · *Ginkgo biloba 'Saratoga'*, Maidenhair Tree	
Palm Accents:	· *Phoenix canariensis*, Canary Island Date Palm · *Washingtonia filifera*, California Fan Palm	

PARK TREE PALETTE

Park Trees:	· *Alnus cordata*, Italian Alder · *Arbutus 'Marina'*, Madrone · *Cinnamomum camphora*, Camphor Tree · *Fraxinus uhdei 'Majestic Beauty'*, Evergreen Ash · *Jacaranda mimosifolia*, Jacaranda · *Leptospermum laevigatum*, Australian Tea Tree · *Magnolia grandiflora*, Southern Magnolia · *Maytenus boaria 'Green Showers'*, Mayten Tree · *Melaleuca nesophila*, Pink Melaleuca · *Melaleuca quinquinervia*, Cajeput Tree · *Pinus pinea*, Italian Stone Pine · *Populus fremontii 'Nevada'*, Nevada Male Cottonwood · *Sequoia sempervirens var.*, Coast Redwood	
Shoreline Embankment Plantings	· *Baccharis pilularis 'Pigeon Point'*, Dwarf Coyote Brush · *Ceanothus 'Yankee Point'*, California Lilac · *Dietes bicolor*, Yellow Fortnight Lily · *Echium fastuosum*, Pride of Madiera · *Limonium perezii*, Sea Lavender · *Distichlis spicata*, Salt Grass · *Grindelia stricta*, Gumplant · *Salicornia virginica*, Perennial Pickleweed · *Spartina foliosa*, Pacific Cordgrass	
Turf / Ground Cover	· *'Dwarf Medallion' Sod*, Tall Fescue Blend Sod · Mixed Drought Tolerant & Native Ground Covers	

0 150 300 450 ft

LANDSCAPE CONCEPT PLAN

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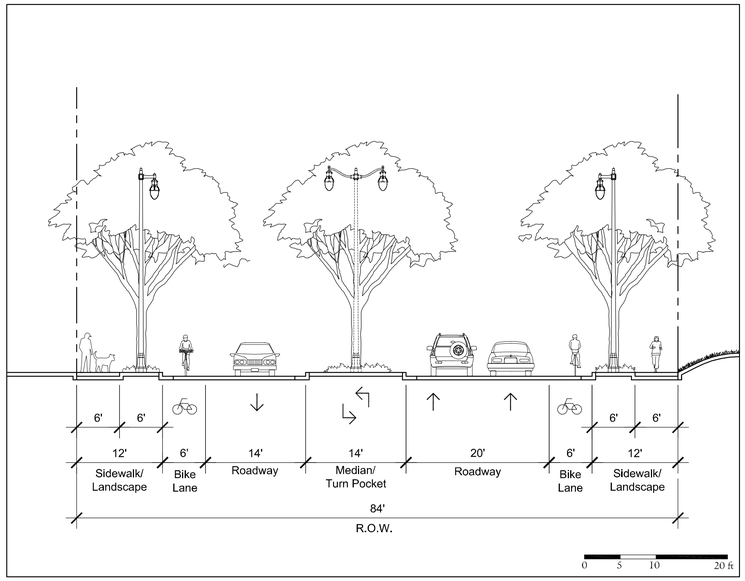
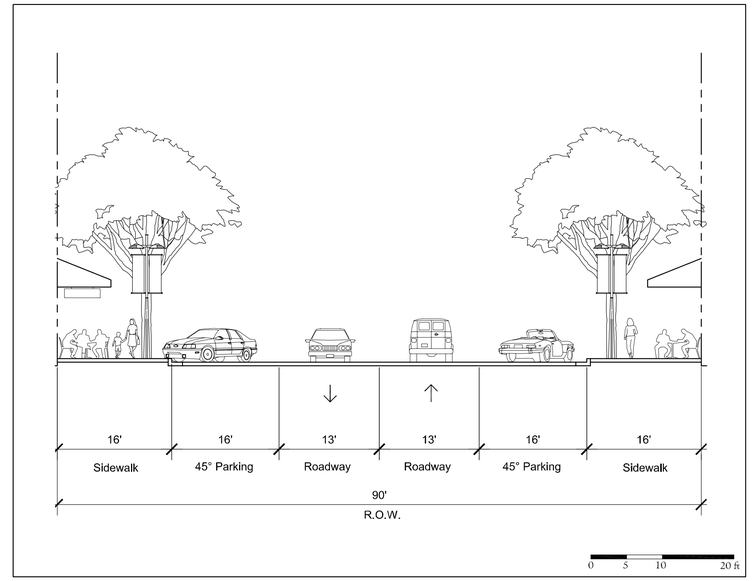
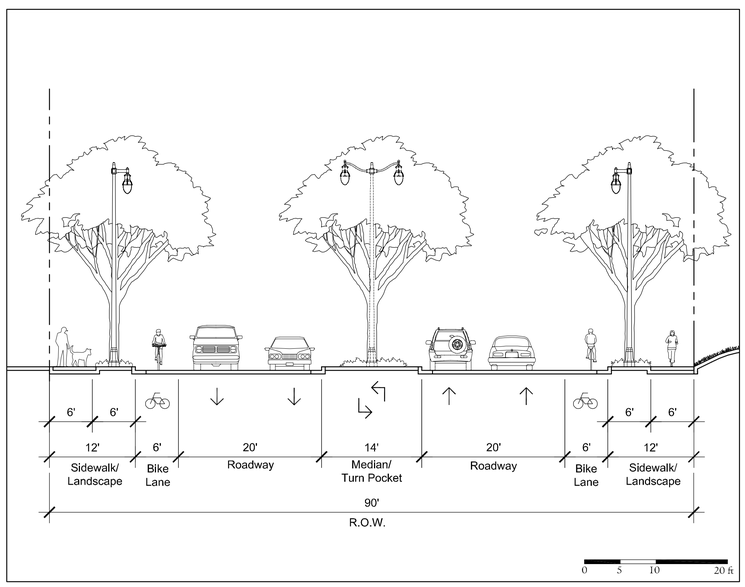
4.2



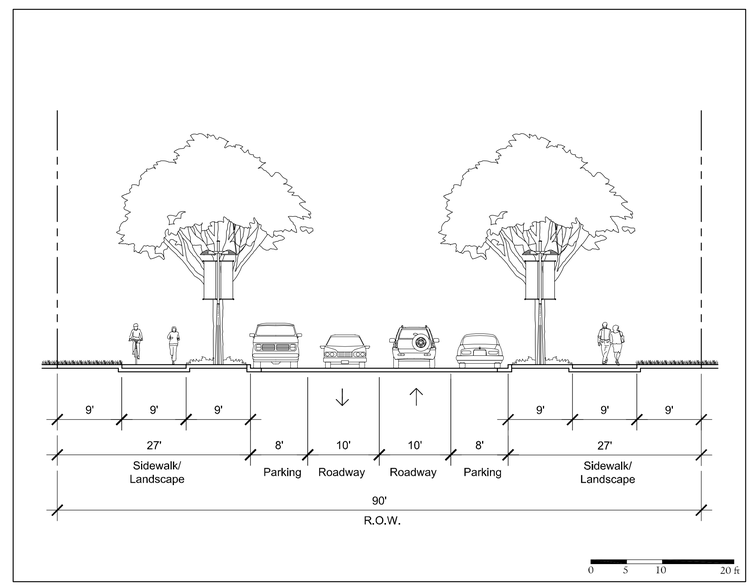
THE EMBARCADERO (East of 8th Avenue)



MAIN STREET - RETAIL



THE EMBARCADERO (East of Lake Merritt Channel to 8th Avenue)



MAIN STREET - RESIDENTIAL

STREET SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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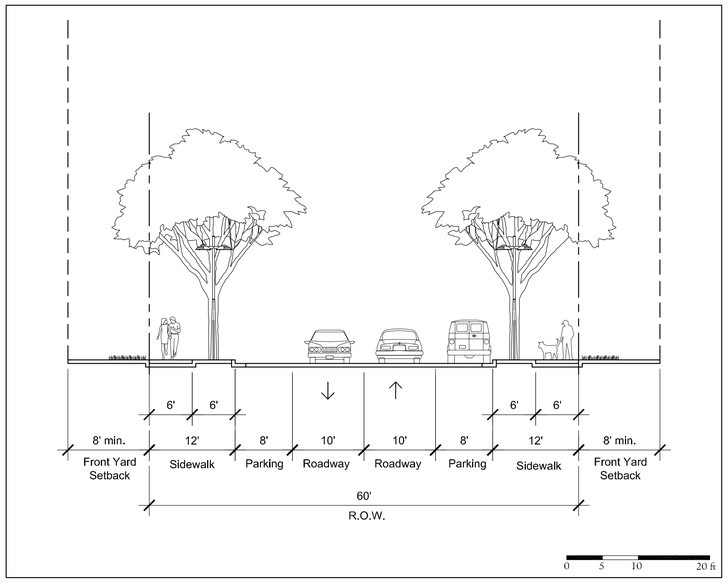
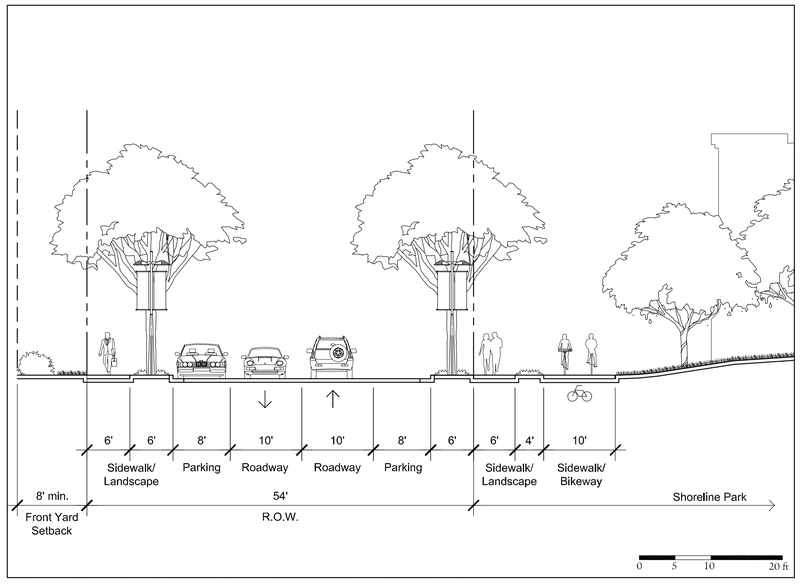
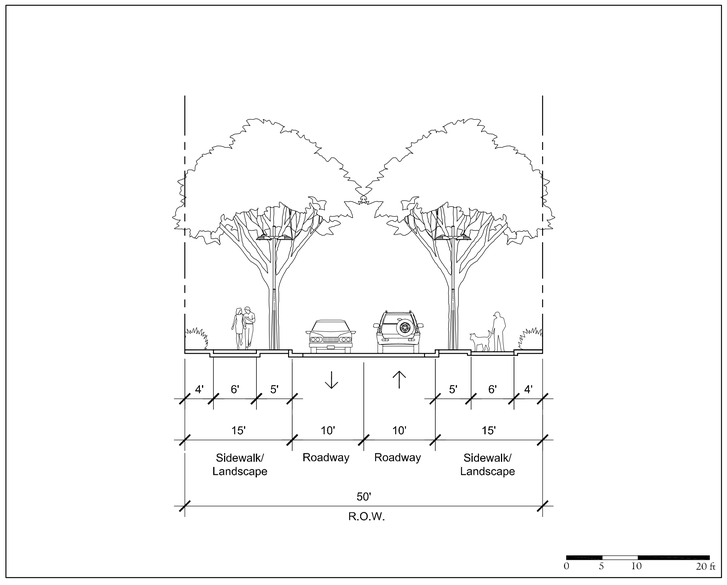
4.3a



TYPICAL 60FT R.O.W. STREET



9TH AVENUE - 54FT R.O.W. STREET W/ BIKEWAY



HARBOR LANE EAST & WEST

STREET SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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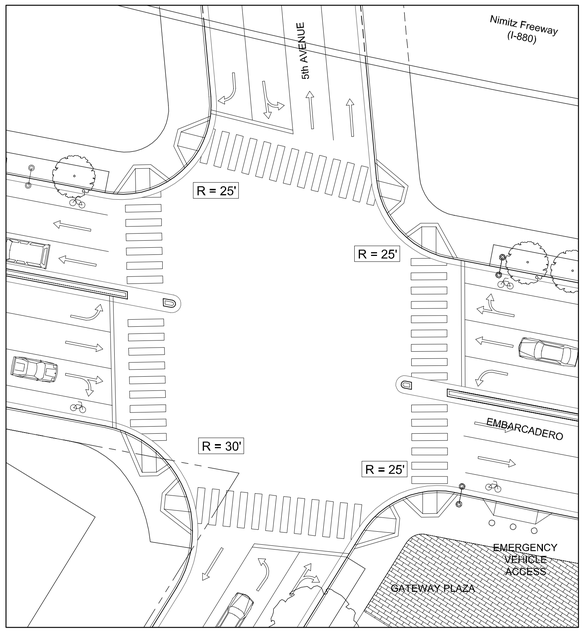
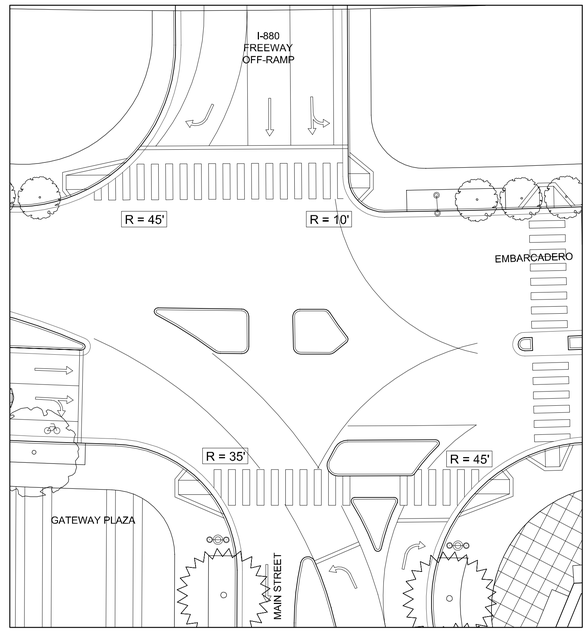
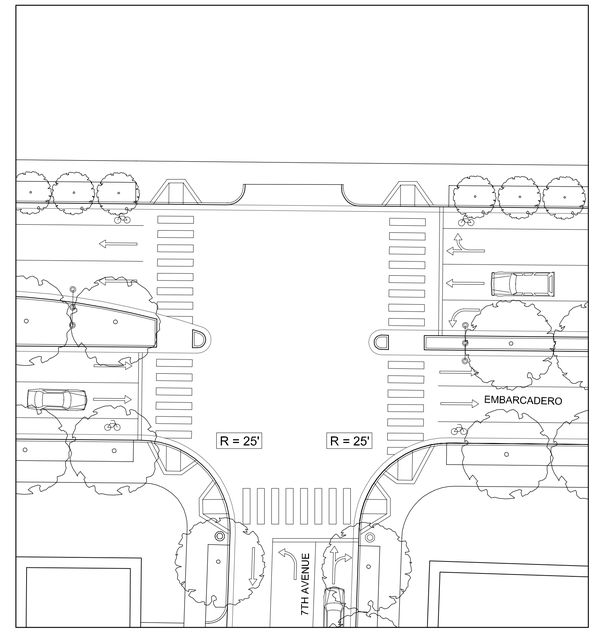
SHEET NO.
4.3b



