

Location: 3431 Foothill Boulevard / Mercy Retirement & Care Center
(see map on reverse)

Assessor's Parcel Number: 033 -2127-015-01

Proposal: To construct a 2-story 53,000 square-foot senior facility with 50 rooms (memory impaired wing) at the center of a 5-acre senior campus property, including: minor demolition; renovation of existing buildings; new vehicular access from 35th Avenue; creation of additional parking; installation of fencing; and landscaping including tree removal.
The proposal has been reviewed by the Planning Commission on September 17, 2014 and by the Design Review Committee on October 22, 2014

Applicant / Peter Lin / Greenbrier Development
Phone Number: (214) 979-2710

Owner: Mercy Retirement & Care Center

Case File Numbers: PLN14080 / T1400028

Planning Permits Required: Major Conditional Use Permit to expand a Health Care Civic Activity by more than 20%/25,000 s.f. in the RM-3 Zone on a 1+ acre site; Regular Design Review to allow construction of a new facility, renovations to existing facilities, and site modifications; Tree Protection and Removal Permit

General Plan: Institutional (frontage)/
Mixed Housing Type Residential (rear)

Zoning: CN-3 Neighborhood Commercial Zone (frontage)/
RM-3 Mixed Housing Type Residential Zone (rear)

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines:
In-Fill Development Projects;
Section 15183:
Projects Consistent with a Community Plan, General Plan or Zoning

Historic Status: Non-historic property

Service Delivery District: 4

City Council District: 5

Date Filed: May 7, 2014

Action To Be Taken: Approve with conditions

Finality of Decision: *Appealable to City Council within 10 calendar days*

For Further information: Contact case planner **Aubrey Rose, AICP**
at (510) 238-2071 or arose@oaklandnet.com

SUMMARY

The applicant requests Planning Commission approval of a Major Conditional Use Permit and Regular Design Review for major modifications to a senior facility campus. The property features a new building (wing) and site improvements including a new driveway. Staff recommends approval, subject to attached findings and conditions, as described in this report. Alternatively, the Planning Commission may choose to deny the proposal, subject to alternative Findings for Denial¹ by the Planning Commission, which are also attached.

¹ Although staff does not typically prepare alternative findings, such findings have been attached in this case because the proposal has been presented at a prior Planning Commission meeting and to DRC Committee, with no clear consensus by the Planning Commissioners or DRC Committee members. The purpose of the alternative findings is to facilitate the Planning Commission's reaching a final decision on the proposal.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN14080 / T1400028
Applicant: Peter Lin / Greenbrier Development
Address: 3431 Foothill Boulevard
Zone: CN-3, RM-3

BACKGROUND

Project

On May 7, 2014 an application was submitted, to follow-up on a zoning pre-application and community meeting. The project is for major modifications to the Mercy Retirement & Care Center senior facilities campus at 3431 Foothill Boulevard. The proposal is to construct a new two-story 53,000 square-foot senior facility with fifty rooms (memory impaired wing) toward the center of the five-acre campus property. The new building would be located behind and attached to the primary six-story building fronting Foothill Boulevard. The proposal includes: minor demolition; renovation of existing buildings; new vehicular access from 35th Avenue; creation of additional parking; installation of fencing; and landscaping including tree removal. The proposal has been reviewed by the Planning Commission on September 17, 2014 and by the Design Review Committee on October 22, 2014.

Public Notice

The project was originally noticed for the July 16, 2014 hearing. The first hearing was continued at the applicant's request to address Planning Commissioners' concerns. Concerns related primarily to proposed site layout and landscaping.

First Planning Commission hearing – September 17, 2014

The applicant submitted minor revisions to address concerns where they deemed practical; where revisions were not deemed practical, explanations were provided. Notably, the applicant feels that, with certain exceptions, the site layout as proposed is largely necessary as-is, for operational and cost considerations. Key revisions included:

- The residential building along East 18th Street would no longer be demolished;
 - The project would therefore result in less additional parking and lighting near residences
- Fewer trees would be removed throughout the site
 - Additionally, new trees would be installed towards 35th Avenue and in the center of the new driveway turnaround

The revised project was heard at the September 17, 2014 Planning Commission hearing. At that time, the Commission maintained its concern for the project, primarily regarding the same issues previously identified (site layout and tree preservation). The Commission indicated that the project could not be supported as proposed, and remanded it back to the Design Review Committee (DRC). The purpose of the DRC meeting was to review design concerns in more detail. The Commission suggested to the applicant that they make further revisions and/or develop alternatives prior to the Committee meeting. The applicant proceeded to develop alternative options and provide them to staff for review and forwarding to the DRC.

Design Review Committee – October 22, 2014

On October 22, 2014 the DRC reviewed the proposal including four new alternatives. The applicant presented, providing background, addressing concerns, and identifying constraints and alternatives. It was explained that a new entrance was needed (35th Avenue) because the existing entrance (34th Avenue) was obsolete and not serving its purpose adequately. It was also explained with regards to site layout that travel distance for senior citizens is a critical consideration. One adult child of a senior resident spoke in favor of the proposal. The Committee expressed a preference for alternative #3 (relocates buildings to preserve redwood and pine trees; increases walking distances slightly) and provided the following comments:

- Revisions are acknowledge but considered to be minor
- The elevation designs have improved

- Color and material sample board is needed to decide on the project
- Courtyards are a good element
- A pedestrian path is suggested for the corner of Foothill Boulevard at 35th Avenue
- Some tree removal is acceptable
- New drop-off area can be improved upon aesthetically

The applicant incorporated these items into the current proposal.

Current Proposal

In response to Design Review Committee comments, the current proposal contains the following revisions:

- Connection of new building (memory care) to existing (assisted living) revised to replace windows and doors with a storefront system
- At corner of Foothill Blvd and 35th Ave: landscape and pedestrian pathways added to better connect the site to surrounding neighborhoods
- At new drop-off: ramp and stairs added for accessible grade changes. Accessible parking relocated to be closer to main entrance
- Along 35th Avenue: landscape added between parking spaces. Parking at this location increased from thirteen to sixteen stalls
- At new entrance off 35th Ave: Three parking spaces relocated to far side of main entry gate

Staff maintains strong support for the proposed design, with an understanding of both the Planning Commission's and DRC's concerns and the applicant's constraints and program goals. Staff has attempted to work collaboratively with both to achieve an approvable project that strikes a balance to the satisfaction of each, to meet the immediate and growing needs of this vulnerable demographic group of the community.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15332 of the State CEQA Guidelines exempts In-Fill Development Projects. The proposal to renovate and enhance a senior campus meets this description: the project would constitute an in-fill development project, only. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

Alternatively, should the Planning Commission choose to deny the proposal, CEQA Guidelines Section 15270(a) states that CEQA does not apply to projects which a public agency rejects or disapproves.

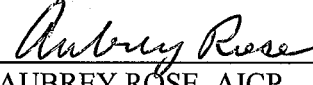
RECOMMENDATION:

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


Alternatively, should the Planning Commission choose to deny the proposal, staff has attached alternative Findings for Denial (Attachment G), in which case the Planning Commission may make a motion to:

1. Affirm staff's environmental determination.
2. Deny the Major Conditional Use Permit and Regular Design Review subject to the attached alternate findings for denial.

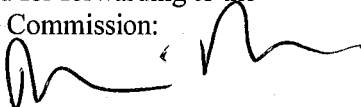
Prepared by:


AUBREY ROSE, AICP
Planner III

Approved by:


SCOTT MILLER
Zoning Manager

Approved for forwarding to the
Planning Commission:


DARIN RANELLETTI, Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Revised plans dated December, 2014
- D. Planning Commission September 17, 2014 staff report
- E. Design Review Committee October 22, 2014 staff report
- F. Letters of support dated December, 2014-January, 2015
- G. Alternative Findings for Denial by the Planning Commission

Attachment A: Findings

This proposal meets the required findings under General Use Permit Criteria (OMC Sec. 17.134.050), Additional Conditional Use Permit Findings for the CN Neighborhood Commercial Zone (OMC Sec. 17.33.030), and Regular Design Review Criteria For Nonresidential Facilities and Signs (OMC Sec. 17.136.050(B)) under the Oakland Planning Code (Title 17) and In-Fill Development Projects under California Environmental Quality Act, Guidelines Section 15332. Required findings are shown in **bold** type; explanations as to why these findings can be made are shown in normal type.

GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050)

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

The utilization of the open center space of a five-acre senior facility campus located in an urbanized area will enhance the site, better serve a growing population of aging members of the community, and more appropriately connect the campus with the fabric of the surrounding neighborhood. This is accomplished through relocation of primary circulation to a regional transit street; improvements to landscaping, fencing, illumination, and security; improvements to on-site parking, existing units, special services, and recycling; and creation of jobs. The project will benefit from an improve architectural and site design.

The scope of the updates are appropriate given the constraints of the center and its users; the size of the property; the screening effect of the taller existing tower building along the primary frontage; the setbacks from property lines; and the growing need to provide elders special services to age in place within their community. Most of the trees scheduled for removal are well within the site and not along a property line where they will be visible from the public right-of-way, new trees and landscaping will be installed, and no oak trees are proposed to be removed. The construction of a new building that is taller than two-stories and located toward the street frontage would be impractical given cost to upgrade from wood to steel-frame construction type. Also, a building that is greater than two stories might exceed the height limit for the Zoning District and could be out of scale with adjacent one and two-story residences. Furthermore, multiple floors over a reduced footprint will break up the idealized operational plan and open space, separate client spaces, and require more staff. The setback will provide privacy and security. The new driveway and on-site turnaround off of 35th Avenue is essential given drop-off/pick-up is currently handled directly on Foothill Blvd. Also, the located of the proposed turnaround will enable grading that will in turn provide improved connections building levels to each other for ease of elderly and infirmed resident clients. Lastly, the placement of the turnaround close to the new and existing buildings will minimize client travel distances to one hundred seventy-five (175) feet.

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

The proposal will improve the appearance of the campus as seen from 35th Avenue and provide jobs at a location that can be accessed by multiple modes of transportation.

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

The proposal will improve and expand specialized living opportunities for various segments of the City's senior citizen population. This will include improved access for family and guest visitation.

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

Design Review is required for the project. Necessary findings can be made as described in a following section of this attachment.

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

The property is located in the Institutional area of the General Plan's Land Use and Transportation Element (LUTE) along the frontage, and in the Mixed Housing Type Residential area toward the rear of the site. The intent of the Institutional area is: "to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character." The intent of the Mixed Housing Type Residential area is: "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate."

Under the LUTE, Foothill Boulevard is a Key Corridor intended for "Maintain and Enhance" (City Structure Diagram; Figure 3 Strategy Diagram). Foothill and 35th Avenue are both regional transit streets (Figure 4 Transportation Diagram) where circulation improvements are recommended (Figure 9, Improvement Strategies: Fruitvale). The proposal to enhance the center and relocate the main driveway to 35th Avenue conforms to these intents and to the following LUTE Policies:

Policy T1.8 Re-routing and Enforcing Truck Routes.

The City should make efforts to re-route truck traffic away from neighborhoods, wherever possible, and enforce truck route controls.

Policy N2.1 Designing and Maintaining Institutions.

As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep / maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

Policy N2.2 Providing Distributed Services.

Provision of government and institutional services should be distributed and coordinated to meet the needs of City residents.

Policy N2.3 Supporting Institutional Facilities.

The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses.

Policy N3.2 Encouraging In-Fill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N9.6 Respecting Diversity.

The City's diversity in cultures and populations should be respected and built upon.

Policy N11.6 Suggestive Proactive Developer and Community Relations.

Prior to submitting required permit application(s), project sponsors of medium and large scale housing developments should be encouraged to meet with established neighborhood groups, adjacent neighborhoods, and any other interested local community members, hear their concerns regarding the proposed project, and take those concerns into consideration. It is suggested that the relationship established between the developer and the community continue throughout the construction process to minimize the impacts of construction activity on the surrounding area.

The proposal also conforms to the following Policy of the Housing Element:

Policy 2.6: Seniors and Other Persons with Special Needs

Assist and promote the development of housing with appropriate supportive services for seniors and other persons with special needs.

ADDITIONAL USE PERMIT FOR THE CN NEIGHBORHOOD COMMERCIAL ZONE (OMC SEC. 17.33.030)

1. That the proposal will not detract from the character desired for the area;

Renovations and additions to the senior campus will enhance the surrounding neighborhood commercial and mixed housing type residential districts. The enhancements consist of construction compatible with neighborhood building height, retention of an existing residence, minimal new surface parking, and preservation and installation of numerous trees.

2. That the proposal will not impair a generally continuous wall of building facades;

The proposal does not involve building construction along a street frontage.

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

The block contains no retail and the proposal will not hinder existing retail facilities.

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

The proposal is on a regional transit street and does not involve an important pedestrian street.

5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

The site and surrounding area are not subject to any district plans.

REGULAR DESIGN REVIEW CRITERIA FOR NONRESIDENTIAL FACILITIES AND SIGNS (OMC SEC. 17.136.050(B))

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances;

the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060

The construction of a two-story building behind a six-story tower at a five-acre campus is a better use of the site in terms of design and appearance. The new building will contain shared spaces including gardens, patios, decks, courtyards; a green roof; and relocated shared activity spaces including chapel, salon and exercise room into new building. The new building will be set back sixty-feet from 35th Avenue and approximately fifty-feet from adjacent properties. It will feature stucco exterior walls, bay windows, sunshades, projecting trellis structures and color blocks. The new building will not exceed the height limit and several two-story residences are located in the neighborhood. New gates, fencing, illumination, and landscaping will improve the site's appearance. The project will benefit from an improved architectural and site design.

The enhancements consist of construction compatible with neighborhood building height, retention of existing residences, minimal new surface parking, and preservation and installation of numerous trees. The new driveway is along a stretch of 35th Avenue that is better suited for circulation than 34th Avenue, but does not experience particularly heavy traffic. Gates will increase safety to the site and residents typically do not travel off-site alone. Removal of fences, trees, and new illumination will, however, increase visibility along 35th Avenue. All trees on site were analyzed by a certified arborist. The proposal consists of no decrease to the existing count of trees, to remain through preservation, relocation, and replacements. Of those trees proposed for removal, most are deemed unhealthy by the arborist. Numerous trees will be preserved on site (including relocation) including many palms. The complete preservation of a small grove of young Redwoods located close to the main building's north side will again preclude placement of the new building at the location on site most ideally suited to senior citizen users; however, many trees to be removed to accommodate new building footprint will be replaced on site. Additionally, three (3) trees will no longer be removed due to retention of East 18th Street residence. Lastly, revisions include installation of a row of trees along 35th Avenue for privacy, and, at the center of the turn-around for enhanced aesthetics.

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

The new building will improve the site in terms of design, layout, and function and are anticipated to add value to the adjacent neighborhood commercial and mixed housing type residential districts.

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

The proposal conforms to the General Plan as described in a previous section of this attachment and to several Guidelines of the City's 'Design Review Guidelines for Corridors and Commercial Areas.' Conditions of Approval will ensure elimination of the inactive curb cut along Foothill Boulevard and replacements of all nonconforming chain link/barbed wiring fencing with wrought iron.

IN-FILL DEVELOPMENT PROJECTS (CALIFORNIA ENVIRONMENTAL QUALITY ACT, GUIDELINES SECTION 15332)

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project conforms to the General Plan and Planning Code and no variances are required as described in the staff report.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The 4.99 acre site is substantially surrounded by urban uses and is located entirely within the City of Oakland.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The project site has no value as habitat for endangered, rare or threatened species. The site was developed several decades ago and contains significant impervious surface.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The proposal does not require a transportation impact study.

(e) The site can be adequately served by all required utilities and public services.

The site is already developed and is located in an urbanized area. New residential units will be served by existing utilities and public services.

Attachment B: Conditions of Approval

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report**, and the **revised plans dated and submitted on December 31, 2014**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

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

I. Approval of a Major Conditional Use Permit with additional findings and a Regular Design Review for the renovation and expansion of the Mercy Retirement & Care Center at 3431 Foothill Boulevard.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

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

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

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, **Conditions** or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **Conditions** if it is found that there is violation of any of the **Conditions** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

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

13. Landscape Maintenance.

Ongoing

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

14. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Bureau of Building and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project

applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

15. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans to Bureau of Building for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Bureau of Planning and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

16. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

17. Compliance Matrix

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

The project applicant shall submit to the Bureau of Planning and the Bureau of Building a **Conditions** compliance matrix that lists each condition of approval, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Bureau of Planning and the Bureau of Building. The project applicant shall update the compliance matrix and provide it with each item submittal.

18. Construction Management Plan

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

The project applicant shall submit to the Bureau of Planning and the Bureau of Building for review and approval a construction management plan that identifies the conditions of approval related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval.

19. Parking and Transportation Demand Management

Prior to issuance of a final inspection of the building permit.

The applicant shall submit for review and approval by the Bureau of Planning a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:

- a) Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement
- b) Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects
- c) Signage and striping onsite to encourage bike safety
- d) Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient crossing at arterials
- e) Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
- f) Direct transit sales or subsidized transit passes
- g) Guaranteed ride home program
- h) Pre-tax commuter benefits (checks)
- i) On-site car-sharing program (such as City Car Share, Zip Car, etc.)
- j) On-site carpooling program
- k) Distribution of information concerning alternative transportation options
- l) Parking spaces sold/leased separately
- m) Parking management strategies; including attendant/valet parking and shared parking spaces

20. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)

Ongoing throughout demolition, grading, and/or construction

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
- h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.
- j) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- l) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- n) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- o) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- p) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- s) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- t) Minimize the idling time of diesel-powered construction equipment to two minutes.
- u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.
- v) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- x) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

21. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria

including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Bureau of Building.

c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

- i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Bureau of Building.
 - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Bureau of Building, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

22. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Bureau of Planning and the Bureau of Building review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.

- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

23. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Bureau of Building a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Bureau of Building staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

24. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Bureau of Building for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.
- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.

- ii. Prohibition of Z-duct construction.

25. Operational Noise-General

Ongoing

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

26. Construction Traffic and Parking

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

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Bureau of Planning, the Bureau of Building, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.

- l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

27. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

28. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by

operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

29. Asbestos Removal in Structures

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

30. Tree Removal Permit on Creekside Properties

Prior to issuance of a final inspection of the building permit

Prior to removal of any tree located on the project site which is identified as a creekside property, the project applicant must secure the applicable creek protection permit, and abide by the conditions of that permit.

31. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Bureau of Planning and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

32. Tree Removal Permit

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

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

33. Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- d) Minimum planting areas must be available on site as follows:
 - i. For Sequoia sempervirens, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

34. Tree Protection During Construction

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

Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any

protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

- d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

35. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

- a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
- b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be

recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

36. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

37. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

38. Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Bureau of Building. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

- b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

39. Stormwater Pollution Prevention Plan (SWPPP)

Prior to and ongoing throughout demolition, grading, and/or construction activities

The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Bureau of Building. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Bureau of Building a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

40. Post-Construction Stormwater Management Plan

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Bureau of Building. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
 - i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and
 - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution;
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
 - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

41. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

42. Stormwater and Sewer

Prior to completing the final design for the project's sewer service

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

43. Compliance with the Green Building Ordinance, OMC Chapter 18.02

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

The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, OMC Chapter 18.02.

- c) The following information shall be submitted to the Bureau of Building for review and approval with the application for a building permit:
 - i. Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards.

- ii. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - iii. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - iv. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below.
 - v. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - vi. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - vii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- d) The set of plans in subsection (a) shall demonstrate compliance with the following:
- i. CALGreen mandatory measures.
 - ii. All pre-requisites per the **GreenPoint Rated** checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.
 - iii. Green building point level/certification requirement: Community: 6, Energy: 30, IAQ/Health: 5, Resources: 6, Water: 3 per the appropriate checklist approved during the Planning entitlement process.
 - iv. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
 - v. The required green building point minimums in the appropriate credit categories.

During construction

The applicant shall comply with the applicable requirements CALGreen and the Green Building Ordinance, Chapter 18.02.

- a) The following information shall be submitted to the Building Inspections Division of the Bureau of Building for review and approval:
- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
 - ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
 - iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

After construction, as specified below

Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to **Build It Green** and attain the minimum certification/point level identified in subsection (a) above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

44. Compliance with the Green Building Ordinance, OMC Chapter 18.02, for Building and Landscape Projects Using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist

Prior to issuance of a building permit

The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, (OMC Chapter 18.02.) for projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist.

- a) The following information shall be submitted to the Bureau of Building for review and approval with application for a Building permit:
 - i. Documentation showing compliance with the 2008 Title 24, California Building Energy Efficiency Standards.
 - ii. Completed copy of the green building checklist approved during the review of a Planning and Zoning permit.
 - iii. Permit plans that show in general notes, detailed design drawings and specifications as necessary compliance with the items listed in subsection (b) below.
 - iv. Other documentation to prove compliance.
- b) The set of plans in subsection (a) shall demonstrate compliance with the following:
 - i. CALGreen mandatory measures.
 - ii. All applicable green building measures identified on the StopWaste.Org checklist approved during the review of a Planning and Zoning permit, or submittal of a Request for Revision Plan-check application that shows the previously approved points that will be eliminated or substituted.

During construction

The applicant shall comply with the applicable requirements of CALGreen and Green Building Ordinance, Chapter 18.02 for projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist.

- a) The following information shall be submitted to the Building Inspections Division for review and approval:
 - i. Completed copy of the green building checklists approved during review of the Planning and Zoning permit and during the review of the Building permit.
 - ii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

PROJECT-SPECIFIC CONDITIONS

45. Curb Cuts

Prior to submitting for a Building Permit

Plans shall be revised for review and approval of the Bureau of Planning that show the elimination of the inactive curb cut along Foothill Boulevard.

46. Fencing

Prior to submitting for a Building Permit

Plans shall be revised for review and approval of the Bureau of Planning that show the replacements of all nonconforming chain link/barbed wiring fencing with wrought iron.

47. Community Outreach

Ongoing

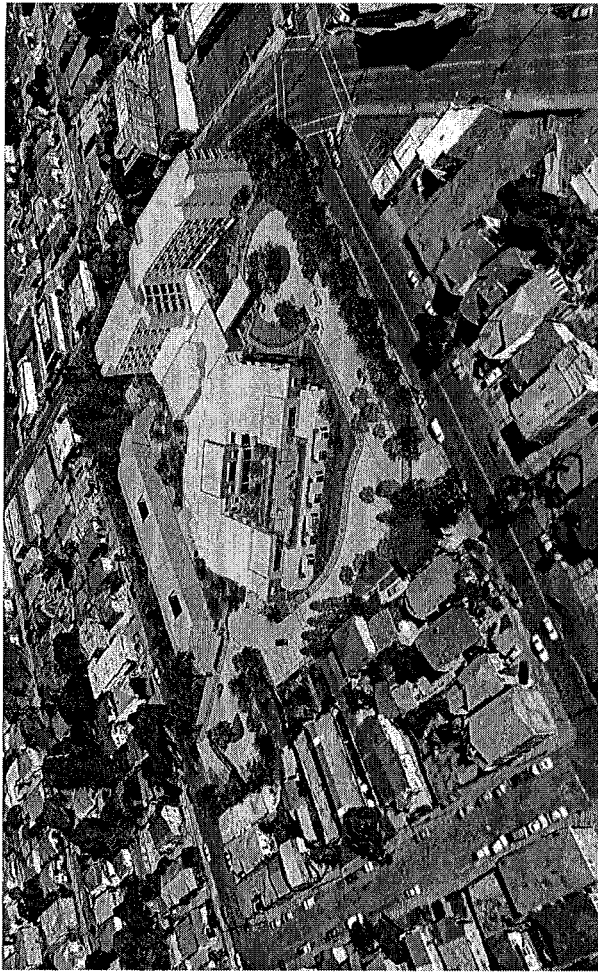
The center shall remain open and receptive to neighborhood inquiries regarding the project and ongoing operation.

APPROVED BY:

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

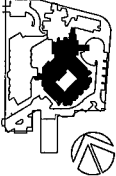
ATTACHMENT C

MERCY RETIREMENT & CARE CENTER 4th ELDER CARE ALLIANCE community



NO.	DATE	ISSUE
1	02/27/2014	ENTITLEMENTS
2	12/23/2014	ENTITLEMENTS REVISION 2

SEALED



KEY PLAN

Perkins Eastman

3451 FOOTHILL BOULEVARD OAKLAND, CA 94601

DATE FOR PERMIT 12/23/2014

DATE FOR REVIEW 1/14/2015

PROJECT NO. 54840.00

PROJECT TITLE

MERCY RETIREMENT AND CARE CENTER

3451 FOOTHILL BOULEVARD OAKLAND, CA 94601

PROJECT NO. 54840.00

DRAWING TITLE

COVER SHEET

SCALE

AS-000

ENTITLEMENTS REVISION 2

12/23/2014

MERCY RETIREMENT & CARE CENTER

211 ELDER CARE ALLIANCE COMMUNITY

PROJECT SCOPE OF WORK

The existing Mercy Retirement and Care Center at 3431 Foothill Blvd. is a retirement care facility providing residential care for seniors with varying levels of needs, including assisted living and skilled nursing.

The proposed development provides renovations within the existing Assisted Living building, a new Memory Care facility, as well as a new accessible entry to the site.

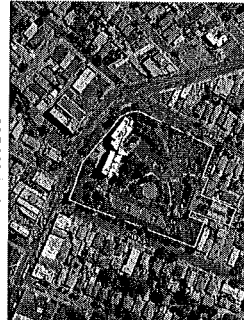
The proposed renovation will combine the existing units to create larger studios and one bedroom units, with its own shower, replacing the existing shared showers for residents.

The new building will include 50 units for memory care residents. Existing spaces, such as the multipurpose room, salon and a variety of activity spaces, will be relocated into the new building as well. The project includes secured outdoor common spaces.

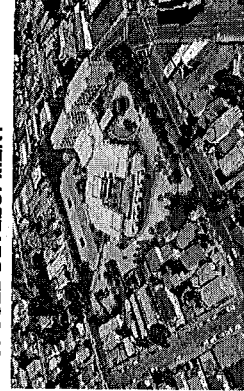
VICINITY MAP



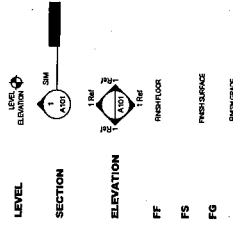
PROJECT LOCATION



PROPOSED DEVELOPMENT



SYMBOLS



APPLICABLE CODES

- CITY OF OAKLAND PLANNING CODE
- 2013 CALIFORNIA BUILDING CODE
- 2013 CALIFORNIA ELECTRICAL CODE
- 2013 CALIFORNIA MECHANICAL CODE
- 2013 CALIFORNIA PLUMBING CODE
- 2013 CALIFORNIA FIRE CODE
- 2013 CALIFORNIA ENERGY CODE
- 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE
- 2013 CALIFORNIA MECHANICAL CODE

PROJECT DIRECTORY

- OWNER:** ELDER CARE ALLIANCE
3101 MARINA VILLAGE PARKWAY
ALAMEDA, CA 94501
- CONSTRUCTION MANAGER:** GREENBRIER DEVELOPMENT LLC
3232 MCCONNEY AVE, SUITE 1180
DALLAS, TEXAS 75204
- GENERAL CONTRACTOR:** LEND LEASE (US) CONSTRUCTION
71 STEVENSON ST, SUITE 600
SAN FRANCISCO, CA 94105
- ARCHITECT:** PERKINS EASTMAN
23 GEARY ST, SUITE 500
SAN FRANCISCO, CA 94108
- CIVIL:** KIMLEY HORN & ASSOCIATES
1301 CLAY ST, SUITE 305
OAKLAND, CA 94612
- SURVEYOR:** PLS SURVEYOR
2230 LIVINGSTON ST, SUITE 202
OAKLAND, CA 94606
- ARBORIST:** HORTENSICARE
235 RAY ST
PLEASANTON, CA 94566
- STRUCTURAL:** NFF CONSULTING ENGINEERS
221 MAIN ST, SUITE 800
SAN FRANCISCO, CA 94105
- MEP:** SYRKA HENNESSY GROUP, INC
2101 CALIFORNIA ST, SUITE 700
SAN FRANCISCO, CA 94103
- LANDSCAPE:** RHAA
225 MILLER AVE
MILL VALLEY, CA 94703
- FOOD SERVICES:** THE MARSHALL ASSOCIATES
JACK LONDON WATERFRONT
201 3RD ST, SUITE 1
OAKLAND, CA 94607

PROJECT DETAILS

BUILDING AREA CALCULATIONS

NEW CONSTRUCTION - AREA CALCULATION (in square feet)	RESIDENTIAL COMMONS	OFFICES	BACK OF HOUSE	AREA PER FLOOR
Residential	13,412	1,124	3,242	3,242
1st Floor	8,974	736	2,012	33,690
2nd Floor	4,438	388	1,230	17,984
SUBTOTALS				51,674

SUMMARY:
TOTAL BUILDING AREA, 52,417 SQ. FT.
TOTAL FLOOR AREA, 52,417 SQ. FT.
TOTAL FLOOR AREA, 52,417 SQ. FT.
TOTAL FLOOR AREA, 52,417 SQ. FT.

