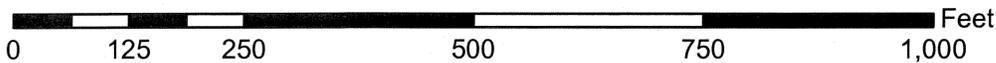


| | | |
|-----------|-------------------------------------|--|
| 4. | Location: | 2647 International Blvd., St. Joseph’s Senior and Family Housing Project (APNs 025-0701-004-01, 025-0701-007-01, 025-0701-008-00, 025-0701-010-02, 025-0701-010-03) |
| | Proposal: | Revisions to previously approved Preliminary Development Plan (PDP), including: 1) Modification to project phasing; and 2) Modification to retain the garage building. Design Review of Phase II Addendum Area, rehabilitation of the Laundry Building and the Smokehouse, and the proposed maintenance and repair of the Garage Building, and landscaping. |
| | Applicant: | Bridge Housing Corporation |
| | Contact Person/Phone Number: | Smitha Seshadri, Project Manager (415)989-1111 |
| | Owner: | Bridge Economic Development Corporation |
| | Case File Number: | PUDF11044; REV110003 |
| | Planning Permits Required: | Planned Unit Development Final (PUDF) for Phase II Addendum Area; Design Review for Phase II Addendum Area; Revisions to Preliminary Development Plan (PDP) |
| | General Plan: | Community Commercial |
| | Zoning: | C-40 Community Thoroughfare Commercial, C-28 Commercial Shopping District, C-60 City Service Commercial (Subsequent Zone – CIX-2) |
| | Environmental Determination: | Reliance on previously adopted Joint Mitigated Negative Declaration (MND) (CEQA) and a Finding of No Significant Impact (FONSI) (NEPA) adopted by the Planning Commission on December 19, 2007 |
| | Historic Status: | City of Oakland Landmark 84-317; Nominated for Listing on the National Register of Historic Places, pending project completion. |
| | Service Delivery District: | 4 |
| | City Council District: | 5 |
| | Date Filed: | February 18, 2011 |
| | Action to be taken: | Approve with conditions |
| | Finality of Decision: | Appealable to City Council within 10 days |
| | For Further Information: | Contact Joann Pavlinec at (510) 238-6344 or by email: jpavlinec@oaklandnet.com |

INTRODUCTION

Bridge Housing Corporation has applied for review of modifications to the Phasing Plan of a previously approved Planned Unit Development, Preliminary Development Plan (PDP), and for review of a Final Development Plan for Phase III, currently proposed as ‘Phase II Addendum Area.’ The environmental review for the Phase II Addendum Area, Final Development Plan relies on the previous Planning Commission adopted Joint Mitigated Negative Declaration and a Finding of No Significant Impact (MND/FONSI).

CITY OF OAKLAND PLANNING COMMISSION



Case File: PUDF11-044; REV11-0003
Applicant: Bridge Housing Corporation
Address: 2647 International Boulevard
Zone: C-40, C-28, C-60 (Subsequent Zone - CIX-2)

Background Summary

Planned Unit Preliminary Development Plan (PDP) and Final Development Plan for Phase I – December 19, 2007

LPAB Review September 24, 2007

At the December 19, 2007 meeting the Planning Commission approved the Planned Unit Development Preliminary Development Plan (PDP) for the entire project including the overall design with respect to the building foot prints, density, height, massing and the relationship of buildings, streets and open spaces. This included a two-phase proposal for:

- adaptive reuse of the historic main building in order to develop up to 84 units for elderly residential use and community commercial space; and
- for adaptive reuse of the historic laundry building and men’s smokehouse, and the demolition of three historic structures (the guardhouse, poultry house and the garage) in order for new construction, for up to 80 residential units in Phase II; and
- 137 parking spaces and open space areas.

