Case File Number CMD13-064

March 20, 2013

8200 International Boulevard, East Oakland Youth

Location: Development Center

**Assessors Parcel Numbers:** 043 -4554-010-01

Expansion of East Oakland Youth Development Center to add 6,665

**Proposal:** square feet to the existing 19,812 square-foot facility for seismic

strengthening and expansion of after school and summer programming.

Applicant: Regina Jackson

Owner: City of Oakland

Planning Permits Required: Major Conditional Use Permit for expansion of a Community

Assembly Activity totaling more than 25,000 square feet and Regular

Design Review.

Case File Number CMD13-064

General Plan: Neighborhood Center Mixed Use

Zoning: CN-3, Neighborhood Center Zone-3

Environmental Determination: Exempt, Section 15301, State CEQA Guidelines, Existing Facilities

Exempt, Section 15183 of the State CEQA Guidelines: Projects

consistent with a community plan, general plan or zoning

Historic Status: Non-Historic Property; post-1945 or modernized

Service Delivery District: 6 City Council District: 6

Finality of Decision Appealable to the City Council within 10 days

Date Filed: October 29, 2012

Staff recommendation: Decision based on staff report

For further information: Contact case planner Moe Hackett, 238-3973 or

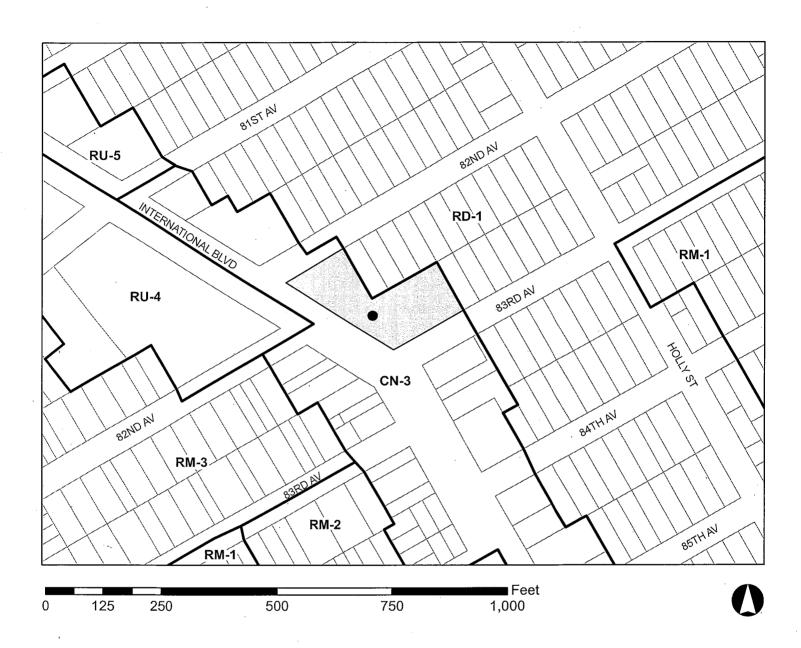
mhackett@oaklandnet.com

#### **SUMMARY**

Regina Jackson on behalf of East Oakland Youth Development Center has submitted a Major Conditional Use Permit and Regular Design Review application for a 6,665 square foot expansion to an existing community center. The proposal includes a new garden (Living Lab), a redesigned parking lot, exterior design improvements, and seismic strengthening. The new total floor area will be greater than 25,000 square feet and will be used to continue the ongoing summer and afterschool programs for youth in art, education, jobs and wellness. The expansion will allow for an increase the existing number of students attending the school from 200 kids to a maximum of 383 kids during the summer months.

The existing 19,812 square-foot facility is located on International Boulevard. This portion of International Boulevard is a mix of commercial, civic and residential uses, with lower density residential areas abutting the corridor. The two story addition will fill in the open area along the street frontage of International Boulevard, and will consist of a one story addition of 1,618 square feet and a two story addition of 5,037 square feet. The proposal will create a Living Lab that will require removal of 4 of the existing 25 parking spaces but the proposal will not significantly alter the current parking demands due to the very small demand for student parking (i.e. very few licensed drivers, large numbers of drop-offs, use

# CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD13064

Applicant: Regina Jackson

Address: 8200 International Boulevard

Zone: CN-3

of and accessibility to public transportation, and attendees walking to the site) Staff recommends approval of the project subject to the plans and attached conditions.