UNIT COUNT SUMMARY

SKILLED NURSING (EXISTING) - UNIT MIX	DOUBLE RM.	SINGLE RM.	TOTAL
1st Floor	28	56	84
2nd Floor	28	56	84
SUBTOTAL	56	112	168

ASSISTED LIVING RENOVATION - UNIT MIX
TOTAL: 106
1st Floor: 53
2nd Floor: 53

PARKING

PARKING	200	200 x 25%	29	per shift	18	regular business hours	18	Handicapped	29	116 x 25%	3	current estimate	3	current estimate
Residential														
Total beds														
24 hours staff														
Handicapped														
Employee parking required														
Visiting doctors														
Doctor parking required														
Total parking required														
Parking proposed														
Existing parking														
New parking														
Total parking														

BICYCLE PARKING
Long term: 116
Short term: 10
Total: 126
City of Oakland Planning Code Chapter 17.117



Perkins Eastman
300 CALIFORNIA STREET
SUITE 1000
SAN FRANCISCO, CA 94104
415.774.2700

MERCY RETIREMENT AND CARE CENTER

3431 FOOTHILL BOULEVARD OAKLAND, CA 94612

PROJECT No: 58460.00

INDEX / GENERAL INFORMATION

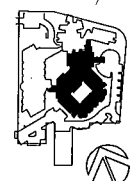
AS-100

ENTITLEMENTS REVISION 2
12/1/2014

NO.	DATE	ISSUE
1	08/20/14	ENTITLEMENTS
2	12/23/14	ENTITLEMENTS REVISION 2

NOTES
NEW CONSTRUCTION
EXISTING
RENOVATION

SEAL



Perkins Eastman
 KEY PLAN
 3431 FOOTHILL BOULEVARD, SUITE 100
 OAKLAND, CA 94612
 415.556.7000
 415.556.7002

PROJECT TITLE
**MERCY RETIREMENT
 AND CARE CENTER**

3431 FOOTHILL BOULEVARD, OAKLAND,
 CA 94612

PROJECT NO. 54940.00

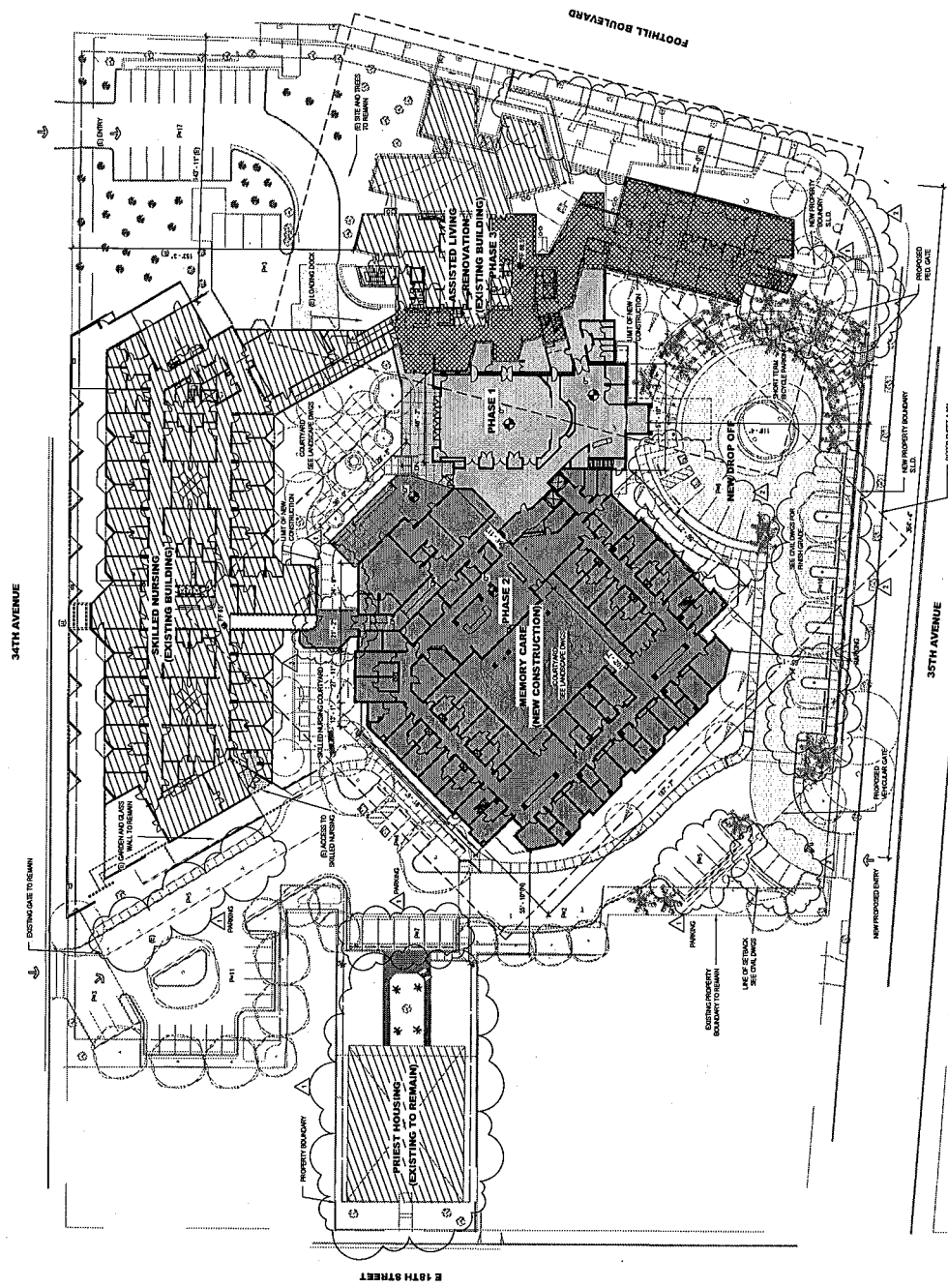
DRAWING TITLE
SITE PLAN

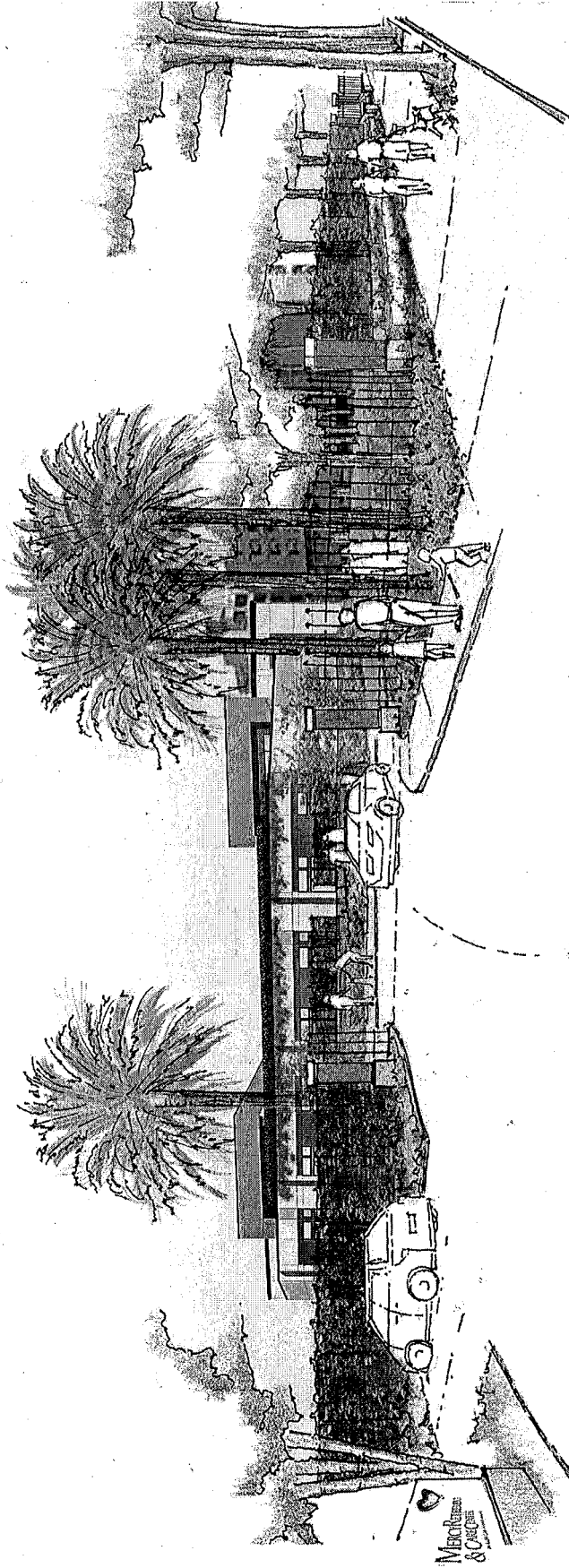
SCALE: AS SHOWN

A-101

ENTITLEMENTS REVISION 2

12/23/2014



[illegible]

PROPOSED ENTRY INTO PROPERTY

Perkins Eastman

23 GARY STREET
SUITE 500
SAN FRANCISCO, CA 94108
T. 415.392.7800
F. 415.392.7733

**MERCY RETIREMENT
AND CARE CENTER**

Drawing title:
35TH AVENUE
ELEVATION AND
PERSPECTIVE VIEW

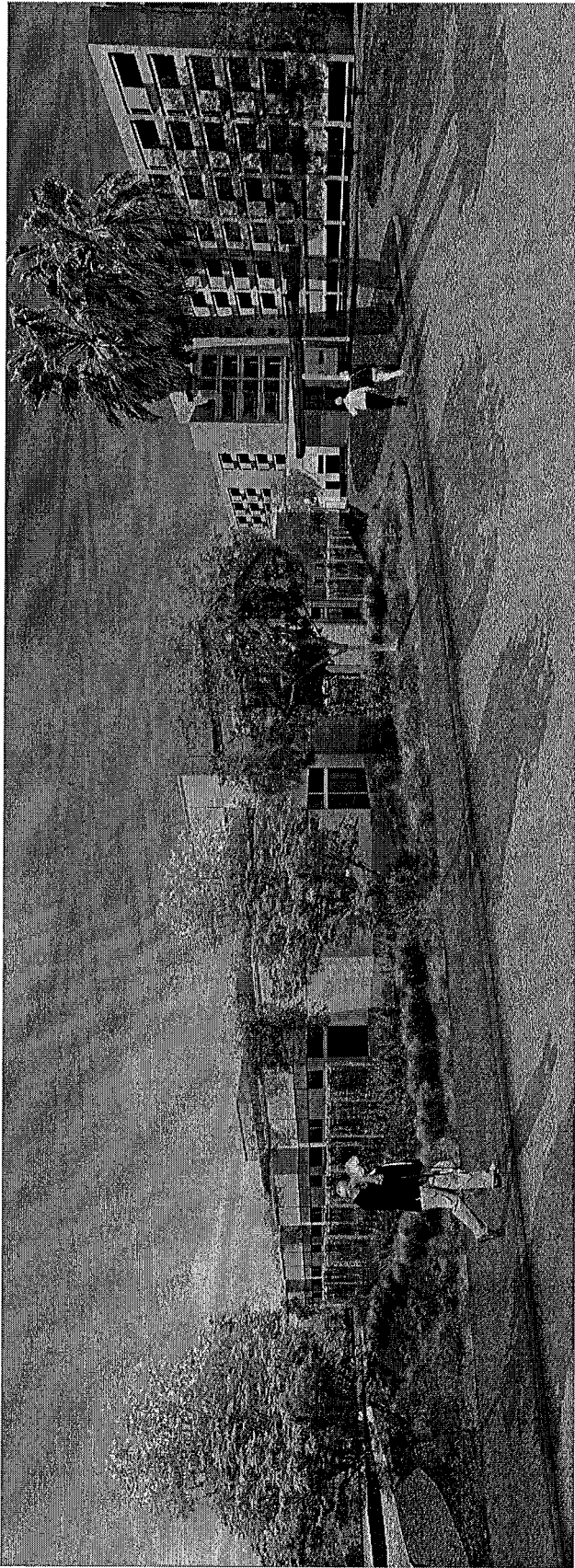
A-103

ENTIREMENTS REVISION 2

12/31/2014

NO.	DATE	ISSUE
1	12/20/2014	REVISIONS
2	12/20/2014	ENTITLEMENTS REVISION 2

1	12/20/2014	REVISIONS
2	12/20/2014	ENTITLEMENTS REVISION 2



APPROACH TO THE MAIN DROP OFF

Perkins Eastman
 25 CALLE STREET
 SAN FRANCISCO, CA 94108
 P: 415.774.2700

PROJECT TITLE
**MERCY RETIREMENT
 AND CARE CENTER**

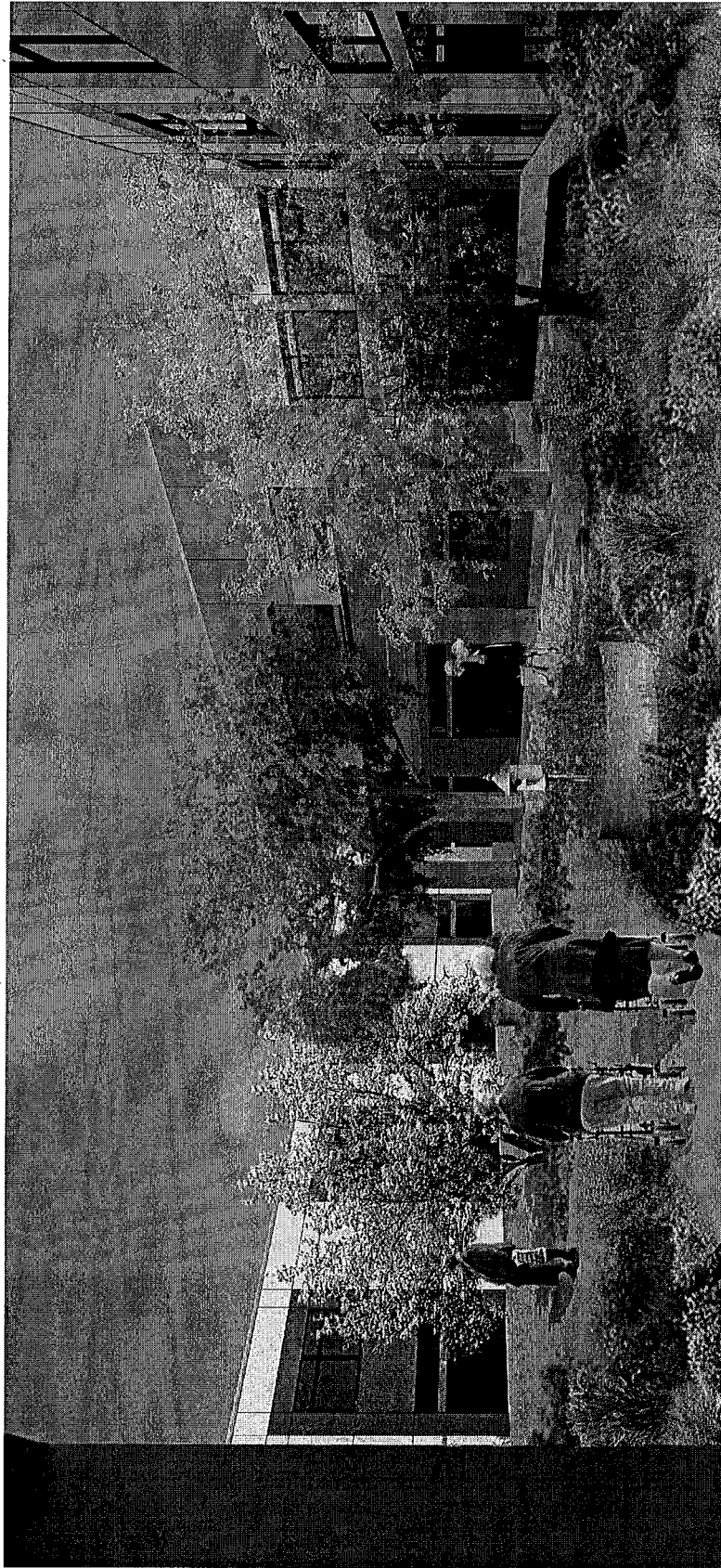
5451 FOOTHILL BOULEVARD OAKLAND,
 CA 94601

PROJECT No: 54840.00
 DRAWING TITLE
**PERSPECTIVE
 VIEWS- APPROACH**

SCALE 1/8" = 1'-0"
A-104
 ENTITLEMENTS REVISION 2
 12/21/2014

NOTES		
1	REVISIONS	DATE
1	REVISIONS	DATE
2	REVISIONS	DATE
3	REVISIONS	DATE
4	REVISIONS	DATE
5	REVISIONS	DATE
6	REVISIONS	DATE
7	REVISIONS	DATE
8	REVISIONS	DATE
9	REVISIONS	DATE
10	REVISIONS	DATE

NO.	DATE	ISSUE
1	05/27/2014	ENTITLEMENTS
2	05/27/2014	ENTITLEMENTS
3	05/27/2014	ENTITLEMENTS
4	05/27/2014	ENTITLEMENTS
5	05/27/2014	ENTITLEMENTS
6	05/27/2014	ENTITLEMENTS
7	05/27/2014	ENTITLEMENTS
8	05/27/2014	ENTITLEMENTS
9	05/27/2014	ENTITLEMENTS
10	05/27/2014	ENTITLEMENTS



SOUTH VIEW INSIDE THE MEMORY CARE COURTYARD

SEALED

SET PLAN

Perkins Eastman

3451 FOOTHILL BOULEVARD OAKLAND, CA 94601

DATE: 05/27/2014

BY: [Signature]

FOR: [Signature]

PROJECT TITLE

MERCY RETIREMENT AND CARE CENTER

3451 FOOTHILL BOULEVARD OAKLAND, CA 94601

PROJECT NO: 54840.00

DRAWING TITLE

PERSPECTIVE VIEWS- MEMORY CARE COURTYARD

SCALE: 1/8" = 1'-0"

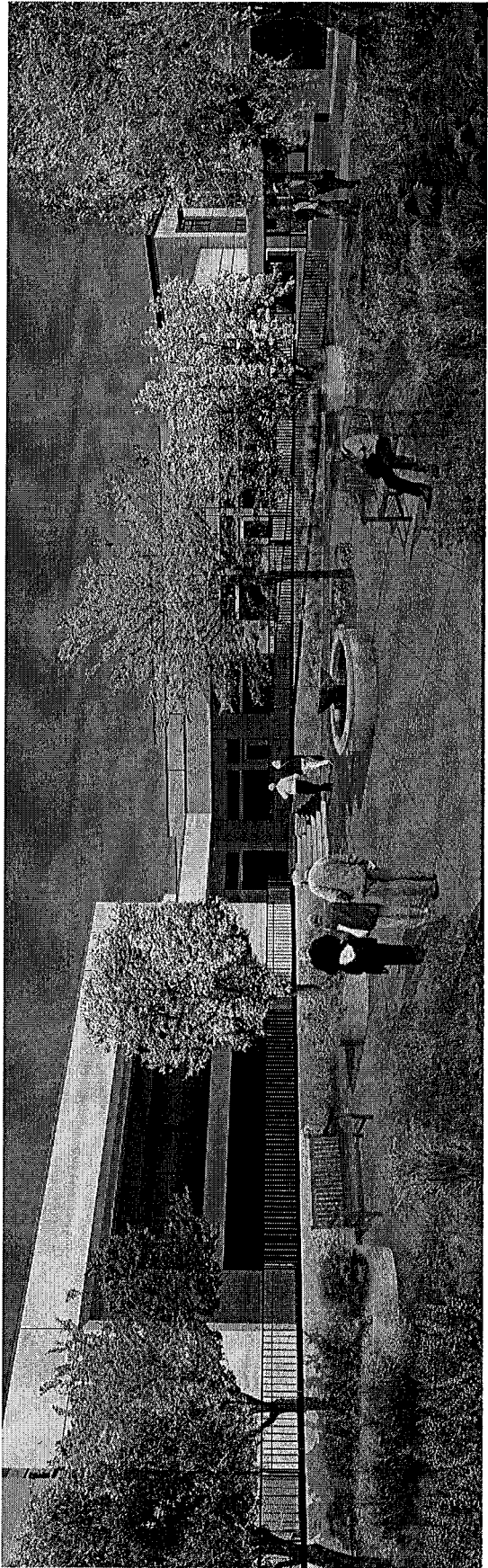
A-105

ENTITLEMENTS REVISION 2

12/31/2014

NOTES		
1.	SEEKING - ALL IN	
FOR DETAILS ON PROPOSED LANDSCAPE		

NO.	DATE	DESCRIPTION
1.	02/27/2014	ENTITLEMENTS
2.	03/11/2014	PERMITTING
3.	03/11/2014	ENTITLEMENTS REVISION 1
4.	03/11/2014	ENTITLEMENTS REVISION 2
5.	03/11/2014	ENTITLEMENTS REVISION 3
6.	03/11/2014	ENTITLEMENTS REVISION 4
7.	03/11/2014	ENTITLEMENTS REVISION 5
8.	03/11/2014	ENTITLEMENTS REVISION 6
9.	03/11/2014	ENTITLEMENTS REVISION 7
10.	03/11/2014	ENTITLEMENTS REVISION 8



VIEW ONTO MULTIPURPOSE, ART, SALON AND WELLNESS FROM COURTYARD

SEAL

PERKINS EASTMAN

3451 FOOTHILL BOULEVARD, SUITE 200
OAKLAND, CA 94611
TEL: 415.762.1000
WWW.PERKINS-EASTMAN.COM

PROJECT TITLE
MERCY RETIREMENT
AND CARE CENTER

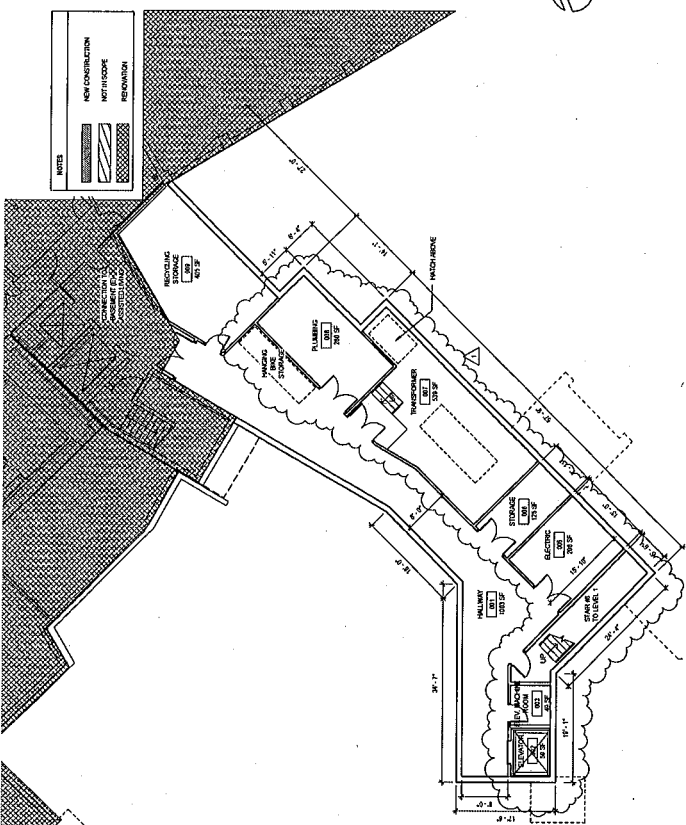
3451 FOOTHILL BOULEVARD, SUITE 200
OAKLAND, CA 94611

PROJECT No. 54640.00
DRAWING TITLE
PERSPECTIVE VIEWS
- COMMONS
COURTYARD

SCALE: 1/8" = 1'-0"
A-106
ENTITLEMENTS REVISION 2
12/31/2014

NO.	DATE	ISSUE
1	02/20/14	REVISION 1
2	02/20/14	REVISION 2
3	02/20/14	REVISION 3
4	02/20/14	REVISION 4
5	02/20/14	REVISION 5
6	02/20/14	REVISION 6
7	02/20/14	REVISION 7
8	02/20/14	REVISION 8
9	02/20/14	REVISION 9
10	02/20/14	REVISION 10

NOTES
1. NEW CONSTRUCTION
2. EXISTING
3. REMOVAL



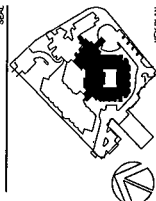

Perkins Eastman
 2000 STREET
 SAN FRANCISCO, CA 94108
 P. 415.774.2700

PROJECT TITLE
**MERCY RETIREMENT
 AND CARE CENTER**
 5451 FOOTHILL BOULEVARD OAKLAND,
 CA 94651
 PROJECT No: 54840.00
 DRAWING TITLE
**BASEMENT FLOOR
 PLAN MEMORY CARE**

SCALE: As Indicated
A-200
 ENTITLEMENT'S REVISION 2
 02/20/14

NO.	DATE	ISSUE
1	04/27/2014	ENTITLEMENTS
2	10/23/2014	ENTITLEMENTS REVISION
3	12/21/2014	ENTITLEMENTS REVISION

NOTES
NEW CONSTRUCTION
NOT IN SCOPE
RENOVATION



Perkins Eastman
 3450 AVENUE 100
 SUITE 1000
 SAN FRANCISCO, CA 94104
 TEL: 415.774.2000
 FAX: 415.774.2001

PROJECT TITLE
**MERCY RETIREMENT
 AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,
 CA 94621

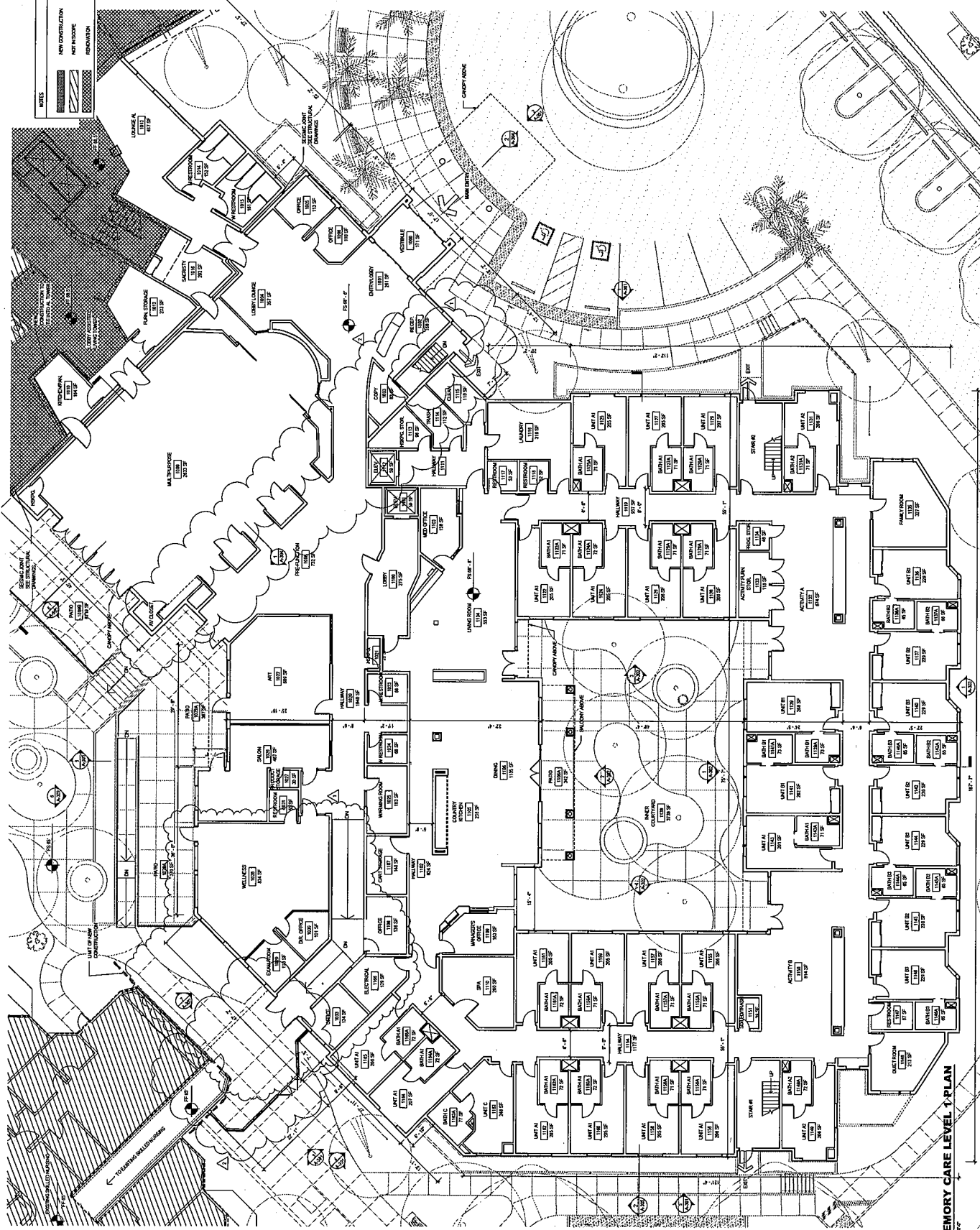
PROJECT NO: 54640.00

DRAWING TITLE
**FIRST FLOOR PLAN
 MEMORY CARE**

SCALE: AS SHOWN

A-201

ENTITLEMENTS REVISION 2
 12/21/2014



1 MEMORY CARE LEVEL 1 PLAN

NOTES

- NEW CONSTRUCTION
- NOT IN SCOPE
- RENOVATION

NO.	DATE	SCALE
1	02/20/14	ENTITLEMENTS
2	03/10/14	ENTITLEMENTS
3	03/10/14	ENTITLEMENTS
4	03/10/14	ENTITLEMENTS
5	03/10/14	ENTITLEMENTS
6	03/10/14	ENTITLEMENTS
7	03/10/14	ENTITLEMENTS
8	03/10/14	ENTITLEMENTS
9	03/10/14	ENTITLEMENTS
10	03/10/14	ENTITLEMENTS