The Commission also approved the Final Development Plan of Phase I, which included rehabilitation of the Main Building to include 84 senior apartments (studios, one-bedrooms, and a two-bedroom manager’s apartment) and approximately 4,000 square feet of commercial office space on the ground floor, on-site circulation, surface parking areas, the senior garden and landscaping to the north of the complex on-site driveway parallel to International Blvd., subject to the findings and conditions of approval. At that meeting the Planning Commission adopted a Joint Mitigated Negative Declaration (CEQA) and a Finding of No Significant Impact (NEPA) for the entire project (Joint MND/FONSI). Phase I is currently under construction.

Final Development Plan for Phase II – August 5, 2009

LPAB Review June 8, 2009

The Final Development Plan for a modified scope of Phase II was approved by the Planning Commission on August 5, 2009. The Phase II modified scope included:

1. Phase II Planned Unit Development Final (PUDF) and detailed design review, including Building #1 - new construction of family apartments located on the corner of East 12th Street and 26th Avenue, and of the rehabilitation of the historic Guardhouse (approved for demolition in the previously approved proposal), landscaping and open space areas.
2. Proposed modification to the approved PDP from a two-phased, two parcel, project to a three-phased, three parcel, project. The original Phase II of the proposal for up to 80 dwelling units has been divided into two Phases, as follows:

Phase II:

Demolition of the Poultry House;
Rehabilitation of the Guardhouse for adaptive reuse; and
New construction of 58 affordable family units.

Phase III:

Demolition of the Garage and the addition to the Men’s Smokehouse;
Rehabilitation of the Laundry Building and Men’s Smokehouse;
New construction at the garage location;
Total proposed units - up to 22.

This requires a new Vesting Tentative Parcel Map for this Phase of the proposal. Phase I is approved under Vesting Tentative Map 9590 that has been recorded at the County.

3. Proposed modifications to the approved PDP, Phase II foot prints, heights, massing and relationship of buildings to open spaces and inclusion of adaptive re-use of the guardhouse;

4. approval of the Vesting Tentative Parcel Map 9892;
5. applicant request to modify timing of PDP Condition of Approval #25A.a. and b. – Investigative Demolition report by a conservation professional on poultry house brick reuse. This investigative report will also examine the historic wall along East 12th Street to determine its condition, requirements for restoration and how it will interface with Building #1.

At that meeting the Planning Commission also found that no further environmental review was required and relied on the previously adopted Joint MND /FONSI.

SITE DESCRIPTION

Existing Site Conditions

The project site, at 2647 International Blvd., is approximately 2.91 acres, on an irregularly shaped lot that fronts on International Blvd. and backs on E. 12th Street. There is a small portion of the parcel that extends to 26th Avenue on the West. Cesar Chavez Education Center is adjacent to the property to the east.

Historic

Originally, the site complex was used as an elderly care facility known as “St. Joseph’s Home for the Aged” and was operated by the Little Sisters of the Poor. Constructed in 1912 the complex consisted of the Main Building and a smaller three-story building located immediately behind it, known as the Laundry Building. Since then the following buildings have been added:

- o Men’s Smokehouse/Recreation Building (1939)
- o Garage/Workshop (1947)
- o Guardhouse (Unknown)
- o Poultry House/Offices (1947)
- o Modular Office Building (not part of the original complex of buildings)

Other historic features include an eight foot wrought iron fence along the International Blvd. frontage (north), and a 6-8 foot tall brick wall along E. 12th Street (south). A ten foot tall fence is located along the east property line.

Surrounding Area

The project site is located in the San Antonio Planning District and the Coliseum Redevelopment Area along International Boulevard, one of Oakland’s major commercial corridors. Commercial and community facilities are located to the north, across International Boulevard. The Cesar Chavez Education Center borders the project site to the east. A multi-family apartment complex is located to the west, across 26th Avenue. And, to the south are the elevated tracks of the Bay Area Rapid Transit (BART). Beyond the BART tracks are the main Union Pacific railroad track right-of-way and industrial storage warehouses.