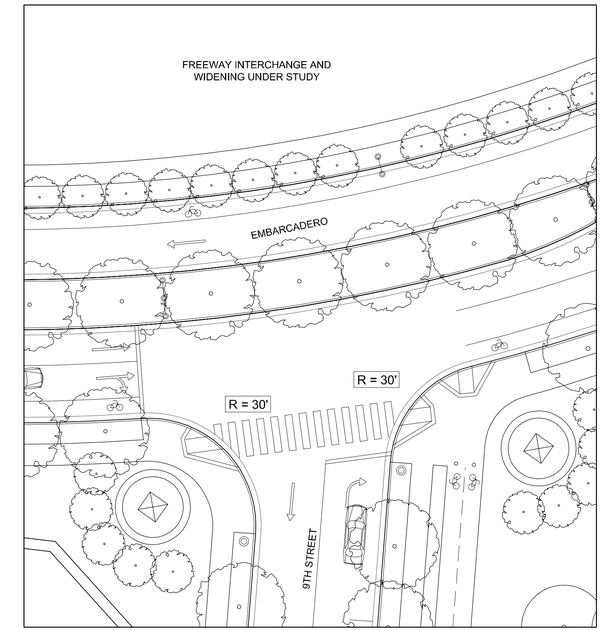
EMBARCADERO / 5TH AVENUE



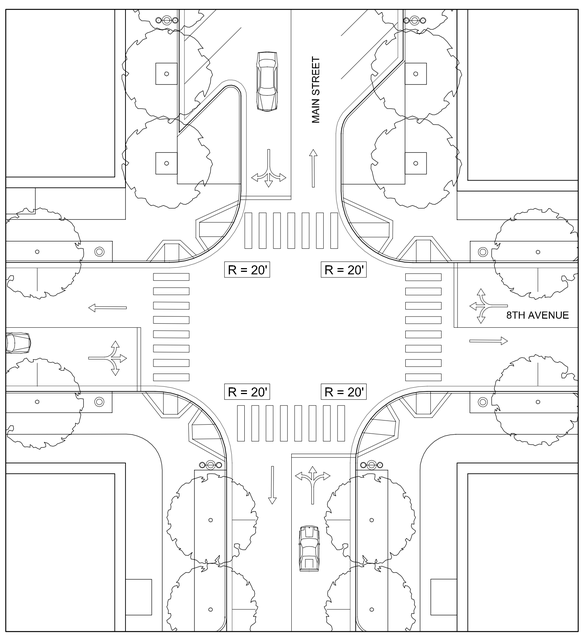
EMBARCADERO / MAIN STREET



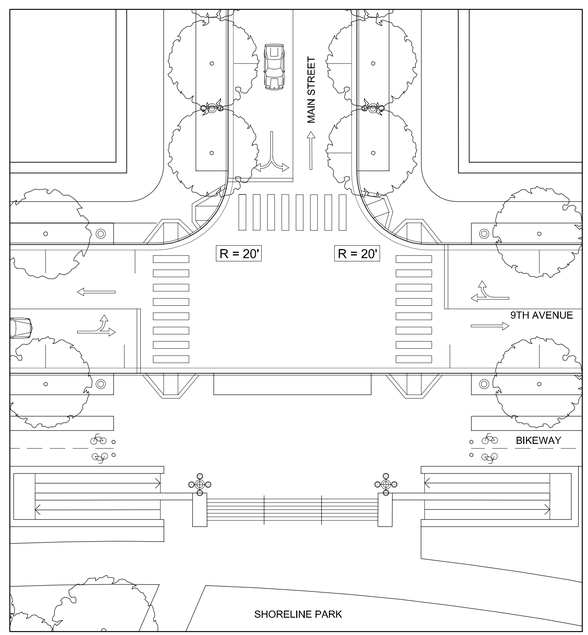
EMBARCADERO / 7TH AVENUE



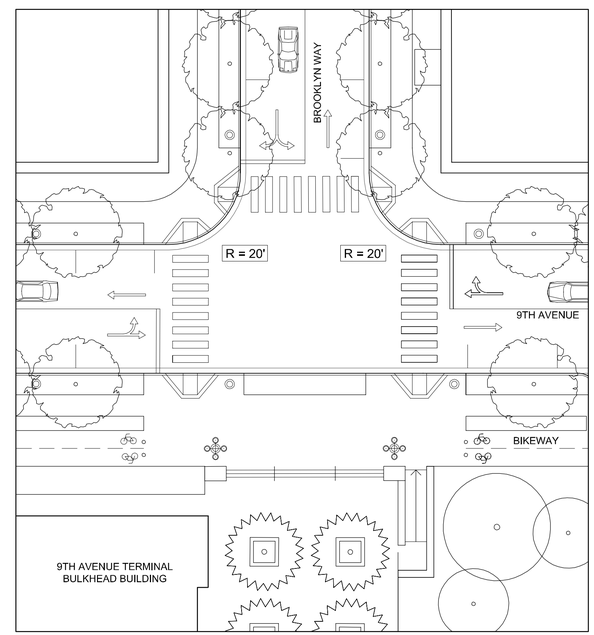
EMBARCADERO / 9TH AVENUE



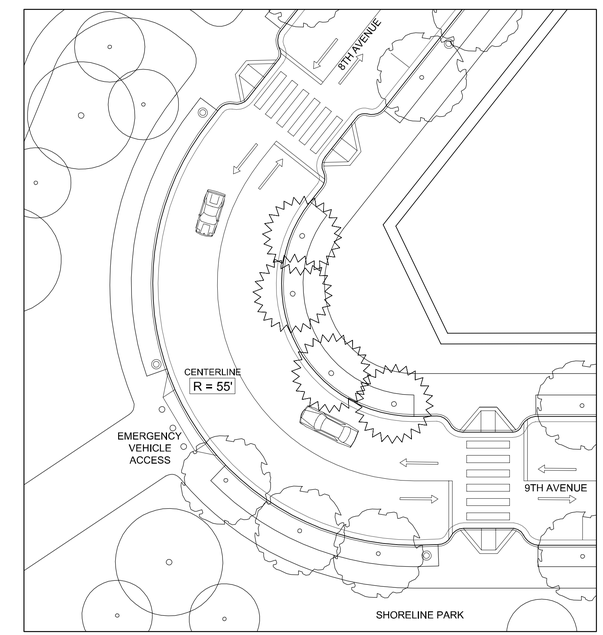
MAIN STREET / 8TH AVENUE



MAIN STREET / 9TH AVENUE



BROOKLYN WAY / 9TH AVENUE



8TH AVENUE / 9TH AVENUE

0 20 40 60 ft

STREET INTERSECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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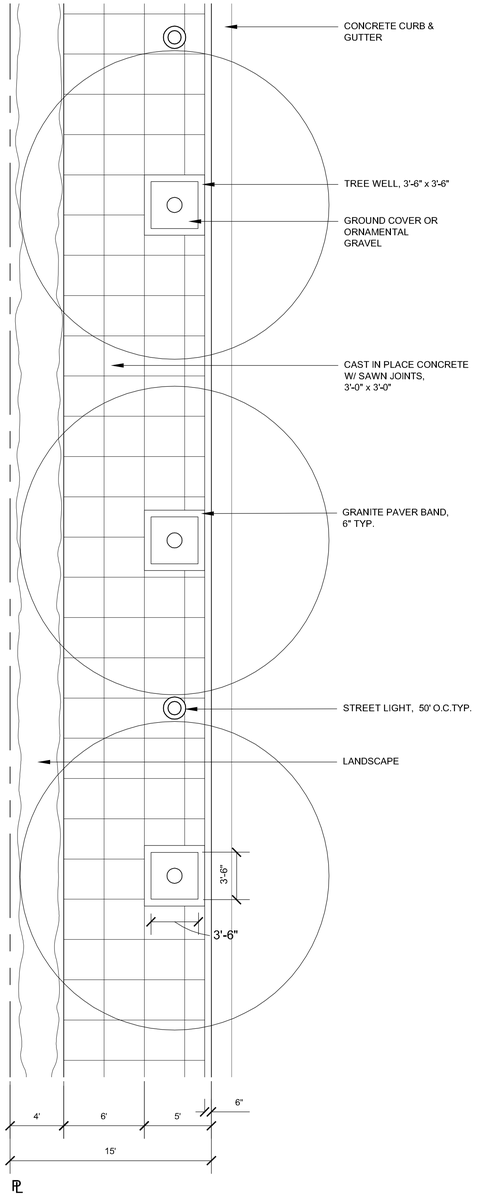
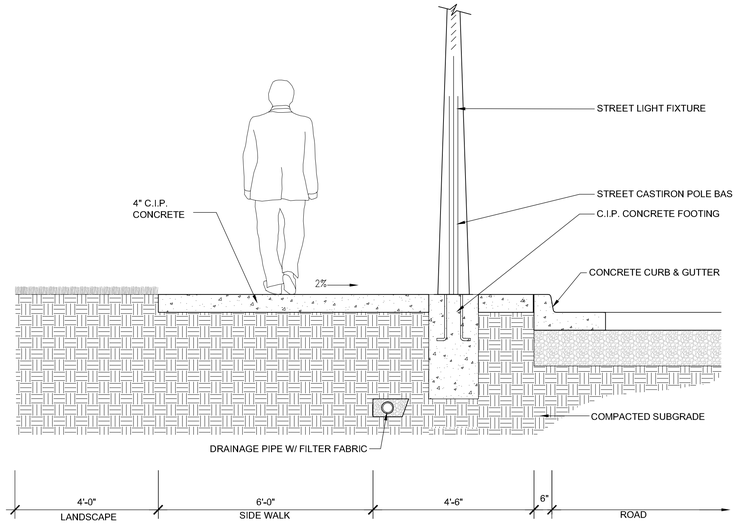
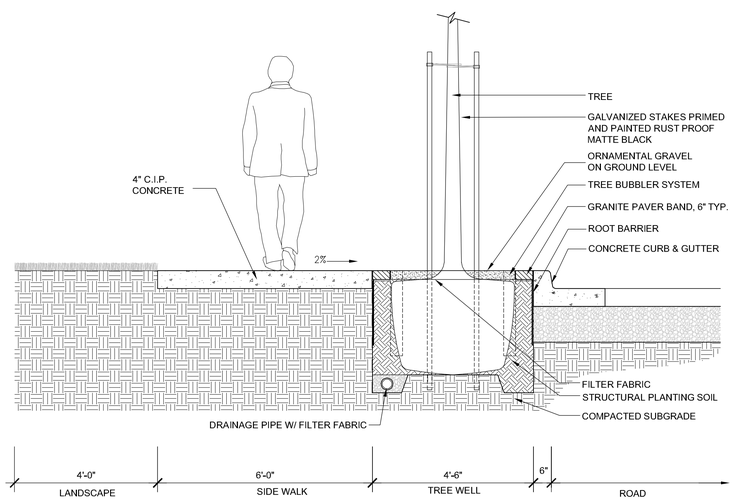
SHEET NO.
4.4



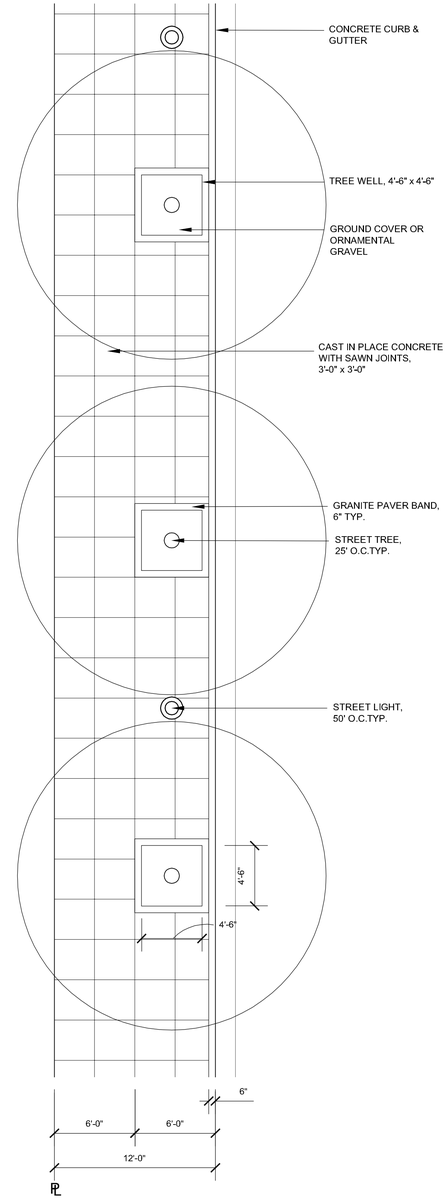
1 Typical Sidewalk Plan - 50' R.O.W.
SCALE: 3/16" = 1'-0"



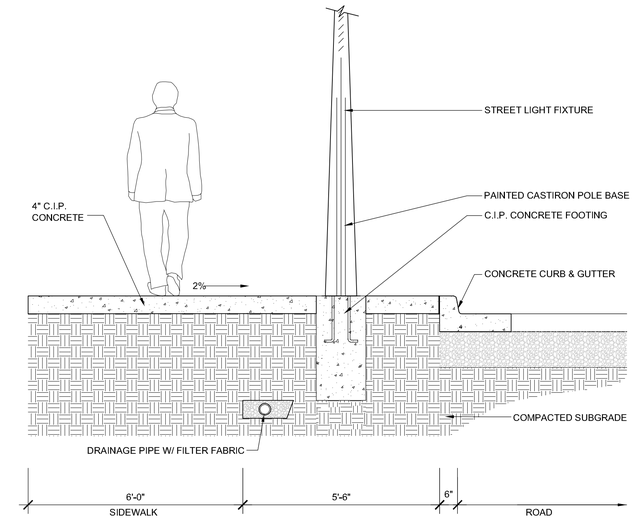
2 Typical Sidewalk Section at Light Fixture - 50' R.O.W.
SCALE: 1/2" = 1'-0"



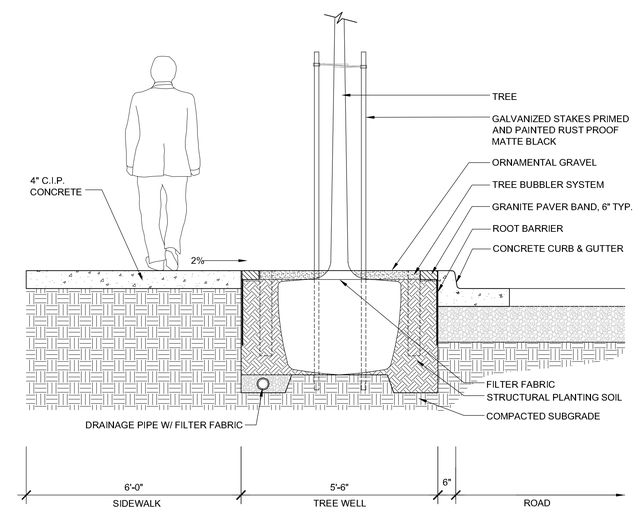
3 Typical Sidewalk Section at Street Tree - 50' R.O.W.
SCALE: 1/2" = 1'-0"



4 Typical Sidewalk Plan - 60' R.O.W.
SCALE: 3/16" = 1'-0"



5 Typical Sidewalk Section at Light Fixture - 54'/ 60' R.O.W.
SCALE: 1/2" = 1'-0"



6 Typical Sidewalk Section at Street Tree - 60' R.O.W.
SCALE: 1/2" = 1'-0"

STREETSCAPE STANDARDS 50' AND 60' R.O.W.

Brooklyn Basin - Oak to 9th Development Plan

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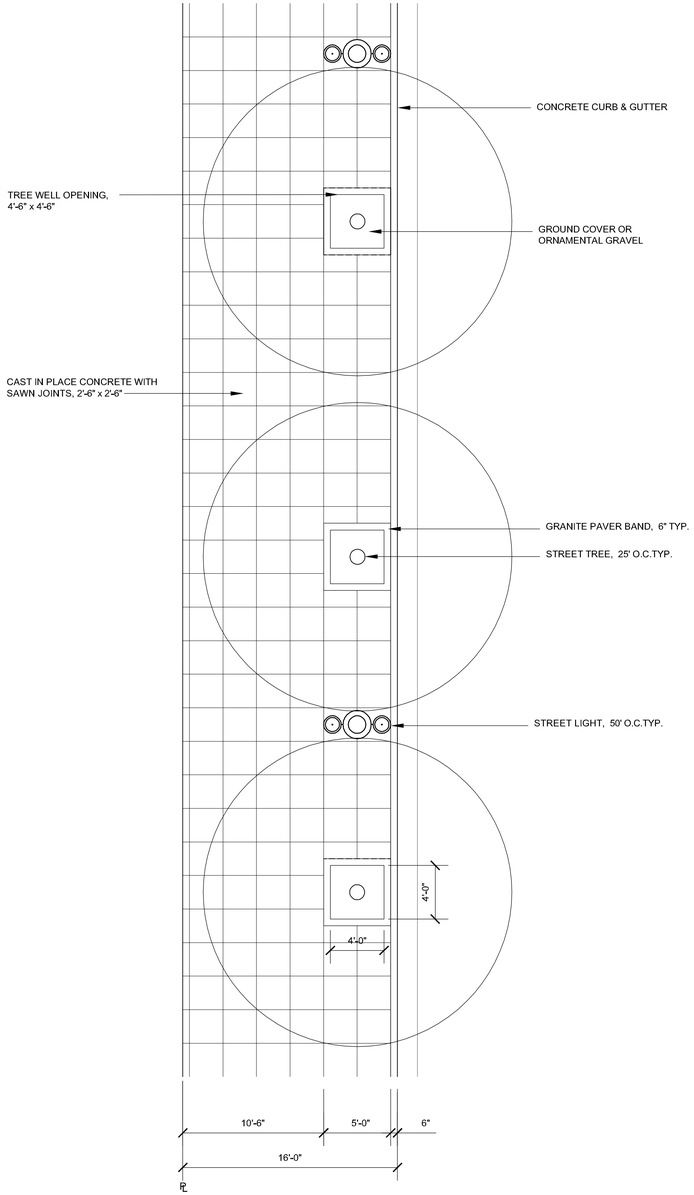
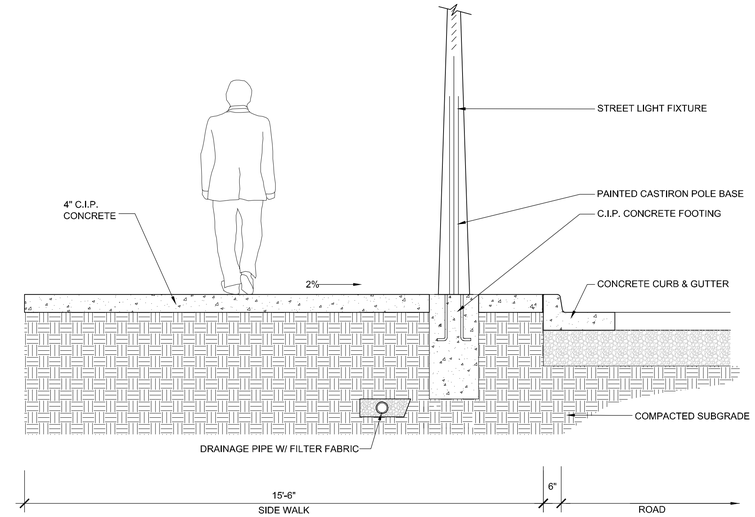
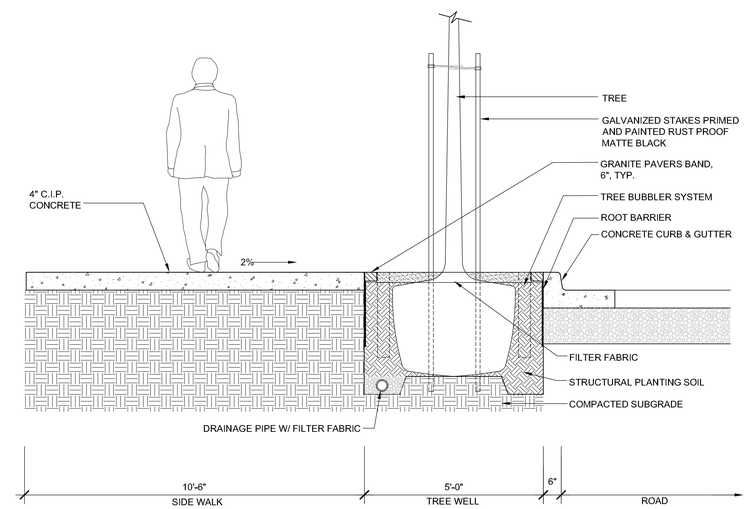
4.5



1 Typical Sidewalk Plan- Retail Frontage
SCALE: 3/16" = 1'-0"



2 Typical Sidewalk Section at Light Pole - Retail Frontage
SCALE: 1/2" = 1'-0"



3 Typical Sidewalk Section at Street Tree - Retail Frontage
SCALE: 1/2" = 1'-0"

STREETSCAPE STANDARDS 90' RIGHT OF WAY- RETAIL FRONTAGE

SHEET NO.
4.6

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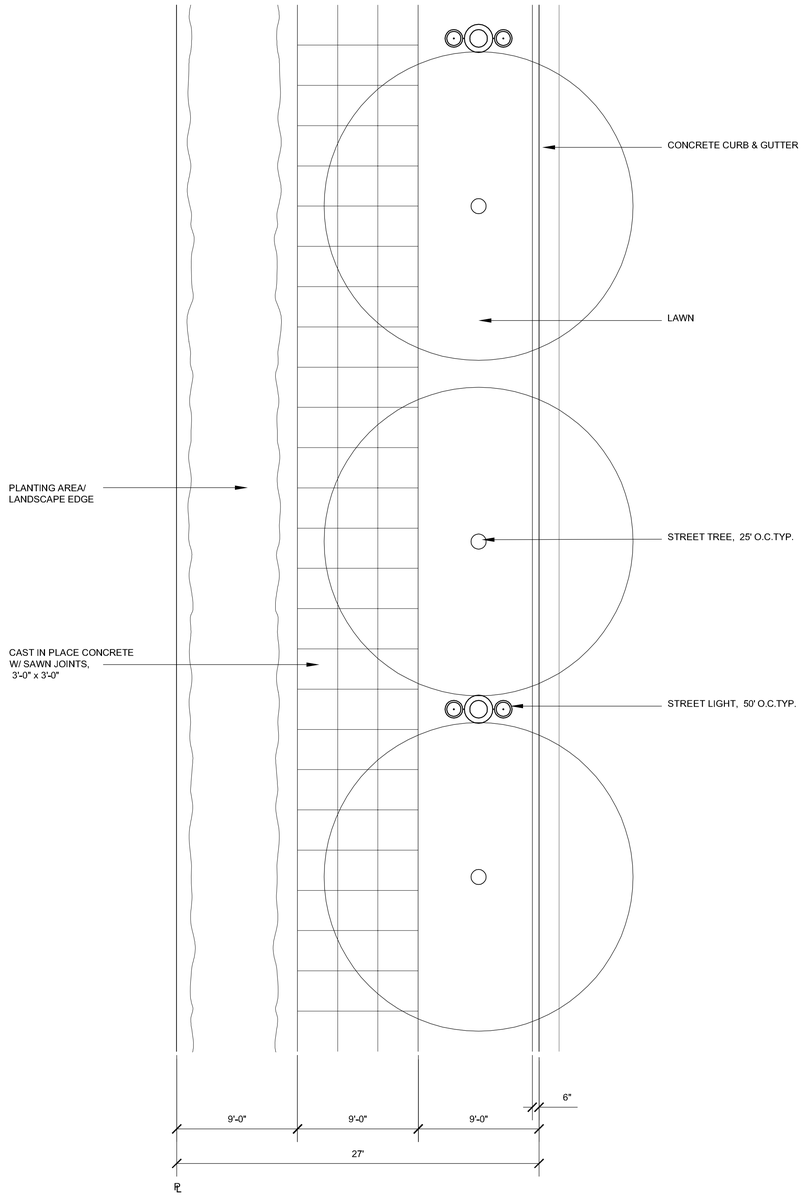
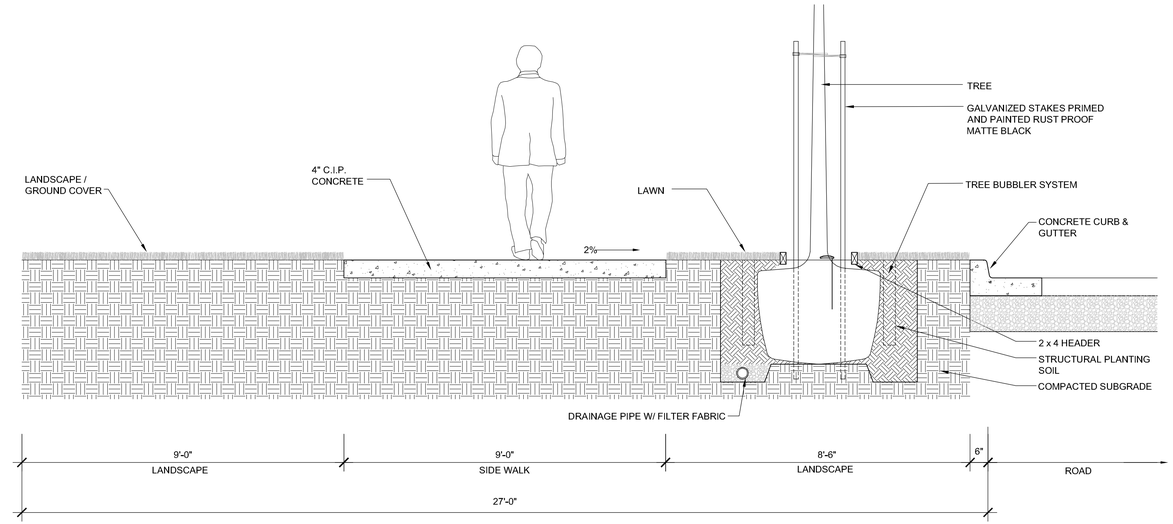