SEAL



PERKINS EASTMAN
3451 FOOTHILL BOULEVARD, SUITE 400
OAKLAND, CA 94601
TEL: 510.506.2000
FAX: 510.506.2002
WWW.PERKINS-EASTMAN.COM

PROJECT TITLE
MERCY RETIREMENT AND CARE CENTER

3451 FOOTHILL BOULEVARD, SUITE 400, OAKLAND, CA 94601

PROJECT NO: 54640-00

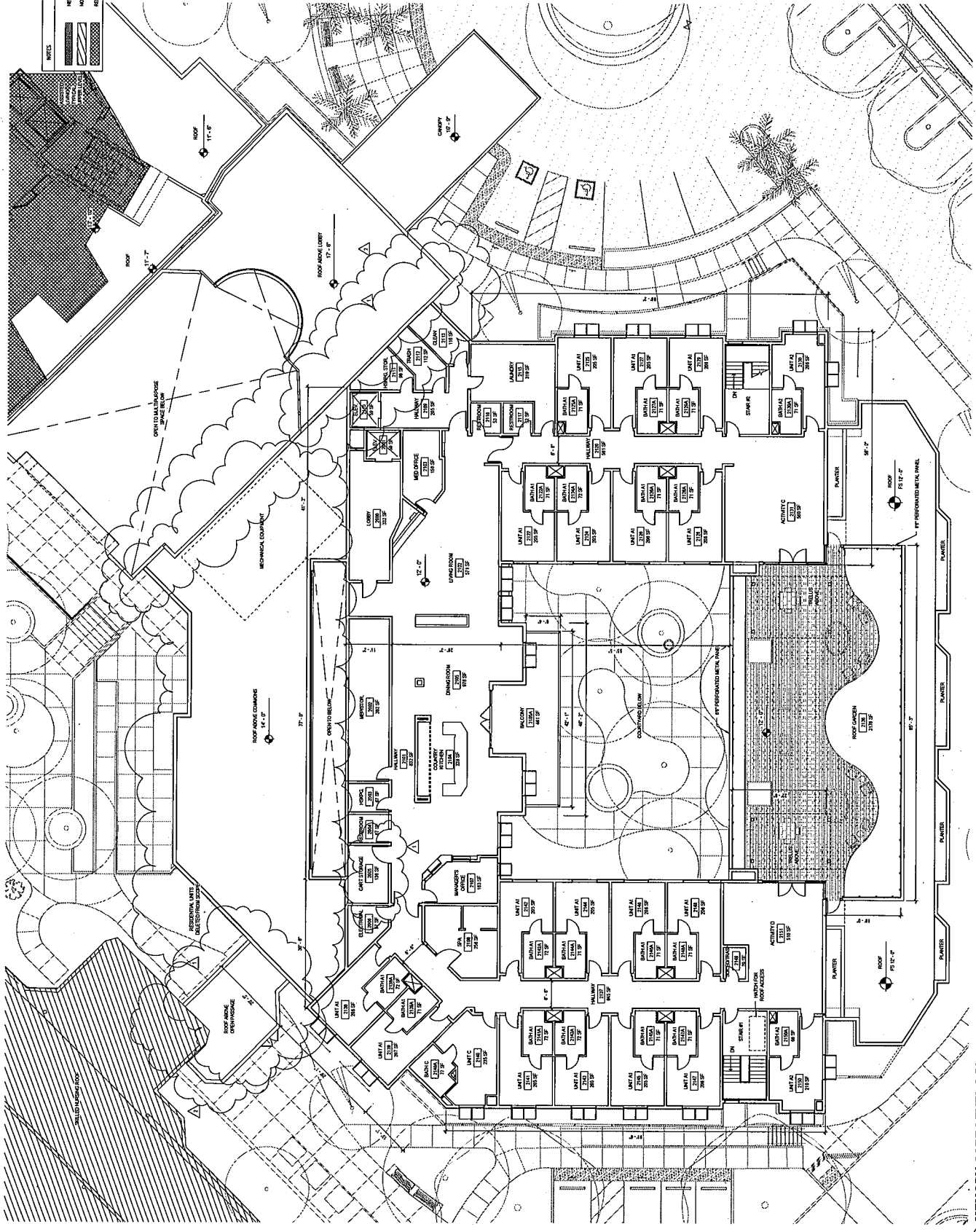
DRAWING TITLE
SECOND FLOOR PLAN MEMORY CARE

SCALE: AS SHOWN

A-202

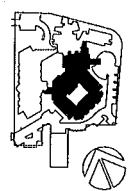
ENTITLEMENTS REVISION 2

12/21/2014



1
MEMORY CARE LEVEL 2 PLAN

NO.	DATE	BY
1	12/20/2014	PERKINS EASTMAN
2	12/20/2014	PERKINS EASTMAN
3	12/20/2014	PERKINS EASTMAN
4	12/20/2014	PERKINS EASTMAN
5	12/20/2014	PERKINS EASTMAN
6	12/20/2014	PERKINS EASTMAN
7	12/20/2014	PERKINS EASTMAN
8	12/20/2014	PERKINS EASTMAN
9	12/20/2014	PERKINS EASTMAN
10	12/20/2014	PERKINS EASTMAN



KEY PLAN
 PERKINS EASTMAN
 2500 16TH STREET
 SAN FRANCISCO, CA 94108
 415.774.0700

PROJECT TITLE
 MERCY RETIREMENT
 AND CARE CENTER

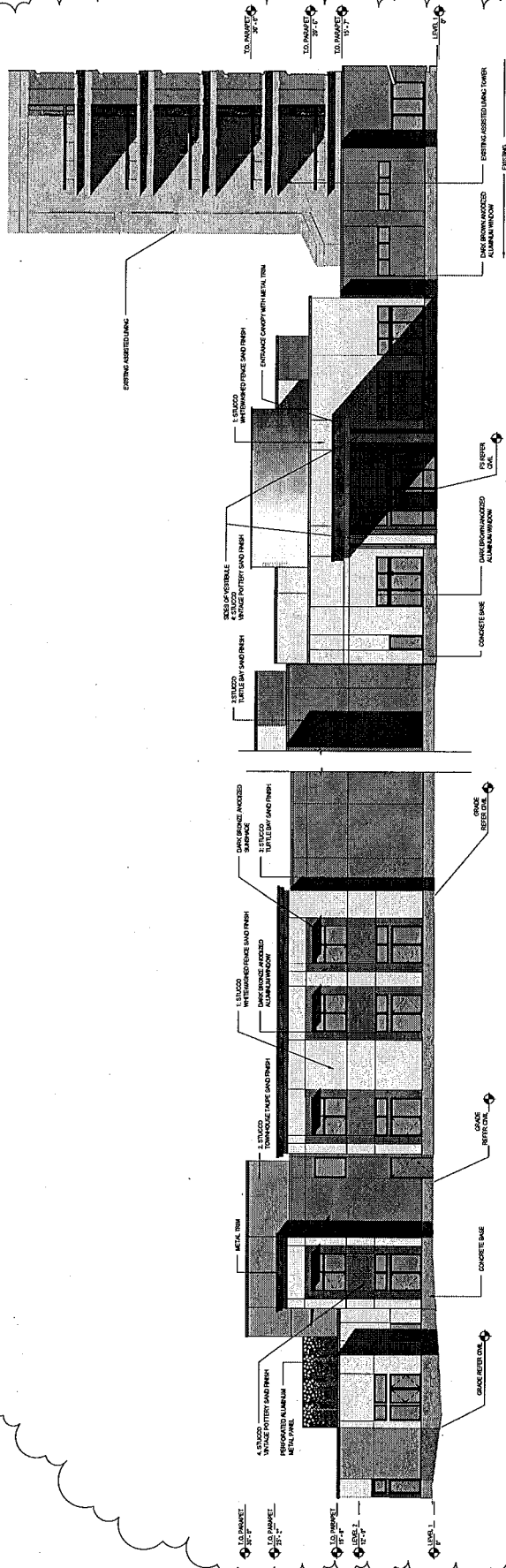
3431 FOOTHILL BOULEVARD OAKLAND,
 CA 94601

PROJECT NO. 5464100
 DRAWING TITLE
 EXTERIOR
 ELEVATIONS
 MEMORY CARE

SCALE: 1/8" = 1'-0"

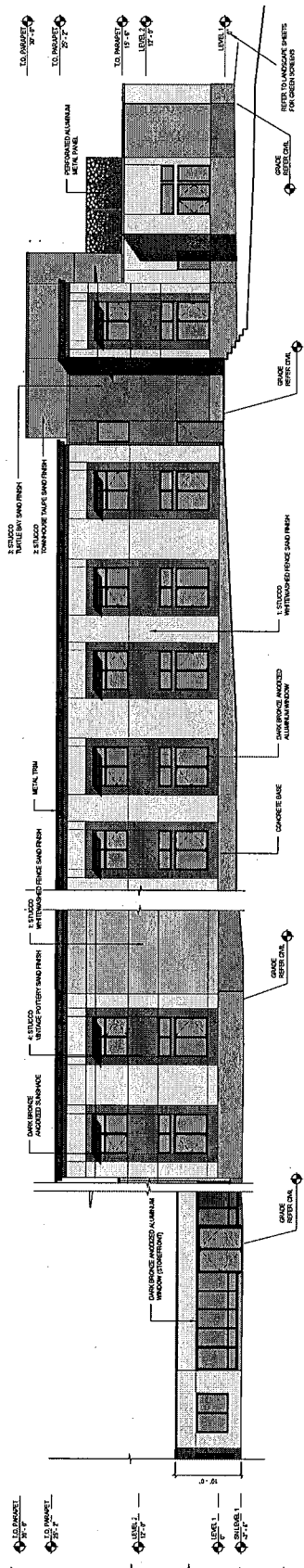
A-301

ENTITLEMENTS REVISION 2
 12/20/2014



2 MAIN ENTRY ELEVATION
18" x 10"

1 EAST ELEVATION
18" x 10"

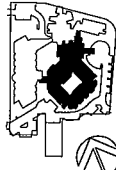


4 WEST ELEVATION 1
18" x 10"

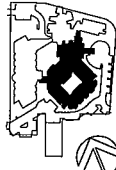
5 WEST ELEVATION 2
18" x 10"

3 CONNECTION TO SN WEST ELEVATION
18" x 10"

NO.	DATE	ISSUE
1	02/07/2011	REVISIONS
2	12/20/2011	ENTIREMENT'S REVISION
3	12/20/2011	ENTIREMENT'S REVISION
4	12/20/2011	ENTIREMENT'S REVISION
5	12/20/2011	ENTIREMENT'S REVISION
6	12/20/2011	ENTIREMENT'S REVISION
7	12/20/2011	ENTIREMENT'S REVISION
8	12/20/2011	ENTIREMENT'S REVISION
9	12/20/2011	ENTIREMENT'S REVISION
10	12/20/2011	ENTIREMENT'S REVISION



Perkins Eastman
 25 DEARBORN STREET
 SUITE 1000
 CHICAGO, IL 60601
 P: 312.427.7700



KEY PLAN

PROJECT TITLE

MERCY RETIREMENT AND CARE CENTER

PROJECT NO. 54640.00

DRAWING TITLE

ARCHITECTURAL SECTIONS MEMORY CARE

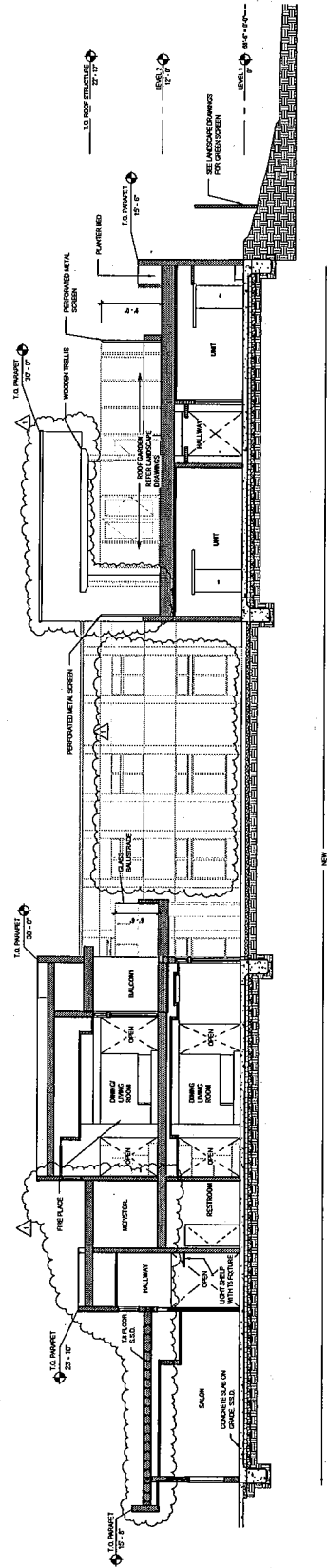
SCALE: 1/8" = 1'-0"

DATE: 02/07/2011

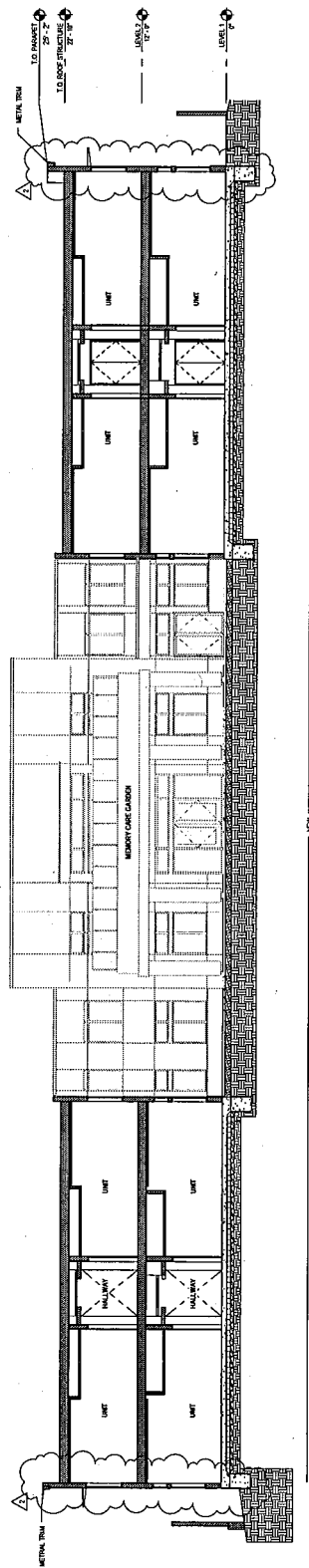
BY: [signature]

CHECKED: [signature]

APPROVED: [signature]



1 MEMORY CARE NORTH SOUTH CROSS SECTION
1/8" = 1'-0"



2 MEMORY CARE EAST WEST SECTION
1/8" = 1'-0"

NO.	DATE	ISSUE
1	06/27/2014	ENTITLEMENT REVISIONS



KEY PLAN

PERKINS EASTMAN

300 CALIFORNIA STREET

SAN FRANCISCO, CA 94104

T 415.774.2700

F 415.774.2700

PROJECT TITLE

MERCY RETIREMENT
AND CARE CENTER
(E) ASSISTED LIVING
BUILDING

3431 FOOTHILL BOULEVARD, OAKLAND,
CA 94601

PROJECT No. 54841.00

DRAWING TITLE

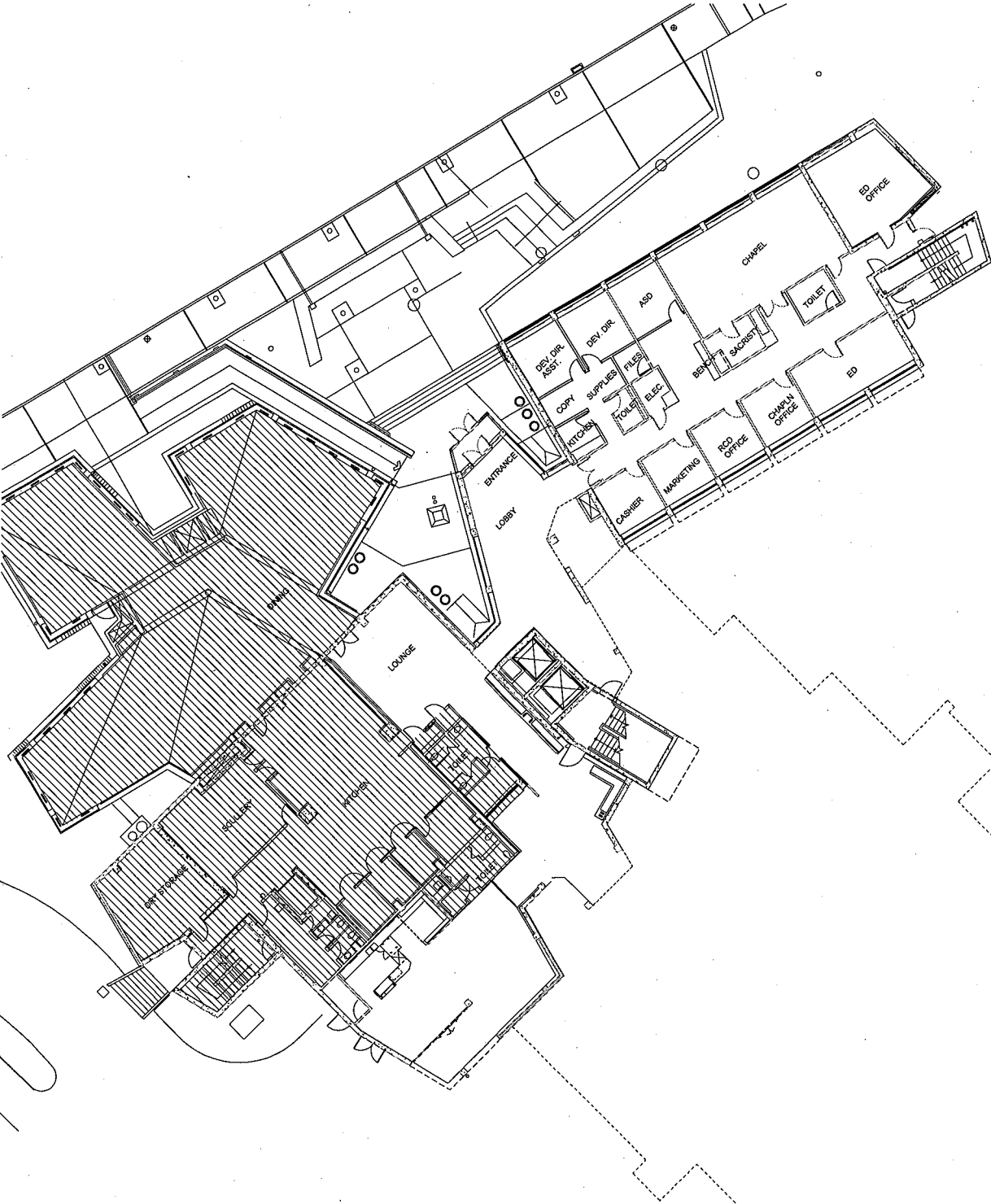
1ST FLOOR -
INTERIOR
RENOVATIONS

SCALE 1" = 30'-0"

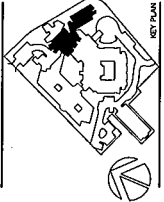
AR-201

ENTITLEMENTS

040402014



NO.	DATE	ISSUE
1	08/20/14	CONSTRUCTION RELEASE

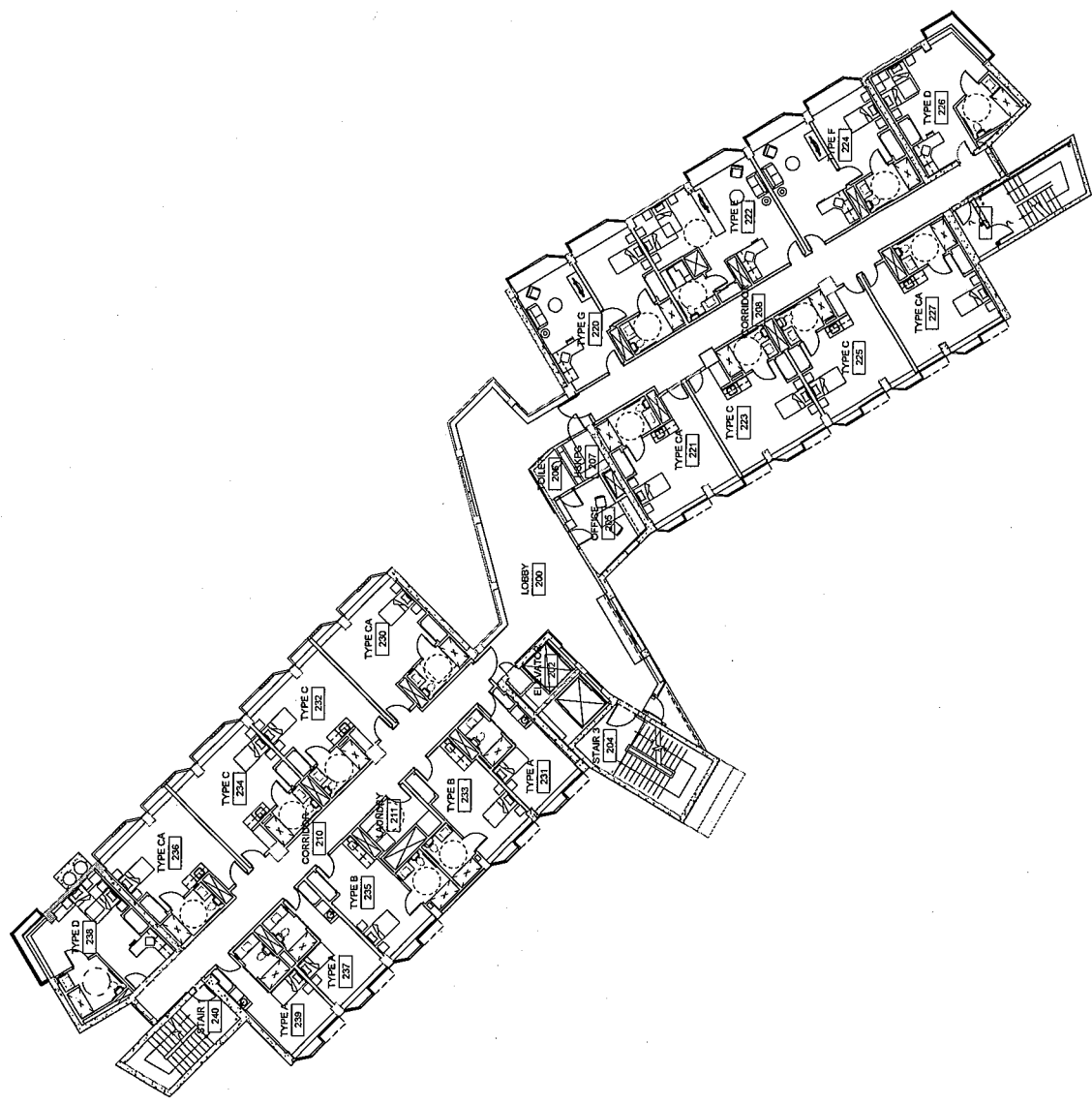


Perkins Eastman
 2500 SAN JOSE AVENUE
 SUITE 1000
 SAN JOSE, CA 95128
 P: 415.637.7700

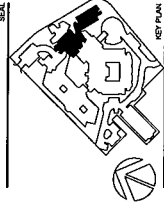
PROJECT TITLE
 MERCY RETIREMENT
 AND CARE CENTER
 (E) ASSISTED LIVING
 BUILDING
 2500 SAN JOSE AVENUE, SUITE 1000
 SAN JOSE, CA 95128

PROJECT NO. 54641.00
DRAWING TITLE
 2ND FLOOR -
 INTERIOR
 RENOVATIONS
SCALE 1" = 10'-0"

AR-203
ENTITLEMENTS
 04/24/2014



NO.	DATE	ISSUE
1	06/29/14	ENTITLEMENTS REVISIONS



Perkins Eastman
 2500 AVENUE
 SUITE 100
 SAN FRANCISCO, CALIFORNIA
 94104
 P: 415.774.1700

PROJECT TITLE

**MERCY RETIREMENT
 AND CARE CENTER
 (E) ASSISTED LIVING
 BUILDING**
 3401 FOOTHILL BOULEVARD, OAKLAND,
 CA 94601

PROJECT NO: 54841.00

DRAWING TITLE

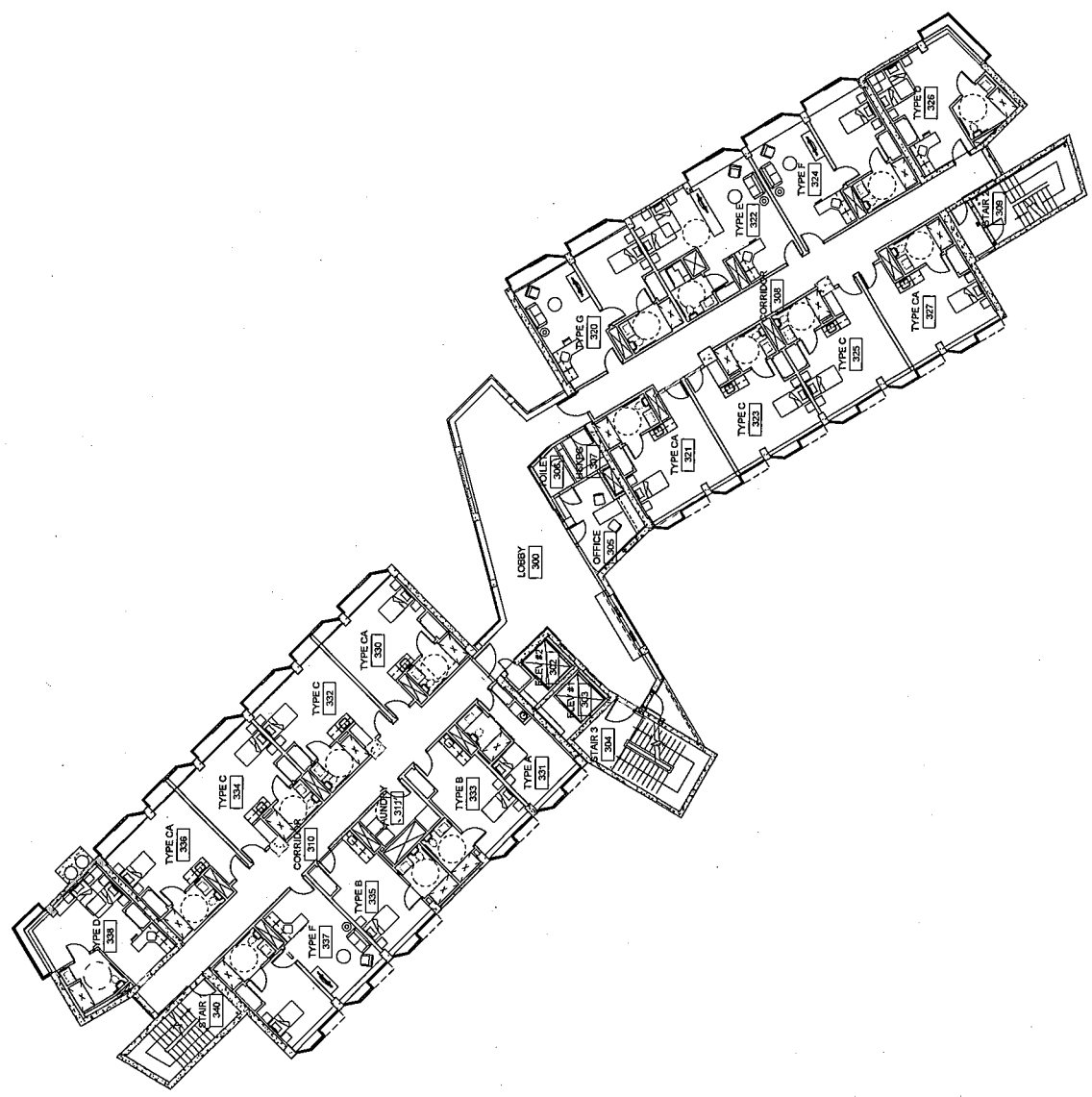
**3RD, 4TH, & 5TH
 FLOORS - INTERIOR
 RENOVATIONS**