PROJECT DESCRIPTION

Background Summary

The original project PDP proposal, a two-phase plan, intended to demolish three (the garage, the poultry house and the guardhouse) of the existing six historic buildings on the project site and retain the remaining three (the main building, the laundry building and the men’s smokehouse). In addition to the three historic buildings being

retained, other historic features, including some landscape features, the brick wall and the wrought iron fence were also proposed for retention.

The Phase 1, Final Development Plan for the main building (the former St. Joseph’s Home for the Aged) was approved for and is currently under construction for 84 affordable rental units for seniors with community commercial space on the ground floor. It is anticipated that the commercial space will provide services that are compatible with the residents living on site.

The original proposal retains the laundry building and the men’s smokehouse which will be rehabilitated for affordable units.

The second Final Development Plan proposal modified the original PDP proposal to retain and rehabilitate the guardhouse as a multi-purpose room for the residents.

The original PDP proposal approval, demolition of the remaining buildings (poultry house and garage and of the addition on the Men’s Smokehouse), enables new construction of two buildings, one to each side of the Laundry building. These two new buildings, the Laundry building and the Men’s Smokehouse building would comprise up to a maximum of 80 affordable dwelling units.

The second Final Development Plan was approved for 58 affordable units in the newly constructed building #1, and the project was modified to a three-phase project.

CURRENT SUBMITTAL

Final Development Plan for Phase III (Phase II Addendum Area)

The scope of the current review is the third Final Development Plan (previously referred to as Phase III and currently referred to as Phase II Addendum Area) with a revision to this phase, as outlined below:

- 1) Modifying the Phasing approved in 2009 as Phase III, to now be incorporated as a ‘Phase II Addendum Area’;
- 2) Modification of this Phase to include retention of the Garage, with repair and maintenance, rather than demolition for new construction of up to 18 residential units (the garage would be used for the site’s maintenance worker training activities and storage).
- 3) Addition of Phase IV, which would include the PDP approved demolition of the garage (where the building foot print, height, and massing were approved) for new construction of up to 18 units (Building #1 is approved for 58 units, the Men’s Smokehouse proposal is for one unit, the Laundry Building proposal is for 3 units. Detailed design review of the proposed Phase IV new construction will be required at the time of submittal of the Phase IV Final Development Plan.); and,
- 4) Design Review of :
 - a. rehabilitation of the Laundry Building;
 - b. rehabilitation of the Men’s Smokehouse;
 - c. repair/maintenance proposal of the Garage; and
 - d. landscaping of the ‘Phase II Addendum Area’.

Previously approved Vesting Tentative Map 9590, representing a two Parcel, two phase project, will be used. Vesting Tentative Map 9892 will be withdrawn.

Rehabilitation of the Men’s Smokehouse (Building #3)

Please see Attachment A drawings, pages A0.32 (photos), A2.31 (as built) and A3.31 (plans, elevations, sections).

1. Change existing building use from Office to a two-bedroom family rental unit;
2. Demolish stucco addition at south side of building and wood stud & plywood infill at historic brick porch columns at west side of building (non-historic additions);
3. Remove existing asphalt shingle roof and replace with new asphalt shingle roof system;
4. Remove temporary brick infill at historic window opening along south side of building. Install new wood window at restored opening to match historic wood window at mirrored north side;
5. Restore existing wood windows;
6. Repoint existing brick walls;
7. Install new wood door and sidelight at west side building porch entrance. Match style with existing doors and windows;
8. Install two new wood windows with painted metal clad panels below in existing door openings at east and north facades;
9. Remove existing interior door at south facade and install new painted hollow metal panel exterior door and frame;
10. Some seismic anchoring of roof diaphragm to masonry walls will be required throughout;
11. Historic Interior wood trusses will be preserved and exposed where allowed by code;
12. Install new plumbing, electrical, mechanical system, and interior partitions to serve residential use.

Rehabilitation of the Laundry Building (Building #4)

Please see Attachment A drawings, pages A0.33 (photos), A2.41 and A2.42 (as built), and A3.41 (plans) and A3.42 (elevations, sections).