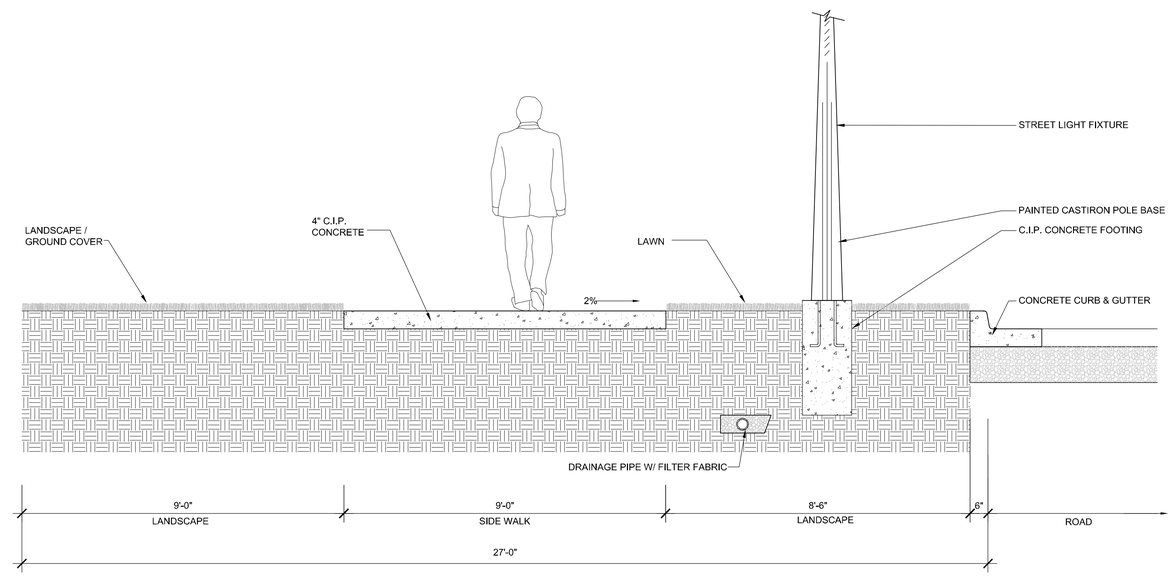
1 Typical Sidewalk Plan- Residential Frontage

SCALE: 3/16" = 1'-0"



2 Typical Sidewalk Section at Street Tree - Residential Frontage

SCALE: 1/2" = 1'-0"



3 Typical Sidewalk Section at Light Pole - Residential Frontage

SCALE: 1/2" = 1'-0"

STREETSCAPE STANDARDS 90' RIGHT OF WAY- RESIDENTIAL FRONTAGE

SHEET NO.
4.7

Brooklyn Basin - Oak to 9th Development Plan

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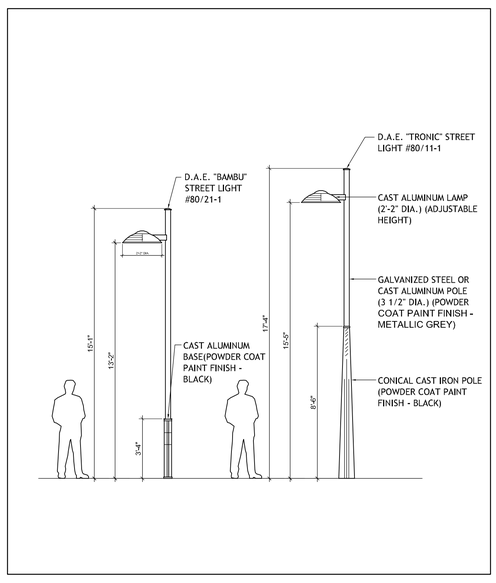
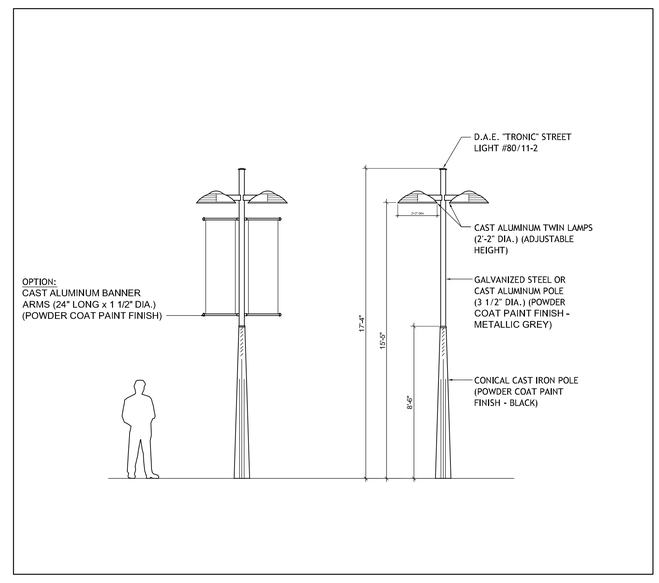


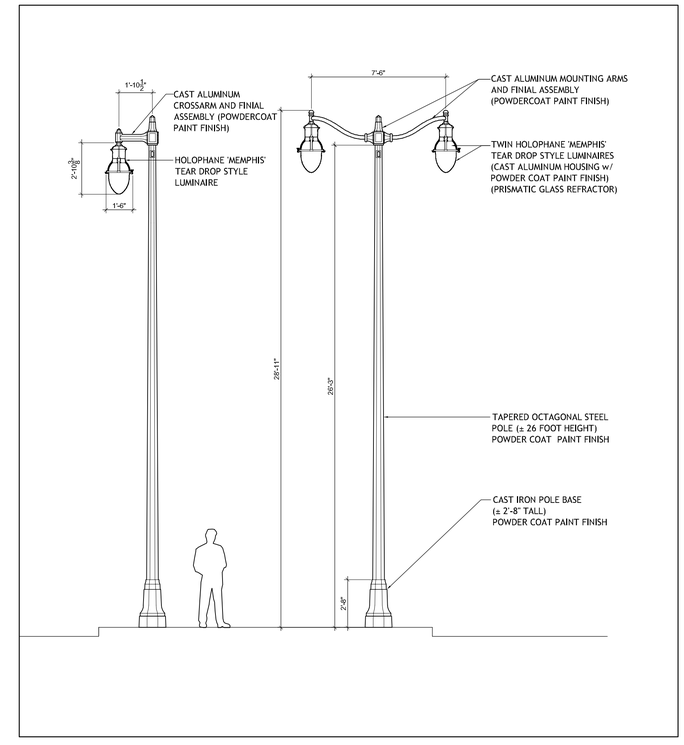
1B Pedestrian Light Pole & Street Light Pole - Single Luminaire

SCALE: 1/4"=1'-0"



2B Street Light Pole - Dual Luminaire

SCALE: 1/4"=1'-0"



3B The Embarcadero- Tall Pole Fixture

SCALE: 1/4"=1'-0"

STREET LIGHTING STANDARDS

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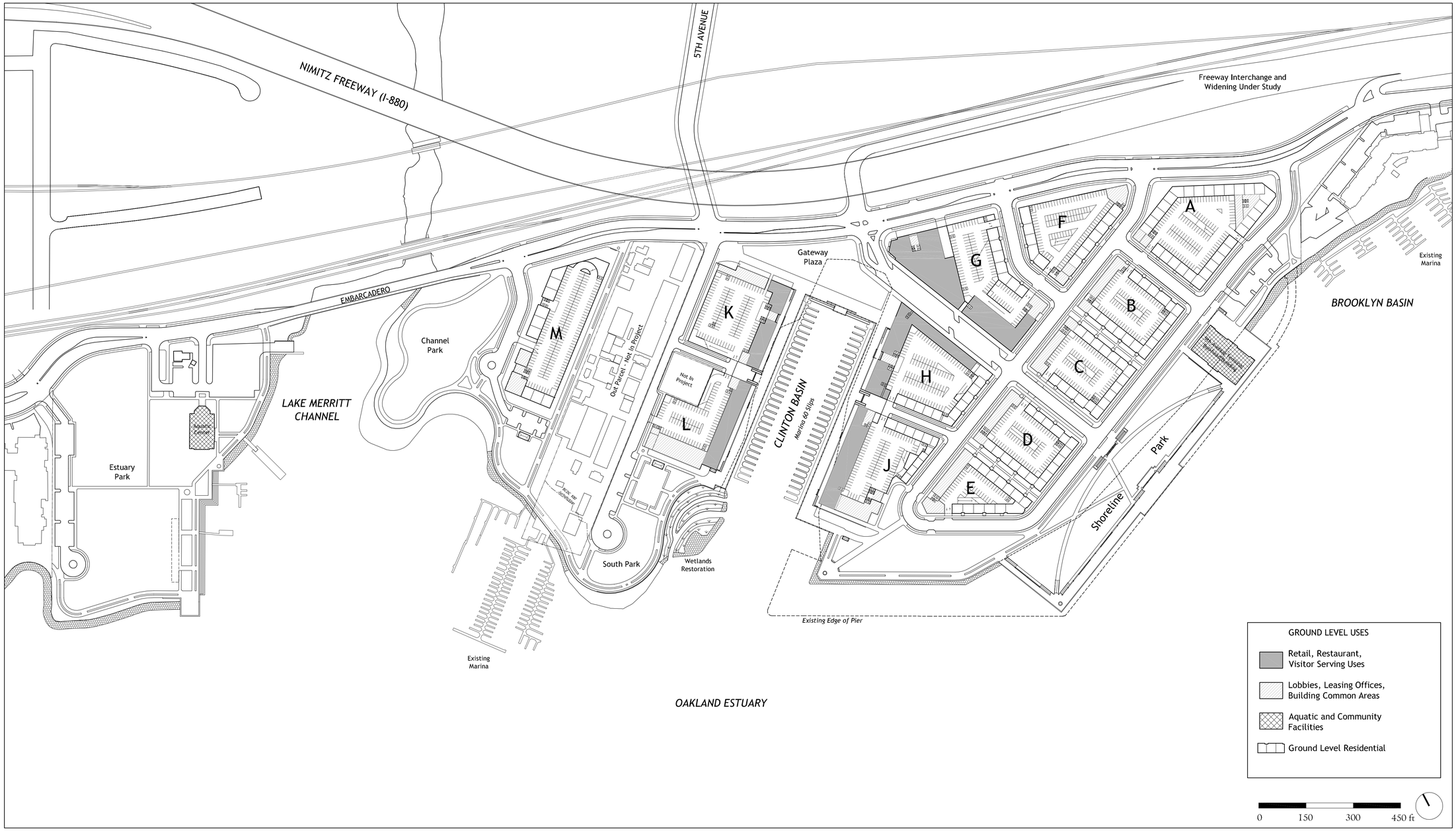
SHEET NO.
4.8



ILLUSTRATIVE GROUND LEVEL BUILDING PLAN

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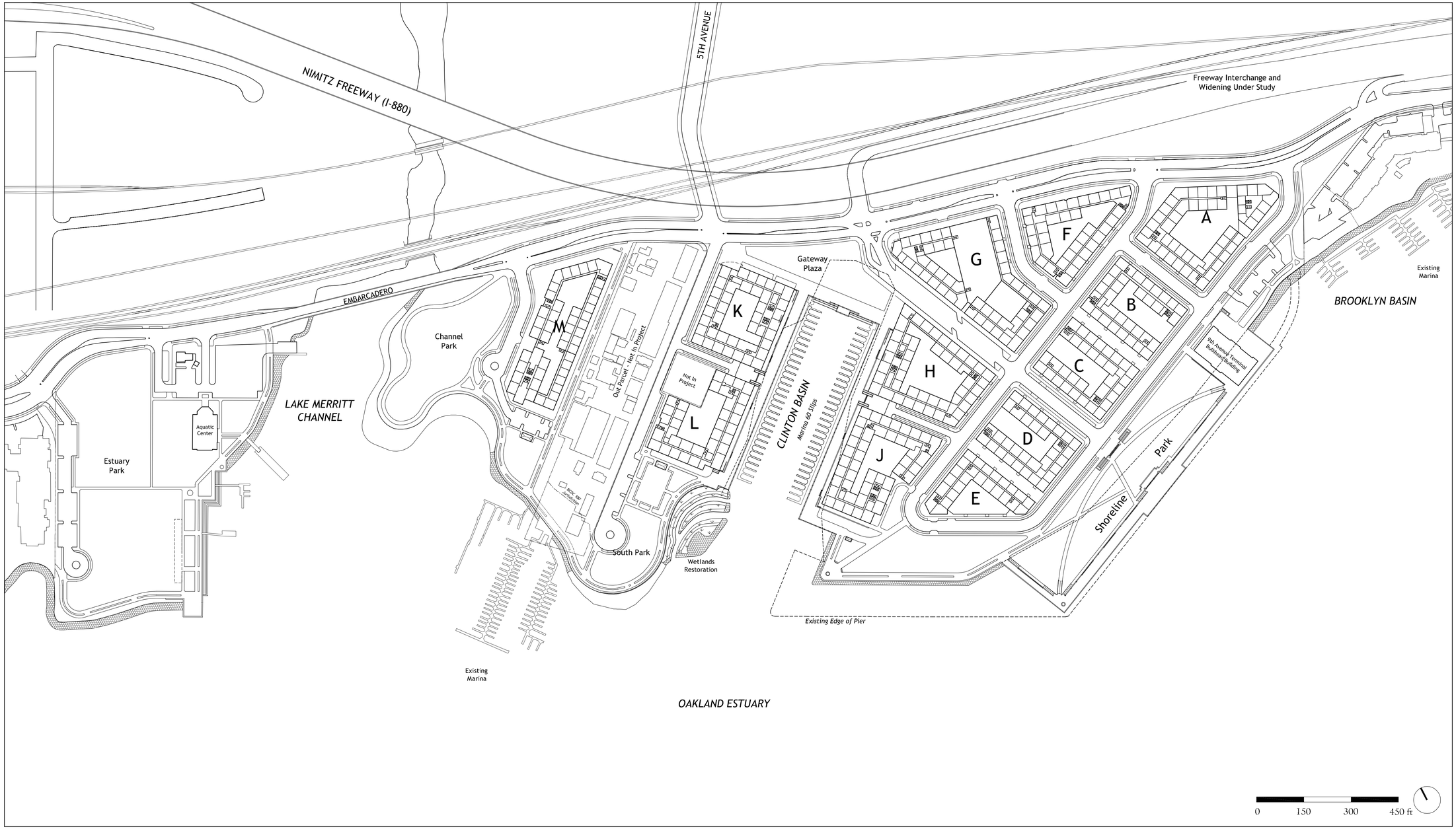
OCTOBER 2006

SHEET NO.
5.1



ILLUSTRATIVE UPPER LEVEL BUILDING PLAN

Brooklyn Basin - Oak to 9th Development Plan

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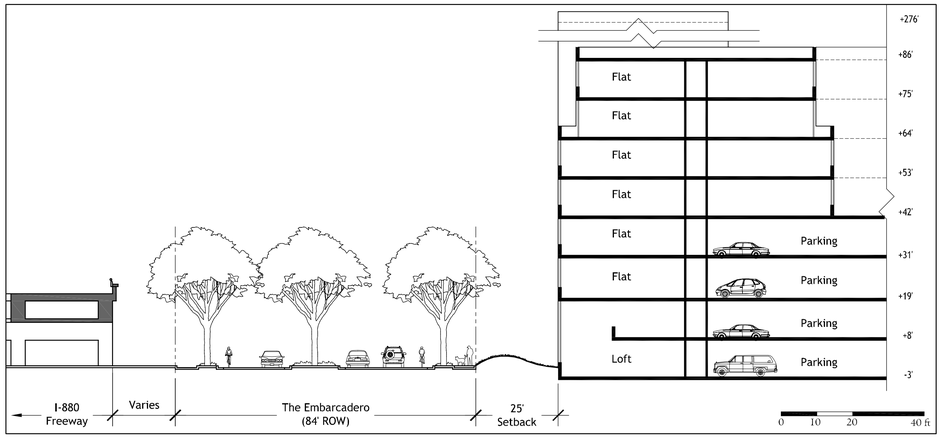
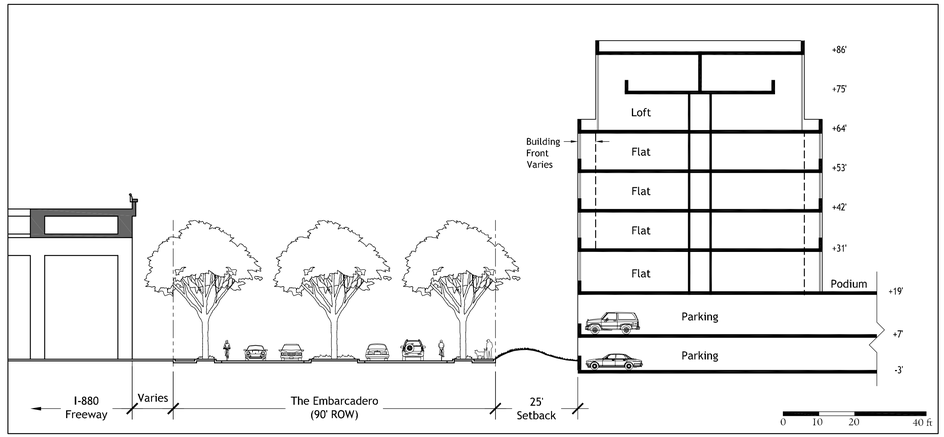
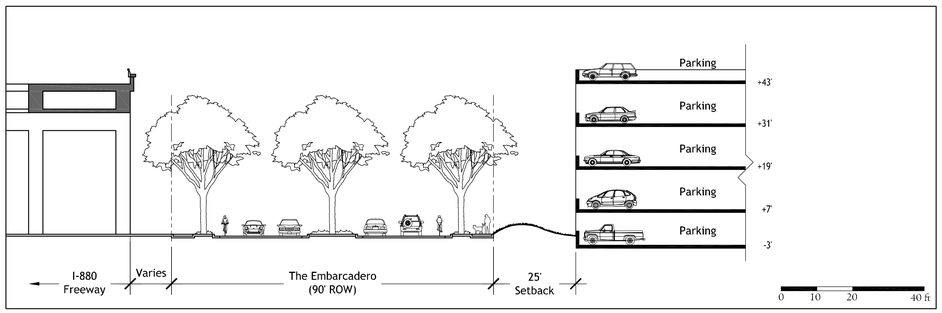
SHEET NO.
5.2