SCALE: 1" = 16'-0"

AR-204

ENTITLEMENTS

04/04/2014



NO.	DATE	ISSUE
1	06/27/2014	ENTITLEMENT REVISIONS



SEA

SET PLAN

Perkins Eastman

3401 FOOTHILL BOULEVARD, SUITE 400
OAKLAND, CA 94611
P: 415.292.7000
F: 415.292.7001

PROJECT TITLE

MERCY RETIREMENT AND CARE CENTER (E) ASSISTED LIVING BUILDING

3401 FOOTHILL BOULEVARD, OAKLAND, CA 94611

PROJECT NO. 54841.00

DRAWING TITLE

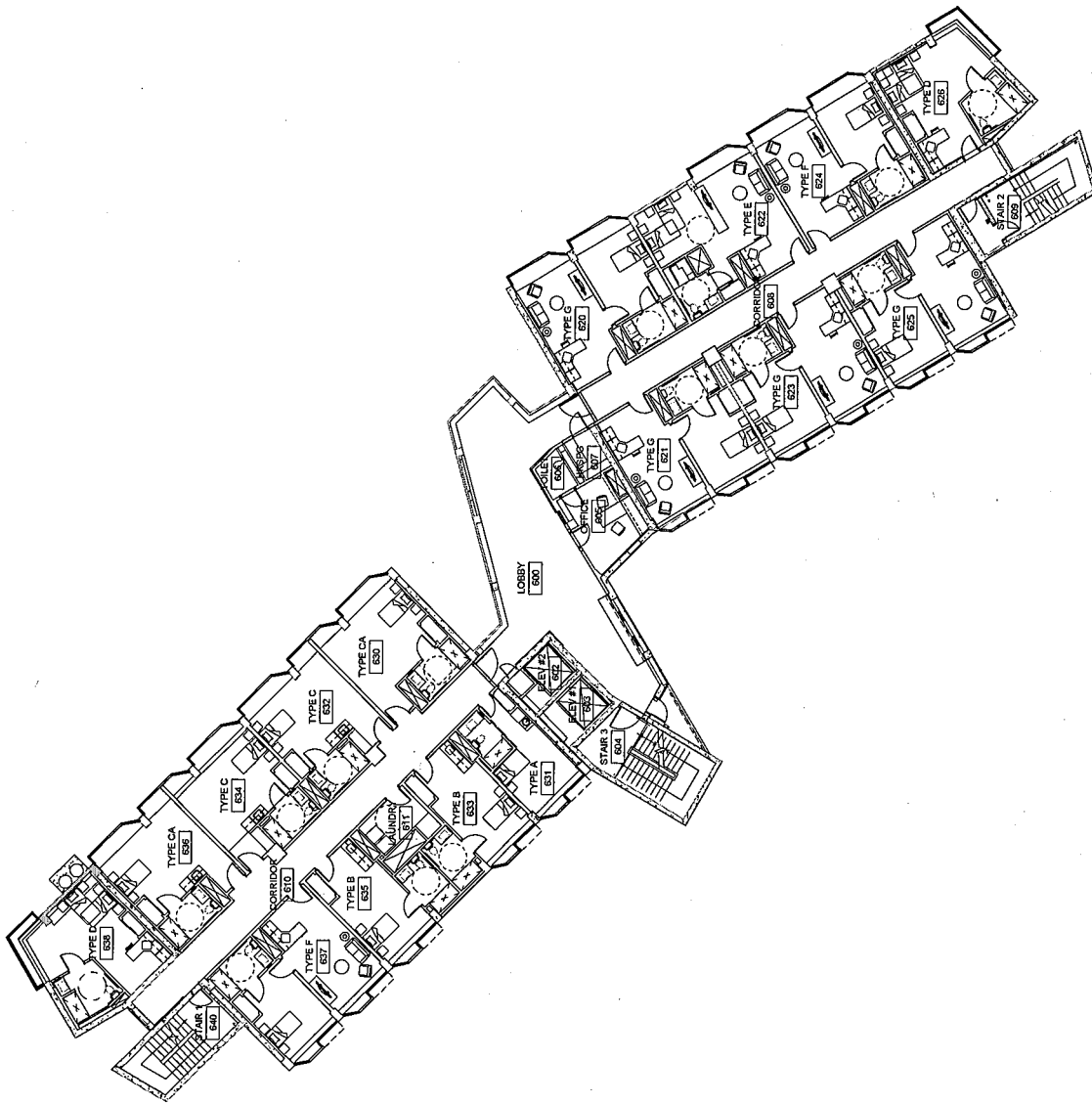
6TH FLOOR PLAN - INTERIOR RENOVATIONS

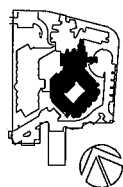
SCALE 1" = 10'-0"

AR-205

ENTITLEMENTS

04/04/2014





Perkins Eastman

23 DEARY STREET
SUITE 500
SAN FRANCISCO, CA 94108
T. 415.398.7900
F. 415.398.7733

PROJECT TITLE:

MERCY RETIREMENT
AND CARE CENTER

431 FOOTHILL BOULEVARD OAKLAND,
CA 94601

PROJECT No: 54840.00

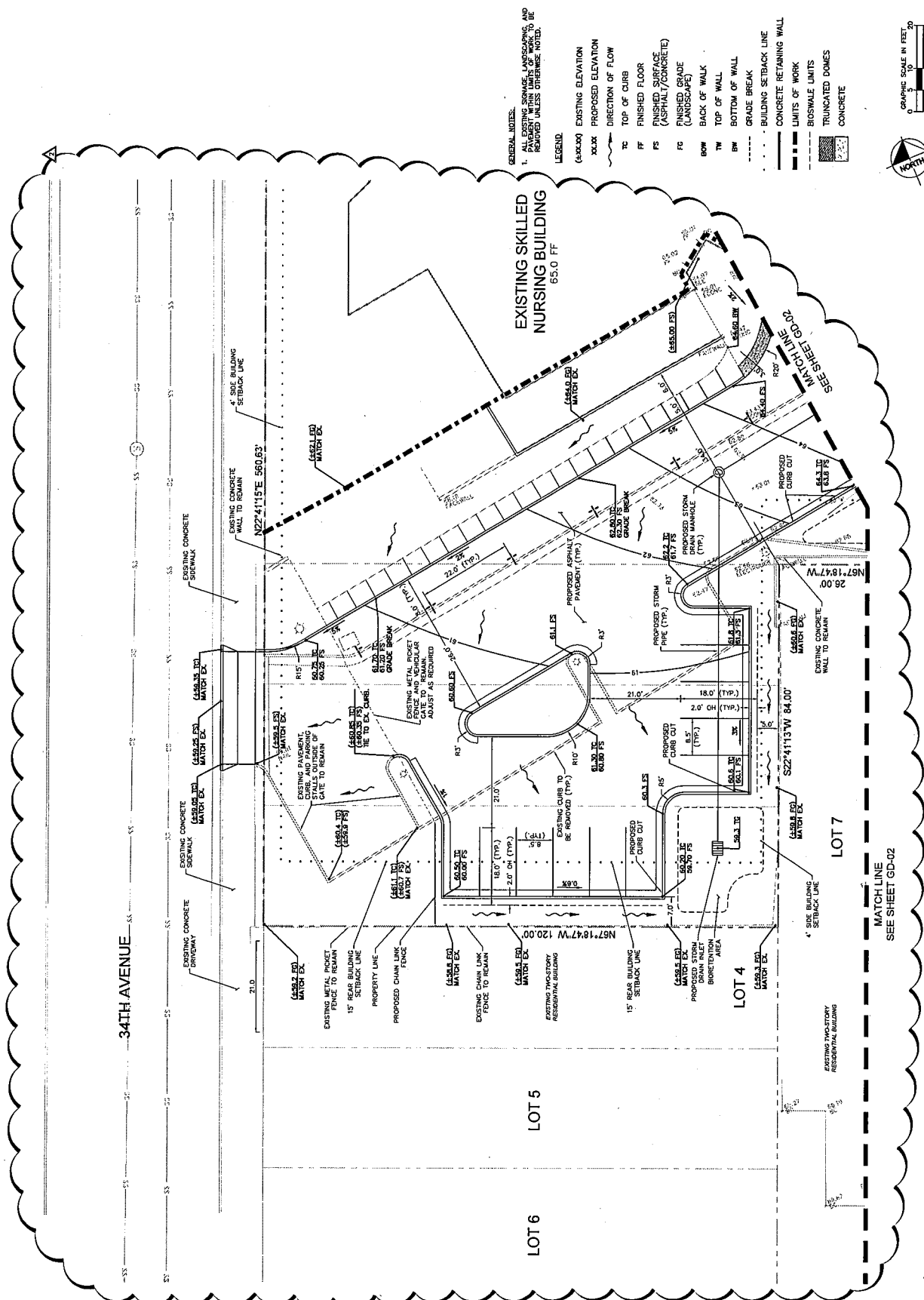
PRELIMINARY
SITE AND
GRADING PLAN 1

CA: E. As indicated

GD-01

ENTITLEMENTS REVISION 2


2/23/2014



GENERAL NOTES:

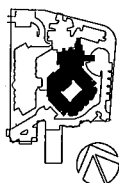
1. ALL EXISTING SIGNAGE, LANDSCAPING, AND PAYMENT WITHIN LIMITS OF WORK TO BE REMOVED UNLESS OTHERWISE NOTED.

LEGEND:

XXXX	EXISTING ELEVATION (4-00-00)
XXXX	PROPOSED ELEVATION
~~~~~	DIRECTION OF FLOW
TC	TOP OF CURB
FF	FINISHED FLOOR
FS	FINISHED SURFACE (ASPHALT/CONCRETE)
FG	FINISHED GRADE (LANDSCAPE)
BOW	BACK OF WALK
TW	TOP OF WALL
BW	BOTTOM OF WALL
---	GRADE BREAK
---	BUILDING SETBACK LINE
=====	CONCRETE RETAINING WALL
----	LIMITS OF WORK
----	BIOSWALE LIMITS
	TRUNCATED DOMES CONCRETE

GRAPHIC SCALE IN FEET

A horizontal scale bar with markings at 0, 5, 10, and 20 feet. The bar is divided into four equal segments, each representing 5 feet. The first segment is white, the second is black, the third is white, and the fourth is black. The text "GRAPHIC SCALE IN FEET" is printed vertically to the left of the bar.



**Perkins Eastman**  
23 OLEARY STREET  
SUITE 520  
SAN FRANCISCO, CA 94108  
T. 415.824.7900  
F. 415.826.7725

PROJECT TITLE: **MERCY RETIREMENT  
AND CARE CENTER**

431 FOOTHILL BOULEVARD OAKLAND,  
A 94601

PROJECT No: 54840.00

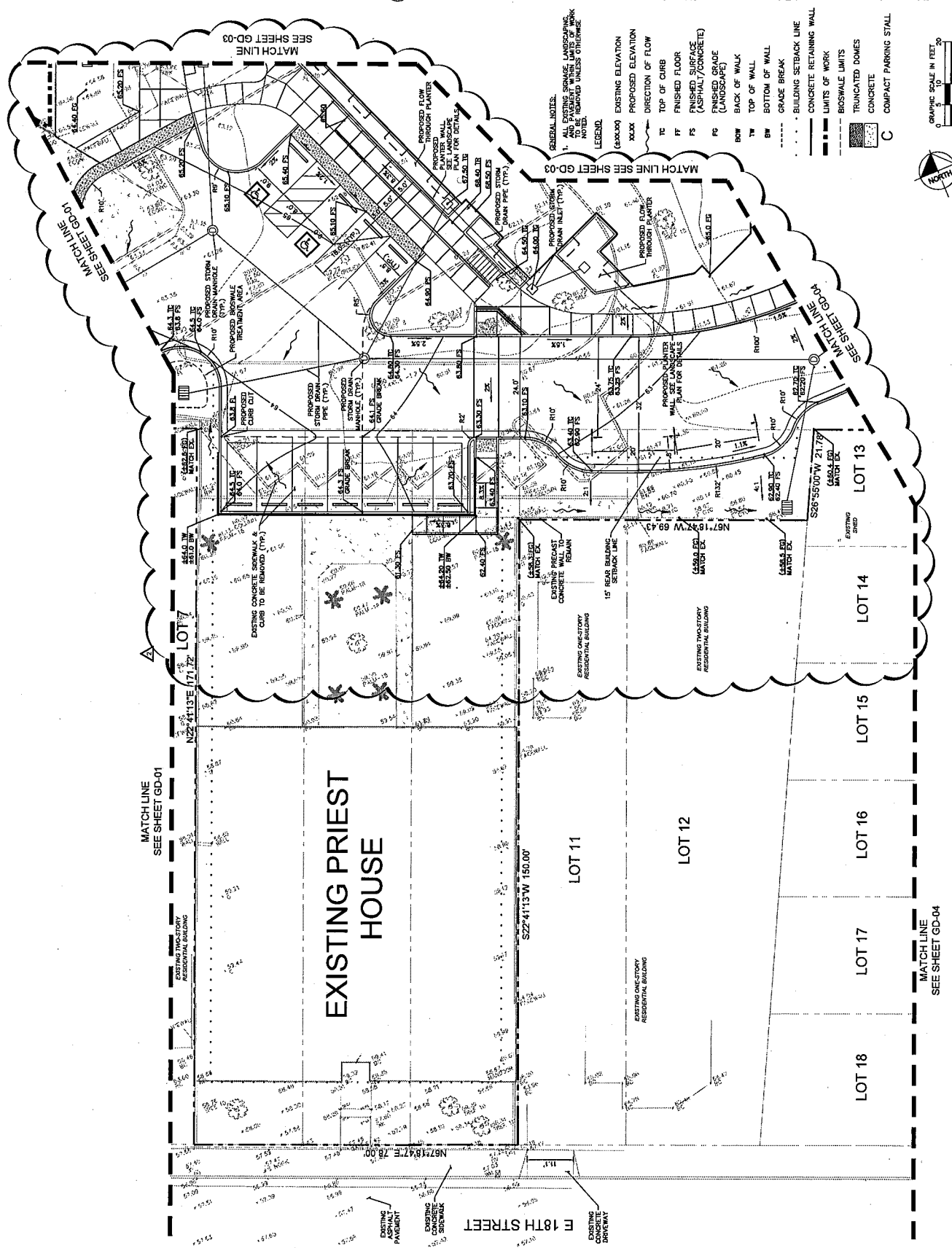
PRELIMINARY  
SITE AND  
GRADING PLAN 2

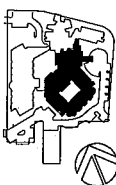
SALE: As indicated

**GD-02**

ENTITLEMENTS REVISION 2

2/31/2014





3 GEARY STREET  
SUITE 600  
SAN FRANCISCO, CA 94108  
415.398.7900  
415.398.7733

2/31/2014

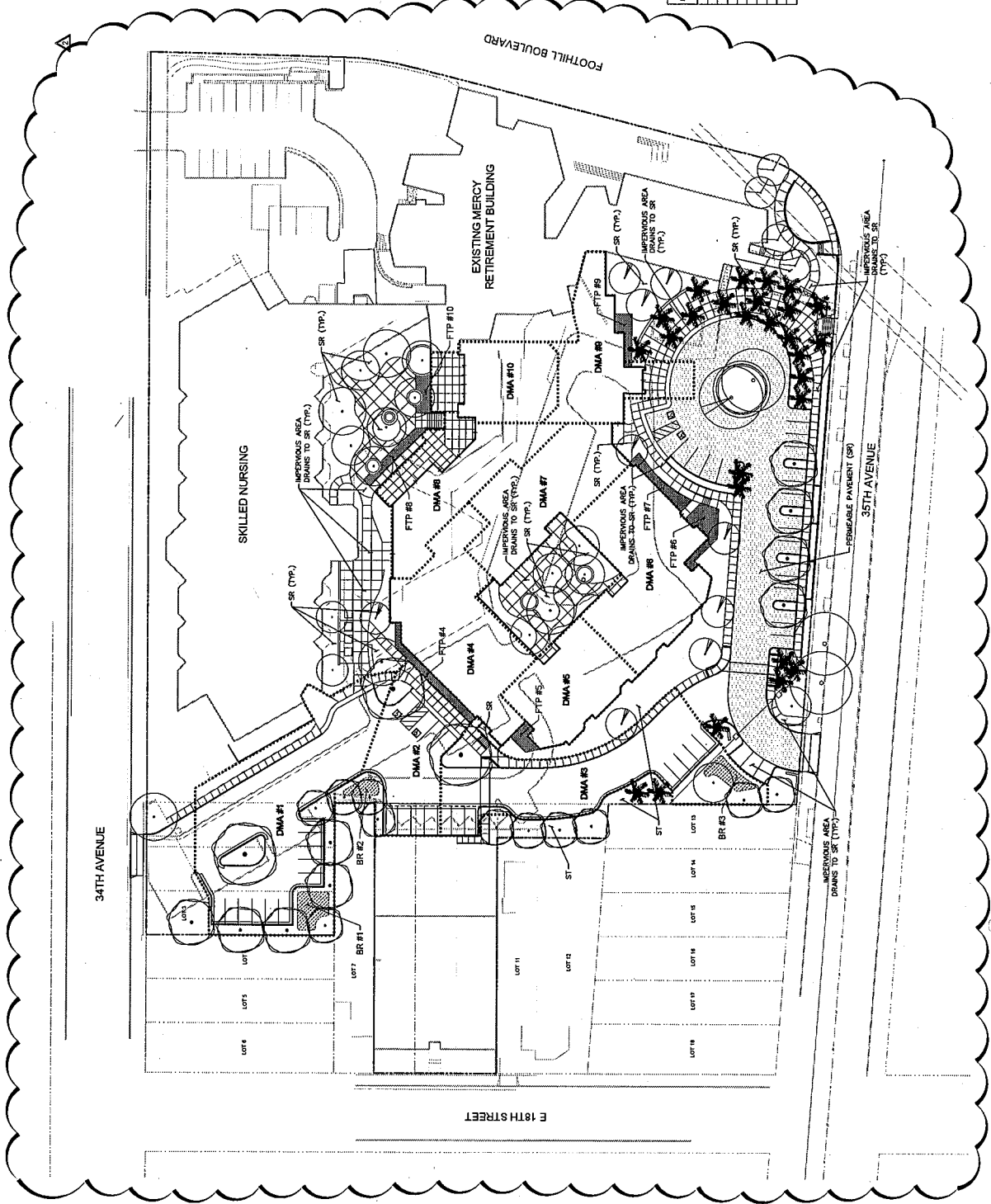
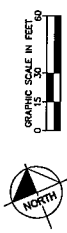






DMA #	Area (SF)	Treatment Area (SF)	Treatment Facility #
1	12253	414	113
2	8218	172	BR #2
3	8218	172	BR #2
4	6977	264	272
5	8824	133	FTP #5
6	1000	53	FTP #5
7	1000	53	FTP #5
8	1000	53	FTP #5
9	4551	132	179
10	3841	254	175

- LEGEND**
- DMA LIMITS
  - PERMEABLE PAVEMENT
  - FLOW-THROUGH PLANTER LIMITS
  - BIORETENTION AREA LIMITS
  - BR
  - BIORETENTION AREA
  - DMA
  - DRAINAGE MANAGEMENT AREA
  - FTP
  - FLOW-THROUGH PLANTER
  - SR
  - SELF-RETAINING AREA
  - ST
  - SELF-TREATING AREA





NO DATE

DATE

BY

REVISION

1. 02/20/14

ENTITLEMENTS

RESUBMITTAL

2. 03/10/14

ENTITLEMENTS

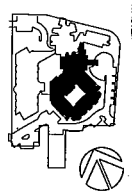
REVISION

Kimley»Horn

3451 Foothill Boulevard, Suite 205

Oakland, California 94612

Phone: (510) 632-0772



Perkins Eastman  
3451 FOOTHILL BOULEVARD, SUITE 205  
OAKLAND, CALIFORNIA 94612  
TEL: (510) 632-0772

PROJECT TITLE  
MERCY RETIREMENT  
AND CARE CENTER

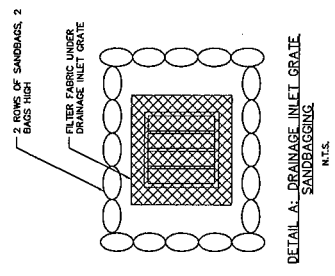
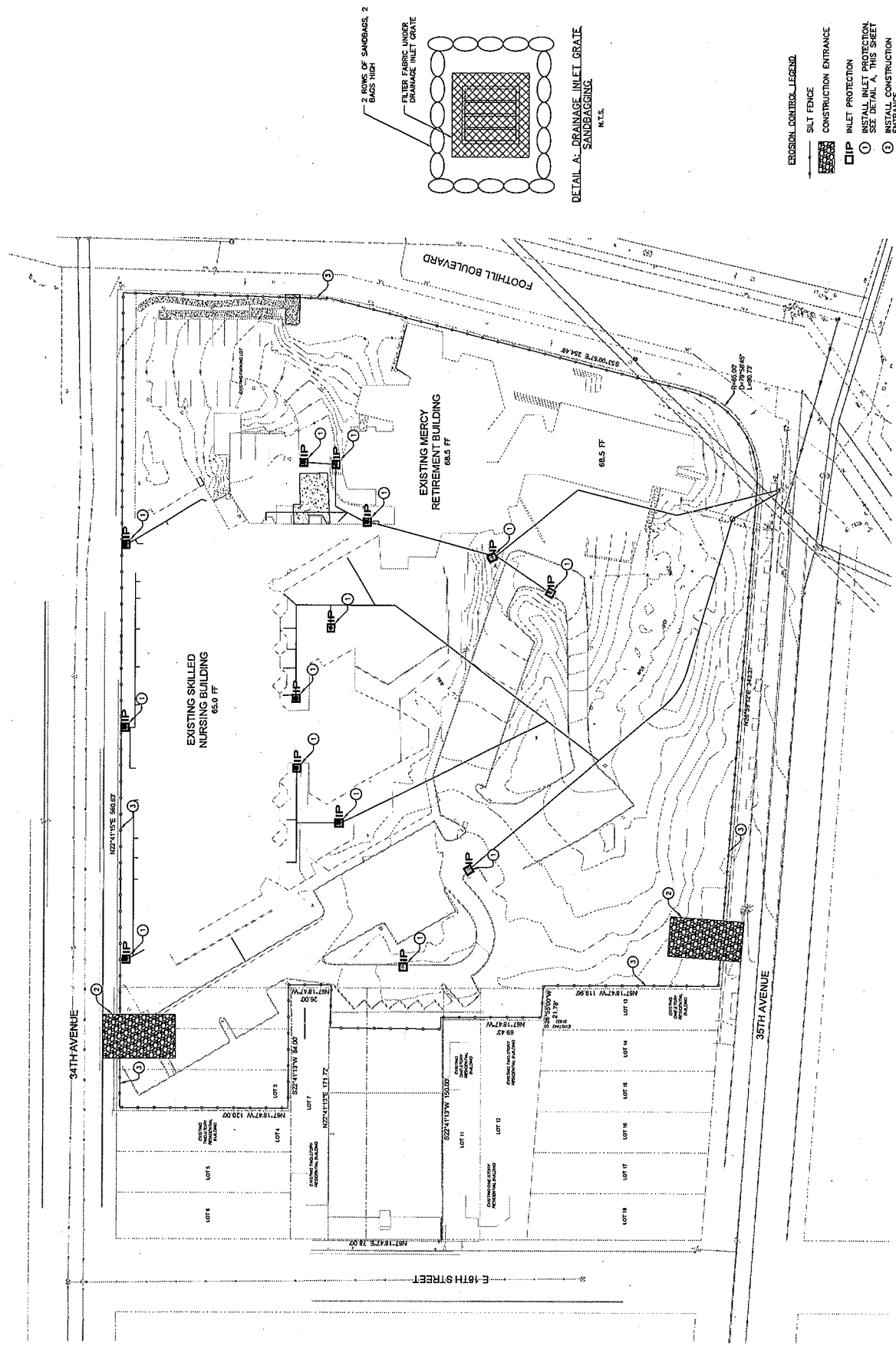
3451 FOOTHILL BOULEVARD OAKLAND,  
CA 94612

PROJECT NO: 54640.00  
DRAWING TITLE  
EROSION  
CONTROL PLAN

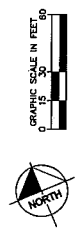
SCALE: AS SHOWN

GD-07

ENTITLEMENTS REVISION 2  
12/21/2014



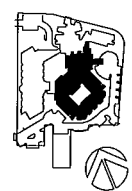
- EROSION CONTROL LEGEND
- SILT FENCE
  - CONSTRUCTION ENTRANCE
  - INLET PROTECTION
  - INSTALL INLET PROTECTION. SEE DETAIL A, THIS SHEET
  - INSTALL CONSTRUCTION ENTRANCE
  - INSTALL SILT FENCE



NO. DATE  
 12/24/2014  
 12/24/2014

ENTITLEMENT'S REVISION 2

**Kimley»Horn**  
 1300 Divisadero Street, Suite 325  
 San Francisco, CA 94115  
 Phone: (415) 822-0712



**Perkins Eastman**  
 2500 Broadway Street  
 San Francisco, CA 94115  
 Phone: (415) 822-0712

**PROJECT TITLE**  
 MERCY RETIREMENT  
 AND CARE CENTER

3451 FOOTHILL BOULEVARD OAKLAND,  
 CA 94601

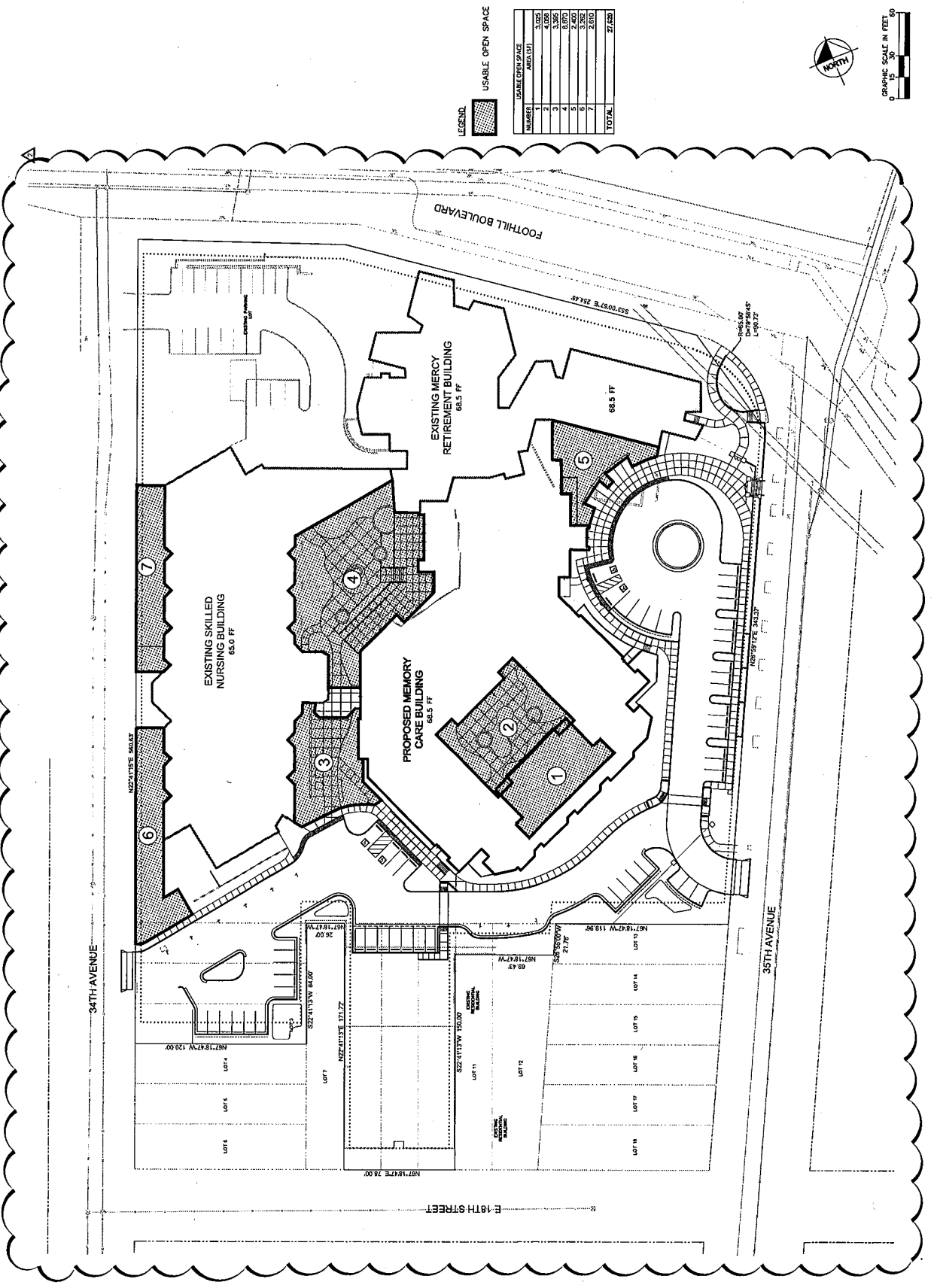
**PROJECT No.** 5444000  
**DRAWING TITLE**

**USABLE OPEN  
 SPACE EXHIBIT**

**SCALE** 1" = 40' MINIMUM

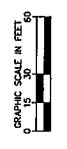
**EX-01**  
 ENTITLEMENT'S REVISION 2

12/21/2014



**LEGEND**  
 USABLE OPEN SPACE

NUMBER	USABLE OPEN SPACE AREA (SQ. FT.)
1	5,100
2	5,100
3	5,100
4	5,100
5	5,100
6	5,100
7	5,100
8	5,100
9	5,100
10	5,100
11	5,100
12	5,100
13	5,100
14	5,100
15	5,100
16	5,100
17	5,100
18	5,100
<b>TOTAL</b>	<b>27,540</b>



NO.	DATE	ISSUE
1	06/27/2014	ENTITLEMENTS
2	12/01/2014	ENTITLEMENTS REVISION 2

**rhao**  
 225 Mission Ave. Suite 100  
 Oakland, CA 94612  
 415.352.7900  
 415.352.1433  
 www.rhao.com

**Perkins Eastman**  
 2500 Broadway  
 Suite 1000  
 San Francisco, CA 94115  
 415.774.2700

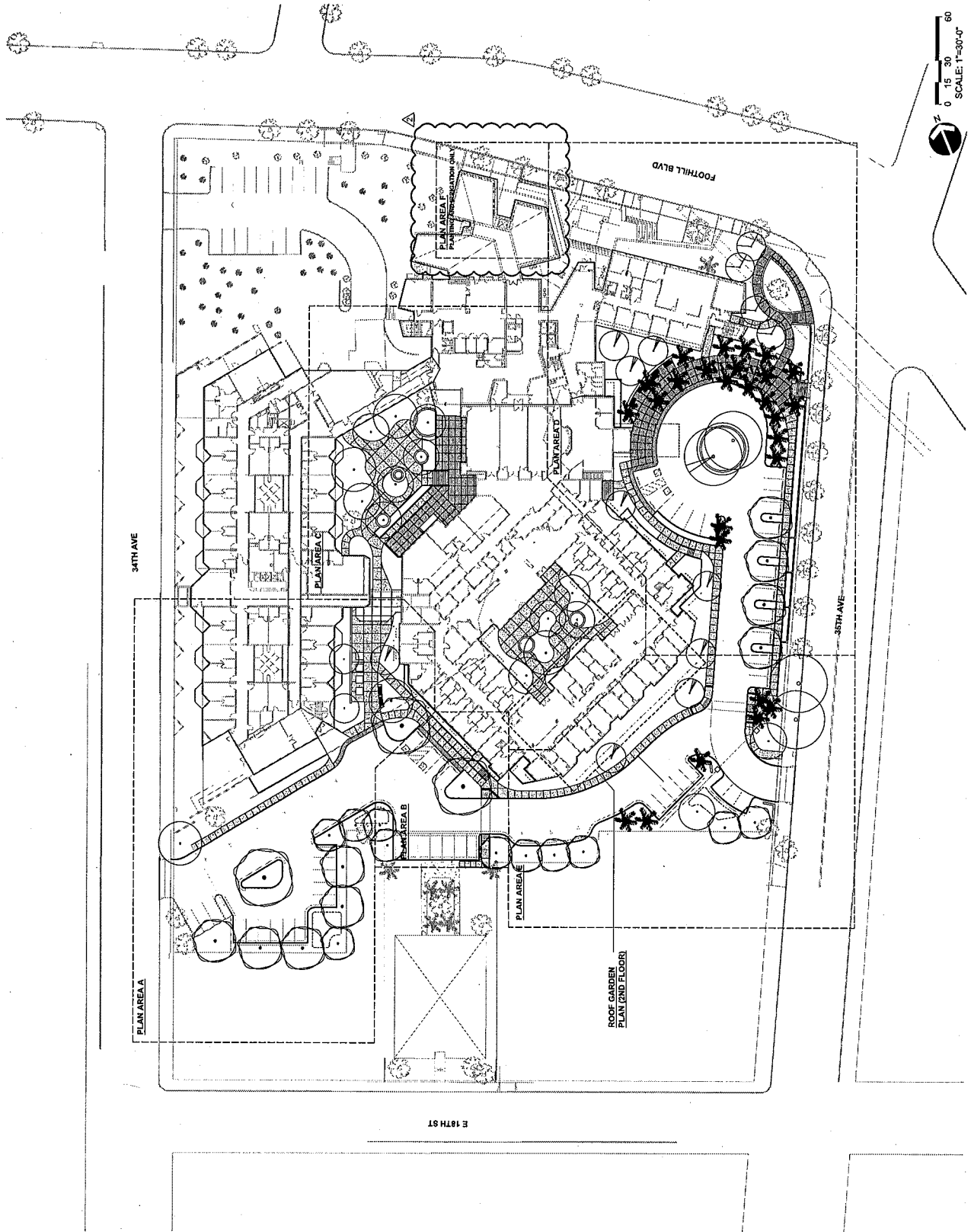
PROJECT TITLE:  
**MERCY RETIREMENT  
 AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,  
 CA 94601

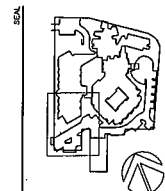
PROJECT No: 54840.03  
 DRAWING TITLE:

**OVERALL LANDSCAPE  
 AND KEY PLAN**

SCALE: As Indicated  
**L-1.01**  
 ENTITLEMENTS REVISION 2  
 12/01/2014



NO.	DATE	ISSUE
1	06/20/14	ENTITLEMENT
2	10/20/14	CONSTRUCTION



KEY PLAN  
 34TH AVENUE  
 1400 14TH STREET  
 OAKLAND, CA 94612

PROJECT TITLE  
 MERCY RETIREMENT  
 AND CARE CENTER

3431 FOOTHILL BOULEVARD OAKLAND,  
 CA 94611

PROJECT NO. 54462.03  
 DRAWING TITLE

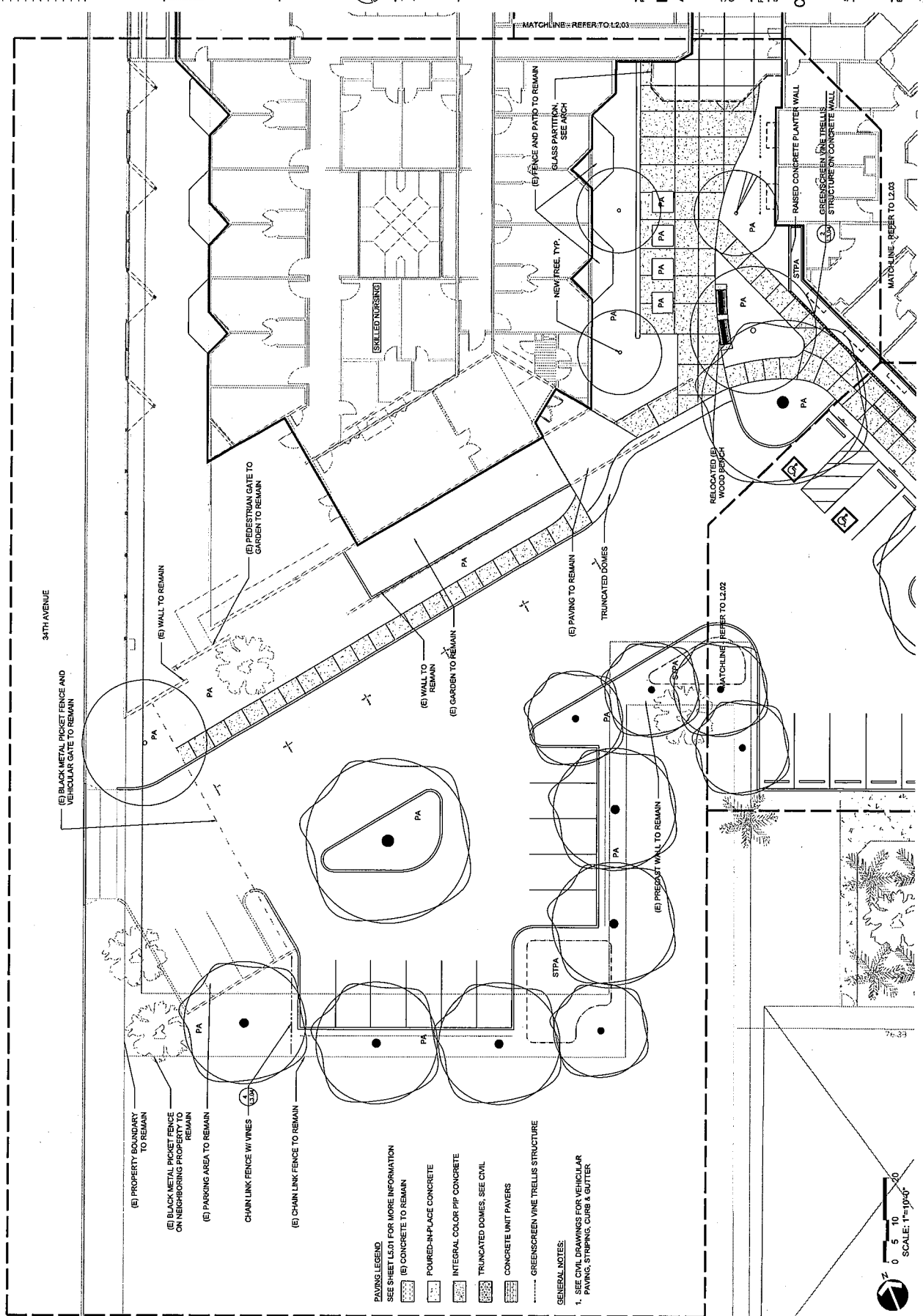
CONSTRUCTION PLAN  
 A

SCALE: AS SHOWN

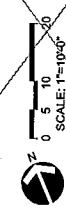
L-2.01

ENTITLEMENTS REVISION 2

12/31/2014



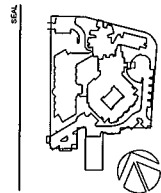
- PAVING LEGEND  
 SEE SHEET L2.01 FOR MORE INFORMATION
- (E) CONCRETE TO REMAIN
  - POURED-IN-PLACE CONCRETE
  - INTEGRAL COLOR P/P CONCRETE
  - TRUNCATED DOMES, SEE CIVIL
  - CONCRETE UNIT PAVERS
  - GREENSCREEN WINE TRELLIS STRUCTURE
- GENERAL NOTES:  
 1. SEE CIVIL DRAWINGS FOR VEHICULAR PAVING, STRIPING, CURB & GUTTER



PROJECT LOCATION: MERCY CARE CENTRAL, WOODLAND, CA 95694



NO.	DATE	ISSUE
1	12/18/2014	CONSTRUCTION
2	12/18/2014	ENTIREMENT REVISION 2



**Perkins Eastman**  
210000 STREET  
SAN FRANCISCO, CA 94108  
P: 415.774.2700  
F: 415.774.2701

PROJECT TITLE  
**MERCY RETIREMENT  
AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,  
CA 94611

PROJECT NO: 54940.00  
DRAWING TITLE

**CONSTRUCTION PLAN**  
C

SCALE: As Indicated

**L-2.03**

ENTIREMENTS REVISION 2

12/18/2014

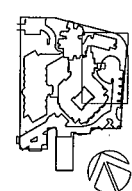


- PAVING LEGEND**  
SEE SHEET L-2.01 FOR MORE INFORMATION
- (E) CONCRETE TO REMAIN
  - POURED-IN-PLACE CONCRETE
  - INTEGRAL COLOR PIP CONCRETE
  - TRUNCATED DOMES, SEE CIVIL
  - CONCRETE UNIT PAVERS
  - GREENSCREEN VINE TRELLIS STRUCTURE
- GENERAL NOTES:**  
1. SEE CIVIL DRAWINGS FOR VEHICULAR PAVING, STRIPING, CURB & GUTTER



NO.	DATE	REVISION
1	02/27/2014	ENTITLEMENTS
2	02/27/2014	ENTITLEMENTS
3	02/27/2014	ENTITLEMENTS
4	02/27/2014	ENTITLEMENTS
5	02/27/2014	ENTITLEMENTS
6	02/27/2014	ENTITLEMENTS
7	02/27/2014	ENTITLEMENTS
8	02/27/2014	ENTITLEMENTS
9	02/27/2014	ENTITLEMENTS
10	02/27/2014	ENTITLEMENTS

**rhao**  
 205 Miller Avenue  
 San Francisco, CA 94104  
 Tel: 415.382.1433  
 www.rhao.com



**Perkins Eastman**  
 3431 Foothill Boulevard  
 Oakland, CA 94611  
 Tel: 415.382.1433  
 www.perkins-eastman.com

PROJECT TITLE  
**MERCY RETIREMENT  
 AND CARE CENTER**

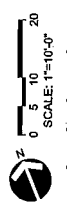
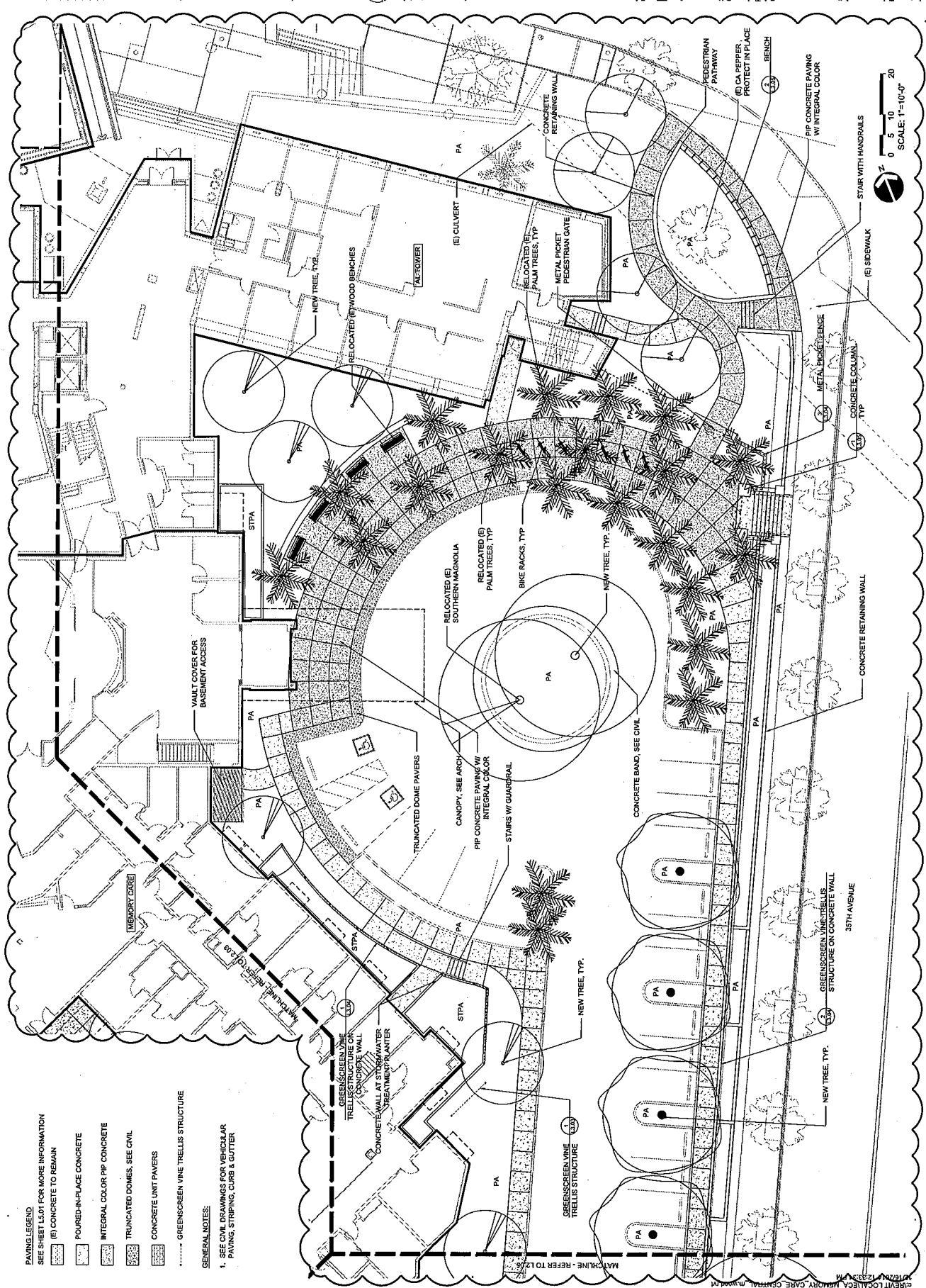
3431 FOOTHILL BOULEVARD OAKLAND,  
 CA 94611

PROJECT NO. 54660.00  
 DRAWING TITLE  
**CONSTRUCTION  
 PLAN D**

SCALE: AS SHOWN

**L-2.04**

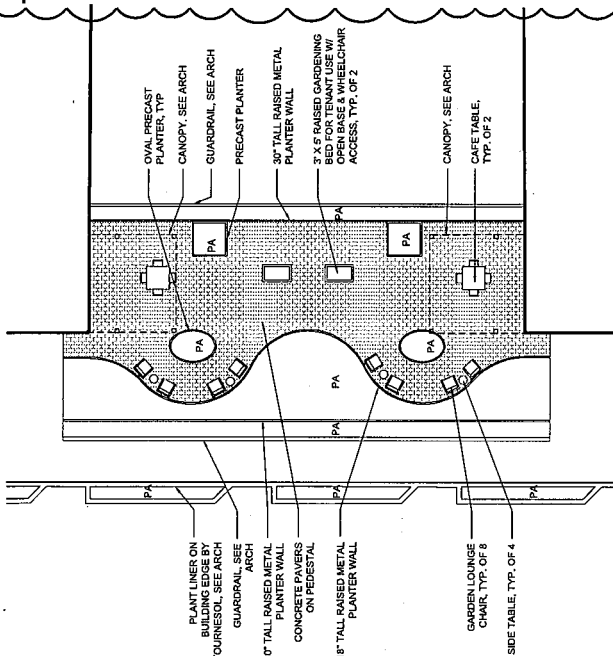
ENTITLEMENTS REVISION 2  
 12/31/2014



- PAVING LEGEND**  
 SEE SHEET L5.07 FOR MORE INFORMATION  
 (E) CONCRETE TO REMAIN  
 POURED-IN-PLACE CONCRETE  
 INTEGRAL COLOR PIP CONCRETE  
 TRUNCATED DOMES, SEE CIVIL  
 CONCRETE UNIT PAVERS  
 GREENSCREEN VINE TRELLIS STRUCTURE

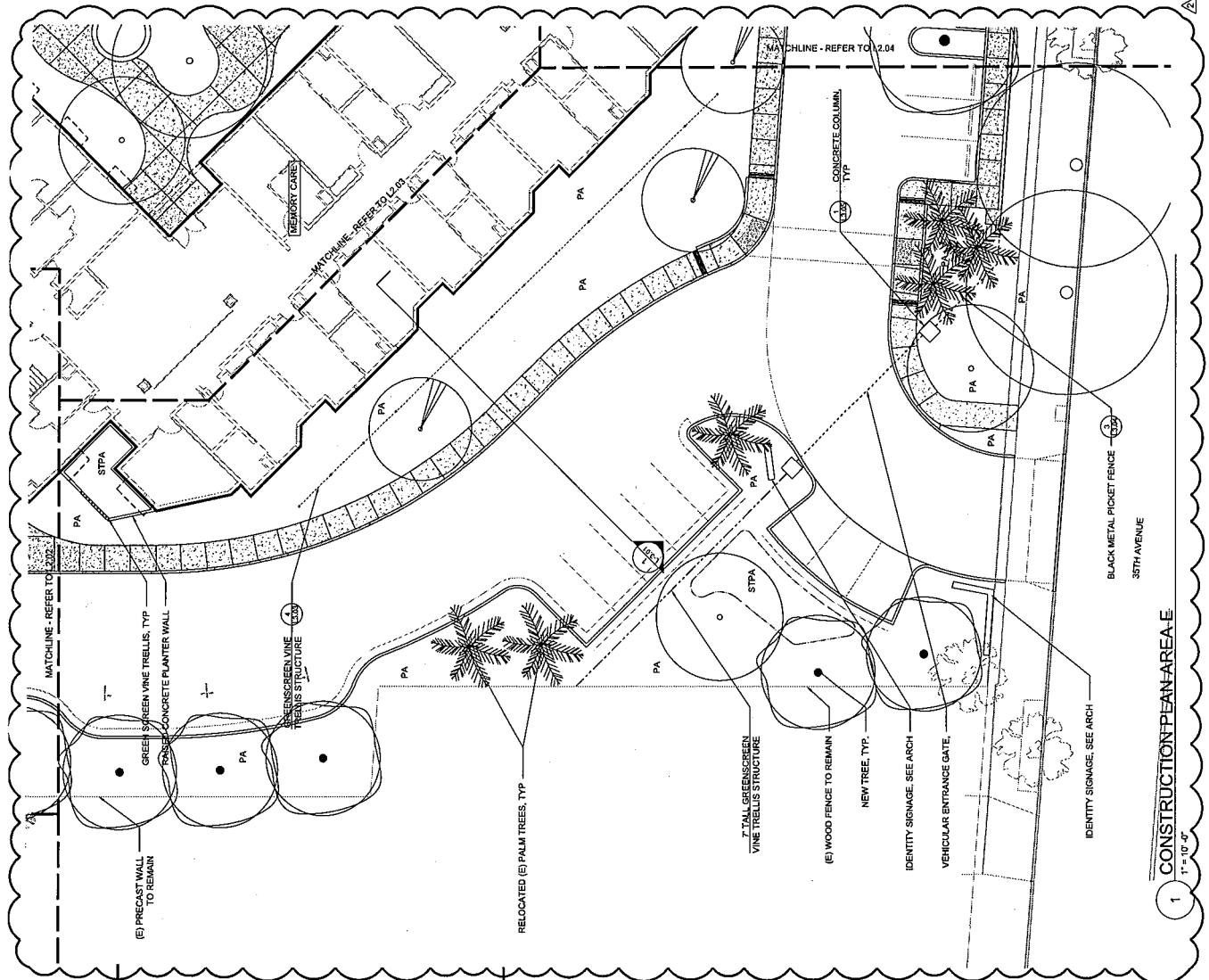
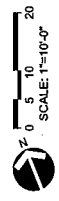
**GENERAL NOTES:**  
 1. SEE CIVIL DRAWINGS FOR VEHICULAR PAVING, STRIPING, CURB & GUTTER

PERKINS EASTMAN LOCAL/CA MEMPHIS CARE CENTRAL MARYLAND



2 CONSTRUCTION PLAN 2ND FL GARDEN  
1" = 10'-0"

- PAVING LEGEND**  
SEE SHEET L6.01 FOR MORE INFORMATION
- (E) CONCRETE TO REMAIN
  - POURED-IN-PLACE CONCRETE
  - INTEGRAL COLOR PIP CONCRETE
  - TRUNCATED DOWNS, SEE CIVIL
  - CONCRETE UNIT PAVERS
  - GREENSCREEN VINE TRELLIS STRUCTURE
- GENERAL NOTES:**  
1. SEE CIVIL DRAWINGS FOR VEHICULAR PAVING, STRIPING, CURB & GUTTER



1 CONSTRUCTION PLAN AREA E  
1" = 10'-0"

NO.	DATE	ISSUE
1	01/20/2014	REVISION
2	02/03/2014	ENTIREMENTS REVISION



SEA

KEY PLAN

**Perkins Eastman**  
25 CLEVELAND STREET  
SAN FRANCISCO, CA 94104  
P. 415.774.2700

PROJECT TITLE  
**MERCY RETIREMENT AND CARE CENTER**

241 FOOTHILL BOULEVARD OAKLAND, CA 94612

PROJECT No: 5840.00  
DRAWING TITLE

**CONSTRUCTION PLAN E AND 2ND FLOOR GARDEN**  
SCALE: As Indicated

**L-2.05**

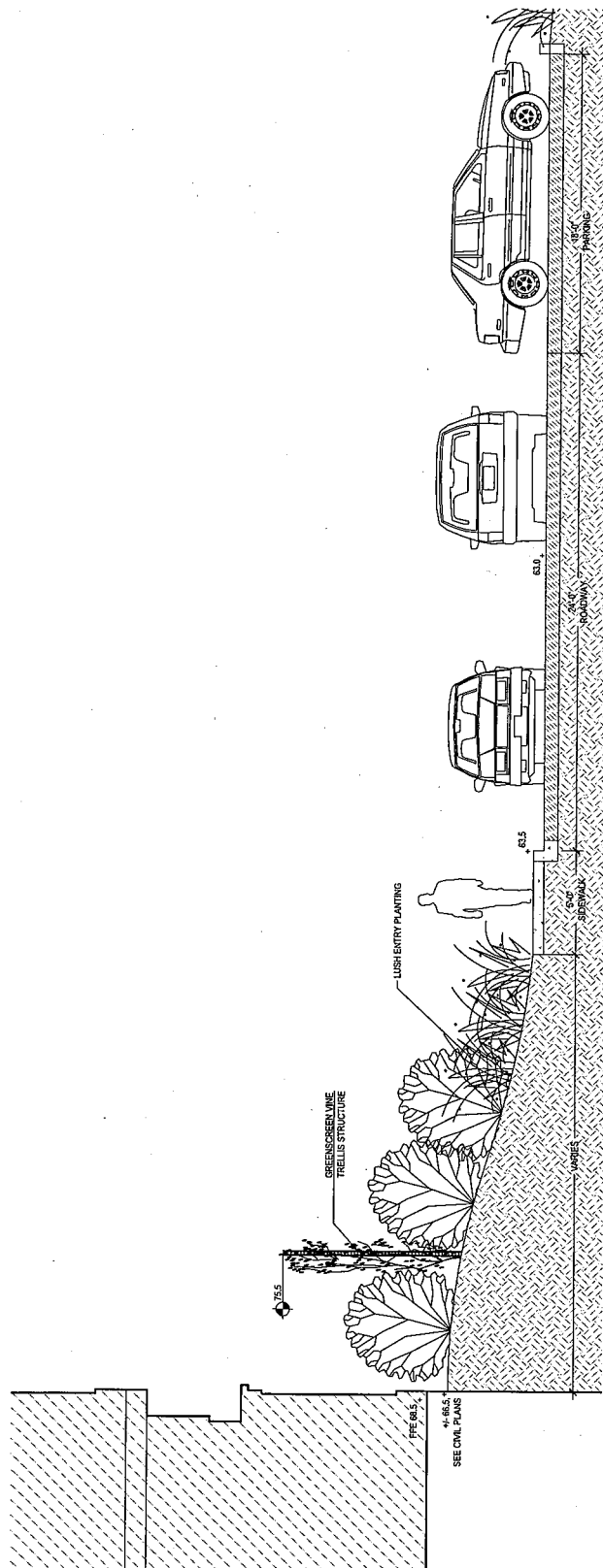
ENTIREMENTS REVISION 2  
12/31/2014



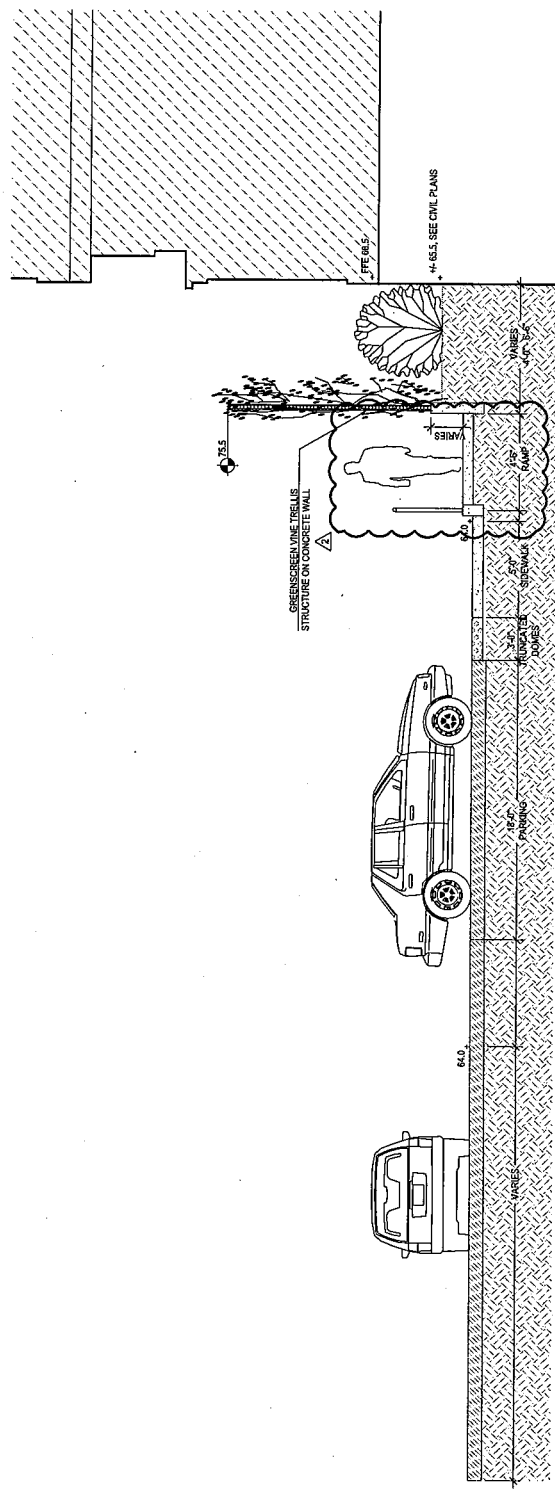
NO.	DATE	ISSUE
1	02/27/2014	ENTITLEMENTS
2	03/10/2014	ENTITLEMENTS
3	03/10/2014	ENTITLEMENTS
4	03/10/2014	ENTITLEMENTS
5	03/10/2014	ENTITLEMENTS
6	03/10/2014	ENTITLEMENTS
7	03/10/2014	ENTITLEMENTS
8	03/10/2014	ENTITLEMENTS
9	03/10/2014	ENTITLEMENTS
10	03/10/2014	ENTITLEMENTS

**rhaa**  
 225 MILLER AVENUE  
 SUITE 100  
 OAKLAND, CA 94612  
 TEL: 415.381.4212  
 FAX: 415.381.4213  
 WWW.RHAACON.COM

EST PLAN  
**Perkins Eastman**  
 1000 CALIFORNIA STREET  
 SUITE 1000  
 OAKLAND, CA 94612  
 TEL: 415.381.4212  
 FAX: 415.381.4213  
 WWW.PERKINS-EASTMAN.COM



1 SECTION-ELEVATION: LANDSCAPE AT ENTRY ROAD, LOOKING EAST  
 3/8" = 1'-0"



2 SECTION-ELEVATION: STORMWATER PLANTER AT SIDEWALK, LOOKING NORTH  
 3/8" = 1'-0"

PROJECT TITLE:  
**MERCY RETIREMENT  
 AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,  
 CA 94621

PROJECT NO: 5480.00

DRAWING TITLE:  
**SITE SECTIONS**

SCALE: As Indicated


**L-3.01**

ENTITLEMENTS REVISION 2  
 12/1/2014

NO.	DATE	ISSUE
1	02/27/14	ENTITLEMENTS
2	02/27/14	ENTITLEMENTS
3	02/27/14	ENTITLEMENTS
4	02/27/14	ENTITLEMENTS
5	02/27/14	ENTITLEMENTS
6	02/27/14	ENTITLEMENTS
7	02/27/14	ENTITLEMENTS
8	02/27/14	ENTITLEMENTS
9	02/27/14	ENTITLEMENTS
10	02/27/14	ENTITLEMENTS

**rhaa**  
 222 800th Avenue  
 Suite 100, San Jose, CA 95128  
 Tel: 408.253.1433  
 Fax: 408.253.1434  
 www.rhaa.com

SEAL



PERKINS EASTMAN  
 3451 FOOTHILL BOULEVARD, SUITE 100  
 OAKLAND, CA 94611  
 TEL: 415.351.1433  
 FAX: 415.351.1434  
 www.perkinseastman.com

PROJECT TITLE:  
**MERCY RETIREMENT AND CARE CENTER**

3451 FOOTHILL BOULEVARD, OAKLAND, CA 94611

PROJECT NO: 54640.00

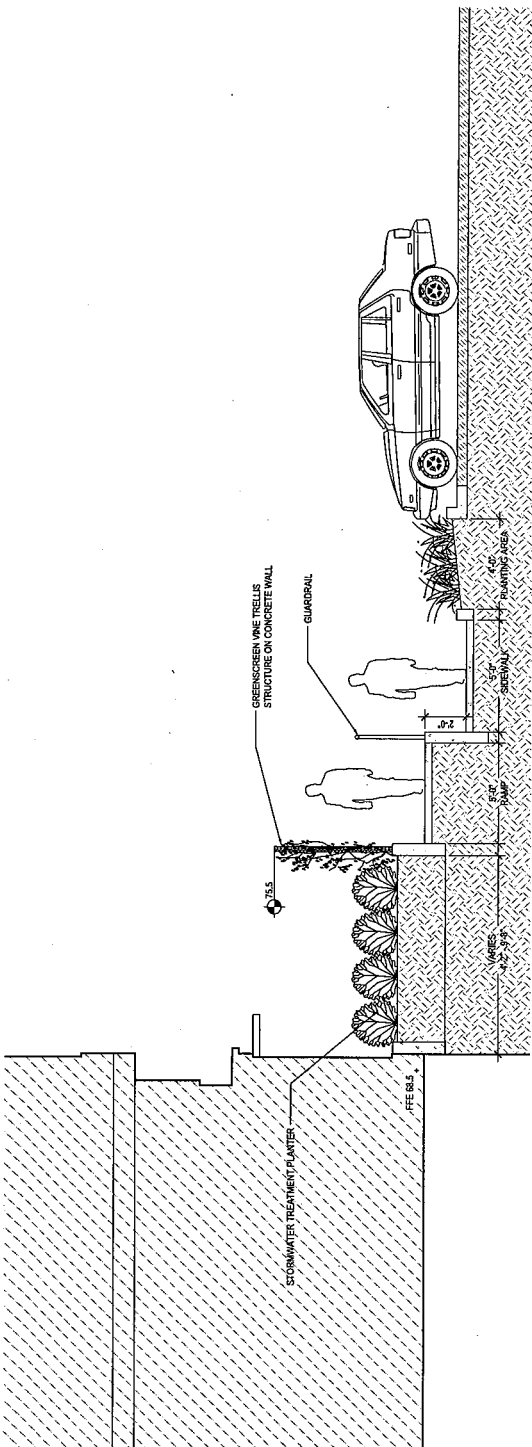
DRAWING TITLE:  
**SITE SECTIONS**

SCALE: AS SHOWN

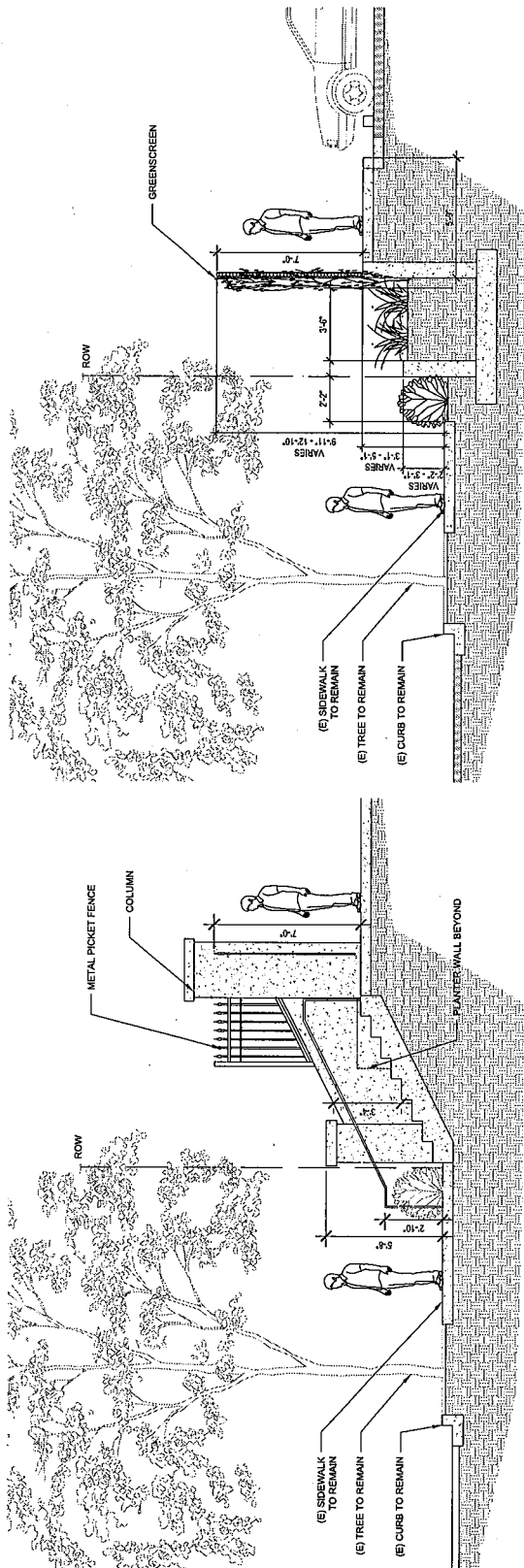
**L-3.02**

ENTITLEMENT'S REVISION 2

12/21/2014



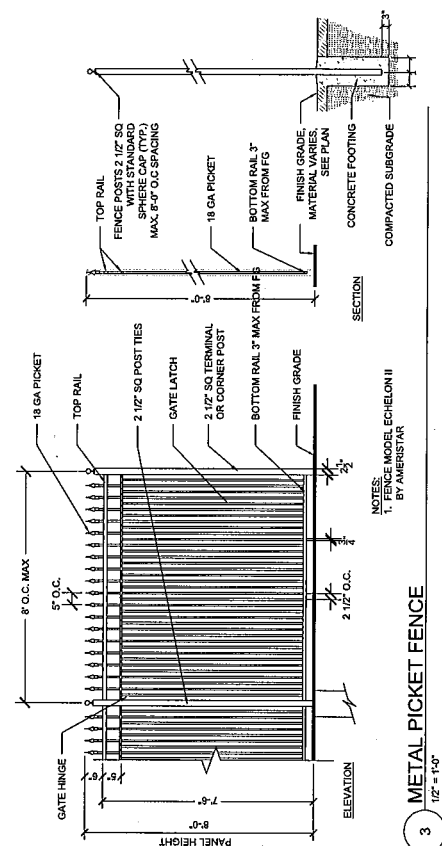
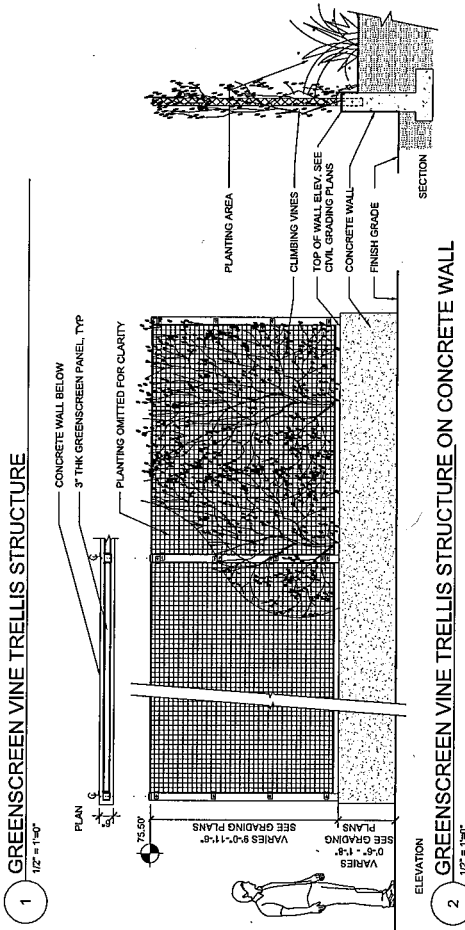
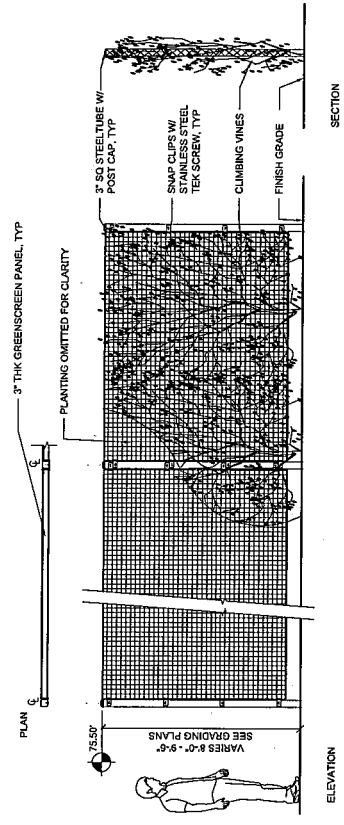
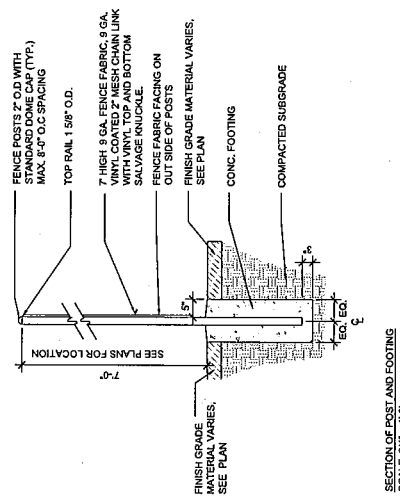
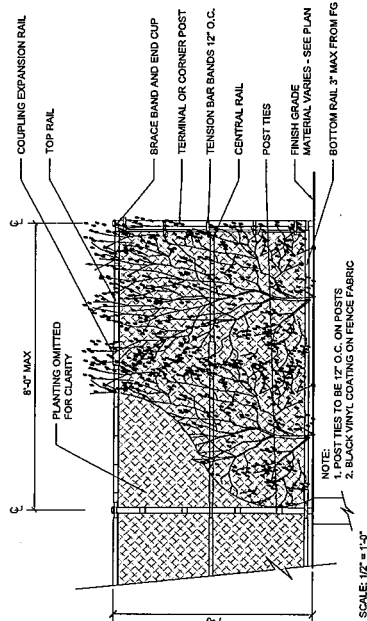
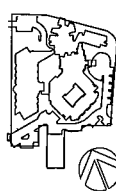
2 SECTION-ELEVATION: STORMWATER PLANTER AT SIDEWALK, LOOKING WEST  
 3/8" = 1'-0"



1 SECTION: 35TH AVE AT STAIRS AND GATE  
 3/8" = 1'-0"

1 SECTION: 35TH AVE SIDEWALK AND PATHWAY  
 3/8" = 1'-0"

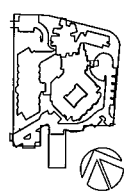




NO.	DATE	BY	CHKD	REVISIONS
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3	05/01/14	ENTREPRENEUR		
4	05/01/14	ENTREPRENEUR		
5	05/01/14	ENTREPRENEUR		
6	05/01/14	ENTREPRENEUR		
7	05/01/14	ENTREPRENEUR		
8	05/01/14	ENTREPRENEUR		
9	05/01/14	ENTREPRENEUR		
10	05/01/14	ENTREPRENEUR		

**rhaa**  
 225 10th Street  
 San Francisco, CA 94103  
 Tel: 415 381 1433  
 Fax: 415 381 1434  
 www.rhaa.com

SCALE



**Perkins Eastman**  
 KEY PLAN  
 35TH AVE STREET  
 35TH AVE STREET  
 35TH AVE STREET  
 35TH AVE STREET  
 35TH AVE STREET

PROJECT TITLE  
**MERCY RETIREMENT  
 AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,  
 CA 94601

PROJECT NO: 54640.00

DRAWING TITLE

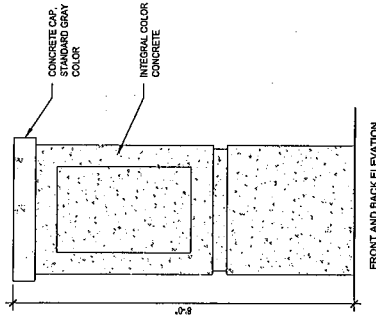
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 DETAILS**

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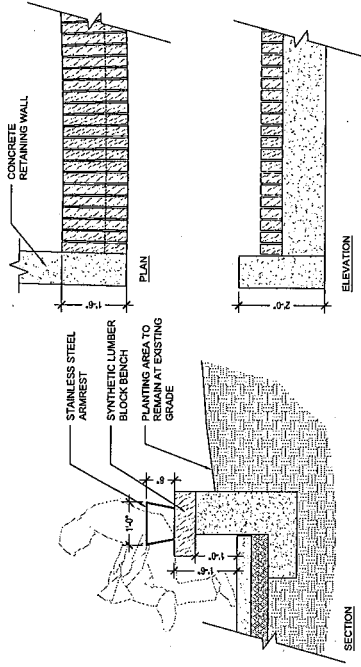
**L-3.05**

ENTIREMENTS REVISION 2

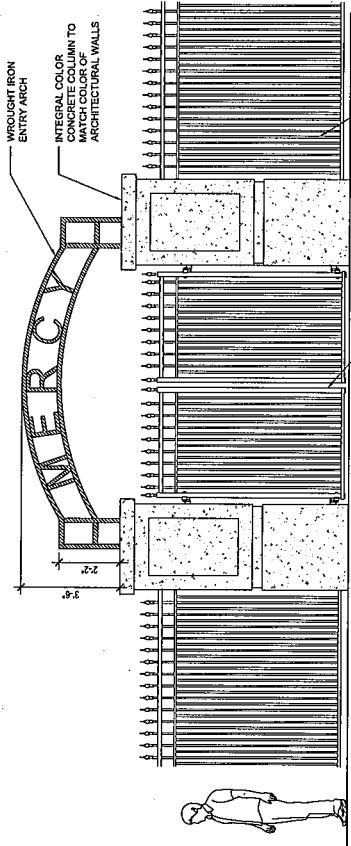
12/1/2014



1 CONCRETE COLUMN  
 3/4" = 1'-0"



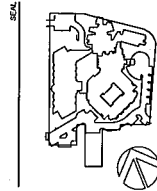
2 BENCH  
 3/4" = 1'-0"



3 35TH AVE CORNER ENTRY GATE  
 3/4" = 1'-0"

NOTES:

1. PERCENTAGE CALCULATED BY AREA
2. ALL PLANTING AREAS INCLUDING POTS AND PLANTERS WILL BE IRRIGATED WITH A DRIP IRRIGATION SYSTEM. ALL TREES WILL BE IRRIGATED WITH BUBBLERS (2 PER TREE).
3. PLANT PERCENTAGES ARE PRELIMINARY ESTIMATES FOR COST ESTIMATING PURPOSES.

[illegible]

**Perkins Eastman**  
23 CLEARY STREET  
SUITE 500  
SAN FRANCISCO, CA 94104

PROJECT TITLE: **MERCY RETIREMENT  
AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,  
CA 94601

PROJECT No: 54840.00

## PLANTING SCHEDULE

SCALE: As indicated

**L-4.00**

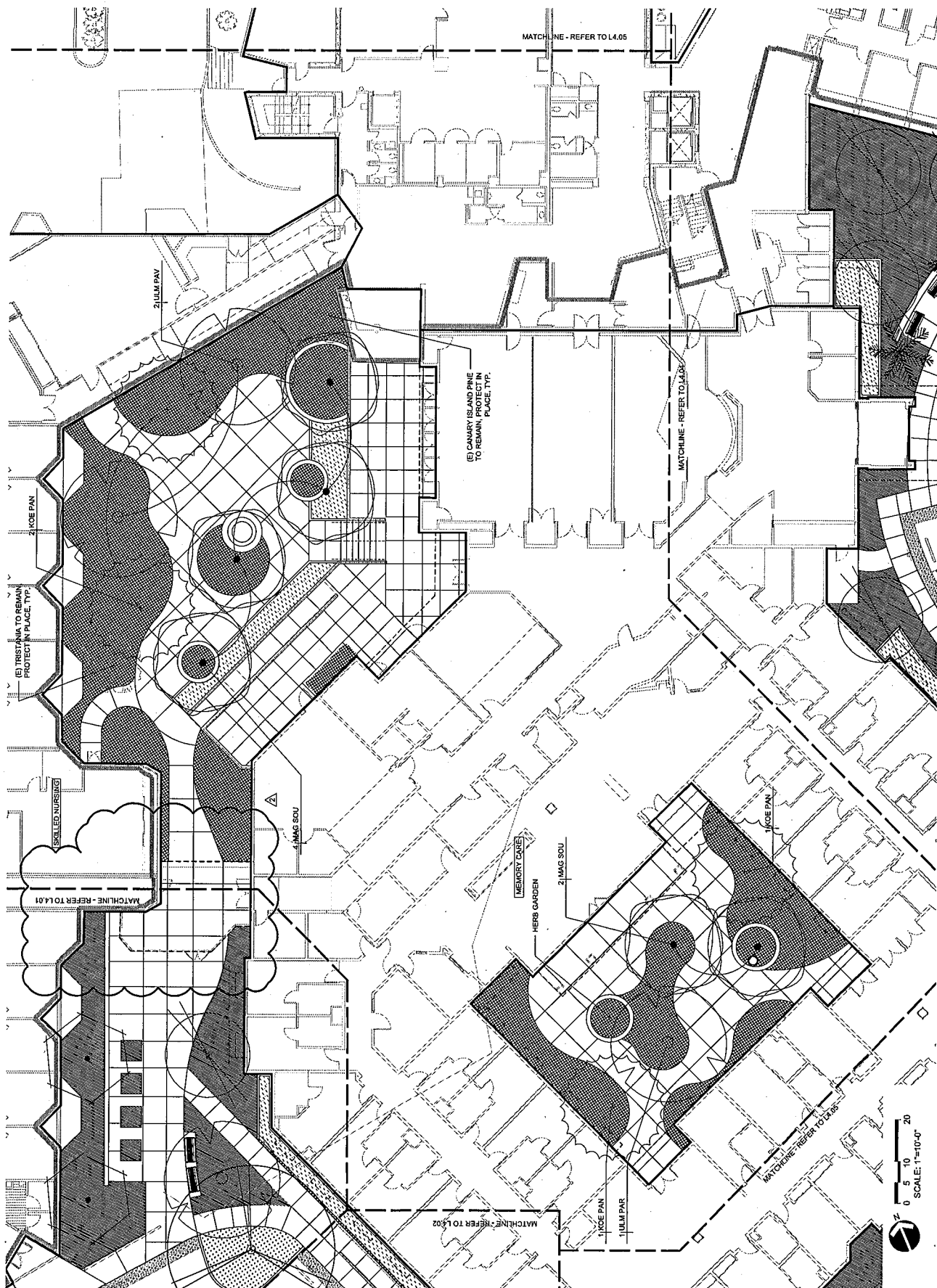
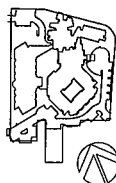
ENTITLEMENTS REVISION 2

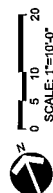
12/31/2014











NO.	DATE	REVISION
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2	06/20/14	PERMITS
3	06/20/14	CONSTRUCTION
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5	06/20/14	AS BUILT
6	06/20/14	AS BUILT
7	06/20/14	AS BUILT
8	06/20/14	AS BUILT
9	06/20/14	AS BUILT
10	06/20/14	AS BUILT

**rhao**  
 125 Miller Avenue  
 San Francisco, CA 94104  
 Tel: 415 392 1433  
 Fax: 415 392 1433  
 www.rhao.com

SEAL



**Perkins Eastman**  
 3431 Foothill Boulevard Oakland, CA 94612  
 Tel: 415 392 1433  
 Fax: 415 392 1433  
 www.perkins-eastman.com

PROJECT TITLE  
**MERCY RETIREMENT  
 AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,  
 CA 94612

PROJECT NO. 5464003  
 DRAWING TITLE

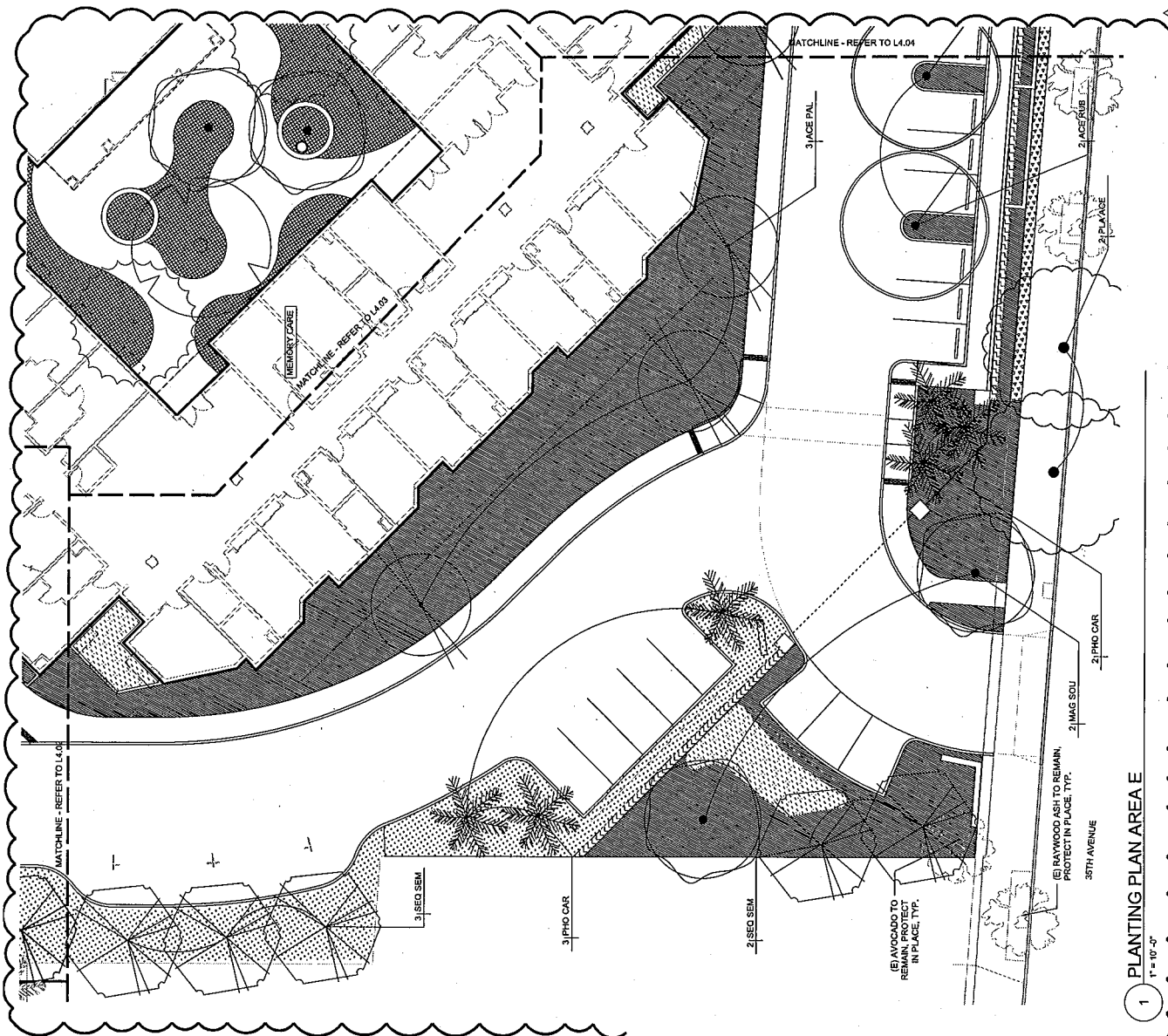
**PLANTING  
 PLAN E AND 2ND  
 FLOOR GARDEN**

SCALE: AS SHOWN

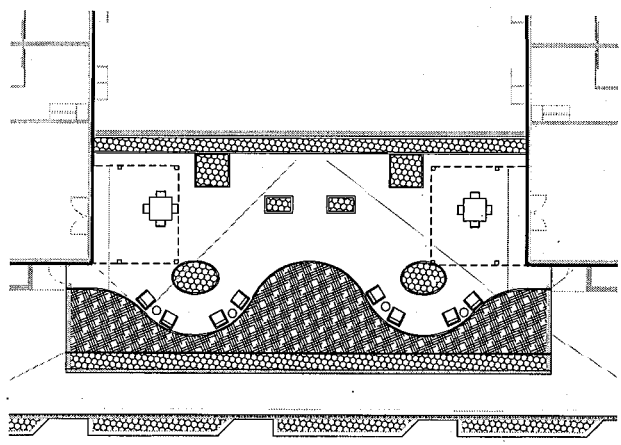
**L-4.05**

ENTITLEMENTS REVISION 2

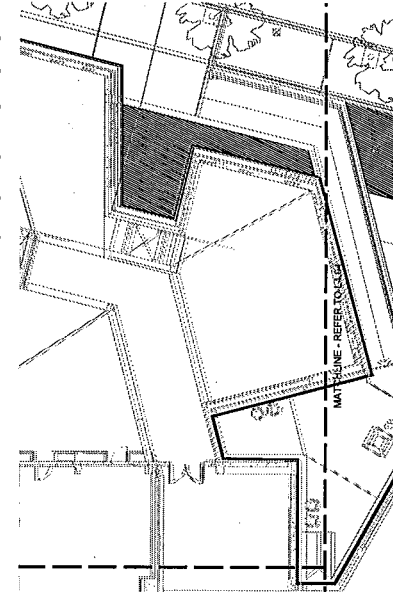
12/31/2014



**1 PLANTING PLAN AREA E**  
 1" = 10'-0"

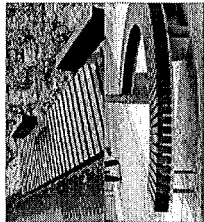


**2 PLANTING PLAN 2ND FL GARDEN**  
 1" = 10'-0"



**3 PLANTING PLAN AREA F**  
 1" = 10'-0"





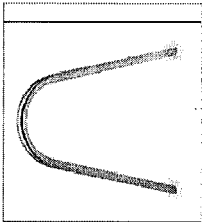
LOCATION: SETBACK CORNER  
PRODUCT: ROUGH READY BENCH  
FINISH: ALL BLACK SYNTHETIC MATERIAL  
SIZE: SEE PLAN



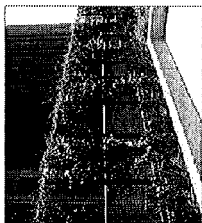
LOCATION: PERIMETER LANDSCAPE  
TYPE: POWDER COAT STEEL  
COLOR: BLACK

## WOOD SLAT BENCH

## METAL PICKET FENCE



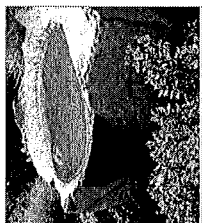
LOCATION: PERIMETER LANDSCAPE  
PRODUCT: LANDSCAPE FORMS  
COLOR: STAINLESS STEEL



LOCATION: PERIMETER LANDSCAPE  
PRODUCT: CRESTHANGING MODULAR WALL PANELS  
FINISH: GREEN-POSS-VEEN  
SIZE: VARIES  
COLOR: BLACK  
FINISH: POWDER-COAT FINISH

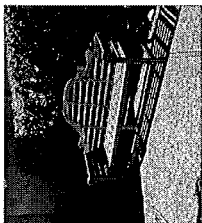
## BIKE RACK

## VINE TRELLIS



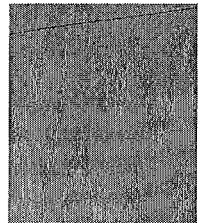
LOCATION: COURTYARD  
PRODUCT: BIRD BATH  
FINISH: TRIPOLI  
COLOR: NATURAL

## STONE BIRD BATH

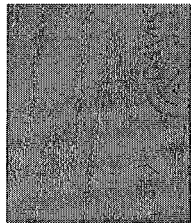


LOCATION: MEMORY CARE ENTRY PLAZA, SKILLED  
TYPE: NURSING ENTRY PLAZA  
WOOD BENCH

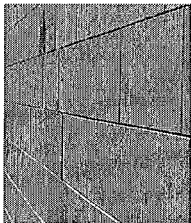
## EXISTING BENCH FOR REUSE



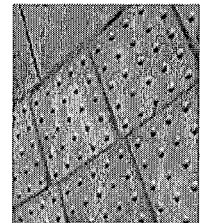
LOCATION: SIDEWALK & COURTYARDS  
TYPE: PAVING  
FINISH: STANDARD GREY  
ETCH FINISH



LOCATION: FRONT ENTRANCE COURTYARD GARDEN  
PAVING TYPE: P.A.P. COLORED CONCRETE  
COLOR: DAVIS COLORS - DUNE 6058  
FINISH: SANDBLAST



LOCATION: SECOND FLOOR ROOF GARDEN  
PRODUCT: LARGE SCALE NARROW MODULAR PEDESTAL  
PAVER  
FINISH: STEPSTONE  
SIZE: 12" X 12"  
COLOR: PORCELAIN 1413  
FINISH: SANDBLAST W/ SLAG



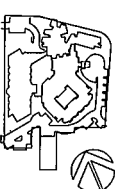
LOCATION: PEDESTRIAN DROP-OFFS  
PRODUCT: TRUCKS AND TRAILERS  
FINISH: ACKERSTONE  
SIZE: 12" X 12"  
COLOR: YELLOW

## PAVING MATERIALS

NO.	DATE	REVISION
1	10/10/14	REVISIONS
2	10/10/14	ENTIREMENT REVISION
3		
4		
5		
6		
7		
8		
9		
10		



SEAL



KEY PLAN

PERKINS EASTMAN  
1500 AVENUE 100  
SUITE 1000  
SAN FRANCISCO, CA 94103  
P 415.774.2700  
F 415.774.2701  
WWW.PEAKS.COM

PROJECT TITLE  
MERCY RETIREMENT  
AND CARE CENTER

2001 FOOTHILL BOULEVARD OAKLAND,  
CA 94612

PROJECT NO: 54840.00  
DRAWING TITLE  
CONSTRUCTION  
MATERIALS

SCALE: 1/8" = 1'-0"

L-5.01

ENTIREMENT'S REVISION 2  
12/1/2014

**Location:** 3431 Foothill Boulevard (see map on reverse)  
Mercy Retirement & Care Center

**Assessor's Parcel Number:** 033 -2127-015-01

**Proposal:** To construct a 53,000 s.f. senior facility (memory impaired wing) with 50 rooms behind the primary 6-story building at the center of the 5 acre property, including: minor demolition; renovation of existing buildings; new access from 35th Avenue; creation of additional parking; fencing; illumination; and landscaping including tree removal.  
**The project was originally noticed for the July 16, 2014 hearing; Revisions to the proposal have been submitted**

**Applicant /** Peter Lin / Greenbrier Development  
**Phone Number:** (214) 979-2715

**Owner:** Mercy Retirement & Care Center

**Planning Permits Required:** Major Conditional Use Permit with additional findings to expand a Health Care Civic Activity by more than 20-percent/25,000 s.f. in the CN-3 and RM-3 Zones on a site that site exceeds 1 acre in area;  
Regular Design Review to allow construction of a new facility, renovations to existing facilities, and site modifications;  
CEQA Class 32 Infill Development Project environmental review exemption

**General Plan:** Institutional (along Foothill Blvd. frontage)/  
Mixed Housing Type Residential (at rear along E 18th St)

**Zoning:** CN-3 Neighborhood Commercial Zone (frontage)/  
RM-3 Mixed Housing Type Residential Zone (rear)

**Environmental Determination:** Exempt, Section 15332 of the State CEQA Guidelines:  
In-Fill Development Projects;  
Section 15183 of the State CEQA Guidelines:  
Projects Consistent with a Community Plan, General Plan or Zoning

**Historic Status:** Non historic property

**Service Delivery District:** 4

**City Council District:** 5

**Date Filed:** April 4, 2014 (Revised August & September 2014)

**Action To Be Taken:** Approve with Conditions

**Finality of Decision:** *Appealable to City Council within 10 days*

**For Further information:** Contact case planner **Aubrey Rose AICP, Planner II** at (510) 238-2071 or [arose@oaklandnet.com](mailto:arose@oaklandnet.com)

**SUMMARY**

The applicant requests Planning Commission approval of a Major Conditional Use Permit and Regular Design Review to renovate and expand the Mercy Retirement and Care Center within its five-acre campus. The project was originally noticed for the July 16, 2014 hearing; revisions to the proposal have been submitted.

Staff recommends approval of the requested permits, subject to the Conditions of Approval included in this report.

## PROPERTY DESCRIPTION

The site is a level 4.99-acre campus along Foothill Boulevard between 34th and 35th Avenue and extending through as a flag to the center of the block at East 18th Street. The campus contains a senior facility with a concrete six-story 94,000 square-foot assisted living tower along Foothill Boulevard towards the corner of 35th Avenue; a 28,000 square-foot skilled nursing building along the center of 34th Avenue; a 5,000 square-foot senior center in the middle of the campus; a 7,000 square-foot house in the flag towards East 18th Street; driveways on either side of the building along 35th Avenue including a main gated driveway at the middle of the block and a gated service driveway towards the corner of Foothill Boulevard; an inactive curb cut along Foothill Boulevard; trees and landscaping throughout the site including a community garden along 35th Avenue; a wall along portions of 34th Avenue; and fencing, including a chain link fence with barbed wire or Ivy along portions of 34th and 35th Avenues. The tower contains a screened telecommunications facility on its rooftop.

The campus contains one hundred forty-three (143) units: the assisted living tower contains eighty-four (84) assisted living units and twenty-two (22) memory care units, with shared showers; the skilled nursing building contains thirty-one (31) units and the house contains six (6) units for priests living on-site and serving the campus. A senior center sixty-five feet wide is located at the center of the campus and is attached to the 34th Avenue building.