1. Change existing building use from office to two 2-bedrooms and one 1-bedroom family units;
2. Remove existing slate shingle roof and copper flashing system and replace in kind;
3. Restore existing copper and glass skylight system at elevator tower;
4. Restore existing wood windows and exterior doors throughout;
5. Install one new wood window to be compatible with existing adjacent windows at level two west elevation to allow for light and air to new bedroom space as well as emergency egress;
6. Repoint existing brick walls;
7. Remove existing canvas awning at south facade, steel egress ladder and mechanical equipment/meters at north façade;
8. Remove existing metal handrail at concrete stair along west facade and replace with new painted metal handrail;
9. Add new accessible lift for ground-floor accessible unit access, pending Building Code Interpretation (See discussion under Issues);
10. Restore existing primary building stair at northeast corner;
11. Some modifications to landing size and rated wall locations will be required at upper floor to meet current code requirements;
12. Some seismic anchoring of roof and floor diaphragms to masonry walls will be required throughout including possible steel bracing of elevator tower or chimney above the roof line;
13. Existing historic wood partition wall at the south end of level two will be retained and incorporated into unit layout;

14. Interior wood trusses will be preserved and exposed where allowed by code and acoustic separation requirements;
15. Install new plumbing, electrical, mechanical system, and interior partitions to serve residential use;
16. Basement area will be utilized for Mechanical Boilers and some storage.

Removal of any hazardous materials coordinated directly by Owner.

Modifications to previous proposal for Garage - Repair/Maintenance of the Garage (Building #2)

Please see Attachment A drawings, pages A0.31 (photos) and A2.21 (as built). The previous approval for the garage building was demolition for new construction of affordable dwelling units. Currently, the proposal is to retain the garage for the site’s maintenance worker training activities and storage. Demolition and new construction is being proposed under Phase IV.

1. Restore three existing wood garage doors; remove existing plywood, restore wood panels, add new hardware, and paint;
2. Restore seven existing steel windows; remove existing plywood, replace missing glazing, install new putty, sealant at perimeter, and paint;
3. Restore existing copper gutter system at south elevation; restore broken seams and replace missing or damaged copper brackets in kind;
4. Patch holes at existing brick walls, remove graffiti paint at south facade only, and re-paint existing painted brick at south and east facades;
5. Remove existing built-up roof system and replace with new TPO¹ roof system;
6. Remove existing copper and glass skylight system for roof installation, restore and reinstall;
7. Remove all existing temporary wood framed interior walls;
8. Reconnect existing building electrical and plumbing to new Phase II underground utilities.

Landscaping

Please see Attachment A drawings, last page of the set.

GENERAL PLAN ANALYSIS

The General Plan’s Land Use and Transportation Element (LUTE) classifies the project site as located in the ‘Community Commercial’ area. The intent of the Community Commercial designation is “to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts or centers.” The desired character and uses in the Community Commercial area include neighborhood center uses and larger scale retail and commercial uses, but can also be complemented by the addition of urban residential and compatible mixed-use development. The maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre or 166.67 units per net acre (261 square feet of site area per principal unit). The project would result in a maximum of 80 affordable family

¹ **TPO: Thermoplastic Olefin or Polyolefin:** TPO membranes are single-ply roof membranes constructed from ethylene propylene rubber.

units and 84 affordable senior units, for a total of 164 dwelling units on the site. Based on the maximum residential density, 485 units would be allowed.

ZONING ANALYSIS

The project is located in three zoning districts, the C-40 Community Thoroughfare Commercial Zone, the C-28 – Commercial Shopping District Zone and the C-60 – City Service Commercial Zone.

The C-40 zone is intended to “create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares.”