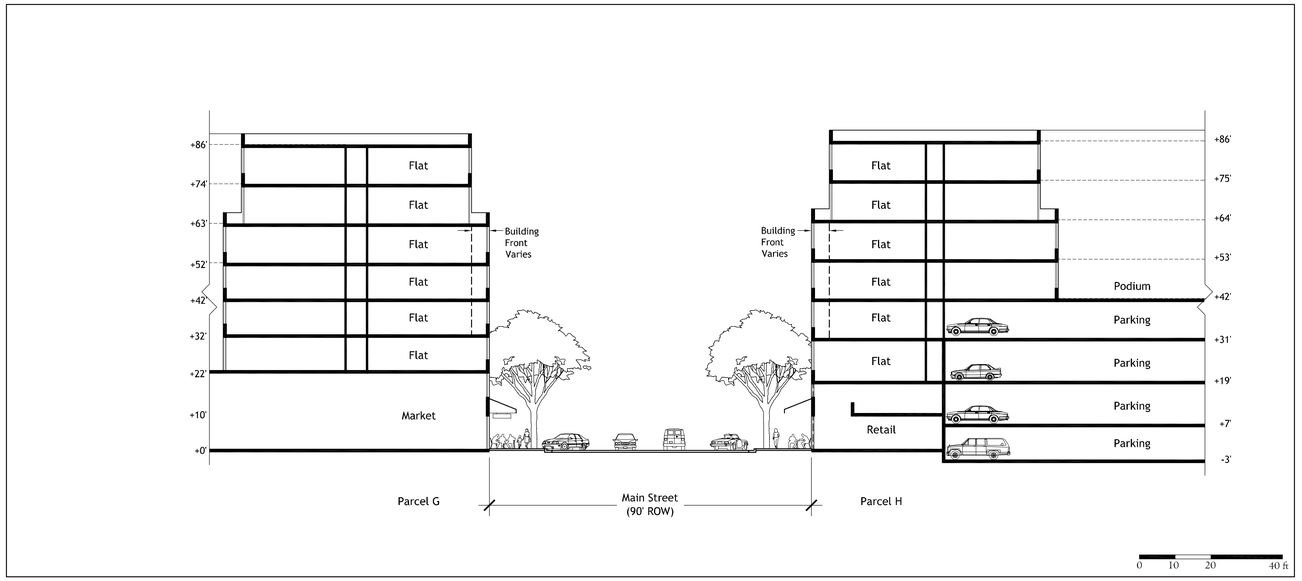
EMBARCADERO AT PARCEL A



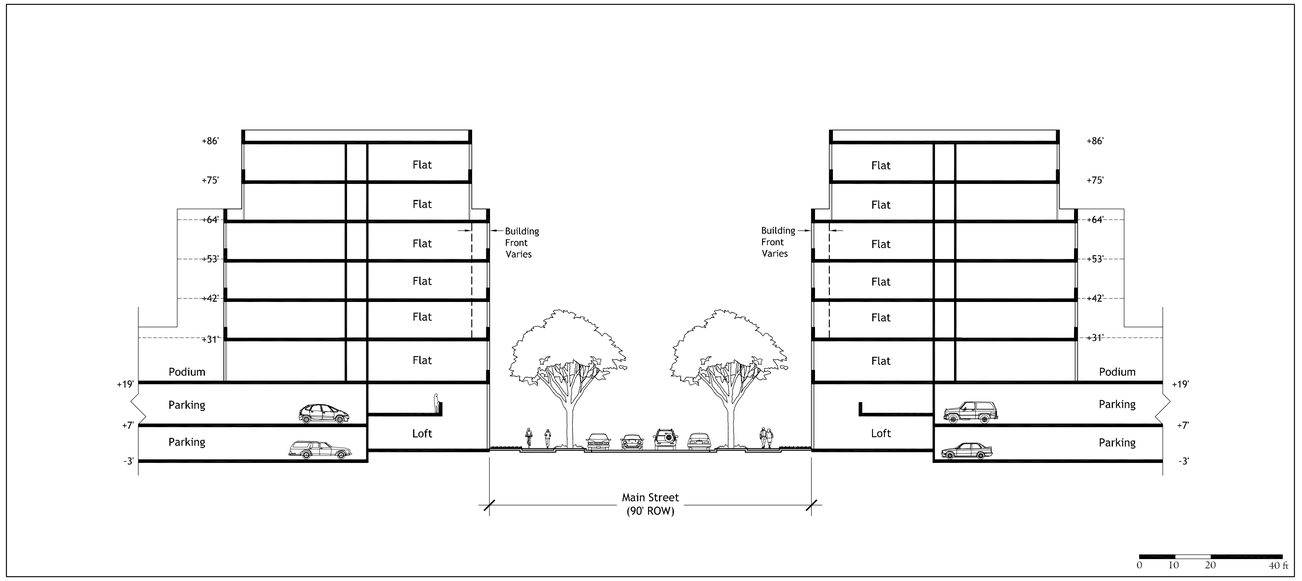
EMBARCADERO AT PARCEL F



EMBARCADERO AT PARCEL G



MAIN STREET AT PARCELS G & H



MAIN STREET AT PARCELS C & D

ILLUSTRATIVE BUILDING SECTIONS

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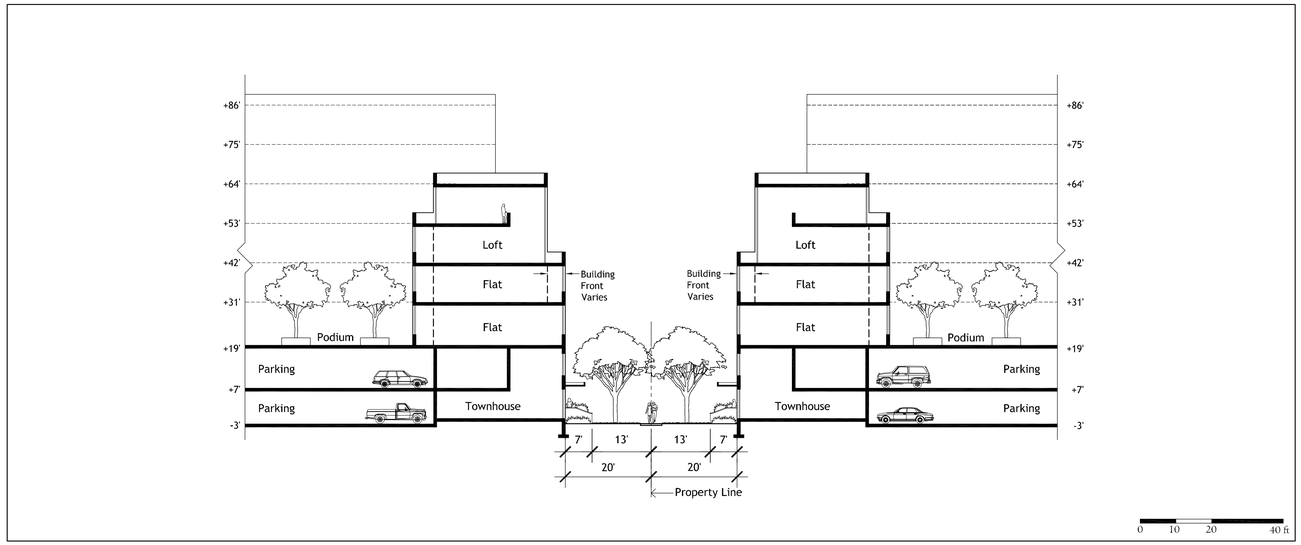
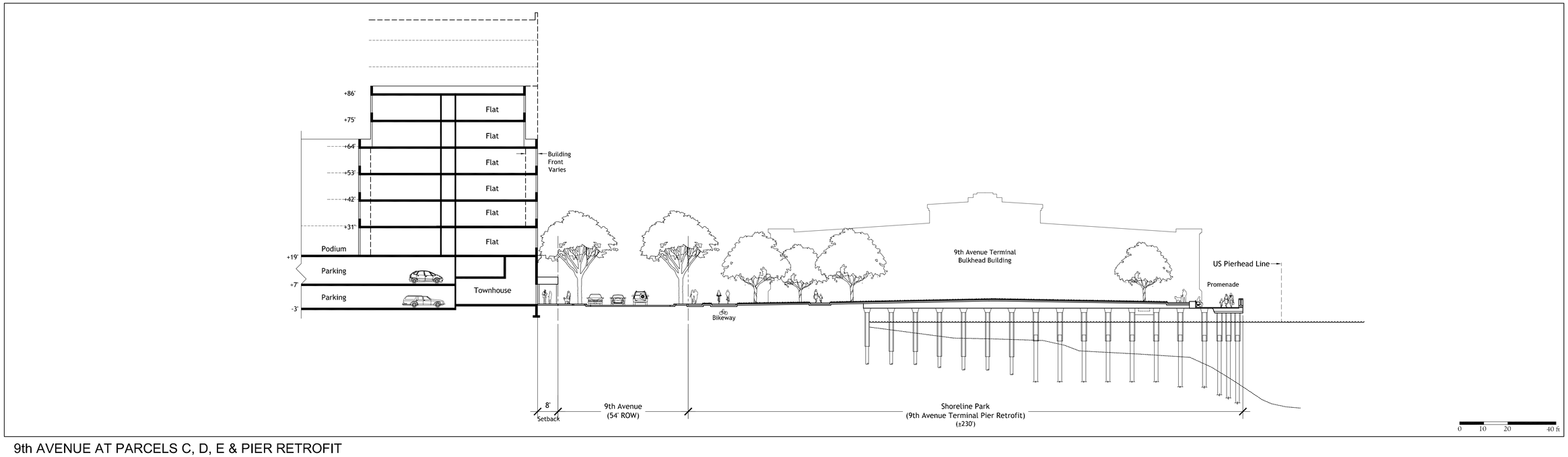
OCTOBER 2006

SHEET NO.
5.3



PEDESTRIAN WAYS BETWEEN PARCELS B, C, D & E



9th AVENUE AT PARCELS C, D, E & PIER RETROFIT

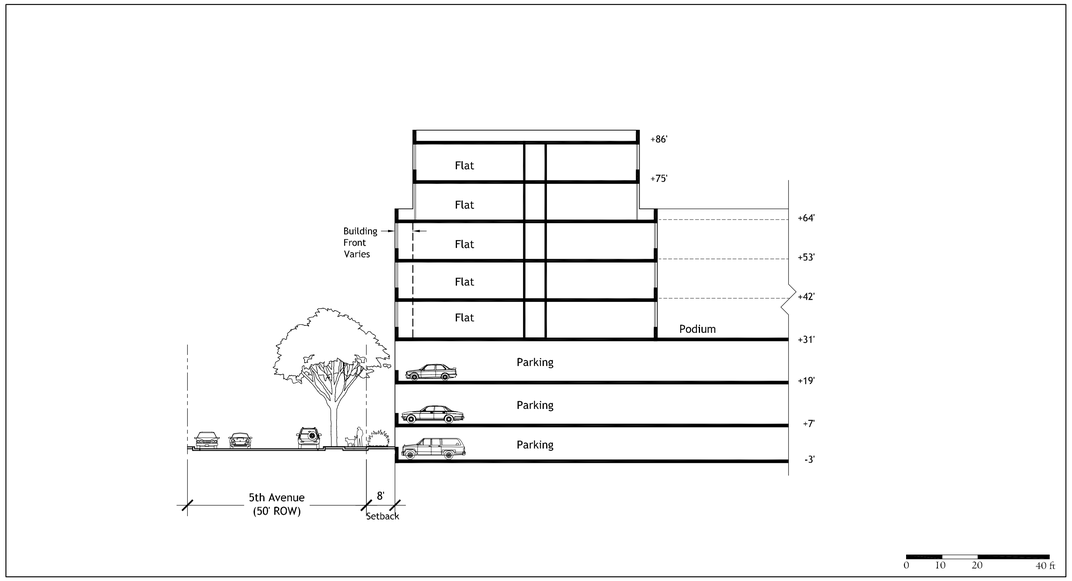
ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

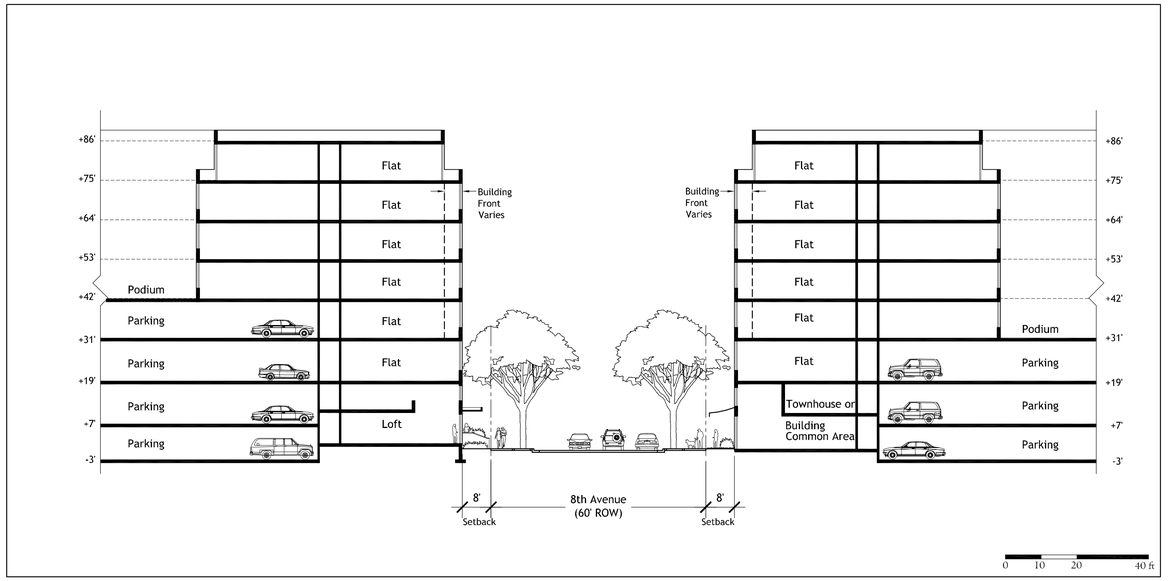
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

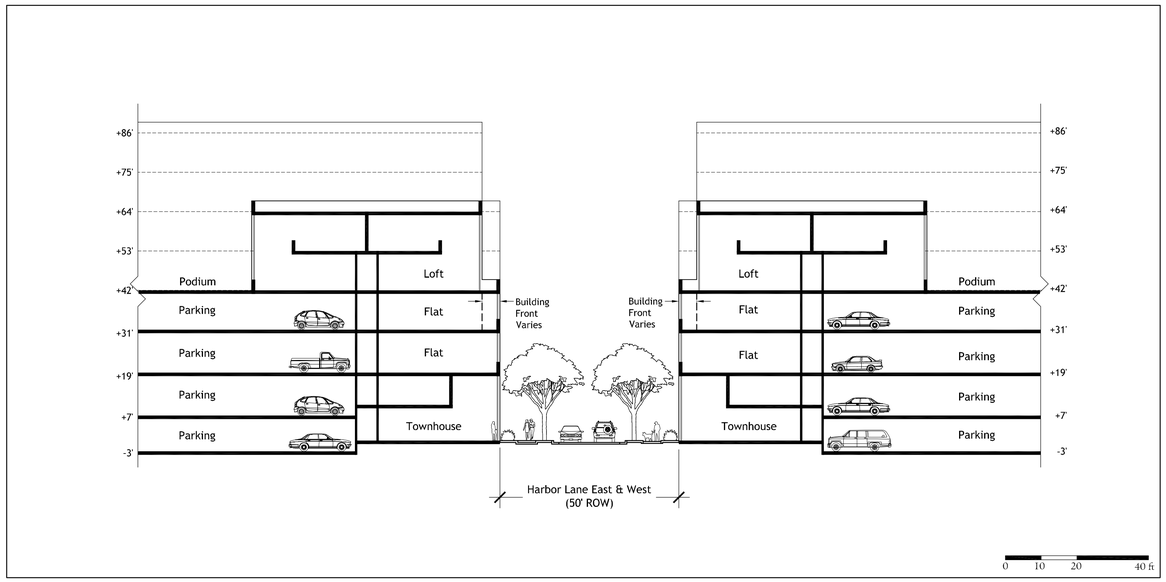
SHEET NO.
5.4



5th AVENUE AT PARCELS K & L



8th AVENUE AT PARCELS B, F, C, G, D, H, E & J



HARBOR LANE EAST & WEST AT PARCELS H, J, K & L

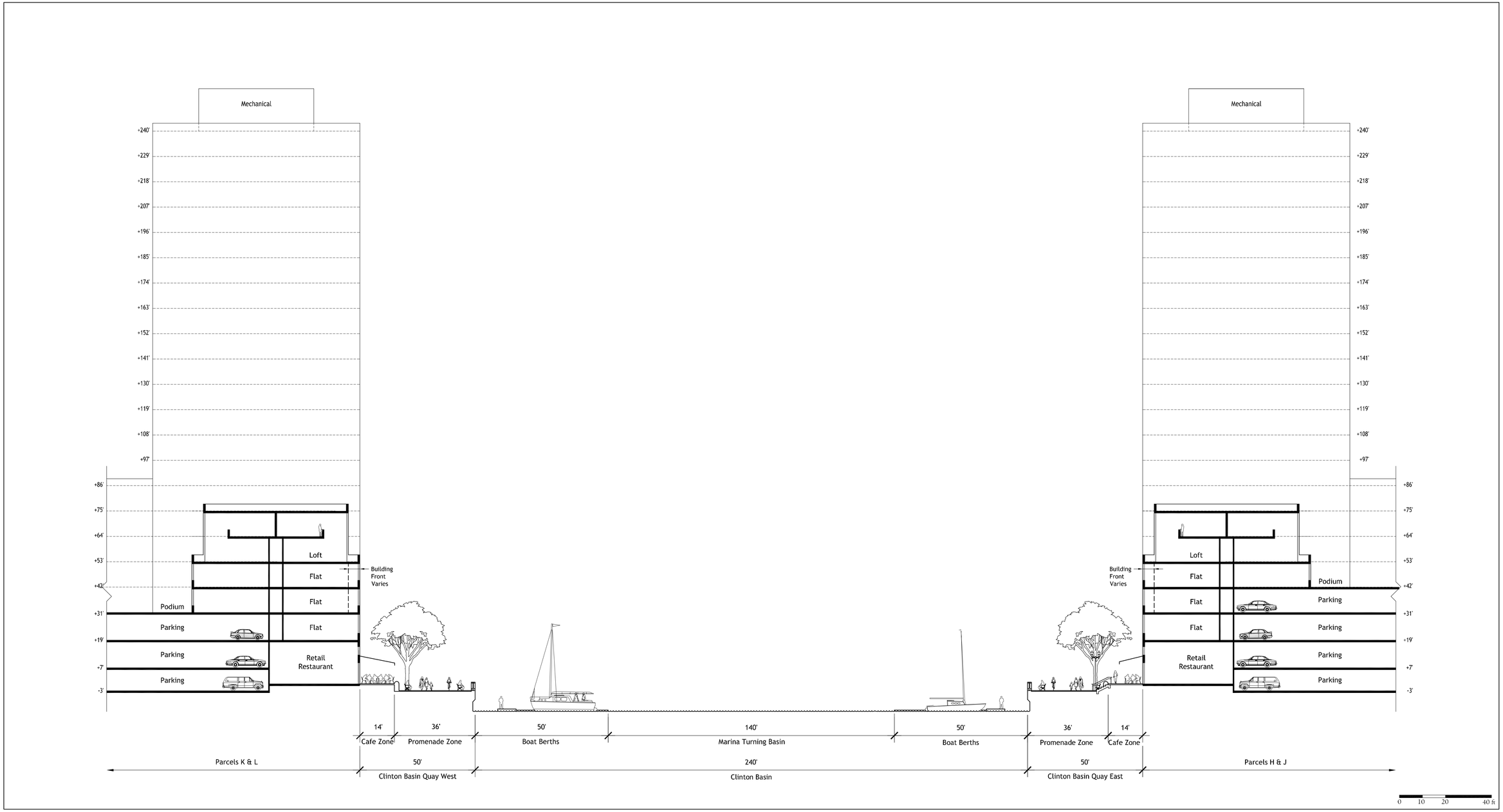
ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
5.5



CLINTON BASIN AT PARCELS H, K, J & L

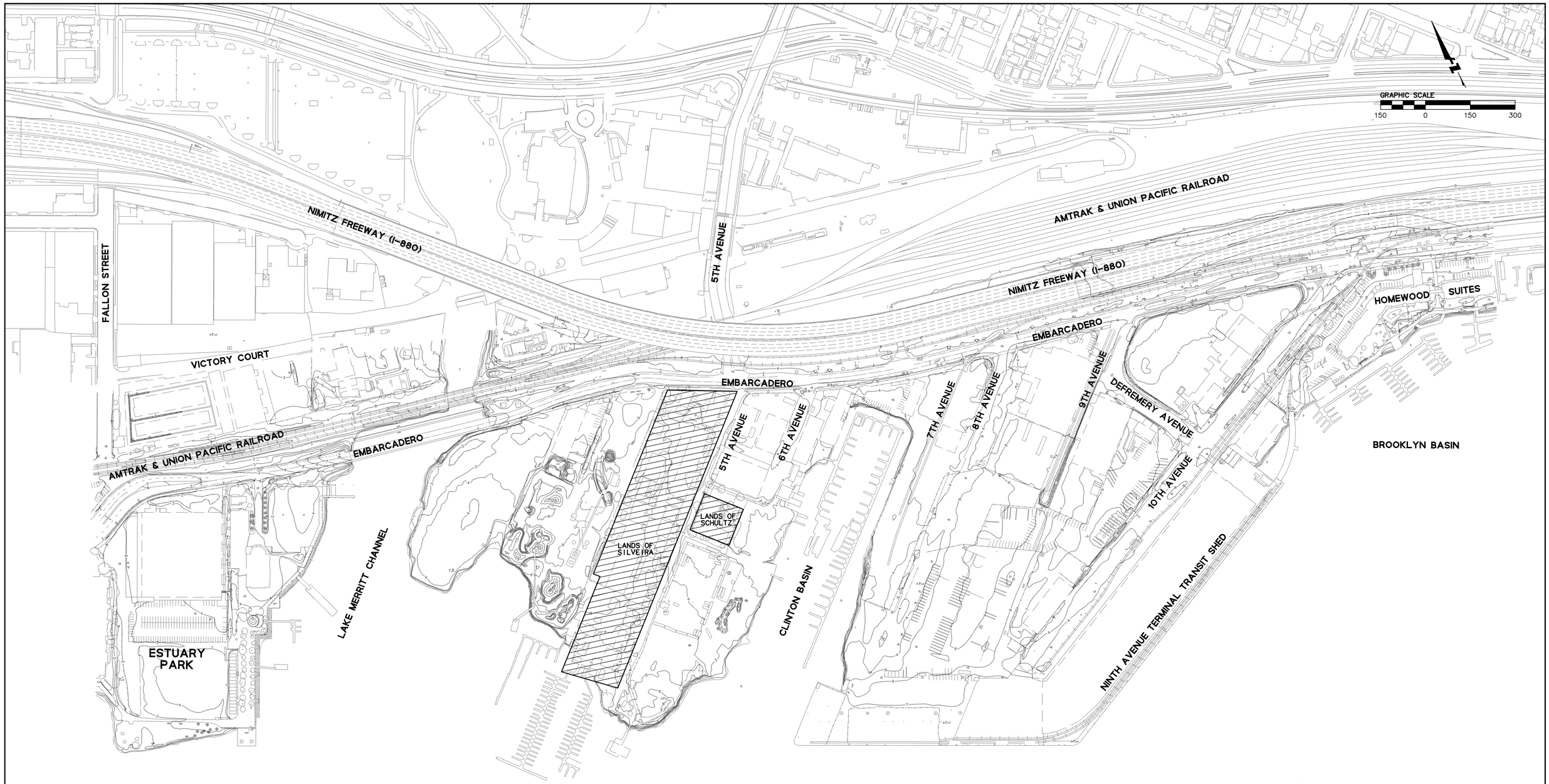
ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
5.6



NOTES:

1) DATE OF AERIAL TOPOGRAPHIC SURVEY: 09-19-02 BY AERO GEODETIC CORP.