The campus serves one hundred seventy-one (171) residents cared for by one hundred fifty-two (152) employees spread over three shifts providing continuous care. The campus also operates a food bank providing four thousand (4,000) meals per month to seniors, and holds occasional community education activities on site. Gates and buildings are locked and the campus utilizes security and surveillance cameras.

The site fronts a neighborhood commercial corridor and is set into a mixed housing type residential neighborhood. To the north across Foothill Boulevard are restaurants, retail shops, a church, automotive repair businesses, and parking lots. To the south along East 18th Street are five residences along the sides of the site's flag, and approximately eight residences across the street. To the east along 35th Avenue are five homes, and one automotive business and approximately nine residences across the street. To the west along 34th Avenue are three residences beyond the site's main driveway, and a restaurant and approximately thirteen residences across the street. Intersections along Foothill Boulevard at 34th and 35th Avenue are signalized. The area is served by bus and is close to BART.

## BACKGROUND

Mercy Retirement and Care Center is part of Elder Care Alliance, a non-profit faith-based organization established in 1872 with national affiliations. The center provides care services to meet the needs of older adults. The center approached the City within the last few years with a Zoning Pre-Application to begin exploring the subject expansion. Within the last year, the center's development team returned to the City to submit a formal application. The team commenced with a meeting with the Council District 5 office on January 23, 2014 and a community meeting at the center on February 6, 2014. Issues raised at the meetings included concern for resident safety on and off-site, retention of the community garden, and ongoing outreach. The center's representatives took these issues under advisement and filed an application with the City.

**First Planning Commission hearing**

The project was originally noticed for the July 16, 2014 hearing, and a report with plans was distributed. Prior to the hearing, various Planning Commissioners expressed concern to staff regarding components of the project; this preliminary feedback was relayed to the applicant. The applicant subsequently requested the item be continued to a date uncertain, to provide additional time to address the concerns with revisions where possible. Meetings were held between the City and the applicant team.

Concerns related primarily to proposed site layout and landscaping, which were considered to be inconsistent with desirable pedestrian-oriented urban form; namely: removal of a residential building along East 18th Street and its replacement with surface parking; construction of a two-story building at the center of the lot as opposed to a taller building closer to a street frontage; construction of a driveway and turnaround situated towards a street frontage; and, removal of numerous trees including Redwoods situated towards open space at the interior of the campus. The applicant has submitted minor revisions to the Proposal to address these concerns where the deemed them to be practical; where revisions would not be practical, the applicant has provided explanations. This report describes and analyzes the current proposal.

**PROJECT DESCRIPTION**

The revised proposal is to renovate and enhance the campus as follows:

- Demolition of a small building addition not visible from Foothill Boulevard;
- Combine some tower units into approximately eight-five (85) studio and one bedroom units each with own shower, and renovate lobby to include bistro;
- Construct a two-story 53,000 square-foot memory care center with approximately fifty (50) units, to connect to the two existing buildings to remain;
  - Construction would feature shared spaces including gardens, patios, decks, courtyards; and a green roof;
  - The new building would be set back sixty-feet from 35th Avenue and approximately fifty-feet from adjacent properties;
  - It would feature stucco exterior walls, bay windows, sunshades, projecting trellis structures and color blocks;
  - Construction would conform to Green Building criteria;
- Relocation of memory units into new building as well as shared activity spaces of chapel, salon and exercise room;
- The campus would total one hundred seventy-two (172) units with soundproofing in new units;
- CPTED (Crime Prevention Through Environmental Design) principles were considered
- New recycling space would be provided;
- The main vehicular entrance would be relocated to a new driveway off of 35th Avenue accessing a graded turnaround to be installed close to the 35th Avenue property line, where the new buildings connects to the tower, for improved accessibility; the 34th Avenue driveway to remain as a secondary driveway;
- Addition of sixteen (16) open parking spaces to total eighty-two (82) spaces on site where eighty-two (82) are required: fifty (50) spaces for residents' guests and thirty-three for staff including three (3) for doctors, and six (6) short-term and ten (10) long-term bicycle parking stalls for employees;
- Fifty-six (56) protected trees would be removed throughout the site;
- Fencing along 35th Avenue would be replaced with a three-foot high retaining wall;
- Additional landscaping would be installed to provide screening along 35th Avenue at the property line;
- Additional illumination would be installed at renovated spaces (driveways) throughout the site;



- The project would result in the addition of twenty-nine (29) residents and twenty-two (22) staff persons.

Key revisions include:

- The residential building along East 18th Street would no longer be demolished;
  - the project would therefore provide fewer new units at the new building
  - the project would result in less additional parking and associated illumination near residences
- Fewer trees would be removed throughout the site
  - New trees would be installed towards 35th Avenue and in the center of the new driveway's turnaround

The purpose of the project is to improve residents' quality of life via building and accessibility improvements, and, upgrade operational efficiencies by: updating existing units, creating a new building with new units, attaching the two existing buildings via the new building with a central meeting location, and providing on-site access at grade via the new driveway. Analysis of the design and purpose of the project is included in the 'Key Issues and Impacts' section of this report.

## GENERAL PLAN ANALYSIS

The property is located in the Institutional area of the General Plan's Land Use and Transportation Element (LUTE) along the Foothill Boulevard frontage, and in the Mixed Housing Type Residential area toward the rear of the site along East 18th Street. The intent of the Institutional area is: "to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character." The intent of the Mixed Housing Type Residential area is: "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate."

Under the LUTE, Foothill Boulevard is a Key Corridor (LUTE City Structure Diagram) intended for "Maintain and Enhance" (LUTE Figure 3, Strategy Diagram). Foothill Boulevard and 35th Avenue are both regional transit streets (LUTE Figure 4, Transportation Diagram) where circulation improvements are recommended (LUTE Figure 9, Improvement Strategies: Fruitvale). The proposal to enhance the campus with primarily interior improvements and to relocate the main driveway to 35th Avenue conforms to these intents and to the following LUTE Policies:

### Policy T1.8 Re-routing and Enforcing Truck Routes.

The City should make efforts to re-route truck traffic away from neighborhoods, wherever possible, and enforce truck route controls.

### Policy N2.1 Designing and Maintaining Institutions.

As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep / maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

### Policy N2.2 Providing Distributed Services.

Provision of government and institutional services should be distributed and coordinated to meet the needs of City residents.



**Policy N2.3 Supporting Institutional Facilities.**

The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses.

**Policy N3.2 Encouraging In-Fill Development.**

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

**Policy N9.6 Respecting Diversity.**

The City's diversity in cultures and populations should be respected and built upon.

**Policy N11.6 Suggestive Proactive Developer and Community Relations.**

Prior to submitting required permit application(s), project sponsors of medium and large scale housing developments should be encouraged to meet with established neighborhood groups, adjacent neighborhoods, and any other interested local community members, hear their concerns regarding the proposed project, and take those concerns into consideration. It is suggested that the relationship established between the developer and the community continue throughout the construction process to minimize the impacts of construction activity on the surrounding area.

The proposal also conforms to the following Policy of the Housing Element:

**Policy 2.6: Seniors and Other Persons with Special Needs**

Assist and promote the development of housing with appropriate supportive services for seniors and other persons with special needs.

Staff finds the proposal, subject to Conditions of Approval, to conform to the General Plan.

**ZONING ANALYSIS**

The property is located in the CN-3 Neighborhood Commercial Zone along the Foothill Boulevard frontage and RM-3 Mixed Housing Type Residential Zone toward the rear of the site along East 18th Street. The intent of the CN-3 Zone is: "to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment." The intent of the RM-3 Zone is: "to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate." Following are the Zoning Permits necessary to approve the project and the reasons they are required:

- Major Conditional Use Permit (CUP) is required to expand a Health Care Civic Activity by:
  - more than 20-percent
  - more than 25,000 square-feet in the CN-3 and RM-3 Zones
  - on a site that site exceeds one acre in area
- Additional findings are required for a CUP in a CN Zone; and
- Regular Design Review to allow construction of a new facility, renovations to existing facilities, and site modifications;

Issues regarding these permits are discussed in the 'Key Issues and Impacts' section of this report. Staff finds the proposal, subject to Conditions of Approval, to conform these intents and required permit criteria of the Planning Code.

## **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15332 of the State CEQA Guidelines exempts In-Fill Development Projects. Following are required criteria for the exemption, all of which are met by the proposal as described in attached Findings:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The proposal to renovate and enhance a senior campus meets this description: the project would constitute an in-fill development project, only. A Trip Generation Study indicated that the increased circulation would not meet or exceed thresholds warranting a Transportation Impact Study. The campus is not located within one thousand feet of a freeway and a Health Risk Assessment is therefore not required. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

## **KEY ISSUES AND IMPACTS**

Key issues with this proposal, including those raised at preliminary community and staff meetings, and by Planning Commissioners during the original public notification period mentioned in the Background section of this report, are:

- Demolition of on-site housing and replacement with open parking and illumination on flag area towards East 18th Street;
- Loss of community garden;
- Loss of trees and grading;
- Addressing existing traffic on 34th Avenue;
- Addressing new traffic on 35th Avenue;
- Size of the new facility in a neighborhood commercial/mixed housing type residential area;
- On and off-site safety to residents; and
- Ongoing neighborhood relations.

### **Updated Analysis**

The following analysis focuses on the revised proposal subsequent to the July 16, 2014 proposal, as well as analysis of the items of concern that were not deemed appropriate for revision by the applicant.

**New building:** the applicant and client (Mercy Care & Retirement Center) find the construction of a new building that is taller than two-stories and located toward the street frontage to be impractical given cost to upgrade from wood to steel-frame construction type. Also, a building that is greater than two stories might exceed the height limit for the Zoning District and could be out of scale in terms of bulk with adjacent one and two-story residences. Furthermore, multiple floors over a reduced footprint would break up the idealized

operational plan and open space, separate client spaces, and require more staff. Lastly, the setback could provide privacy and safety.

**Existing residential building:** the applicant and client have deemed it possible to retain the residential building (priests' quarters) along East 18th Street. The project can still meet the increased parking demand generated by the project on-site as opposed to exceeding it as originally proposed. There would, therefore, not be open parking an illumination along East 18th Street between two residences located on either side of the property's flag frontage there.

**Driveway:** the applicant and client find the new driveway and on-site turnaround off of 35th Avenue to be essential given drop-off/pick-up is currently handled directly on Foothill Blvd, which is a major arterial. Also, the location of the proposed turnaround would enable grading that would in turn provide improved connections building levels to each other for ease of elderly and infirmed resident clients. Lastly, the placement of the turnaround close to the new and existing buildings would minimize client travel distances to less than one hundred fifty (150) feet.

**Revised landscaping proposal:** All trees on site were analyzed by a certified arborist. The proposal consists of the count of one hundred eleven (111) trees to remain through a combination of preservation, relocation, and replacements. This consists of more trees preserved and installed than originally scheduled. Of fifty-six (56) trees proposed for removal, thirty-eight (38) are deemed unhealthy by the arborist (Attachment C). Fifty-five (55) trees would be preserved on site (including through relocation) including thirty-three (33) palms. The complete preservation of a small grove of young Redwoods located very close to the main building's north side would again preclude placement of the new building at the location on site most ideally suited to senior citizen users; however, eighteen (18) trees to be removed to accommodate new building footprint would be replaced on site. Additionally, three (3) trees would no longer be removed due to retention of the East 18th Street residence. Lastly, revisions include installation of a row of trees along 35th Avenue for privacy, and, at the center of the turn-around for enhanced aesthetics.

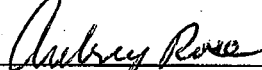
Staff maintains that the scope of the updated campus under the revised proposal featuring a new facility to be appropriate given the constraints of the center and its users; the size of the property; the screening effect of the taller existing tower building along the primary frontage; the setbacks from property lines; and the growing need to provide elders special services to age in place within their community. Most of the trees scheduled for removal are well within the site and not along a property line where they would be visible from the public right-of-way, new trees and landscaping would be installed, and no oak trees are proposed to be removed. The community garden is to be relocated to a site in an area to be determined. The new driveway would be along a stretch of 35th Avenue that is better suited for circulation than 34th Avenue, but does not experience particularly heavy traffic. Gates would increase safety to the site and residents typically do not travel off-site alone. Removal of fences, trees, and new illumination would, however, increase visibility along 35th Avenue. Staff notes that the proposal adheres to several Guidelines of the City's 'Design Review Guidelines for Corridors and Commercial Areas.' The center, developer, and Council District office have communicated with the neighborhood regarding the project which has been received favorably, and communications would be ongoing. Staff encourages this, and also requires elimination of the inactive curb cut along Foothill Boulevard and replacements of all nonconforming chain link/barbed wiring fencing with wrought iron.

Therefore, for the reasons described above and with revisions, staff maintains its recommendation of approval of the project subject to Conditions.

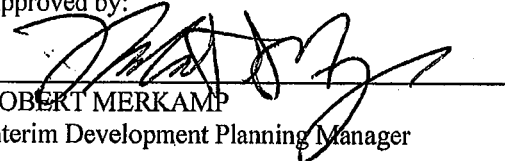
**RECOMMENDATIONS:**

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

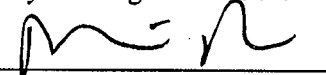
Prepared by:

  
AUBREY ROSE, AICP  
Planner II

Approved by:

  
ROBERT MERKAMP  
Interim Development Planning Manager

Approved for forwarding to the  
City Planning Commission:

  
DARIN RANELLETTI  
Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Plans
- D. Tree Report by HortScience dated March 18, 2014 and June 6, 2014
- E. Memorandum (project rationale) by Mercy Retirement & Care Center dated September 2, 2014

**Oakland City Planning Commission****Design Review Committee****Case File Number PLN14026 / T1400028****STAFF REPORT****October 22, 2014**

<b>Location:</b>	<b>3431 Foothill Boulevard (see map on reverse)</b> <b>Mercy Retirement &amp; Care Center</b>
<b>Assessor's Parcel Number:</b>	<b>033 -2127-015-01</b>
<b>Proposal:</b>	To construct a 53,000 s.f. senior facility (memory impaired wing) with 50 rooms behind the primary 6-story building at the center of the 5 acre property, including: minor demolition; renovation of existing buildings; new access from 35 th Avenue; creation of additional parking; installation of fencing; and landscaping including tree removal.
<b>Applicant /</b>	<b>Peter Lin / greenbrier Development</b>
<b>Phone Number:</b>	<b>(214) 979-2715</b>
<b>Owner:</b>	<b>Mercy Retirement &amp; Care Center</b>
<b>Planning Permits Required:</b>	<b>Major Conditional Use Permit with additional findings to expand a Health Care Civic Activity by more than 20%/25,000 s.f. in the CN-3 and RM-3 Zones on a site exceeding 1 acre</b>
<b>General Plan:</b>	<b>Institutional (along Foothill Blvd. frontage)/ Mixed Housing Type Residential (at rear along E. 18th St.)</b>
<b>Zoning:</b>	<b>CN-3 Neighborhood Commercial Zone (frontage)/ RM-3 Mixed Housing Type Residential Zone (rear)</b>
<b>Environmental Determination:</b>	<b>Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning</b>
<b>Historic Status:</b>	<b>Non historic property</b>
<b>Service Delivery District:</b>	<b>4</b>
<b>City Council District:</b>	<b>5</b>
<b>Date Filed:</b>	<b>April 4, 2014 (Revised August/September for Planning Commission &amp; alternatives filed for DRC October 2014)</b>