The C-28 zone is intended to “create, preserve, and enhance major boulevards of medium-scale retail establishments featuring some specified higher density nodes in attractive settings oriented to pedestrian comparison shopping, and to encourage mixed-use residential and nonresidential developments, and is typically appropriate along major thoroughfares near residential communities.” This current application proposes to retain the garage and to use for the site’s maintenance worker training activities and storage. This is an accessory use to the operation of the senior and family housing, given that training would be only for the site’s maintenance workers, and therefore a permitted use.

The C-60 zone is intended to “create, preserve, and enhance areas with a variety of commercial services which are essential to the economy of the city, but which are frequently incompatible with the operations of a retail shopping or office area, and is typically appropriate to centralized areas near industrial concentrations.”

The C-60 zone does not permit residential uses; however the Planned Unit Development Regulations permit the granting of bonuses, including additional permitted activities. Residential Activities is listed as one of the activities permitted as a planned unit development bonus. The applicant received this bonus on December 19, 2007 as part of the Planning Commission approval for the PDP. The C-60 parcel has subsequently been zoned CIX -2 which also does not permit residential uses. Prior approval supersedes this zoning change.

Planned Unit Developments

This application requests a modification to the approved project phasing. A Preliminary Development Plan of the entire development and a final development plan for Phase 1 were approved on December 19, 2007. The final development plan for Phase II area as outlined on the Landscape Materials and Planting Plan Sheet of Attachment A was approved by the Planning Commission on August 5, 2009. The final development plan for Phase II Addendum Area is currently under review and the final development plan for Phase IV, demolition of the garage and new construction of up to 18 residential units would be submitted later. Because Phase IV would be developed at a later date, the design can be submitted as schematic, indicating foot print, density, height, massing, and the relationship of buildings, streets and open spaces. This level of detail for the garage area new construction was approved under the Phase III proposal on August 5, 2009. Detailed design review of the proposed Phase IV new construction building will be required at the time of submittal of the Phase IV final development plan.

ENVIRONMENTAL REVIEW

At their December 19, 2007 meeting the Planning Commission adopted the proposed Mitigated Negative Declaration under the California Environmental Quality Act (CEQA) and a Finding of No Significant Impact (FONSI) under the National Environmental Protection Agency Act based on the Joint Initial Study and

Environmental Assessment, including the adoption of required findings under the CEQA and the approval of the Mitigation Monitoring and Reporting program.

Proposed Project Modifications

Since the adoption of the Environmental Determination the project proposal has been modified, as outlined in this report. The California Environmental Quality Act, CEQA Guidelines, Section 15162 – *Subsequent EIRs and Negative Declarations*, requires that when a negative declaration has been adopted for a project, no subsequent EIR shall be prepared unless the lead agency determines one or more of the following:

1. Substantial changes are proposed in the project which require major revision of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of the substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Retention of the Garage

The proposed Phase II Addendum Area change to retain, rather than demolish, the historic garage further reduces the already less than significant demolition impacts from the previous adopted MND/FONSI. The MND/FONSI finds the garage has some minor architectural interest but is relatively small and located at the rear of the property, largely invisible behind the complex’s walls. The garage does not appear to individually meet the CEQA criteria for identification as an historic resource, or the NHPA criteria for historic properties. However, it is important as a contributor to the greater historic resource as evidence of the historic development of the complex, and for its contribution to the self-sustaining, cloistered nature of the site. This element is considered a related secondary resource and an essential, character defining feature. Impact Hist-1 states that the proposed demolition at the site would affect the historical significance of the St. Joseph’s complex by diminishing some of the integrity of the complex’s historic context and development history; however, the magnitude of this effect is considered a Less than Significant Impact.