BENCHMARK:

2) ELEVATIONS SHOWN HEREIN ARE ON THE CITY OF OAKLAND VERTICAL DATUM AND BASED ON CITY OF OAKLAND BENCHMARK "CS 84".
A FOUND U.S.C. & G.S. DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTHBOUND LANDS OF THE 880 FREEWAY, SET IN THE NORTHERLY FACE OF A COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE, 4.4 FEET ABOVE GROUND.

ELEVATION = 9.164 FT, CITY OF OAKLAND DATUM

BROOKLYN BASIN
Oak to 9th Development Plan

CITY OF OAKLAND, CALIFORNIA

OAKLAND HARBOR PARTNERS

ROMA
URBAN DESIGN, MASTER PLANNING AND LANDSCAPE ARCHITECTURE

ROMA Design Group
1527 Stockton Street
San Francisco, California 94133
Telephone (415) 616-9900

CONSULTANT:
BKF
ENGINEERS / SURVEYORS / PLANNERS

255 Shoreline Drive, Suite 200
Redwood City, CA 94065
650.482.6300(TEL) 650.482.6399 (FAX)

REVISION	DATE
P.U.D. SUBMITTAL	02-06-04
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-01-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-06-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-16-06

SCALE:
1"=150'

DATE:
October 16, 2006

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".

SHEET TITLE:
EXISTING TOPOGRAPHY

SHEET NO:
C-1

CASE	DRAWER	SET

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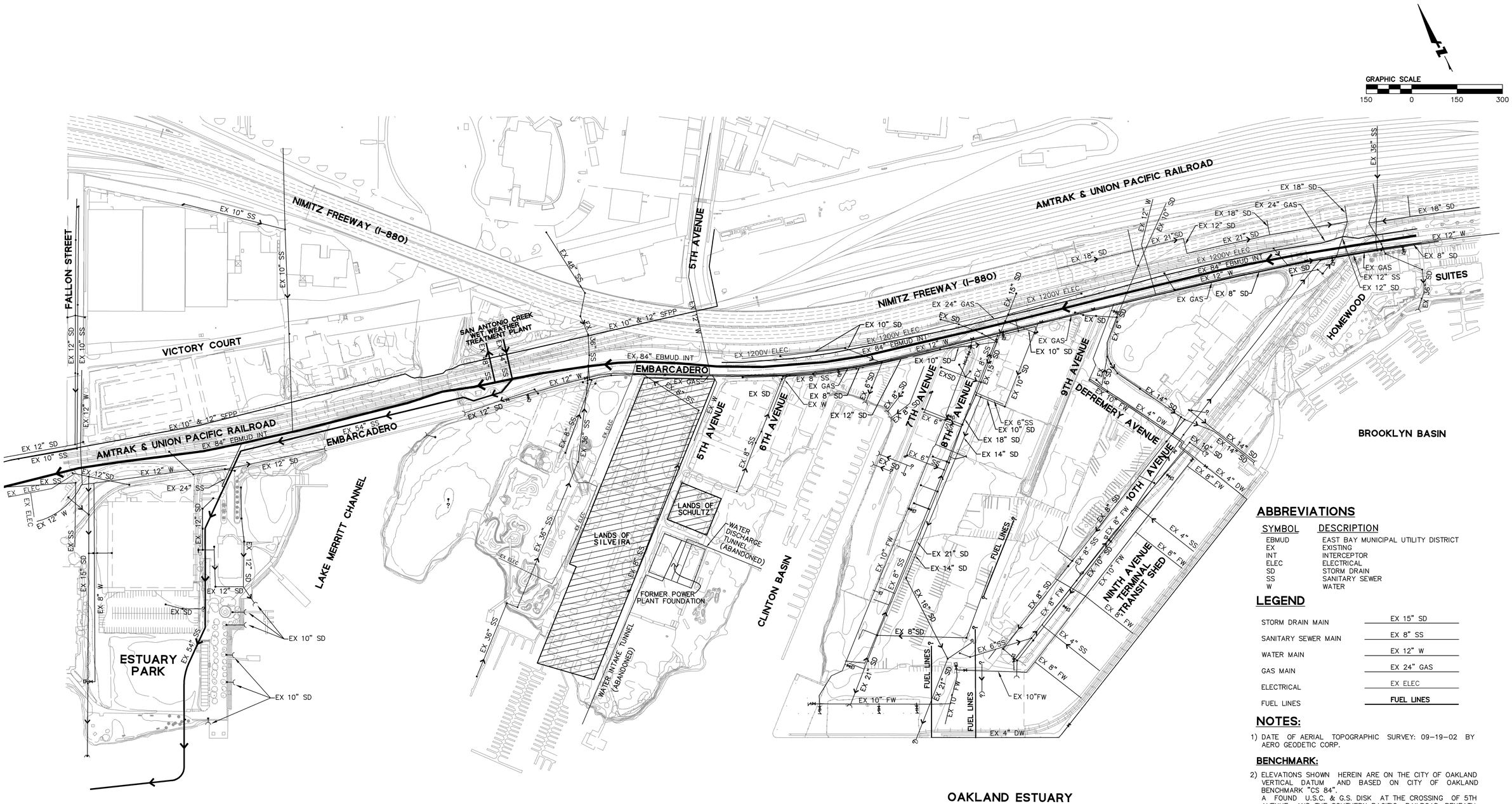
PLOT DATE: 10/16/2006 08:08:23
PLOTTED BY: Chris



ABBREVIATIONS

SYMBOL	DESCRIPTION
EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT
EX	EXISTING
INT	INTERCEPTOR
ELEC	ELECTRICAL
SD	STORM DRAIN
SS	SANITARY SEWER
W	WATER

LEGEND

STORM DRAIN MAIN	EX 15" SD
SANITARY SEWER MAIN	EX 8" SS
WATER MAIN	EX 12" W
GAS MAIN	EX 24" GAS
ELECTRICAL	EX ELEC
FUEL LINES	FUEL LINES

NOTES:

1) DATE OF AERIAL TOPOGRAPHIC SURVEY: 09-19-02 BY AERO GEODETIC CORP.

BENCHMARK:

2) ELEVATIONS SHOWN HEREIN ARE ON THE CITY OF OAKLAND VERTICAL DATUM AND BASED ON CITY OF OAKLAND BENCHMARK "CS 84".
A FOUND U.S.C. & G.S. DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTHBOUND LANDS OF THE 880 FREEWAY, SET IN THE NORTHERLY FACE OF A COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE, 4.4 FEET ABOVE GROUND.

ELEVATION = 9.164 FT, CITY OF OAKLAND DATUM

UTILITIES

3) THE UTILITIES SHOWN ON THIS PLAN ARE DERIVED FROM RECORD DATA/OR SURFACE OBSERVATION AND ARE APPROXIMATE ONLY. ACTUAL LOCATION AND SIZE, TOGETHER WITH PRESENCE OF ANY ADDITIONAL UTILITY LINES NOT SHOWN ON THIS PLAN, SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR DURING CONSTRUCTION.

BROOKLYN BASIN
Oak to 9th Development Plan

CITY OF OAKLAND, CALIFORNIA

OAKLAND HARBOR PARTNERS

ROMA
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1527 Stockton Street
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255 Shoreline Drive, Suite 200
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650.482.6300(TEL) 650.482.6399 (FAX)

REVISION	DATE
P.U.D. SUBMITTAL	02-06-04
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-01-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-06-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-16-06

SCALE: 1"=150'

DATE: October 16, 2006

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".

SHEET TITLE:
EXISTING UTILITIES

SHEET NO:
C-2

CASE	DRAWER	SET

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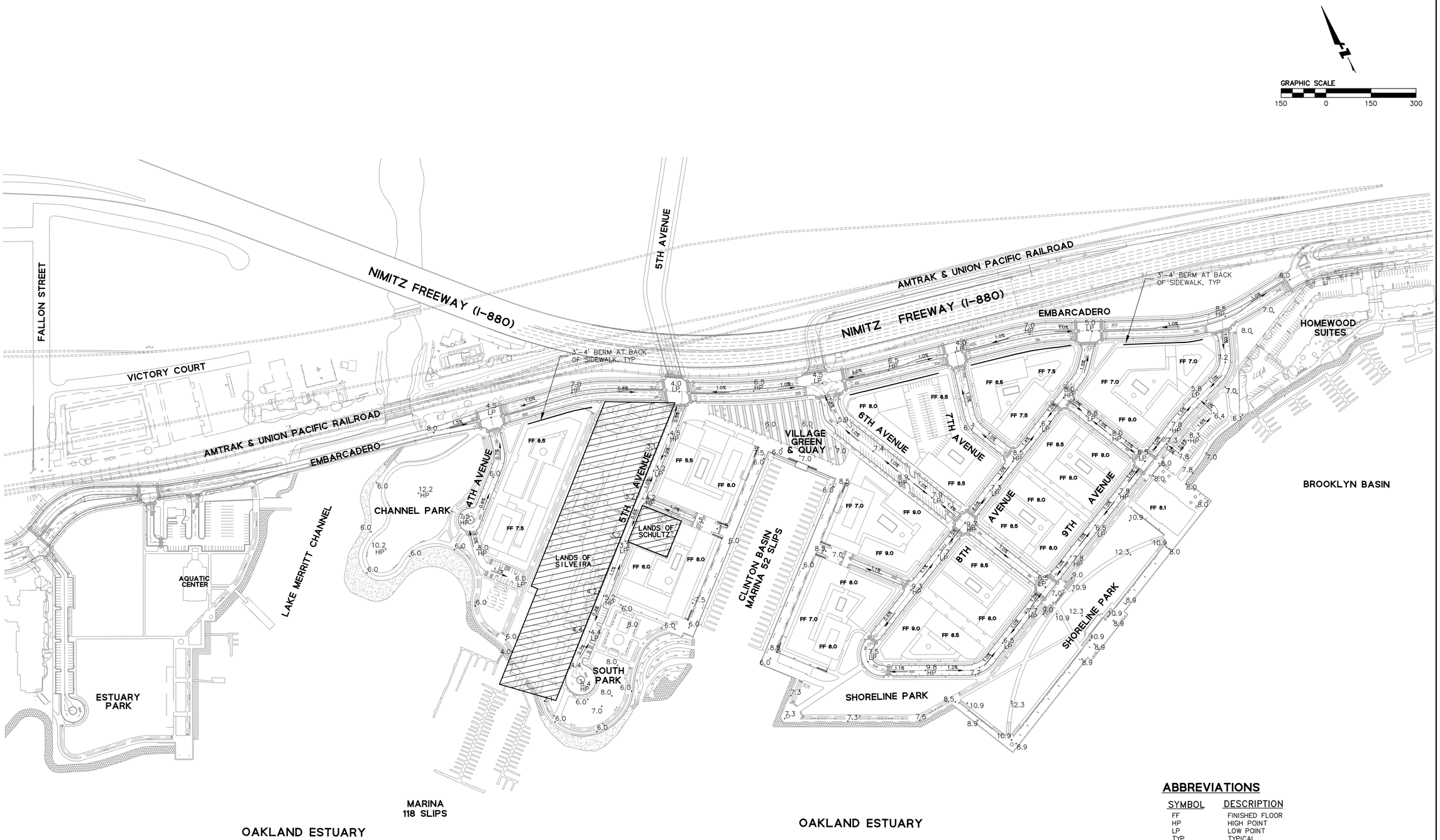

ABBREVIATIONS

SYMBOL	DESCRIPTION
FF	FINISHED FLOOR
HP	HIGH POINT
LP	LOW POINT
TYP	TYPICAL

NOTES:

1) REFER TO DETAILED GRADING CONCEPT PLAN, STREET SECTIONS AND SHORELINE SECTIONS FOR ADDITIONAL INFORMATION.

BROOKLYN BASIN
Oak to 9th Development Plan

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650.482.6300(TEL) 650.482.6399 (FAX)

REVISION	DATE
P.U.D. SUBMITTAL	02-06-04
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PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-16-06

SCALE: 1"=150'

DATE: October 16, 2006

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".

SHEET TITLE:

PRELIMINARY GRADING CONCEPT PLAN

SHEET NO:

C-3

CASE	DRAWER	SET

DRAWING NAME: J:\Proj\101281\DWG\PP\P-1-1\COPY01.dwg
PLOT DATE: 10/16/06
PLOTTED BY: Kim

GRAPHIC SCALE
150 0 150 300

NIMITZ FREEWAY (I-880)
AMTRAK & UNION PACIFIC RAILROAD
EMBARCADERO
FALLON STREET
VICTORY COURT
SAN ANTONIO CREEK WET WEATHER TREATMENT PLANT
CHANNEL PARK
LAKE MERRITT CHANNEL
AQUATIC CENTER
ESTUARY PARK
OAKLAND ESTUARY
MARINA 118 SLIPS
4TH AVENUE
5TH AVENUE
6TH AVENUE
7TH AVENUE
8TH AVENUE
9TH AVENUE
VILLAGE GREEN & QUAY
CLINTON BASIN MARINA 52 SLIPS
SOUTH PARK
SHORELINE PARK
HOMEWOOD SUITES
BROOKLYN BASIN
LANDS OF SCHULTZ
LANDS OF SILVEIRA
EX 8" SS TO BE RETAINED FOR EXISTING SILVIERA AND SHULTZ PARCELS
SS FORCE MAIN
SS PUMP STATION
NPW STUB FOR IRRIGATION
CONNECT TO EX 12" W
CONNECT TO EX SSMH
CONNECT TO EX SS
CONNECT TO FUTURE RECLAIMED WATER BY OTHERS
DISCHARGE THROUGH EXISTING STORM DRAIN TO CLINTON BASIN
DISCHARGE STORM DRAIN TO ESTUARY
DISCHARGE THROUGH EXISTING STORM DRAIN TO ESTUARY
EX 84" EBMUD INT
EX 24" GAS
EX 18" SD
EX 21" SD
EX 36" SS
EX 10" SS
EX 12" SS
EX 15" SS
EX 54" SS
EX 12" SD
EX 10" SD
EX 8" SD
EX 24" SS
EX 10" & 12" SFPP

LEGEND

	PROPOSED	EXISTING
STORM DRAIN MAIN		EX 15" SD
SANITARY SEWER MAIN		EX 8" SS
WATER MAIN		EX 12" W
RECLAIMED WATER MAIN		
POINT OF CONNECTION TO EXISTING UTILITY	●	
STORM DRAIN DISCHARGE		

ABBREVIATIONS

SYMBOL	DESCRIPTION
EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT
EX	EXISTING
INT	INTERCEPTOR
RW	RECLAIMED WATER
SD	STORM DRAIN
SS	SANITARY SEWER
W	WATER

EXISTING UTILITIES

1) THE UTILITIES SHOWN ON THIS PLAN ARE DERIVED FROM RECORD DATA/OR SURFACE OBSERVATION AND ARE APPROXIMATE ONLY. ACTUAL LOCATION AND SIZE, TOGETHER WITH PRESENCE OF ANY ADDITIONAL UTILITY LINES NOT SHOWN ON THIS PLAN, SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR DURING CONSTRUCTION.

STREET ROW
C/L
10' FRONT YARD SETBACK | 6' SIDEWALK | 6' LANDSCAPE | 8' PARKING | 10' ROADWAY | 10' ROADWAY | 8' PARKING | 6' LANDSCAPE | 6' SIDEWALK | 10' FRONT YARD SETBACK
4' | 7' | 7' | 11' | 7'
JOINT TRENCH LOCATION & SIDE OF STREET TO BE DETERMINED
STORM DRAIN COLLECTOR
RECLAIMED WATER MAIN
SANITARY SEWER COLLECTOR
WATER MAIN

TYPICAL PUBLIC UTILITY LOCATIONS

SCALE: 1"=10'

BROOKLYN BASIN
Oak to 9th Development Plan

CITY OF OAKLAND, CALIFORNIA

OAKLAND HARBOR PARTNERS

ROMA
URBAN DESIGN, MASTER PLANNING AND LANDSCAPE ARCHITECTURE
ROMA Design Group
1527 Stockton Street
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255 Shoreline Drive, Suite 200
Redwood City, CA 94065
650.482.6300(TEL) 650.482.6399 (FAX)

REVISION	DATE
P.U.D. SUBMITTAL	02-06-04
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-01-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-06-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-16-06

SCALE: 1"=150'
DATE: October 16, 2006
NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".

SHEET TITLE:
PRELIMINARY UTILITY CONCEPT PLAN

SHEET NO: **C-4**

CASE	DRAWER	SET

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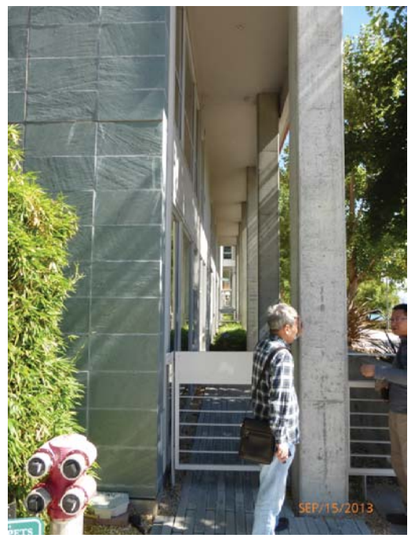
LAST REVISED BY: tsim
PLOTTED BY: tsim



STUDIO
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: Planning
: Urban Design

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: Oakland, California 94607
: (510) 451 - 2850

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Oak to 9th
Oakland, California

Signature Development Group

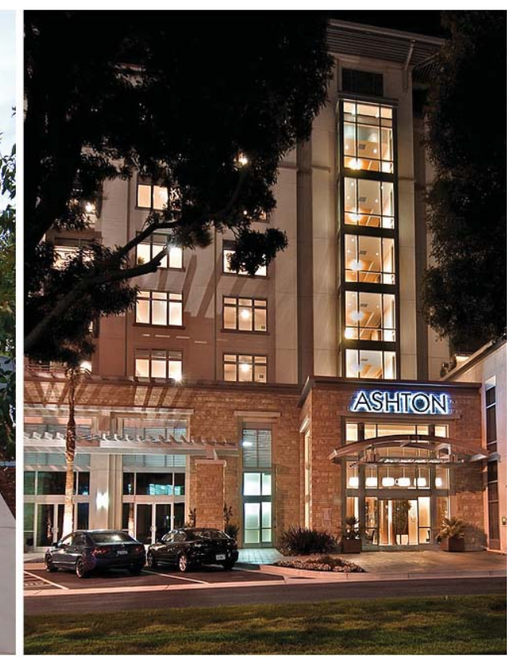
Revisions:

1	MM / DD / YY	DESCRIPTION
2	MM / DD / YY	DESCRIPTION
3	MM / DD / YY	DESCRIPTION
4	MM / DD / YY	DESCRIPTION
5	MM / DD / YY	DESCRIPTION
6	MM / DD / YY	DESCRIPTION

Sheet Title:

Job No. 13028
Date: 09/23/2014
Scale:
Drawn By:

Sheet No:



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Oak to 9th
Oakland, California

Signature Development Group

Revisions:

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4	MM / DD / YY DESCRIPTION
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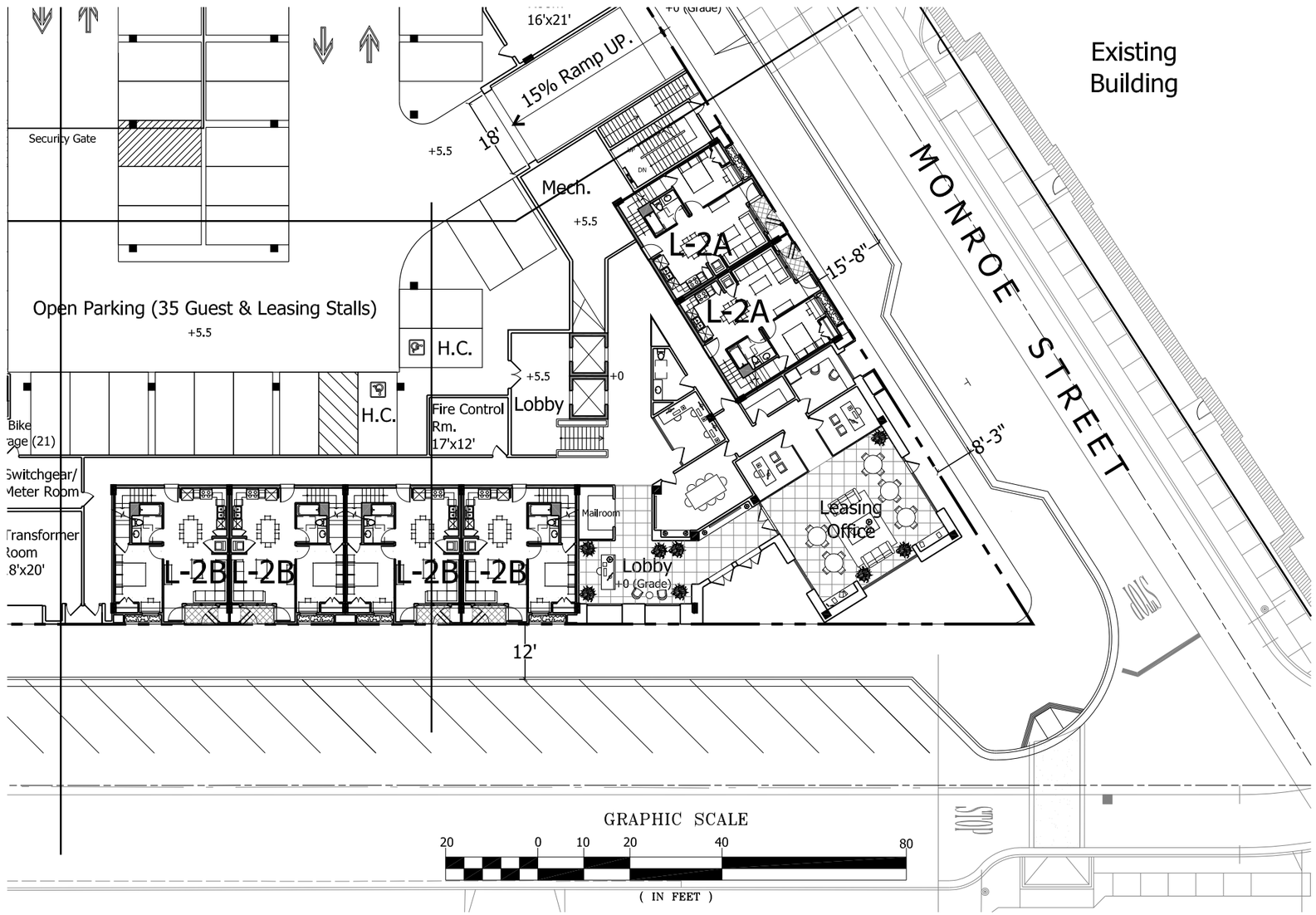
Sheet Title:

Job No. 13028
Date: 09/23/2014
Scale:
Drawn By:

Sheet No:



STUDIO T SQUARE

: Architecture
: Planning
: Urban Design

: 304 12th Street Suite 2A,
: Oakland, California 94607
: (510) 451 - 2850

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Oak to 9th
Oakland, California

Signature Development Group

Revisions:

1	MM / DD / YY	DESCRIPTION
2	MM / DD / YY	DESCRIPTION
3	MM / DD / YY	DESCRIPTION
4	MM / DD / YY	DESCRIPTION
5	MM / DD / YY	DESCRIPTION
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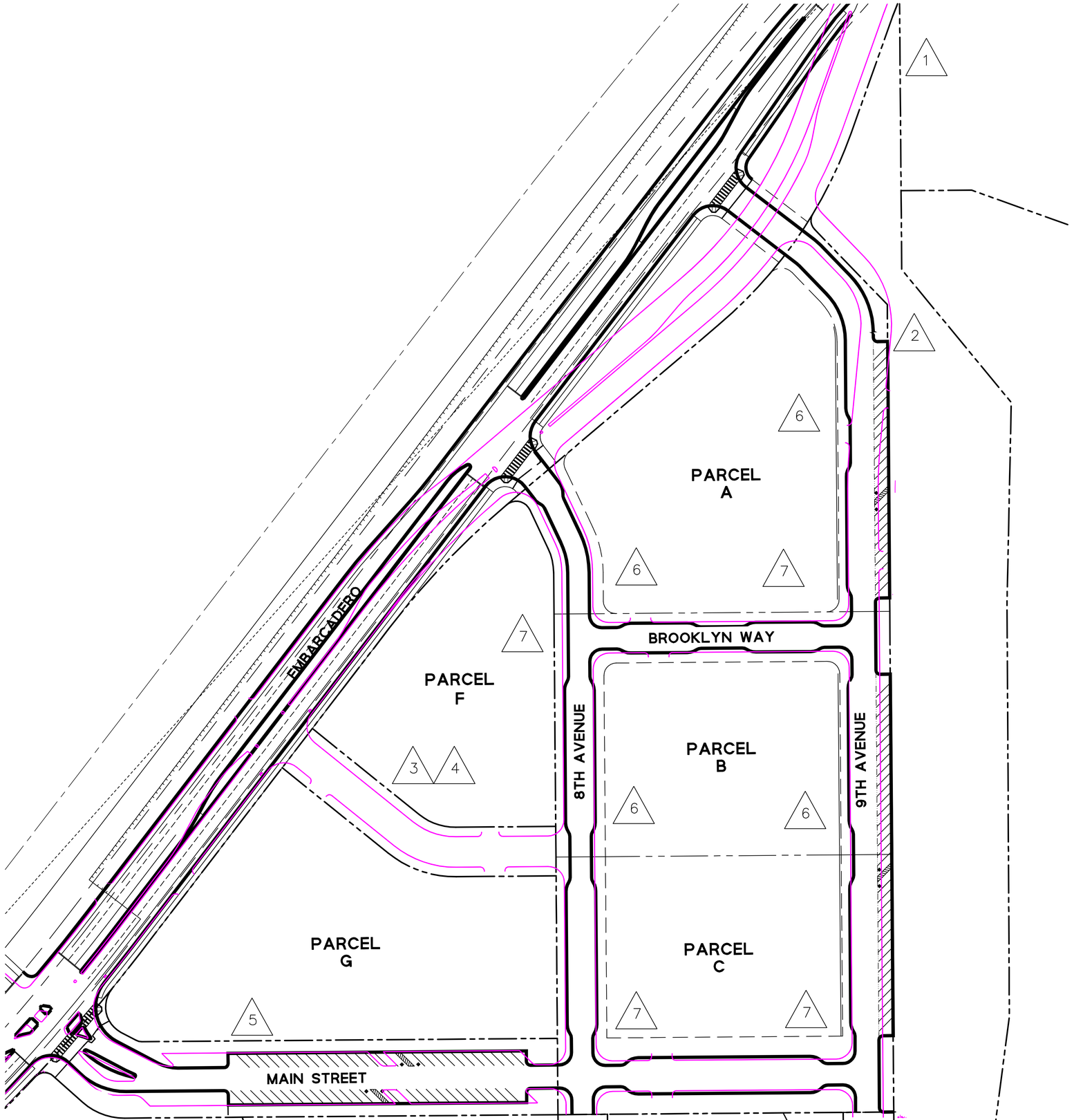
Sheet Title:

Job No. 13028
Date: 09/23/2014
Scale:
Drawn By:

Sheet No:

© BKF ENGINEERS



PLAN UPDATES FROM VESTING TENTATIVE TRACT MAP

1. ALIGNMENT OF EMBARCADERO ROAD: ADJUSTED TO MATCH EXISTING ROADWAY ALIGNMENT BECAUSE CALTRANS IS NOT INSTALLING RAMP UPGRADES WHICH REQUIRED EMBARCADERO TO BE SHIFTED AWAY FROM I-880

2. PARKING AT SHORELINE PARK/9TH AVENUE: ADJUSTED FROM PARALLEL PARKING TO DIAGONAL PARKING TO MEET BCDC REQUIREMENT TO PROVIDE ADDITIONAL SHORELINE PARKING.

3. FORMER 7TH AVENUE: 7TH AVENUE WAS SHOWN ON THE VTTM BUT IS NOT INCLUDED IN THE PHASE 1 DEVELOPMENT PROJECT, AS IT HAS BEEN CONVEYED TO THE CITY OF OAKLAND.

4. PARCEL T BETWEEN F & G: 7TH AVENUE WAS PART OF THE STREET RIGHT OF WAY ON THE VTTM. THIS IS NOW A SEPARATE PARCEL, WHICH WAS DICTATED BY THE CONVEYANCE OF THIS PARCEL TO THE CITY OF OAKLAND.

5. MAIN STREET ORIENTATION AT CLINTON BASIN/EMBARCADERO: THE ALIGNMENT OF MAIN STREET SHIFTED SLIGHTLY TO ACCOMMODATE THE FINAL I-880 STRUCTURAL UPGRADES AND OFF RAMP ALIGNMENT.

6. CURB LINES ALONG 8TH AVENUE AND 9TH AVENUE: THE FIRE CODE UPDATED SINCE THE VTTM APPROVAL REQUIRE A 26 FOOT WIDE FIRE LANE. THE CITY OF OAKLAND FIRE DEPARTMENT APPROVED THESE CURB BULB OUTS WHICH PROVIDE 26 FOOT FIRE LANES WHERE IT WAS FEASIBLE TO INSTALL THEM.

7. CURB LINES AT INTERSECTIONS: BULB OUTS AT THE PROJECT INTERSECTIONS WERE ADDED TO PROVIDE AN URBAN STREETSCAPE WITH IMPROVED PEDESTRIAN SAFETY AND WIDER SIDEWALKS.

LEGEND:

CURB LOCATIONS PER VESTING TENTATIVE TRACT MAP

CURB LOCATIONS PER FINAL DOCUMENTS

BKF ENGINEERS / SURVEYORS / PLANNERS
300 FRANK OGAWA PLAZA
SUITE 380
OAKLAND, CA 94612
510/227-3011
510/227-3011 (FAX)

BROOKLYN BASIN
FINAL DEVELOPMENT PLAN – PHASE I
COMPARISON TO TENTATIVE MAP
CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA

Revisions | No.

Date 09/05/14
Scale 1"=50'
Design AAS
Drawn AAS
Approved SRN
Job No 20130175

Sheet Number:
EX-1

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PLOT DATE: 10-23-14 PLOTTED BY: stan

EXHIBIT C TO ALL APPROVAL DOCUMENTS

CONDITIONS OF APPROVAL

PROJECT: OAK TO NINTH MIXED USE DEVELOPMENT

PROJECT SPONSORS: OAKLAND HARBOR PARTNERS

General Conditions and Compliance with Approved Plans

1. The project shall comply with the following plans and exhibits entitled "Brooklyn Basin - Oak to Ninth Development Project" ("the Project Plans") dated February 2006 and the following other instruments:

I. Preliminary Development Plan including: Overview – Master Development Plan; Shoreline; Parks and Open Space; Streets; Buildings; Civil Engineering

II. *Estuary Policy Plan* text and map amendments

III. Planned Waterfront Zoning District-4 Zoning Regulations

IV. Vesting Tentative Map No. 7621

V. Design Guidelines for the Oak to Ninth Mixed Use Development Project

VI. Development Agreement

2. The Project Applicant and its agents, heirs, successors and assigns (collectively, the "Project Applicant") shall be bound by these Conditions of Approval. The Project Applicant shall be responsible for assuring that the terms and conditions of this Approval are disclosed to any such successive owner or any of the Project Applicant's agents, heirs, successors and assigns.

3. This action by the Planning Commission ("this Approval") includes the approvals set forth in this Condition of Approval No. 3. Each of these individual approvals shall become effective upon the effective date of the City Council's final approval of amendments to the *Estuary Policy Plan*, the PWD-4 Planned Waterfront Zoning District for the site, and the Development Agreement for the Project, consistent with the Project Plans (the "Effective Date") and shall be subject to these Conditions of Approval. This Approval includes:

a. Approval of a Planned Unit Development ("PUD") including a preliminary development plan under the PWD-4 Planned Waterfront Zoning District for phased construction of up to 3,100 residential units; 220,000 square feet of retail and commercial space; and 29.9 acres of adjacent parks, open space, and segments of the Bay Trail illustrated in the Project Plans, as modified by these Conditions of Approval.

b. Approval of amendments to the *Estuary Policy Plan* text and land use map

c. Approval of the Planned Waterfront Zoning District– 4 Regulations

d. Approval of Vesting Tentative Map No. 7621

e. Approval of the Design Guidelines for the Oak to Ninth Mixed Use Development Project

f. Approval of the Development Agreement between the City of Oakland, the Redevelopment Agency, and Oakland Harbor Partners, LLC

4. The plans approved as part of the PUD shall be amended to be consistent with the Conditions of Approval, the Planning Commission action on March 15, 2006 and the City Council action on June 20, 2006. These revised plans shall be submitted to the City Planning Department in the form of a "PUD Design and Specification Document for the Brooklyn Basin – Oak to Ninth Development Project" within one hundred twenty (120) days of this Approval or as soon thereafter of all other responsible and trustee agency actions concerning the project. This Design and Specification Document shall include but not be limited to:

a. All detailed plans and specifications pertaining to Condition of Approval No. 40.

b. The Revised Vesting Tentative Map No. 7621, containing all requirements set forth in Conditions of Approval 27-34.

c. The approved Design Guidelines for the Oak to Ninth Mixed Use Development Project

d. A compendium of all current, vested City regulations, ordinances and policies in effect as of the effective date of the Development Agreement for the project.

e. Other information and details deemed necessary by the Development Director or the Development Director's designee.

f. Adjustments, as required, to conform to the final approvals by the Bay Conservation and Development Commission (BCDC), State Department of Toxic Substance Control (DTSC),U.S. Army Corps of Engineers (USACE), and State Lands Commission (SLC) concerning the project.

5. Final inspection and a certificate of occupancy for any unit or other structure within a phase shall not be issued (a) until all landscaping and on and off-site improvements for that Development Parcel are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, an irrevocable standby letter of credit or other form of security (collectively "security"), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a deferred improvement agreement approved by the City. Unless otherwise expressly provided to the contrary, each Condition of Approval (including, without limitation, the traffic improvements set forth in Conditions of Approval 18 and 19 and the off-site sewer mitigation measure set forth in Condition of Approval

No. 36 shall be completed no later than the time period in the Development Agreement and the Mitigation Monitoring and Reporting Program (Exhibit B) and shall not be permitted to be secured or bonded for unfinished work. In the event of a conflict between the deadline for performance under these Conditions of Approval and the Development Agreement, Mitigation Monitoring and Reporting Program or other applicable requirements, the City may apply the earlier deadline. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.

6. Except as otherwise provided with respect to City's issuance of a certificate of occupancy, each of the Conditions of Approval shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law, including without limitation, Civil Code Section 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Development Parcels that are subject to this Approval, as appropriate, runs with the Development Parcels and is binding upon the owner of all or a portion of the Development Parcels and each successive owner. Within ninety (90) days of the Effective Date, the Project Applicant shall cause these Conditions of Approval to be recorded in the Official Records of the County of Alameda, California against all of the Development Parcels. Notice of these Conditions of Approval also shall be attached to each grading permit and each building permit for infrastructure work issued for each phase of construction on all Development Parcels. Upon City's issuance of a certificate of occupancy for any Development Parcel, these Conditions of Approval shall be released from the exceptions to title of the Development Parcel upon which the improvements are located, except the obligations specified in Conditions of Approval No. 11, 12, 13, and 14 (Indemnification Requirements), which obligations shall survive completion of the Project. Upon completion of the Project, as determined by the City, these Conditions of Approval shall be released from the all the Development Parcels, except Conditions of Approval No. 11, 12, 13, and 14 (Indemnification Requirements), which obligations shall survive completion of the Project.

7. For the duration of the project, the Development Director or his/her designee shall have the authority to determine whether the Project Applicant and the project comply with terms and conditions of this approval, including, without limitation, these Conditions of Approval, shall have the authority to suspend further Project approvals, including without limitation final subdivision maps, grading permits, building permits or certificates of occupancy for the duration of such noncompliance. The City shall take reasonable steps to promptly notify, in writing, the Project Applicant of any request (including a request by City staff or by the public) that the City Development Director make a determination of non-compliance, and shall provide the Project Applicant a copy of all documents associated with such requests and a reasonable amount of time to respond and to cure any such alleged non-compliance. The City shall further take reasonable steps to promptly notify, in writing, the Project Applicant of any noncompliance determination by the Development Director, and, as applicable, shall provide the project applicant a copy of all documents used or relied upon in making such determination. On or before June 30 of each year, the Project Applicant shall submit to the City Planning Director for review and approval a report demonstrating the Project Applicant's and the Project's compliance with the terms and conditions of the Approval, including, without limitation, these Conditions of Approval. This report may be used by the Development Director to evaluate the Project Applicant's and the Project's compliance with the terms and conditions of this Approval. Project

Applicant's obligation to submit this annual report shall terminate upon the City's written determination that the Project is complete. To the extent practicable, this review shall be conducted concurrently with the Annual Review conducted pursuant to the Development Agreement.

8. Any failure by the City to perform any action specified herein, or failure of any party timely to execute any agreement specified herein, shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval. Any failure by City to insist upon the strict or timely performance of any of the provisions of these Conditions of Approval, irrespective of the length of time for which such failure continues, shall not constitute a waiver of City's right to demand strict compliance with such provisions in the future. No waiver by City of any failure of performance of these Conditions of Approval shall be effective or binding upon City unless made in writing by City and no such waiver shall be implied from any omission by City to take any action with respect to such failure.

9. As used in these Conditions of Approval, references to "City" shall include the City of Oakland, its respective officials, officers, employees, agents, departments, subdivisions, agencies (including City's Redevelopment Agency), Boards and Commissions (and individual members of each of the foregoing) and all of respective heirs, legal representatives, successors and assigns of each of the foregoing.

Payment of Fees for Independent Technical Reviews and Project Coordination and Management

10. Within one year following the Effective Date, the Project Applicant shall enter into an agreement to specify how fees and deposits will be managed to implement the project. The City and the Project Applicant acknowledge that the Mitigation Monitoring and Reporting Program (MMRP) requires the Project Applicant to directly contract with a number of independent experts monitoring construction or operation activities, including but not limited to traffic, landscape, cultural resource experts, hazardous materials, geotechnical engineers, air quality and noise monitors, relocation experts, etc. In addition, the Project Applicant shall fund the full costs of all independent technical and other consultants the City reasonably deems necessary to comply with the Conditions of Approval and the mitigation monitoring requirements as set forth in the MMRP, as the final design and building permit plans for each Development Parcel are submitted. All work performed pursuant to this Condition of Approval shall be under the direct supervision of the City. Accordingly, the applicant shall deposit funds in amounts acceptable to the City in order to cover the full costs of independent technical and other types of review, monitoring and inspection, including, without limitation, third party plan check fees.

Indemnification Requirements

11. The Project Applicant shall be bound by the indemnity obligations ("Indemnity Obligations") of the "Developer" specified in the Development Agreement, which Indemnity Obligations are hereby incorporated by this reference as though set forth herein in full. The Indemnity Obligations are conditions of approval to each of the Project Approvals specified in Condition of Approval No. 3 and hereby are incorporated into the Planned Waterfront Zoning District-4. The Indemnity Obligations shall survive the expiration or any earlier termination of the term of the Development Agreement.

12. Notwithstanding any provision to the contrary in these Conditions of Approval, Project Applicant's obligations in Conditions No. 11, 12, 13, and 14 shall survive completion of the Project. A Project applicant may be released from the indemnity Obligations only as specified in the Development Agreement, which terms and conditions for release are incorporated by reference in these Conditions of Approval (including, without limitation, Transfers and Master Developer Obligations).

13. Within 90 days following the Effective Date, the Project Applicant shall enter into an Indemnification Agreement in a form acceptable to the City Attorney to establish in more specific detail the terms and conditions of the Indemnity Obligations. Any failure of any party to timely execute such Indemnification Agreement shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval or any other Project Approval, except that it shall not limit the authority of the Development Director as set forth in Condition of Approval No. 7 and 8**.**

14. The Indemnity Obligations are in addition to, and in no way shall be construed to limit or replace, any other obligations or liabilities that Developer may have to City including the obligations specified in the Development Agreement.