<b>Action To Be Taken:</b>	<b>Review proposed design and alternatives</b>
<b>Staff Recommendation:</b>	<b>Provide design recommendations and refer to Planning Commission</b>
<b>For Further information:</b>	<b>Contact case planner Aubrey Rose AICP, Planner II at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a></b>

**SUMMARY**

Design review of a proposal to construct a 53,000 square-foot senior facility (memory impaired wing) with 50 rooms behind the primary 6-story building at the center of the 5 acre property, including: minor demolition; renovation of existing buildings; new access from 35th Avenue; creation of additional parking; installation of fencing; and landscaping including tree removal. Of particular concern are: site layout for new two-story building and new access, and tree removal. The applicant has provided 4 alternate options.

**ATTACHMENT E**

## PROPERTY DESCRIPTION

The site is a level 4.99-acre campus along Foothill Boulevard comprising most of a City block. The campus contains a senior facility with an assisted living tower along Foothill Boulevard, a commercial corridor; a senior center in the residentially-zoned center of the campus; a house in a neighborhood along East 18th Street; two driveways along 35th Avenue, another major arterials; an inactive curb cut along Foothill Boulevard; trees and landscaping throughout the site including several young redwoods located close to buildings; and fencing, including a chain link fence with barbed wire or Ivy along portions of 34th and 35th Avenues. The campus contains 143 units: the assisted living tower contains 84 assisted living units and 22 memory care units, with shared showers; the skilled nursing building contains 31 units, and the house contains 6 units for priests living on-site and serving the campus. The campus serves 171 residents cared for by 152 employees spread over three shifts providing continuous care. The site is non historic. The site fronts a neighborhood commercial corridor and is set into a mixed housing type residential neighborhood.

## BACKGROUND

The center provides care services to meet the needs of older adults, a growing demographic in Oakland and nationwide. The center approached the City within the last few years with a Zoning Pre-Application to begin exploring the subject expansion. With the last year, the center's development team returned to the City to submit a formal application. The team commenced with a meeting with the Council District 5 office on January 23, 2014 and a community meeting at the center on February 6, 2014. Issues raised at the meetings included concern for resident safety on and off-site, retention of the community garden, and ongoing outreach. The center's representatives took these issues under advisement and filed an application with the City.

### First Planning Commission public notice

The project was originally noticed for the July 16, 2014 hearing. Prior to the hearing, Planning Commissioners expressed concern to staff regarding components of the project; this preliminary feedback was relayed to the applicant. The applicant subsequently request the item be continued to a date uncertain, to provide additional time to address the concerns with revisions where possible. Meetings were held between the City and the applicant team. Concerns related primarily to proposed site layout and landscaping, which were considered to be inconsistent with desirable pedestrian-oriented urban form; namely: removal of a residential building along East 18th Street and its replacement with a surface parking lot; construction of a two-story building at the center of the lot as opposed to a taller building closer to a street frontage; construction of a driveway and turnaround situated towards a street frontage; and, removal of numerous trees including Redwoods situated towards open space at the interior of the campus. The applicant submitted minor revisions to the Proposal to address these concerns where they deemed them to be practical; where revisions were not deemed to be practical by the applicant, they provided explanations. Notably, the applicant fees that, with certain exceptions, the site layout as proposed is largely necessary as-is, for operational and cost considerations. Key revisions included:

- The residential building along East 18th Street would no longer be demolished;
  - The project would therefore provide fewer new units and the new building
  - The project would result in less additional parking and associated illumination near residences
- Few trees would be removed throughout the site
  - New trees would be installed towards 35th Avenue and in the center of the new driveway's turnaround

**First Planning Commission hearing (second public notice)**

The revised project was heard at the September 17, 2014 Planning Commission hearing. At that time, the Commission maintained its concern for project site design, primarily regarding the same issues previously indicated. The Commission indicated that the project could not be supported as proposed, and remanded it back to the Design Review Committee to review design concerns in more detail. The Commission suggested to the applicant that they make further revisions and/or develop alternatives prior to the Committee meeting, and alternative options were submit to staff for review.

An analysis of the new alternatives is discussed in the 'Key Issues and Impacts' section of this report.

**PROJECT DESCRIPTION**

The revised proposal, as presented to the Planning Commission, is to renovate and enhance the campus as follows:

- Demolition of a small building addition not visible from Foothill Boulevard;
- Combine some tower units into approximately 85 studio and one bedroom units each with own shower, and renovate lobby to include bistro;
- Construct a two-story 53,000 square-foot memory care center with approximately fifty 50 units, to connect to the two existing buildings to remain;
  - Construction would feature shared spaces including gardens, patios, decks, courtyards; and a green roof;
  - The new building would be set back sixty-feet from 35th Avenue and approximately fifty-feet from adjacent properties;
  - It would feature stucco exterior walls, bay windows, sunshades, projecting trellis structures and color blocks;
  - Construction would conform to Green Building criteria;
- Relocation of memory units into new building as well as shared activity spaces of chapel, salon and exercise room;
- The campus would total 172 units with soundproofing in new units;
- CPTED (Crime Prevention Through Environmental Design) principles were considered
- New recycling space would be provided;
- The main vehicular entrance would be relocated to a new driveway off of 35th Avenue accessing a graded turnaround to be installed close to the 35th Avenue property line, where the new buildings connects to the tower, for improved accessibility; the 34th Avenue driveway to remain as a secondary driveway;
- Addition of 16 open parking spaces to total 82 spaces on site where 82 are required: 50 spaces for residents' guests and thirty-three for staff including 3 for doctors, and 6 short-term and 10 long-term bicycle parking stalls for employees;
- 56 protected trees would be removed throughout the site;
- Fencing along 35th Avenue would be replaced with a three-foot high retaining wall;
- Additional landscaping would be installed to provide screening along 35th Avenue at the property line;
- Additional illumination would be installed at renovated spaces (driveways) throughout the site;
- The project would result in the addition of 29 residents and 22 staff persons.

The purpose of the project is to improve residents' quality of life via building and accessibility improvements, and, upgrade operational efficiencies by: updating existing units, creating a new building with new units, attaching the two existing buildings via the new building with a central meeting location, and providing on-site access at grade via the new driveway. The applicant would stress that the site layout as proposed is largely necessary as-is, for operational and cost considerations.

The applicant's submit to the Design Review Committee submittal contains 4 site plan study alternatives, as well as an overview of the site conditions, program goals, and notes on the design process. These documents feature more in-depth explanations for the reasoning behind the following project components, as described in 'Key Issues and Impacts':

- Approach-Vehicular and Pedestrian
- Site Development
- Layout of Overall Program
- Layout of Memory Care Program
- Building Image and Massing

## **GENERAL PLAN ANALYSIS**

The property is located in the Institutional area of the General Plan's Land Use and Transportation Element (LUTE) along the Foothill Boulevard frontage, and in the Mixed Housing Type Residential area toward the rear of the site along East 18th Street. The intent of the Institutional area is: "to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character." The intent of the Mixed Housing Type Residential area is: "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." Under the LUTE, Foothill Boulevard and 35th Avenue are both regional transit streets (LUTE Figure 4, Transportation Diagram) where circulation improvements are recommended (LUTE Figure 9, Improvement Strategies: Fruitvale). The proposal to enhance the campus with primarily interior improvements and to relocate the main driveway to 35th Avenue conforms to these intents and to LUTE and Housing Element Policies.

## **ZONING ANALYSIS**

The property is located in the CN-3 Neighborhood Commercial Zone along the Foothill Boulevard frontage and RM-3 Mixed Housing Type Residential Zone toward the rear of the site along East 18th Street. The intent of the CN-3 Zone is: "to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment." The intent of the RM-3 Zone is: "to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate." Following are the Zoning Permits necessary to approve the project and the reasons they are required:

- Major Conditional Use Permit (CUP) is required to expand a Health Care Civic Activity by:
  - more than 20-percent
  - more than 25,000 square-feet in the CN-3 and RM-3 Zones
  - on a site that site exceeds one acre in area
- Additional findings are required for a CUP in a CN Zone; and
- Regular Design Review to allow construction of a new facility, renovations to existing facilities, and site modifications

## **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15332 of the State CEQA Guidelines exempts In-Fill Development Projects. The proposal to renovate and enhance a senior campus meets this description: the



project would constitute an in-fill development project, only. A Trip Generation Study indicated that the increased circulation would not meet or exceed thresholds warranting a Transportation Impact Study. The campus is not located within one thousand feet of a freeway and a Health Risk Assessment is therefore not required. Section 15183 of the State CEQA Guidelines relates to Projects Consistent with a Community Plan, General Plan or Zoning. The project adheres to this section, as described above. The project is, therefore, not subject to further Environmental Review.

## **KEY ISSUES AND IMPACTS**

At the September 17, 2014 hearing, the Planning Commission maintained its concern for project site design, primarily regarding the low-density layout and tree removal. The applicant continues to stress that the site layout as proposed is largely necessary as-is, for operational and cost considerations. The applicant has submitted 4 alternative site plans that can be summarized as follows:

**Option 1:** This alternate features two usable courtyards, with the drawback that parking is visible from 35th Avenue;

**Option 2:** This alternate moves parking away from 35th Avenue, with the drawback that trees would be impacted;

**Option 3:** This alternate relocates buildings to preserve redwood and pine trees, with the drawback that longest walking distances for seniors increases from 125 feet to 157 feet, and access to reception area becomes more difficult; and

**Option 4:** This alternate orients new building parallel to 35th Avenue and saves redwood and pine trees, with the drawback that longest walking distance for seniors increase from 125 feet to 327 feet.

The applicant has provided a narrative to elaborate on key issues (Attachment B); following are relevant sections:

- **Approach-Vehicular and Pedestrian:** Current drop-off is along Foothill Boulevard. The proposal takes advantage of an historical curb cut at a gap in the trees for the new driveway. The proposal addresses the eight-foot grade differential between 35th Avenue and on-site reception entrance. The proposal also adds a pedestrian access to 35th Avenue closer to Foothill Boulevard.
- **Site Development:** The revised proposal attempts to preserve and enhance landscaping on-site. Several Palms would be preserved by relocation to the new entry way.
- **Layout of Overall Program:** The proposal seeks to unify new and existing buildings with seniors in mind. The multi-purpose room would be centralized as would a resident garden. Travel distances would be minimal. The proposal seeks to minimize or eliminate the current disparate floor levels between buildings.
- **Layout of Memory Care Program:** Proposed layout is designed with staffing ratios, access, safety, and delivery of services in mind. The layout allows for on-site walking by residents, and will maximize operational efficiencies.
- **Building Image and Massing:** the proposal preserves a view of landscaping on-site from the public right-of-way. Buildings would observe zoning regulations for height limit. Stucco, concrete, and European architecture would be used where appropriate for consistency. The

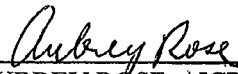
project is also designed for affordability as costs are passed on to the senior resident clients and their families.

In conclusion, staff maintains support for the proposed design, with an understanding of both the Planning Commission's concerns and the applicant's constraints and reasonable program goals. Staff continues to work collaboratively with both to achieve an approvable projects that strikes a balance to the satisfaction of each to meet the immediate and growing needs of this vulnerable demographic group of the community.

#### CONCLUSION

Staff requests the Design Review Committee review the project, provide final design recommendations to the applicant and staff, and refer the project back to the full Planning Commission with recommendations.

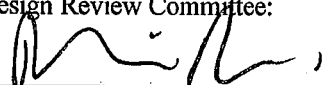
Prepared by:

  
AUBREY ROSE, AICP  
Planner II

Approved by:

  
SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
Design Review Committee:

  
DARIN RANELLETTI  
Deputy Director  
Bureau of Planning

#### ATTACHMENTS:

- A. Revised plans for Design Review Committee
- B. "Design Generators" memorandum by applicant dated October 2, 2014

Ms. Nona Kuhlman  
3431 Foothill Blvd, #370  
Oakland, CA 94601

30 December, 2014

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Dear Chairperson Pattillo and Commissioners,

We are writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. My mother, Nona Kuhlman, lives in the Memory Care Program at Mercy and I am her advocate. Mom moved to Mercy when she was no longer able to cope with the confusion and noise of independent life. The team and environment at Mercy provide her with the specialized care and support she needs to preserve her dignity and quality of life.

Living with Alzheimer's disease is an everyday challenge. Mom and her fellow residents at Mercy will benefit directly from a well-planned facility that accommodates people with unique mental and physical challenges, provides safe access to outdoor areas and allows staff to better focus on care and quality of life. We urge you to approve this project and allow the team at Mercy to continue to provide a safe and high quality living place for vulnerable and at-risk seniors.

Sincerely,



For Nona Kuhlman  
Bill Kuhlman, her son and guardian

Copies:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5

**ATTACHMENT F**

Ms. Nona Kuhlman  
3431 Foothill Blvd, #370  
Oakland, CA 94601

30 December, 2014

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Dear Chairperson Pattillo and Commissioners,

We are writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. My mother, Nona Kuhlman, lives in the Memory Care Program at Mercy and I am her advocate. Mom moved to Mercy when she was no longer able to cope with the confusion and noise of independent life. The team and environment at Mercy provide her with the specialized care and support she needs to preserve her dignity and quality of life.

Living with Alzheimer's disease is an everyday challenge. Mom and her fellow residents at Mercy will benefit directly from a well-planned facility that accommodates people with unique mental and physical challenges, provides safe access to outdoor areas and allows staff to better focus on care and quality of life. We urge you to approve this project and allow the team at Mercy to continue to provide a safe and high quality living place for vulnerable and at-risk seniors.

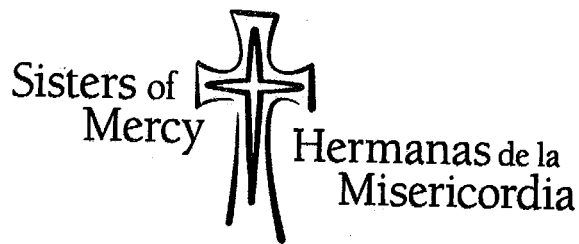
Sincerely,



For Nona Kuhlman  
Bill Kuhlman, her son and guardian

Copies:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5



January 2015

City of Oakland, CA  
Planning Commission

We are writing to respectfully ask for your approval of the Mercy repositioning Project. The Sisters of Mercy established a home for the elderly originally in San Francisco in 1872. In 1906 they brought patients from St. Mary's Hospital in San Francisco when it was destroyed by the earthquake and fire to the site they owned on Foothill Blvd. in Oakland, CA and have continued to serve seniors at this same site in Oakland ever since.

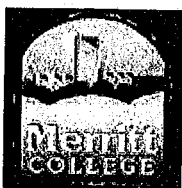
Today as a faith-centered, non-profit organization, Mercy Retirement & Care Center continues to foster an environment that accommodates the many beliefs of our residents. Mercy offers personalized residential and clinical senior care services, including assisted living, memory and dementia care, and skilled nursing care.

Mercy is also committed to investing in the community of Oakland and the local economy. In order to contribute to this goal, the services provided at Mercy extend beyond its walls. Thirty-two years ago the senior residents at Mercy Retirement and Care Center saw that their Fruitvale neighbors were skipping meals because they could not afford food. Together with the Sisters of Mercy, the senior residents of MRCC reached out to 30 vulnerable men and women to offer food. Today, twice a month through the Mercy Brown Bag Program, seniors distribute free, nutritious groceries to over 6,000 low income seniors in Alameda County.

Mercy Retirement & Care Center continues to invest in the local economy by providing employment opportunities to people living in the neighborhood and greater Oakland, employing a diverse workforce. The planned repositioning of Mercy Retirement & Care Center and reinvestment in our Fruitvale neighborhood and the greater Oakland communities will help us better serve the needs of today's society and remain relevant and sustainable well into the future.