Staff finds that the current proposal retains and rehabilitates the Garage in its original location in a manner that restores the essential form and integrity of the garage, and therefore is consistent with the Secretary of the Interior’s Standards for Rehabilitation. Mitigation Hist-2 requires the rehabilitation to comply with the Secretary of the Interior’s Standards with an evaluation to be submitted by a qualified architectural historian. **Please see Attachment B of this report, a letter from a qualified architectural historian, which confirms that the proposed repairs and maintenance comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.**

Rehabilitation of the Laundry Building and the Men’s Smokehouse

Staff finds that the current proposal retains and rehabilitates the Laundry Building and the Men’s Smokehouse in their original locations in a manner that restores the essential form and integrity of the two buildings, and therefore is consistent with the Secretary of the Interior’s Standards for Rehabilitation. Mitigation Hist-2 requires the rehabilitation to comply with the Secretary of the Interior’s Standards with an evaluation to be submitted by a

qualified architectural historian. **Please see Attachment B of this report, a letter from a qualified architectural historian, which confirms that the proposed rehabilitations comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.**

Summary – Proposed Changes

The proposed project change to retain the garage reduces previously identified less than significant impacts. There are no substantial changes with respect to the circumstances under which the project is undertaken. There is no new information of substantial importance not discussed in the previous negative declaration. No further Environmental Review is required.

DESIGN REVIEW

The zoning ordinance requires Regular design review. Outlined below are required design review Findings. Please see Attachment C: Findings for Approval.

Regular Design Review

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

A. For Residential Facilities.

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;
2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
3. That the proposed design will be sensitive to the topography and landscape;
4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;
5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

Special Regulations for Designated Landmarks

Proposals involving designated landmarks that require regular design review approval may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in Section 17.136.050 and to the additional criteria set forth in subdivisions 1, 2 and 3, or to one or both of the criteria set forth in subdivision 4:

1. That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features;
2. That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting;
3. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior’s Standards for the Treatment of Historic Properties;
4. If the proposal does not conform to the criteria set forth in subdivisions 1, 2 and 3:
 - i. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or
 - ii. That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.

LPAB Review

The Landmarks Preservation Advisory Board reviewed this application at their March 14, 2011 meeting.

Issue for Discussion

The Board discussed an issue raised by the applicant with respect to the historic design and integrity of the Laundry Building. There is concern over the possibility for Building Code interpretation to require an exterior lift to meet ADA accessibility requirements to the first level of the historic Laundry Building. It is the intention of the applicant and architect to seek interpretation of meeting the ADA requirement for a percentage of accessible units, by using the total number of the dwelling units in Phase II. This would include Building #1, the Laundry Building and the Men's Smokehouse. If this interpretation is accepted, the required number of ADA accessible units would be met within the new construction building, Building #1 and the Men's Smokehouse for a total number of accessible units at 59 units; the 3 Laundry Building units would not be accessible. And, an exterior lift at the Laundry building would not be required.

Board member Biggs commented that the lift could be attractively designed and installed with a surrounding landscaping buffer. Board Member Prevost commented that she would hope that the historic units were accessible, not only the new construction units, because she believes that it is a privilege to live in one of the historic units. In this Phase II area of the project the Men's Smokehouse would be accessible. With the lift, the first floor unit (out of three units) of the Laundry Building would be accessible.

The Board unanimously made the following recommendation to Planning Commission:

- 1) Make a recommendation to the Planning Commission that the LPAB finds that the proposal, with the Conditions of Approval, does not require any further Environmental review.
- 2) Make a recommendation to the Planning Commission that the LPAB finds that the proposal, with the Conditions of Approval, meets the Design Review criteria.
- 3) Make a recommendation to the Planning Commission that if the applicant seeks a Building Permit Variance to the requirement for a lift at the Laundry Building to permit first floor access to the building, the Board supports the request for the Variance.

RECOMMENDATIONS

Staff recommends that the Planning Commission:

- 1) Rely on the previously adopted Joint MND/FONSI and find that no further environmental review is required;
- 2) Find that the project complies with Mitigation Measures Hist – 2 and Hist – 3, as outlined in this report;
- 3) Approve modifications to the Preliminary Development Plan, subject to the attached findings and conditions of approval;

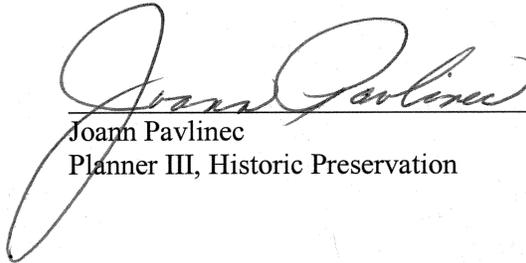
- 4) Approve the Final Development Plan of Phase II Addendum Area, subject to the attached findings and conditions of approval;
- 5) Approve Design Review, subject to the attached findings and conditions of approval.