15. [Reserved]

Development Agreement Authority

16. Except as otherwise specified in these Conditions of Approval, to the extent any of these Conditions of Approval conflict with the Development Agreement, as adopted by the Oakland City Council in Ordinance ____, these Conditions of Approval shall be construed to be amended to conform to the Development Agreement, provided the Development Agreement remains in effect.

Mitigation Measures as part of the Conditions of Approval

17. All Mitigation Measures in the EIR as deemed to be required in the Environmental Findings shall be considered Conditions of Approval for the project, as may be further refined and/or clarified by this Approval, including the refinements and clarifications set forth in these Conditions of Approval. Implementation of the Mitigation Measures shall be adhered to in accordance with the MMRP. Implementation of the transportation measures that are not within the sole discretion of the City of Oakland may not be feasible, and therefore may not be able to be fully implemented. The MMRP identifies the time frame and responsible party for implementation and monitoring of each measure, as modified by this Approval. Overall monitoring compliance with the mitigation measures will be the responsibility of the Development Director or his or her designee. Each of the improvements identified in the MMRP shall be implemented at the Project Applicant's sole cost and expense (except where only a fair share contribution is required as set forth in the MMRP or these Conditions of Approval) or secured with an improvement agreement, or similar financial assurance, acceptable to the City.

Transportation and Circulation

18. The Project Applicant shall implement all of the mitigation measures described in "Section B. Transportation, Circulation and Parking" of the MMRP. The project Applicant shall have prepared, by a licensed traffic engineer, and shall submit to the City for its approval, a Schematic Master Traffic Improvement Plan for all traffic improvements that are to be funded by the Project Applicant pursuant to Mitigation Measures **B.1.a., B.1.c., B.1.d., B.1.e., B.2.a., B.2.b., B.2.d., B.2.f., B.2.g., B.2.i., B.2.j., B.2.l., B.2.m., B.2.n., B.2.o., B.2.p., B.2.q**., as set forth in the MMRP. This plan shall be submitted prior to the issuance of the first building permit for a development parcel.

As set forth in the MMRP and refined below, the Schematic Master Traffic Improvement Plan shall include the following improvements:

a. The schematic design of traffic signals at the unsignalized intersections of:

- Embarcadero and Oak Street (**MM B.1.a**.)
- Embarcadero and 5th Avenue (**MM B.1.d**.)
- Embarcadero and I-880 Northbound Off-ramp – 6th Avenue **(MM B.1.e)**
- Embarcadero and Broadway **(MM B.2.b)**
- Embarcadero – I-880 Southbound On–ramp – 10th Avenue **(MM B2.l)**

b. These schematic plans shall include fixed time controls with permitted left-turn phasing, traffic signal equipment, optimization of signal phasing and timing with the relative traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall meet City of Oakland and Caltrans standards. The schematic design and general specifications for the traffic signals shall also include installation of optimization components such as interconnection hardware (modems, microwave antennas, video, etc.) for each intersection roadway approach and coordination with signal phasing and timing of adjacent intersections. In addition, each intersection and roadway approach shall include striping improvements, determination of locations for signal arms and other signal components and any work required to install them such as curb and sidewalk modifications, utility line relocation, etc.

c. The schematic plans, equipment and specifications for optimization of the traffic signal timing at:

- The signalized intersection of 6th and Jackson Streets at the I-880 Northbound On-ramp. **(MM B.1.c)**
- The signalized intersection of 5th and Oak Streets during the PM peak period at the I-880 Southbound On-ramp. **(MM B.2.d)**
- The signalized intersection of West Grand Avenue and Harrison Street during the AM peak period. **(MM B.2.f)**

- The signalized intersection of Lakeshore Avenue and Foothill Boulevard during the AM peak period. **(MM B.2.g)**

- The signalized intersection of Lakeshore Avenue and Lake Park Avenue during the PM peak period. **(MM B.2.i)**

- The signalized intersection of 5th Avenue and 7th/8th Streets during the PM peak period. **(MM B.2.m)**

- The signalized intersection of 14th Avenue and 7th/12th Streets (Southbound - during the PM peak period). **(MM B.2.n)**

- The signalized intersection of Foothill Boulevard and 14th Avenue (Westbound - during the AM peak period.) **(MM B.2.o)**

- The signalized intersection of Foothill Boulevard and 14th Avenue (Eastbound - during the AM peak period.) **(MM B.2.p)**

- The signalized intersection of 16th Street and 23rd Avenue during the PM peak period. **(MM B.2.q)**

d. The optimization plan shall include the determination of allocation of green time for each intersection approach in tune with the relative projected traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. In addition, a determination of interconnection hardware (modems, microwave antennas, video, etc.) shall be incorporated along with any other physical improvements or modifications required to optimize the signal.

e. Each traffic improvement detailed in the plan shall include cost estimates and an estimated length of time for completion of each improvement.

19. An implementation and phasing plan shall be developed for the traffic improvements established in Condition of Approval No.18 and the MMRP, based on the following schedule for completion of the residential units:

<u>Group 1 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 1,000th unit</u>: Installation of signals at Embarcadero and Oak; Embarcadero and 5th, Embarcadero – I-880 Northbound On-ramp and 6th Street and Embarcadero and Broadway. In addition, optimization of existing signals at 6th – Jackson-I-880 Northbound ramp and the 5th and Oak @ I-880 Southbound ramp.

<u>Group 2 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 2,500th unit</u>: Installation of signals at Embarcadero – I-880 Southbound On-ramp and 10th Avenue. In addition, optimization of existing signals at 5th Avenue and 7th/8th Streets; 14th Avenue – 7th to 12th Streets; Foothill-14th Avenue (Eastbound and Westbound); 16th Street – 23rd Avenue. Fair share contributions for intersection improvements paid to City of Alameda.

Group 3 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 3,100th unit: Optimization of the signalized intersections at West Grand and Harrison; Lakeshore and Foothill Boulevard; and Lakeshore and Park. As set forth in Condition of Approval 5, these traffic improvements must be completed by the issuance of a certificate of occupancy for the unit specified; no security, bonding or other financial assurances shall be used to defer completion.

20. At the City's discretion, an independent traffic engineer shall be hired at the Project Applicant's expense to assist the City in their review and approval process for both the Schematic Master Traffic Improvement Plan and subsequent final design plans for the improvements.

21. Prior to implementation of these improvements, the Project Applicant shall submit final design plans and other specifications to the City and any other responsible agency, for their review and approval, including a traffic management and detour plan to be implemented during construction of the improvements. The final design shall be based on the approved Schematic Master Traffic Improvement Plan.

Transportation Demand Management

22. The Project Applicant shall prepare a transportation demand management plan, following the recommendations included in the report entitled "Oak to Ninth Project, Transportation Demand Management Plan" by Nelson/Nygaard, dated January 2005, as well as the applicable mitigation measures set forth in the EIR **(MM B.4.a, B.4.b, C.7.a, C.7.b, C.7.c, C.7.d, C.7.e., C.7.f, C.7.g, C.7.h, C.7.i)**. The plan shall include a written commitment from AC Transit concerning bus service to the site and a shuttle operations plan serving the project area. An implementation schedule shall be included in the plan, including a specific commitment of financial participation for peak hour service, routing, schedule and phased implementation according to the threshold established for the issuance of occupancy permits for the transportation improvements phasing plan set forth in Condition of Approval No.18. The shuttle service shall become operative within six months of the occupancy of the 1,000th unit. Thereafter, the implementation and service increase required for the shuttle shall be in accordance with the approved schedule. At the Project Applicant's discretion and with the approval of the City, the shuttle program may be implemented through a provider such as AC Transit and may be coordinated with the service commitment required for the Jack London Square Development Project. In these events, the Project Applicant shall execute agreements with such providers or partners as part of the transportation demand management plan.

The final TDM plan shall specify that the management of on-street public parking shall be through two to four-hour time limits rather than charging for parking. The plan shall also include secure bicycle parking for residents.

The final TDM plan shall be reviewed by the Planning Commission and approved by the City Council. Each Final Development Plan submitted for individual development projects or phases shall demonstrate compliance with the approved TDM plan.

Hydrology and Drainage

23. The Project Applicant shall implement all of the mitigation measures described in "Section F. Hydrology and Water Quality" of the MMRP. Final grading and improvement plans for the Project shall include all information, analysis and requirements as set forth in the MMRP. **(MM # D.1., D.2., D.5., D.6.)** Prior to the issuance of a grading permit for any phase of the project, the Project Applicant shall submit a drainage, erosion control and Storm Water Pollution Prevention Plan (SWPPP) incorporating all City and other requirements, including the State General Permit for Construction. The applicant shall also submit the detailed design of the storm water control plan that complies with provision C.3 of the Alameda Countywide NPDES Municipal Stormwater Permit, NPDES Permit No. CAS0029831, Order R2-2003-0021, or any subsequent tentative order, revision, or new permit.

Geology, Soils and Seismicity

24. The Project Applicant shall implement all of the mitigation measures described in "Section F Geology, Soils and Seismicity" of the MMRP. All geotechnical reports and recommendations submitted in accordance with final grading and construction specifications shall incorporate the information, standards, and requirements required in that section. Prior to the issuance of a grading permit for the site, the plans, information and analysis required by this Condition of Approval shall be independently reviewed by a qualified geotechnical engineer hired by the City at the Project Applicant's expense and approved by the City Engineer. **(MM # F.1., F.2., F.3., F.4., F.5.)**.

Cultural Resources

25. The Project Applicant shall implement all of the mitigation measures described in "Section E. Cultural Resources" of the MMRP **(MM # E.1.a, E.1.b, E.1.c, E.1.d., E.2, E.3.a., E.3.b, E.8).** The project shall also include the following additional measures and standards:

a. Within 90 days of final approval of the close of escrow with the Port of Oakland, the Project Applicant shall take measures to protect the Ninth Avenue Terminal Building, pending demolition of the approved portion of the facility. The building shall continue to be actively used, if feasible, with access for trucks to the site through any development or construction activities, to the greatest practical extent. Within 45 days of the final approval of the close of escrow with the Port of Oakland, the Project Applicant shall submit to the Development Director a description of the proposed measures. The Development Director shall review, and may approve, disapprove, or modify the measures intended to eliminate deterioration, minimize vandalism and assure protection of the building. These measures shall remain in place for the duration of the demolition, grading and other construction activities until building permits are issued for the restoration of the preserved portion of the building.

b. No less than 90 days from the date of scheduled demolition, the Project Applicant shall submit a restoration and reuse plan for the Ninth Avenue Terminal Building including but not limited to the following materials and information:

1) a finance and business plan that establishes a framework for restoring, preserving, and reusing the preserved portion of the building, including a commitment by the project applicant to seek additional public funding, private financing, and/or private philanthropic grants and the funding mechanisms and budget for the work;

2) a management plan demonstrating exemplary and continued stewardship of the preserved portion of the building, with recognition of its cultural and historical importance to the City of Oakland and which is accountable to the goals and policies of the *City of Oakland General Plan and the Estuary Policy Plan*;

3) a community participation plan providing for input by Oakland community members in decisions concerning the portion of the Ninth Avenue Terminal Building's preservation and reuse;

4) a development plan demonstrating that the proposed renovation and reuse of the portion of the Ninth Avenue Terminal Building is consistent with the design standards, policies, and goals of the PWD-4 Planned Waterfront Zoning District, the Design Guidelines for the Oak to Ninth Mixed Use Development Project, and with any other design criteria that the City determines is appropriate to meet said goals and policies up to and including the proposed design for Shoreline Park; and

5) a schedule for completing the work. In no case shall the time allotted for project completion exceed the time allotted in Exhibit C of the Development Agreement (issuance of a certificate of occupancy for the 1,000th unit or 5 years from the issuance of the first building permit for Phase I.)

6) an application to nominate the remaining portion of the building and the site as a City of Oakland Landmark.

The City Landmarks Preservation Advisory Board shall review this information and the plans and make recommendations to the City Council and the Planning Commission. The Planning Commission shall review and consider the information, plans and recommendations from the Landmarks Preservation Advisory Board and forward its recommendations to the City Council. The City Council shall review and approve the plans and schedule for work.

c. Notwithstanding that the City has fully established in the record that preserving more of the Ninth Avenue Terminal Building is not economically feasible based on the whole of the financial obligations for the project and on the administrative record, the City shall institute an independent process to ascertain whether there are alternative funding sources, whether there is an entity interested in taking a greater financial risk than has been deemed acceptable given standard market conditions and rates of return and whether factors other than economic feasibility can be combined to provide for another set of uses for the preserved portion of the building. This process is in full recognition of the fact that the significant and unavoidable impacts of demolishing a substantial portion of the Ninth Avenue Terminal Building cannot be mitigated to a less than significant level and that the City is not in a position to subsidize the operation, maintenance or rehabilitation of this structure given current capital project needs and current approved budgets for Redevelopment and other funding sources.

The process shall include the following major steps and timeframes:

1) By September 15, 2006 the City shall issue a Request for Proposals soliciting projects, uses and funding sources for the preservation of the Ninth Avenue

Terminal building in an amount greater than 40,000 square feet and no more than 90,000 square feet. The RFP shall indicate that uses must be Tidelands Trust consistent, that the building shall be preserved and rehabilitated consistent with the Secretary of Interior Standards, and that the City does not have the financial capacity to contribute to this effort.

2) Proposals shall be received by February 15, 2007, and reviewed and a report prepared for the City Council's consideration of the options available based on specific criteria, including trust consistent purposes, timing of implementation, funding sources, financial capacity, etc.

3) City Council shall make a final determination regarding any option for the preservation of the Ninth Avenue Terminal building by June 30, 2007.

In the event the RFP does not result in the alternative re-use of a 40,000 to 90,000 square foot portion of the Terminal Shed building, the developer shall rehabilitate a 20,000 (rather than 15,000 originally proposed) square foot portion of the Terminal Shed building and the $500,000 developer contribution to the general City-wide historic preservation efforts shall be dedicated to off-set the costs associated with the preservation of the additional 5,000 square feet.

26. Prior to the issuance of a demolition permit for the approved portion of the Ninth Avenue Terminal Building, the Project Applicant shall submit $500,000 to the City for compensation for the loss of a significant historic resource. These funds shall be used in other historic preservation efforts including but not limited to funding Mills Act projects to offset the loss of property taxes, restoration projects for other landmarks or preservation districts as recommended by the Landmarks Preservation Advisory Board and as finally determined by the City Council.

Vested Tentative Map Conditions

27. The maximum number of residential units for the approved project is 3,100. Any minor revision of the internal circulation plan or lot layout shall be subject to the review and approval of the Development Director at least 45 days prior to filing each final map.

28. Multiple final maps may be filed subject to the Phasing Schedule set forth in Exhibit C of the Development Agreement. Modifications to the Phasing Schedule are subject to the review and approval of the Development Director, and at his/her sole discretion; any modifications may be subject to review of the Planning Commission.

29. Prior to the approval of each Final Map, a site plan and other information as may be required shall be submitted for the review and approval of the Development Director or his/her designee demonstrating substantial compliance with the approved VTM and the "Project Plans" as set forth in Condition of Approval 1, as well as any subsequent permit received from a responsible or other agency with authority over the project site.

30. Prior the submittal of the first Final Map for the project, the covenants, conditions and restrictions ("CC&Rs") for the VTM shall be submitted for review by the City. The CC&Rs shall provide for the establishment of a homeowners association for the maintenance and operation of all landscaping, common open space areas, all common area improvements and common structure

improvements that are not within the purview of the Community Facilities District/Community Services District (CFD/CSD) or similar entity.

31. At least 45 days prior to recording each Final Map, plans shall be submitted for review by the City Building Services Department to obtain addresses and for street name approval. Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. Final Maps shall not be certified as ready for approval without the approved street names.

32. The Project Applicant shall revise the Vesting Tentative Map prior to approval becoming effective, as follows:

a. Revisions required to the General Note Section of the Map:

General Note 2: Multiple Parcel Maps may be filed on the lands shown on this map subject to all the Conditions of Approval, the PWD-4 Planned Waterfront Zoning District and Mitigation Monitoring and Reporting Program as set forth in the Preliminary Development Plan and Development Agreement approved by the Oakland City Council on June 20, 2006.

General Note 6: Phasing: This project is proposed to be constructed in Phases as set forth in the Development Agreement, Conditions of Approval and the Mitigation Monitoring and Reporting Program as approved by the Oakland City Council on June 20, 2006.

General Note 7: Street Names: Final street names shall be approved as set forth in the Conditions of Approval as approved by the Oakland City Council on June 20, 2006.

General Note 8: Dedications, Easements and Right of Entry: Additional and specified dedication of property rights and rights of entry as necessary to accommodate all drainage facilities, sewer facilities, public utility easements and other easements as may be necessary to properly serve the lots created shall be dedicated as part of the filing of future final maps.

General Note 9: All utilities shall be installed underground according to the standards and requirements of the City of Oakland and the applicable utility.

b. Other revisions to the Vesting Tentative Map plan set, absent alternative technical authority from a broadly recognized standard, are as follows:

1) At the intersection of Embarcadero and 5th Avenue, some mitigation needs to be proposed as the intersection skew does not meet City standards. Main Street needs to be designed to provide the necessary radius (100 feet).

2) Main Street shall be widened to provide the required depth perpendicular to the face of curb and travel lane, or the diagonal degree needs to be changed to 30 degrees.

3) 7th Avenue needs to be redesigned to have the necessary radius of 100 feet.

4) The Embarcadero/8th Avenue intersection needs to be redesigned to get the skew angle under 15 degrees.

5) The Oakland city standard radius for the curve on the relocated Embarcadero is 500 feet.

6) Redesign 9th Avenue to achieve the 50 foot tangent for reverse curves.

7) Rolled curbs details and specifications shall be replaced with concrete curb and gutter following standard City specifications.

8) On 9th Avenue, the potential for illegal parking must be reduced by pulling the inside curb and/or providing a "knuckle" to achieve the 100 foot minimum radius.

9) A 20 foot minimum travel way is acceptable where there is parking on both sides of the street. Where there is no parking the minimum travel way shall be 24 feet.

10) The radius for the 5th Avenue cul-de-sac for fire access must be redesigned to replace the rolled curb with another detail as acceptable to the Public Works Director and the Fire Marshall. The reduction of the 52 foot radius may be acceptable with a review of apparatus specifications and with the approval of the Fire Marshall.

11) Absent an alternative technical authority, the City requires a 50 foot tangent at the intersection of Main Street and the Embarcadero, and 9th Avenue and the Embarcadero.

12) Parcel corners at the intersections must be modified to provide rounded curbs to a radius of 15 feet.

33. Prior to the issuance of a grading permit for the site preparation (not including grading and excavation for soil remediation) of the first development area as set forth in Exhibit C of the Development Agreement, the applicant shall submit a schematic master improvement plan for the entire site prepared by a licensed Civil Engineer, with all conditions and requirements as set forth in these Conditions of Approval, the approved Preliminary Development Plan for the private property and the public rights of way, including but not limited to curbs, gutters, pedestrian ways, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design, specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements required to comply with all applicable City standards, and the street tree locations and planting specifications.

34. This Schematic Master Improvement Plan shall be reviewed and approved by the City Engineer and used as the confirmation of compliance with subsequent phased improvement plans. Except with respect to Conditions of Approval No. 18, 19 and 36, final maps may be recorded upon the City's approval of a Subdivision Improvement Agreement and receipt of adequate security in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.

Fire and Life Safety Requirements

35. Prior to the issuance of an occupancy permit for each Development Parcel, a Site Security and Management Plan shall be developed in conjunction with the Oakland Police Department, including parking garage security and lighting, building security features, security personnel staffing organization and management and emergency protocol procedures.

The following standards and requirements shall apply to the project and to each Development Parcel:

a. Fire hydrants shall be incorporated, as required to attain a standard that achieves coverage so that a hydrant is accessible around a building perimeter with a hose reach of not less than 150 feet as per Oakland Fire Department or within 30 feet of any fire sprinkler or standpipe connection.

b. All new fire hydrants shall meet East Bay Municipal Utility District (EBMUD) standards, 4.5 inch steamer by 2.5 inch outlet.

c. A sprinkler system for each building including the capacity to annunciate by zone and tamper switches, as required by the Oakland Fire Department on a building-by-building basis, taking into account building square footage, occupancy limits, height and emergency access. Final building specific annunciation requirements shall be reviewed and approved by the Oakland Fire Department as part of the fire plan check.

d. All entry gates with either key or push button Knox Box access shall include a minimum 8 inch by 10 inch Knox Box to store required maps, plans and up to five (5) sets of keys for building maintenance areas.

e. Standpipes shall meet the following requirements:

1) They shall be combined with the building sprinkler system with 2.5 inch NST outlets.

2) Fire Department connections to sprinklers shall be shown as one 30 degree, 5 inch Stortz and two each 2.5 inch NST gated inlets.