But perhaps even more than that, the new plans for MRCC will also strengthen the social bonds among us when vibrant institutions like MRCC and local residents work together to stabilize and strengthen the ties within our community. The approval of our plans to further develop the MRCC site and enhance the programs offered to seniors is the next needed step. We thank you for your support and collaboration.

In Mercy,  
Sisters of Mercy  
West Midwest Community



# Merritt College

12500 Campus Drive • Oakland, California 94619 • (510) 531-4911 • (510) 436-2405

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January 5, 2015

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Dear Chairperson Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. I work closely with Mercy Brown Bag (MBB) in my capacity as consultant Senior Nutritionist with the Alameda County Area Agency on Aging. MBB is absolutely critical to our senior network. They provide two food bags monthly, full of nutritious items, to over 4,000 of our neediest Alameda County seniors. Mercy Brown Bag is beloved within the senior community because they are one of the pillars helping the poorest of the poor. They are critical players in helping to reduce the amount of food insecurity and actual hunger by our poor seniors in Alameda County. And, they do it on a shoestring budget with volunteer support from Mercy, their recipients and the community at large.

I have also had the pleasure of working with Mercy Retirement and Care in my capacity as Program Director and Department Chair for Merritt College Nutrition and Dietetics program. I have been sending my student interns to Mercy as a Certified Dietary Manager site for many years because Mercy defines "resident centered care". Mercy was one of the original Eden sites, and they are a model for how to make a skilled nursing facility feel like home. Did you know there are dogs in the hallways at Mercy? Did you know that Mercy pays a chef, not a cook, to prepare meals that rival those at any local restaurant?

This is the kind of project we can all feel good about. We need more senior care facilities that remember to put the residents first! We need Mercy Brown Bag, which receives amazing cash and in-kind support from Mercy Retirement and Care. We need this agency to remain in the Fruitvale in Oakland, as they have become integral to the local community by providing jobs to local residents.

Sincerely,

*Mary Louise Gennaro*

Empowerment For Success  
David Nettles, MSW, ASW  
P.O. BOX 4757 Oakland, CA 94605

1-5-15

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Dear Chairperson Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. Empowerment For Success serves adults with varying cognitive and physical disabilities by teaching life skills for them to successfully live and participate in communities of their choice. Empowerment For Success consumers have been volunteering for Mercy Retirement Center approximately two years by participating in the Mercy Brown Bag program, watering plants throughout the building, and cleaning outside the building by picking up trash.

Partnering with Mercy Retirement Center has been a rewarding experience for our organization because it allows us to serve seniors and give our consumers an opportunity to serve our community. Without Mercy extending a hand to our organization our consumers would not be able to learn vocational and life skills to increase their autonomy in the community.

Several staff including myself have been residents of Oakland over 28 years and have seen the great work that Mercy Retirement Center has provided to seniors through the Brown Bag program, Exercise programs, and other programs offered daily for seniors that is of great necessity. Allowing Mercy Retirement Center to expand will provide more seniors with support and address the growing numbers of seniors without love, care, and support.

As a professional in the field of Social Work and an advocate for all populations that are underserved with unique needs, I urge you to approve this project so that our consumers and Mercy Retirement Center will continue to serve seniors with love and compassion that the city of Oakland is built on.

Sincerely,

David Nettles, MSW, ASW  
Program Coordinator

Copies:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5

**Peter Francis Shelley**

**January 5, 2015**

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Dear Chairperson Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. Our school, Moreau Catholic High School, in Hayward, visited Mercy center in the fall of 2014, as part of our sophomore class immersion program. The Mercy center provided a variety of spiritual, social and educational opportunities for our sophomores to engage with the staff and most importantly the residents at Mercy Center. In short, it was transformative for everyone. Our students witnessed the power of community, care and camaraderie that fills Mercy center. They were treated with dignity, kindness and welcomed as friends. The students offered their smiles, stories, experiences and most of all, their joy! We will be returning to Mercy Center in Fall of 2015 with next years sophomores and look forward to developing the program.

Mercy's vibrant contribution to the Oakland community, the Bay Area, is rich, diverse and emblematic of the Direct call to make God known, loved and served. Mercy is a refuge for many, and also a real sign of hope, fraternity and justice.

As a Catholic educator for 20 years, and a resident of Oakland for the past 16 years, I urge you to approve the expansion of Mercy center by which through it's physical change, will transform the hearts, minds and spirits for decades to come.

Sincerely,

Peter Francis Shelley  
Director of Holy Cross Mission  
Moreau Catholic High School  
27170 Mission Blvd.  
Hayward, CA 94544  
510 881-4313  
pshelley@moreaucatholic.org

Copies:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5



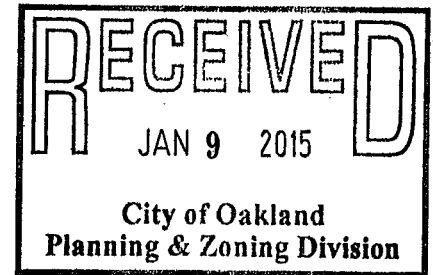


# Franciscan Friars

PROVINCE OF SAINT BARBARA ♦ Office of the Provincial Minister

January 6, 2015

Reference: Case File PLN14080/T1400028  
Mercy Retirement and Care Center  
3431 Foothill Blvd,



Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank. H Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Dear Chairwoman Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at the above address. The Franciscan Friars have had a long standing relationship with the Center and presently we have thirteen (13) of our friars living there. I can not explain in words how important this facility is not only for the Franciscans but also the elderly in East Oakland.

Year in and year out, the Mercy Center has received high marks for their professional staff and beautiful facilities. The staff is very solicitous of the needs of the residents and are always keeping us advised of each friars' mental and physical health which has prevented unnecessary hospital visits when appropriate.

The Center is fortunate to have a Franciscan Friar who celebrates daily Mass and is available for spiritual direction to all who request it.

With this expansion it will ensure that our brothers will be able to stay in the area instead of having to be relocated to a higher level of care.

Again, on behalf of Province of St. Barbara, the Franciscan Friars of CA I strongly urge you to approve Mercy's request.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Fr. John Hardin, O.F.M.", written in dark ink.

Fr. John Hardin, O.F.M.

Provincial Minister

Copies:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5

**Ben Greenbaum**  
**27170 Mission Blvd**  
**Hayward CA, 94544**  
**January 6, 2015**

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Dear Chairperson Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. As the Retreat Coordinator for Moreau Catholic High School, I value the services that the Mercy Center not only does for their community, but also ours. The Mercy Center allows our students to come and interact with our elderly community. This is a great learning experience, because I have come to learn that most of our students do not interact with the elderly at all. One of the most memorable experiences I have is having a student leave the Mercy Center stating that he would like to go visit his own grandparents.

Without the specialized care and support that the Mercy Center provides to the elderly, our community would be at a great disadvantage. The Mercy Center is a home to a lot of people that enjoy the company that our students provide to them. At the same time, our students learned about the care and concern that the Mercy Center provides to its community through its Brown Bag system. Our students work along side of the elderly community to serve other elderly people in need. This is a valuable learning experience for our youth to learn to be good global citizens. The expansion and growth of the Mercy Center will help serve the Mercy Center community by housing and helping more of our elderly community as well as the surrounding community. It would also allow our students at Moreau Catholic High School to come more often and in bigger numbers.

As a Retreat Coordinator of High School students, I am a huge advocate for continuing the growth of the Mercy Center as it not only serves as a home for elderly care, but also as an outreach program for other people in its community and a link of supporting interaction between people of different generations.

Sincerely,

**Benjamin Sidney Greenbaum**  
**Moreau Catholic High School**  
**Retreat Coordinator**

Copies:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5

**Donna Griggs Murphy**

**01/07/2015**

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Dear Chairperson Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd.

Mercy Retirement and Care Center is an important facility in the community. Their commitment to all levels of care for seniors is much needed as the senior population grows in the next few years. Their community programs such as Mercy Brown Bag have made a huge impact on providing much needed food to low income seniors.

I am in total support of an expansion, As a professional in the field of Aging, I urge you to approve this project so that Mercy Retirement and Care Center can continue its care of the aging population in Oakland

Sincerely,  
Donna Griggs Murphy  
Social Services Coordinator  
Allen Temple Arms  
510 553 1193

**Copies:**

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5



**ALAMEDA COUNTY  
COMMUNITY  
FOOD BANK**

**January 7, 2015**

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Dear Chairperson Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. Mercy Brown Bag Program has been a member agency with the Alameda County Community Food Bank since January 1987. Not only do they distribute twice a month, but they are now distributing to 15 sites throughout Alameda County and remain a member in good standing. We consider Mercy's food program as an essential service for low-income seniors. With so many vulnerable seniors living in Oakland, Mercy's food program and housing are vital.

While we understand that any project needs and requires careful consideration, we support their efforts to increase capacity to serve all the aged Oakland residents who are eligible. We remain in support of Mercy's efforts to ensure that our seniors have access to safe housing and wholesome, nutritious food.

Sincerely,

**Suzan Walkup Bateson**  
**Executive Director**

**Copies:**

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5

11025 Broadway Terrace  
Oakland, CA 94611

January 8, 2015

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Dear Chairperson Pattillo and Commissioners,

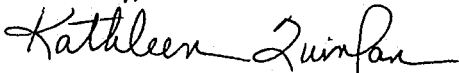
I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. As the Director of Professional Development at Elder Care Alliance since 2011, I have worked closely with Mercy employees, both managers and front line staff.

Mercy embodies the vision of Elder Care Alliance to engage hearts, transform lives, and erase boundaries. It is a critical resource to the elders who come from all parts of Oakland, the seniors in the neighborhood who are sustained by the Brown Bag program, and the staff members, many of whom live nearby. Far from being an island in the Fruitvale community, Mercy is an engaged neighbor, providing much needed services to our growing, and frequently neglected, aging population and to community members whose lives are stabilized and enriched through their work with the elders.

In my role as Director of Professional Development, I have worked with front line staff members and their supervisors at Mercy to create personalized career development plans to support their advancement, both professionally and economically. As a resident and homeowner in Oakland since 1975, I value Mercy as a key community resource to an underserved neighborhood.

I urge you to approve this project, so that Mercy Retirement and Care Center may continue to support the well-being of both our elders and the dedicated people who serve them.

Sincerely,



Kathleen Quinlan  
Director of Professional Development  
Elder Care Alliance

Copies:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5

Kathleen S. Hurty, Ph.D.

---

565 Bellevue Avenue - #707 + Oakland, CA 94610-5016  
Phone: 510.465.3301 Mobile Phone: 510.435.6048 e-mail: [Kathleen@hurty.com](mailto:Kathleen@hurty.com)

January 8, 2015

Reference Case File PLN14080/T1400028

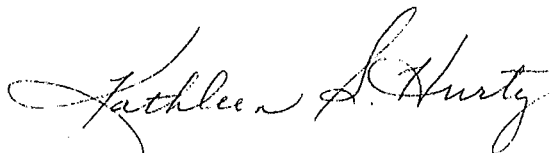
Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Dear friends,

I am writing on behalf of the Mercy Retirement and Care Center Project at 3431 Foothill Blvd. As an Oakland resident and a Corporate Member Representative to the Elder Care Alliance (ECA) Board I fully support this project. I believe that this effort - providing quality senior living in the Fruitvale neighborhood - is essential if Oakland is to foster resources for all its citizens.

The majority of such facilities serving seniors are located around Lake Merritt. ECA is committed to significant investment in areas less served and thus it is a key piece of the ECA ministry. This kind of investment is sorely needed in the Fruitvale neighborhood.

Cordially,



Kathleen S. Hurty

215 W. MacArthur Blvd. #14

Oakland CA 94611

January 9, 2015

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Dear Chairperson Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Blvd. As an employee of Mercy since April of 2001, and a resident of the Oakland community since November of 2006, I am very invested in the opportunity to continue to care for residents within the Oakland community. I enjoy working and assisting residents within our Memory Care Community, as well as building relationships with staff members whom I have met over the years. They have all become like family to me, and it is because of Mercy and the caring and compassionate residents and staff we have within our walls. This expansion would provide new jobs to the Oakland community and allow us to offer more assistance to those who we were unable to help before.

Please consider the approval of this project for the betterment of our Oakland community and give us a chance to continue the legacy of the care and support we offer our residents each day as they enter our front doors.

Sincerely,



Beverly Thomas  
Memory Care Resident Assistant  
Mercy Retirement and Care Center

Copies:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland  
Mr. Noel Gallo, Oakland City Council District 5



# CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 2ND FLOOR • OAKLAND, CALIFORNIA 94612

**Noel Gallo**

(510) 238-7005

**City Council Member, District 5**

FAX:(510) 238-6129

TTY/TDD:(510) 839-6451

January 12, 2015

Oakland City Planning Commission  
Ms. Chris Pattillo, Chairperson  
c/o Mr. Aubrey Rose, AICP  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland CA 94612

Reference: Case File PLN14080/T1400028  
Mercy Retirement & Care Center  
3431 Foothill Blvd.

Dear Chairperson Pattillo and Commissioners,

I am writing to ask you to approve the improvement and expansion of the Mercy Retirement and Care Center at 3431 Foothill Boulevard Oakland, CA 94601. The Mercy Retirement and Care Center has served our community since 1907. They provide valuable services to our seniors and offer our community opportunities for employment and development. Their services are essential to District 5 and the City of Oakland as a whole.

The Mercy Retirement and Care Center provides much needed services to our aging population. The growing demand makes completing this project crucial. The specialized care and support the Mercy Retirement and Care Center provides is one to commend. Our community deserves to have access to the quality of care the Mercy Retirement and Care Center offers.

As a community member and Councilmember for District 5, I urge you to approve this project. The Mercy Retirement and Care Center has deep connections to our city, our schools and communities. This facility is essential for the future and growth of District 5.

If you have any questions, please feel free to contact me.

Sincerely,

A large, stylized handwritten signature of Noel Gallo in black ink. The signature is fluid and cursive, with the first name 'Noel' and last name 'Gallo' clearly legible despite the stylization.

Noel Gallo  
Councilmember, District 5

CC:

Ms. Rachel Flynn, City of Oakland  
Mr. Robert Merkamp, City of Oakland  
Mr. Darin Ranelletti, City of Oakland  
Mr. Scott Miller, City of Oakland

**Attachment G: Alternative Findings for Denial by the Planning Commission**

This proposal does not meet the required findings under General Use Permit Criteria (OMC Sec. 17.134.050) and Regular Design Review Criteria For Nonresidential Facilities and Signs (OMC Sec. 17.136.050(B)) under the Oakland Planning Code (Title 17). Required findings that cannot be made are shown in **bold** type; explanations as to why these findings cannot be made are shown in normal type.

**GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050)**

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

This finding is not made by the proposal: a new structure set back to the center of the campus and new vehicular access towards a landscaped area along 35th Avenue is not appropriate site planning for a pedestrian-oriented urban area.

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

This finding is not made by the proposal as described in the following section of this attachment.

**REGULAR DESIGN REVIEW CRITERIA FOR NONRESIDENTIAL FACILITIES AND SIGNS (OMC SEC. 17.136.050(B))**

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

This finding is not made by the proposal: a new structure set back to the center of the campus and new vehicular access towards a landscaped area along 35th Avenue is not appropriate site planning for a pedestrian-oriented urban area.

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

This finding is not made by the proposal: a new structure set back to the center of the campus and new vehicular access towards a landscaped area along 35th Avenue is not appropriate site planning for a pedestrian-oriented urban area.

**DENIED BY:**

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