## PROJECT DESCRIPTION

East Oakland Youth Development Center is proposing to create a new 6,665 square-foot addition that will allow for the continuation of community youth programs such as art, computers, dance, fashion, cooking, creative writing, music, math, science, history, physical development and Spanish. The current facility was built in 1976 an has been utilized for these types of youth development activities continuously since at least 1978. The new structure will be integrated into the International Boulevard facing façade anchoring from 83<sup>rd</sup> Avenue toward mid block. The existing 25 space parking lot that is accessed from 83<sup>rd</sup> Avenue will remain in its current location but will be reduced to 21 parking spaces to allow for a new out door Living Lab garden. The project will include extensive façade improvements and landscaping that will fully integrate the existing structures with the new. The expansion of area does not represent a departure from the current uses as a after school and summer Community Assembly Civic Activity and will be compatible with and complimentary to the neighborhoods that it currently serves.

#### PROPERTY DESCRIPTION

The existing center is located on the Northeast corner of International Blvd. and 83<sup>rd</sup> Avenue, on a portion of International Blvd. containing a mix of commercial residential and civic uses. The project site is immediately abutted by lower density residential activities off of International Blvd. Facility buildings, parking lots paved entry ways cover the entire site, the site contains no truly useable open space (the majority of the sites open or unscheduled spaces are mostly paved, and are located unscreened from the Busy International Boulevard corridor. The property is located in an entirely developed urban environment.

#### **GENERAL PLAN ANALYSIS**

The subject property is located within the Neighborhood Center Mixed Use General Plan Land Use classification. The Neighborhood Center land use classification is intended to identify, create, maintain, and enhance mixed use neighborhood commercial centers. These centers are typically characterized by a smaller scale pedestrian oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian oriented and serve nearby neighborhoods, or urban residential with ground floor commercial. The Neighborhood Center Mixed Use General Plan Area allows up to a maximum residential density of one dwelling per 261 square feet of lot area and a maximum nonresidential FAR of 4.0. The General Plan's Neighborhood Objective and Policy (N2.4) which seeks to locate community, government, and institutional uses outside of areas that are predominantly residential, and ideally site them along major thoroughfares with easy access to public transportation.

The proposed expansion of the existing community center is consistent with the General Plan land use classification in that it improves the visual quality of the building which fronts on International Blvd., which is an important commercial corridor and improves and expands the services provided to the community in a location that is easily accessible.

# **ZONING ANALYSIS**

The subject property is located within the CN-3, Neighborhood Commercial Zone - 3. The intent of the CN-3 zone is to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment.

# **Required Permits**

The proposed use as an after school and summer childhood and young adult development center is classified as a Community Assembly Civic Activity (17.10.160), which are permitted in the CN-3 Zone upon the granting of a Conditional use permit. Pursuant to Planning Code Section 17.134.020 the project is classified as a Major Conditional Use permit and requires approval from the Oakland Planning Commission since the resulting project will exceed 25,000 square feet in floor area

The proposed project also requires a Regular Design Review for the expansion to the existing building. The general Conditional Use Permit and Non-Residential Design Review findings of Sections 17.134.050 and 17.136.070(B) must be made in order to approve the proposed project, which are included in Attachment A.

#### **Parking**

Per Zoning Code Section 17.116.070(B) and 17.116.040 the prescribed number of parking spaces for this use (Community Assembly) shall be determined by the Zoning Director base on all available information including traffic generation, frequency of use, and times of operation; and is appealable pursuant to the administrative appeals procedures in Chapter 17.132 of the Zoning Code. See evaluation below.

## ENVIRONMENTAL DETERMINATION

For purposes of environmental review under the California Environmental Quality Act (CEQA), the project meets the criteria for a Categorical Exemption under Section 15301 of the CEQA Guidelines (existing structures), and Section 15183 of the CEQA Guidelines (conformity to a community plan, general plan or zoning). The subject property at present operates as a Community Assembly Civic Activity and the proposal adds less than 10,000 square feet of new non-residential floor area, and does not contain any historic resources and is not a hazardous materials site listed on the Cortese List, which are exceptions to the above exemption 15301.

#### KEY ISSUES AND IMPACTS

## **Building Design**

The proposed building addition is at an un-developed street facing portion of the site at the corner of International Boulevard and 83<sup>rd</sup> Avenue. The proposed addition will help to create a building presence at the street and the corner and create a much needed visual improvement to this area of International Boulevard.