3) Final locations of standpipes for each Development Parcel shall be reviewed and approved by the Oakland Fire Department prior to the issuance of a building permit.

f. Smoke detectors and related initiating and signaling devices shall be shown to be installed to annunciate fire by zone, mechanical (by location), electrical (by location) and other areas as may be required by the Oakland Fire Chief.

g. A comprehensive fire alarm system for all Development Parcels meeting the following minimum specifications:

1) Activation by water flow or other signaling device to annunciate at the alarm panels.

2) Initiation of an audible and visual alarm in the building.

3) Identification for zone locations on alarm panels for smoke or water flow alarms, as approved by the Oakland Fire Department.

4) Ability for a private alarm company to relay an activated zone to the Oakland Fire Department.

5) Button board or digital alarm panels shall show all smoke detectors by zone, individual or miscellaneous rooms and water flow zones.

6) The communications system for all building sites shall include electrical shut-off, and a general alarm switch to shut off and activate the fire alarm manually for each designated area within the building. For all buildings higher than 86 feet, this requirement shall include a shut-off and reverse HVAC switch.

h. For the residential towers (125 to 240 feet) an Emergency Response Protocol Plan shall be submitted to the Oakland Fire Department prior to the issuance of a building permit. This plan shall include but not be limited to:

1) The provision of a Command Center at a minimum size of 8 feet by 10 feet, including alarm panels and large Knox Boxes at entry points as required by the Oakland Fire Department.

2) Delineation of emergency evacuation routes, posting locations of emergency information, and the identification of safe zones in the building to accommodate non-ambulatory occupants and to provide staging areas for Fire Department operations.

3) As required by the Oakland Fire Department, the buildings shall be designed so that areas can be shut down using magnetic or other acceptable closures with indicator signals on the enunciator panels or at the Command Center that doors have closed.

Off-Site Sewer Project Requirement

36. The Project Applicant will connect the Project sewer lines to the EBMUD interceptor in the Embarcadero. Although overall wastewater treatment capacity exists to serve the Project, the Public Works Department and EBMUD have determined that the Project

Applicant must complete an off-site Infiltration and Inflow rehabilitation project to increase wet weather sewer capacity. Based on an evaluation prepared by BKF (memo dated June , 2006), the following criteria shall be used to determine the sub-basins that will be selected for the Infiltration and Inflow rehabilitation project: (a) lowest unit cost to rehabilitate 1 gpd; (b) not already completed as part of the East Bay infiltration/inflow studies by the City of Oakland; (c) located within, or upstream of, the Project basins 54, 59, or 64; (d) rehabilitation required to mitigate base flow generated from the Project shall be approximately 95-100 percent of the sub-basin infiltration and inflow. The following basins have been preliminarily selected based on these criteria: basins 58 and 64 from north Oakland and basins 82 and 83 from south Oakland. The final selection of the sub-basins for this rehabilitation project will be made after further investigation of the scope of work based on existing sewer base maps and improvement plans and evaluation of this information in the context of the criteria listed above, with a maximum cost not to exceed $1.0 million to be completed no later than the completion of Phase II as set forth in the Development Agreement, Exhibit C.

Construction Management and Phasing

37. As a requirement of each submittal of demolition, grading or building permit plans for a Development Parcel(s), the Project Applicant shall submit a Construction Phasing and Management Plan, incorporating all applicable mitigation measures in the MMRP including Air Quality **(MM C.1a)**; Cultural Resources **(MM E.1a, E.1.b. E.1.c., E.1.d., E.2, E.3);** Hazardous Materials **(MM H.1.a, H.1.b., H.1.c., H.1.d., H.1.e, H.2.a., H.2.b., H.2.c., H.2.d., H.3);**; Noise **(MM G.1a, G.1.b., G.1.c., G.1.d., G.2);** Traffic, Circulation and Parking **(MM B.10)** and Biological Resources and Wetlands **(MM I.2.a., I.2.b, I.2.c., I.2.d., I.3.a., I.4.a, I.4.b, I.5).** The plan shall also include the following additional measures and standards:

a. A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.

b. A fire safety management plan for all phases of work, including provisions for access, water, and other protection measures during grading and construction activities.

c. All parcels not under active construction shall be graded to drain to an approved runoff storm water treatment facility. Such facility may be located on the specific parcel not under active construction. Surfaces shall be treated with hydro-seed made up of a mix of native grasses and wildflowers. Slopes that are in excess of 2(h):1(v) shall also have a jute mesh blanket, or similar material, placed on the slope. The parcel shall have perimeter control to prevent either water or wind borne silt and pollutants from leaving the parcel. Access to the parcel shall be controlled by fencing approved by the Development Director.

Establishment of Community Facilities District and a Community Services District

38. Prior to and at the time of approval of the first final map for the project, a Community Facilities District (CFD) or other similar financing mechanism acceptable to the City, shall be fully operational, and all assessments, reserve funding and/or other long-term financing and other requirements necessary to fully fund, in perpetuity, the maintenance of the parks, open space and public right of way. In addition, a Community Services District (CSD) may be formed with the

responsibility for operation and maintenance of all parks, open spaces, shoreline trails, piers and public rights of way within the project, following the Minimum Maintenance Standards set forth in Exhibit F of the Development Agreement. If at any time the CSD is dissolved or is otherwise unable to adequately perform specified functions, the Development Director may exercise his or her authority under the Development Agreement and Condition of Approval No. 7. The CFD shall specify, without limitation, those obligations as set forth in Section 4.4.3, 4.4.4. a., b., c. d., e. and f. in the Development Agreement, along with the following other provisions:

a. A reserve fund shall be established in the CSD budget to provide for restoration, maintenance, repair or other work associated with all improvements and areas within the jurisdiction of the CSD.

b. The Project Applicant shall provide start-up funds for the CFD/CSD in an amount to be determined by the City Engineer in accordance with the approved capital development and maintenance plan, which shall be provided no later than recordation of the first final map for the Project. The Project Applicant shall also assume financial responsibility for all related work for a warranty period determined by the Public Works Director.

c. The CFD/CSD shall include both on going maintenance activities as well as a plan for unexpected maintenance and events, including events or damages that could occur as the result of site improvements associated with geotechnical, drainage or related matters within the CFD/CSD jurisdiction. This work shall be based on the final grading, site soils conditions and specifications for improvements as set forth in Conditions of Approval No. 33 and 40.

d. The CFD/CSD budget shall separately identify the projected costs associated with (1) standard annual operation, administration and maintenance work; (2) long-term operation and maintenance including life cycle costs of major features such as the Shoreline Park pier; (3) storm water quality maintenance and monitoring; (4) reserve fund and (5) debt service requirements.

e. The CFD/CSD shall submit an annual report to the City Council detailing (1) compliance with the Minimum Maintenance Standards as set forth in Exhibit F of the Development Agreement and (2) budgetary and other financial information relevant to the CFD/CSD operations.

f. The CFD/CSD shall obtain general liability insurance and directors' insurance for the Board of Directors to the extent that the CFD/CSD Board determines in its sole discretion that such insurance is available at commercially reasonable rates.

g. Regardless of whether or when the CSD is formed, the assessments or taxes necessary to fund the above requirements must be determined following a thorough financial analysis and must include adequate funding for the indemnity and insurance obligations set forth in Section 4.4.4.e. of the Development Agreement. The City's attorney and Risk Manager shall also review the adequacy of the funding for the indemnity and insurance and may make recommendations regarding such funding.

h. The taxes or assessments shall be fully authorized and imposed on the project site prior to approval of the first final map.

39. The CSD, if formed, will be responsible for hiring its own staff (or contracting with non-City parties to perform such staff services), including all workers who will undertake operation, maintenance, replacement, repair and other activities of the CSD and no City employees shall perform such services for CSD facilities and improvements. Further, the City shall not fund or otherwise administer any of the operations of the CSD.

Landscaping, Open Space, Park and Trail Requirements

40. The Project Applicant shall prepare and implement a Landscape, Open Space, Park and Trail Plan substantially consistent with the Preliminary Development Plans dated February 2006. This plan shall be part of the Final Development Plan package for each phase of the Project set forth in the Phasing Schedule in Exhibit C of the Development Agreement. The plans shall be developed based on detailed surveys of existing site conditions and locations of major features including utility lines and other public improvements. This plan shall include a phasing and staging schedule showing how the landscaping for each phase of the project shall be implemented along with the detailed master improvement plan set forth in Condition of Approval No. 33 that must accompany and correlate with each Development Parcel. This plan must reference and incorporate all applicable conditions and requirements as set forth in these Conditions of Approval. This plan shall be submitted to the Development Director for review and approval prior to the issuance of the building permit for the first Development Parcel. This plan shall include:

a. Complete soils information, including soil preparation and amendment specifications, soil particle size for existing site soils and imported soils, representative soils and water table tests confirming the suitability of the site for the plant materials selected.

b. Plans for each park shall include paving materials, tree and plant materials, street furniture, lighting, major recreational and landscaping features, public art installations, play equipment, courts, plazas, sculptural features, etc.

c. An evaluation of feasible modifications to the grading and overall elevations to improve views of the Estuary from the western portion of the site, particularly from 9th Avenue and Shoreline Park.

d. Preservation of a significant portion of the Ninth Avenue Terminal building wharf/apron area on the waterfront side to the recommended 26 foot width and the ramp to the water, as a part of the Shoreline Park and building reuse plan, as practically feasible.

e. Plans for all street sections including typical paving and materials cross sections, trees and plant materials,

f. Plans and general specifications for other landscaping features and public art installations.

g. Plans and general specifications for the segments of the Bay Trail through the site pathways throughout the site, including the boardwalk areas adjacent to the Estuary.

h. Plans for the historic and interpretive elements in and around the area of the preserved portion of the Ninth Avenue Terminal Building and Shoreline Park, including the reinstallation of existing features honoring the history and use of the area as a breakbulk cargo terminal, with an overall physical theme and other unifying physical elements.

i. All play surfaces and play structures throughout the development will comply with ADA standards.

j. Prior to the issuance of the first building permit for each Development Area, a final landscape plan shall be submitted for that phase, based on the results, requirements, information and recommendations contained in the master schematic landscape plan, and including but not limited to the following:

- Detailed irrigation plans, consistent with water conservation and sustainability practices. Planting details such as location, number and sizes of the plant materials and the specifications for planting.
- Street trees shown on the site plan.
- Specifications for driveways, paving, entry and other surface treatments.
- A detailed landscape maintenance plan for each phase, including short and long term plant and tree care, irrigation system maintenance and other information to assure that the landscape plan will be successfully established and maintained consistent with the Minimum Park Maintenance Standards specified in Exhibit F of the Development Agreement.
- All applicable mitigation measures in the MMRP.

All landscape plans shall be independently reviewed and approved by a qualified landscape architect and other professional consultant, as deemed required by the Development Director, at the Project Applicant's expense.

The Project Applicant shall work with staff regarding the design of the open space such that, to the extent such uses are approved by the State Lands Commission (now or in the future), the Project Applicant shall engineer and design portions of the open space for active (sports) recreation opportunities.

40.a. Refer to Exhibit N of the Development Agreement

41. Prior to the issuance of the first occupancy permit within each Development Parcel, the Project Applicant shall enter into a two year landscape maintenance agreement with the City, subject to the review and approval of the City Attorney, running from the date the landscaping is deemed complete and in compliance with the approved landscape plan for each phase. The security posted shall be in the form of an acceptably rated bond, cash, an irrevocable letter of credit or a certificate of deposit, and the amount shall be determined based on the contract costs of plants and installation plus 25 percent. At the project applicant's option, a phased plan for securing the two year landscape maintenance agreement may be established, consistent with the

Phasing Plan set forth in Exhibit C of the Development Agreement so that the security required is concurrent with the overall phasing as planting becomes established.

42. The Project Applicant shall prepare and implement a Tree Protection Plan based on the Tree Report for the Oak to 9th Project prepared by HortScience, Inc. dated February, 2006. The City's Arborist has deemed this report consistent with the City's Tree Protection Ordinance and that a tree permit may be issued for the site, prior to soils remediation activities based on the completed review. Further review required to issue the tree removal permit shall be limited to substantial compliance with prior review and recommendations.

Design Requirements

43. *Lighting Standards and Requirements*.

a. The applicant shall submit a lighting plan for review and approval by the Planning and Zoning Division, with referral to other City departments as appropriate. The plan shall include the design and location of all lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

b. The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of accessways, parking lots, parking structures, the commercial areas and the parks and open spaces in the site. Such illumination shall remain on during all hours of darkness when the businesses, parking areas and open spaces and parks are open and shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

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

44. Final Development Plans for Parcels K, L and M as identified in Vesting Tentative Map No. 7621 shall incorporate the mitigation measures set forth in "Section A – Land Use Plans and Policies" of the MMRP **(MM # A.1., A.2.a., A.2.b., A.3.a., A.3.b.)**

Administrative Review Standards for Commercial Uses

45. The following performance standards and review criteria shall be used to administratively review uses for the commercial and portions of the project, prior to the issuance of the first building permit for construction of a building including commercial and retail space on each Development Parcel, if applicable:

a. Review and written verification shall be provided to confirm that loading storage and equipment areas have been designed and designated to account for the needs of the

proposed use without interfering with parking, access or loading areas of adjacent commercial uses.

b. For food related uses such as cafes, delicatessens, restaurants, fast food establishments and similar activities, the following standards and conditions shall apply:

1) Adequate provisions have been made for trash disposal and recycling, including provision of standard City of Oakland containers within the public right of way, following the requirements and standards of the California Uniform Retail Food Facilities Law (Health and Safety Code Sections 37500 et. seq.), as reviewed and approved by the Planning Director or his/her designee.

2) Adequate ventilation, filtration and odor control systems shall be installed for any commercial hoods; along with submittal of provisions for maintenance and inspection of such a system should odor complaints be received.

c. For entertainment uses, live entertainment shall be subject to the cabaret permit review procedures under the Oakland Municipal Code.

Required Disclosure Statements Pertaining to Uses and Activities Associated with the Project

46. *Required Disclosures*

Live/Work Units: The owner of the property shall provide a Statement of Disclosure on the lease or title to all new tenants or owners of the live-work units acknowledging the commercial character of the district and acceptance of the potential for uses in the area to result in certain off-site impacts at higher levels than would be expected in residential areas. The statement of disclosure shall also state that the tenants may only engage in the activities allowed by the PWD-4 Planned Waterfront Zoning District. The statement of disclosure shall also state that at least one tenant of each unit shall apply for and maintain a City of Oakland Business Tax Certificate for a business at the project address. The statement described in this condition of approval shall also be provided to any new owners of the property or any of the new units before a unit or the property is sold.

47. *Mixed Use Character of the Project*

Adjacency of High Use Public Area and Rail Lines: The project applicant shall ensure that future residents sign a notice acknowledging that they are aware of and accept the potential noise levels related to the adjacent railroad lines, commercial activities, live/work activities and large open space and park areas adjacent to the Development Parcels.

Affordable Housing Provisions

48. Provisions for Affordable Housing

The developer's and Agency's responsibilities will be incorporated into the project Development Agreement, Exhibit L. Following is a summary of that agreement:

The Project would include a total of 465 affordable housing units to be located on Parcels F and G. These units are expected to be built in the following four phases:

Phase	Parcel	Units	Construction Type
I	F	150	Type V;
II	G (portion)	132	Type I (over retail);
III	G (portion)	77	Type I (over retail); and
IV	G (portion)	106	Type III (over retail).

a. Purchase of Lots

Developer will provide Lots F and G for sale to the Agency for the purpose of constructing affordable housing. The lots will be in remediated condition with all necessary utilities stubbed out at the lot line and access roads completed along the lot frontage to back of curb prior to construction ("Finished Lot"). The Agency shall close escrow on Lots F and G no later than the date that is 90 days after such lots are completed as Finished Lots (completion currently estimated at fourth quarter of 2009 to first quarter of 2010; therefore, closing is estimated to occur in first quarter of 2010 to second quarter of 2010).

b. Determination of Discounted Purchase Price

Value of the lots will be determined by an appraisal in consideration of the number of market rate residential units allowed to be built at the time the purchase transaction takes place (notwithstanding the affordability restriction contained in the Development Agreement/zoning), minus $1 million for each lot; subject to a minimum purchase price described below. The initial purchase price for Parcel G will be based upon that portion of the land allocated to the residential component, which shall be determined by dividing the sum of the square footage of all residential units and residential parking by the total building and parking square footage for the entire Parcel G development.

c. Minimum Purchase Price

The purchase price for Parcels F and G would be subject to a possible adjustment based on the developer's actual cost of providing the Finished Lot since the project has very slim margins of profit it cannot sustain losses which might occur if a parcel is sold significantly below the developers cost. Accordingly, a minimum purchase price is established that allows the purchase price to be adjusted upwards if the developer's cost of the finished, ready-to-build lot is more than the appraised value. The discounted purchase price may be adjusted up to the higher of the developers cost (not including profit) or the fair market value at the time of completion or remediation, utilities, and access. However, in no event would the purchase price of the lot be adjusted higher than the fair market value.

d. Early Purchase

The Agency would have the right to purchase Lots F and G prior to their completion as Finished Lots (with the Developer remaining obligated to remediate the property and install the applicable

improvements) in return for a discount on the Purchase Price equal to a percentage discount rate multiplied by the number of years each lot is purchased prior to being completed as a Finished Lot. This discount would apply regardless of any adjustments made under the minimum purchase price provisions described above. The discount would be determined by taking a discount rate per year and multiplying it by the number of years the Agency purchases the lot before it is ready to build on. The discount rate for the lots will be a blend of Developer's preferred return and Developer's cost of financing reflecting the proportions of each in Phase I. For example, if the cost of financing is 8% and the preferred return on equity is 10% and the proportions of financing and equity are 75% financing and 25% equity, then the blended rate would be 8.5%. If the lots are then purchased two years early the discount would be 17%.

e. Additional Contribution

The Developer will make an additional contribution toward affordable housing equal to $2,000,000, with $1,000,000 payable at the time of building permit issuance on Parcel F and $1,000,000 payable at the time of building permit issuance on Parcel G.

f. Commercial Shell and Parking Purchase Provision

Upon completion of the commercial shell and parking for Parcel G, the Developer will purchase the commercial shell and parking at the cost of construction to the Agency or affordable housing developer, including financing and equity costs and developer overhead.

g. Development Rights Transfer

The developer may propose to purchase the right to build market rate units from the pool of affordable units allocated to Parcel G, along with the land value then associated with the units to be sold. Such a purchase would not affect any other contribution toward affordable housing to which the developer would still be bound. The developer may transfer the development rights to any other area within the development and use the rights for development of market rate units.

h. Construction of Affordable Housing

The Agency will warrant that it will cause to be constructed affordable housing units when it is economically feasible for the Agency to do so, subject to bonding constraints, Oak to Ninth project build out schedule, anticipated State funding to cover part of the needed subsidy as such program exists in 2006, and anticipated growth in tax increment from the Central City East Redevelopment Area and other areas contributing to the city-wide housing tax increment pool. It is anticipated that the Agency will fund the construction of units based on the following schedule:

(1) Parcel F (Phase 1): No later than July 1, 2013 and when 1000 market rate units have been completed and are on the tax roll.

(2) Parcel G (Phase II): No later than July 1, 2016 and when 1800 market rate units have been completed and are on the tax roll.

(3) Parcel G (Phase III): No later than July 1, 2017 and when 2100 market rate units have been completed and are on the tax roll.

(4) Parcel G (Phase IV): No later than July 1, 2018 and when 2300 market rate units have been completed and are on the tax roll.

The Agency may elect to construct sooner provided sufficient funding is available. Further, the Agency shall covenant to limit the use of the Oak to Ninth project set aside funds to the acquisition and development of Lots F and G until the completion thereof.

i. Affordability Level

Units will be affordable to households at between 30% and 60% of Adjusted Median Income

j. Unit Types

Up to 25 percent of all units may be configured for seniors. At least 30 percent of all non-senior units will be three bedroom units and at least 20 percent of all non-senior units will be two bedroom units.

k. Environmental Remediation of Estuary Park

To the extent that the City Council may decide to provide funds for environmental remediation of Estuary Park, the developer has agreed to provide additional subsidy for affordable housing equal to the amount of any remediation the Council funds. This will cause the park to be built earlier than would otherwise be feasible. Additionally, this will cause two of the four phases of affordable housing to be funded one year earlier than would otherwise be feasible and would result in citywide affordable housing funds being available for use elsewhere in the City. The developer proposes to pay interest on any funding provided by the City for environmental remediation equal to the rate the Redevelopment Agency would otherwise get, until such time as the first phase of Oak to Ninth affordable housing is built, at which time the developer would provide funding equal to the environmental remediation contribution plus interest to the Agency for use in funding affordable housing within the Oak to Ninth Mixed Use Development Project.