# **Parking**

The Zoning Code does not require a specific number of parking spaces for this activity (Community Assembly) the existing demands for off-street parking. The determination of necessary parking is made by the Zoning Director. The Director's review has taken into consideration the age of the youths that use the center, the number of staff, the current numbers of parking spaces and the adequacy of the existing facilities as well as the available access to public transportation. The center has 25 parking spaces that are at present, under utilized. On a typical day the maximum, peak number of parking spaces used is 17. The majority of student and a large percentage of staff utilize public transportation or walk (In the peak summer months 65% of the student are dropped off and 35% walk.). The center serves children youths that are generally not of high school or driving age, and who have traditionally used public transportation or are dropped off and picked up. Based on this and the Traffic and Parking management Plan See

Specific Condition 33 the Zoning Director has determined that the proposed 21 spaces will meet the proposed needs of the center

# **CONCLUSION**

The proposed Center expansion would allow for the expansion of a vital civic resource. The facility would benefit the neighborhood, the community, and the City with the continuation of a community youth development, educational and cultural facility. Staff recommends approval of the project subject to the plans and attached conditions.

#### **RECOMMENDATIONS:**

- 1. Affirm staff's environmental determination.
- 2. Approve the Major Conditional Use Permit and Design Review subject to the attached Findings and Conditions of Approval.

Prepared by:

MOE HACKETT

Planner II

Approved by:

SCOTT MILLER Zoning Manager

RACHEL FLYNN, DIRECTOR

Department of Planning and Building

#### **ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Project Plans

# **ATTACHMENT A**

#### FINDINGS FOR APPROVAL

This proposal meets the required findings under Sections 17.134.050 General Use Permit Criteria, and Section 17.136.050(B) Non-Residential Design Review Findings, as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can be made are in normal type.

# Section 17.134.050 (General Use Permit Criteria):

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

The proposed 6,665 square-foot addition for additional flexible floor area represents a small expansion in context of the overall East Oakland Youth Development Center facility and will be compatible with the existing campus setting. The addition to the facility will improve the visual appearance of the building while providing expanded services to the community. The current parking facilities exceed the amount of needed on site parking and with the provisions of **Specific Condition #33** the applicant shall be required to develop a comprehensive pedestrian management plan and student drop off and pick up area that will limit traffic impacts in the area.

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

The activity will provide a convenient and functional civic environment for expanded educational, artistic, physical, and job training development opportunities at the existing Community Assembly Civic facility. The proposed design represents a vast improvement to the existing facility and will add an attractive new character to the location and setting.

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

The proposed addition will allow for expanded educational and developmental opportunities within the existing Community Assembly Civic facility which currently provides an essential service to the community.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.050.

The site is in an existing un-developed portion of the International Boulevard facing portion of the East Oakland Youth Development Center campus. The addition of a one-story and two-story addition at this location will create a positive visual impact to the area of International Boulevard. The proposed structure will be of a low profile and contain a large amount of new glazing (with

Page 7

incorporated glass textured text), murals featuring patterns in the purple colors adopted by the center, and new landscaped features (including multiple street trees).\_ It will be used for Civic Activities and is located in a portion of East Oakland where this use is very appropriate and needed by area youth. [See Design Review findings below]

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

The proposal conforms to the Neighborhood Center General Plan classification as that designation seeks to create, maintain, and enhance areas appropriate for a wide variety of pedestrian oriented commercial activities as well as small scale educational and cultural uses. The East Oakland Youth Development Center was established at this location in 1978 and has served the community of East Oakland continuously. This minor expansion of the existing facility and campus will allow for an ideal expansion of use for an existing Community Assembly Civic activity.

## 17.136.070.B - Non-Residential Design Review Criteria:

A. 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;

The proposed building addition is at an un-developed street facing portion of the site at the corner of International Boulevard and 83<sup>rd</sup> Avenue. The proposed addition will help to create a building presence at the street and the corner and create a much needed visual improvement to this area of International Boulevard. The building design incorporates glass, composite cladding, metals, and cement plaster. It features large mural areas and expanded glazing (with incorporated imagery). All of the elements of the buildings design will invoke a very well suited post-modernist decorated style building. The proposed structure will have a relatively low profile that is intended to blend into the portion of international boulevard at this point..

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

The design of this project will visually improve the immediate and surrounding area. The new structures will be of very high quality. The proposed building is well sited into the overall campus setting and does not have any negative visual impacts on surrounding neighbors and is in fact a vast improvement on the existing dated utilitarian designed building.

C. 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 General Plan designation of the site is Institutional. This designation is intended to create, maintain, and enhance areas appropriate for educational facilities, cultural uses, as well as other more commercial uses. The proposed Center expansion would accommodate flexible space for educational, cultural, and other general developmental uses. The facility would benefit the neighborhood, the community, and the City with the continuation of a community youth development, educational and cultural facility that is consistent with the General Plan.

# **ATTACHMENT B**

# CONDITIONS OF APPROVAL

#### **STANDARD CONDITIONS:**

#### 1. Approved Use

## **Ongoing**

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, and staff report, and the plans dated **February 4, 2013** and submitted on **February 5, 2013**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: Major Conditional Use Permit and Design Review for the creation of a new 6,665 square-foot addition to an existing Community Assembly Civic activity and facility, exterior remodeling, seismic strengthening, and new landscaping and an open space area.

# 2. <u>Effective Date, Expiration, Extensions and Extinguishment</u>

#### Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two 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 Sections 17.134.050 and 17.136.070(b) of the City Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

## 4. Conformance with other Requirements

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

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

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

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

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

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

# 6. Signed Copy of the Conditions

# With submittal of a demolition, grading, and building permit

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

#### 7. Indemnification

# Ongoing

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

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

# 8. Compliance with Conditions of Approval

# Ongoing

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

# 9. Severability

# Ongoing

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

# 10. Job Site Plans

# Ongoing throughout demolition, grading, and/or construction

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

# 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 Building Services Division, as directed by the Building Official, Director of City Planning or designee.

# 12. Underground Utilities

# Prior to issuance of a building permit

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

# 13. 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 Building Services Division 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 Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final 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.

# 14. 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.

## 15. Compliance Matrix

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division 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 Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

## 16. Construction Management Plan

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division 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.

## 17. Dust Control

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

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- 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) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) 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.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- 1) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.
- m) All "Basic" controls listed above, plus:
- n) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- o) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- p) 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. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.
- q) Install appropriate wind breaks at the construction site to minimize wind blown dust.

# 18. Construction Emissions

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

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups

Page 14

(every 90 days) shall be performed for such equipment used continuously during the construction period.

# 19. 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 Building Services Division.
- 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 Building Services Division.
  - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, 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 onsite in a non-enclosed area.
  - g) Applicant shall use temporary power poles instead of generators where feasible.

#### 20. 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 Planning and Zoning Division and the Building Services Division 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 <u>use</u> other measures <u>as determined by the City to provide equivalent noise reduction</u>.
- 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.

# 21. 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 Building Services Division 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 Building Services Division 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.

#### 22. 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 Building Services Division 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.

# 23. Operational Noise-General

# Ongoing.

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

## 24. 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 Planning and Zoning Division, the Building Services Division, 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.

## **Major Project Cases:**

- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces on 83rd Avenue.
- 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.

# 25. 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.

# 26. 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 <a href="www.oaklandpw.com/Page39.aspx">www.oaklandpw.com/Page39.aspx</a> 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 in 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.

## 27. Pile Driving and Other Extreme Noise Generators

# Ongoing throughout demolition, grading, and/or construction

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example—and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

#### 28. Lighting Plan

# Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

## 29. 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 Planning and Zoning Division 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.

# 30. 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.

## 31. 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.

# 32. 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

Case File Number CMD13-064

Page 21

- 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.

# PROJECT SPECIFIC CONDITIONS

# 33. Pedestrian Traffic Management and Drop-Off Plan

a. Prior to issuance of a building permit /Ongoing

Prior to the issuance of a building permit the applicant shall submit plans for a pedestrian traffic management plan to address staff's concerns regarding the site lack of an identified on-site drop off and pick up location. The traffic and pedestrian management plan shall include details regarding use of on-site parking facilities and allowances for staffing and staff use (both for summer and non-summer weekday operations. Staff may also consider a proposal for a shuttle plan, on-street painted drop-off locations (white zones), and the scheduling of drop-off and pick-up hours at both on-site and off-site designated areas. Staff may also consider requirements for crossing guards and other pedestrian safety issues and concerns. These conditions shall be open to amendment at the discretion of the Zoning Manger as deemed necessary for public safety and /or neighborhood traffic impacts.

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