Respectfully submitted:



ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

Prepared by:



Joann Pavlinec
Planner III, Historic Preservation

ATTACHMENTS:

- A: As Builts, Photos, Plans, Elevations and Sections**
- B. Letter – Mitigation Measure Hist – 2 & 3**
- C. Findings for Approval**
- D. Conditions of Approval**

NOTE: THE PREVIOUSLY ADOPTED JOINT MND/FONSI has been separately provided to the Planning Commission and is available at the Planning Division Offices, 250 Frank H. Ogawa Plaza, Oakland, Suite 3115 and on the Web – http://www.oaklandnet.com/government/ceda/revised/planningzoning/Commission/docs/121907_item_2_stjoseph_seniorfamilyhousingproject.pdf

RECEIVED

MAR 24 2011

City of Oakland
Planning & Zoning Division



ST. JOSEPH'S
FAMILY APARTMENTS - PHASE II ADDENDUM
6 APRIL 2011
26TH AVENUE
OAKLAND, CA

VAN METER
WILLIAMS
POLLACK &

ST. JOSEPH'S PHASE II : FAMILY APARTMENTS | PLANNING DEPARTMENT & P.U.D. SUBMITTAL - ADDENDUM

OAKLAND, CA | 6 APRIL 2011 BRIDGE HOUSING CORP.

ATTACHMENT A

PROJECT DIRECTORY

St. Joseph's Family Apartments - Phase II
 Project # 0205
 2011 Alameda
 Oakland, CA 94612

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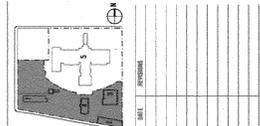
OTHER CONSULTANTS
 HISTORIC PRESERVATION CONSULTANT:
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- ELECTRICAL ENGINEER
- MECHANICAL ENGINEER
- ARCHITECT
- LANDSCAPE ARCHITECT
- HISTORIC PRESERVATION CONSULTANT
- STRUCTURAL ENGINEER
- OTHER CONSULTANTS



ST. JOSEPH'S FAMILY APARTMENTS
 2011 ALAMEDA
 OAKLAND, CA 94612

BRIDGE HOMEING CORP.
 340 Pine Street, Suite 100
 San Francisco, CA 94104

DRAWING INDEX / PROJECT DATA

DATE: 08/11
 DRAWN BY: JCK
 CHECKED BY: JCK
 PROJECT: ST. JOSEPH'S FAMILY APARTMENTS

DRAWING INDEX

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| 104 | PHASE LXXXXXIII PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 105 | PHASE LXXXXXIV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 106 | PHASE LXXXXXV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 107 | PHASE LXXXXXVI PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 110 | PHASE LXXXXXIX PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 111 | PHASE LXXXXXX PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 113 | PHASE LXXXXXXII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 115 | PHASE LXXXXXXIV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 116 | PHASE LXXXXXXV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 117 | PHASE LXXXXXXVI PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 118 | PHASE LXXXXXXVII PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 119 | PHASE LXXXXXXVIII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 123 | PHASE LXXXXXXXII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 125 | PHASE LXXXXXXXIV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 126 | PHASE LXXXXXXXV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 127 | PHASE LXXXXXXXVI PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 128 | PHASE LXXXXXXXVII PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 129 | PHASE LXXXXXXXVIII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 136 | PHASE LXXXXXXXVI PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 137 | PHASE LXXXXXXXVII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 143 | PHASE LXXXXXXXIV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 144 | PHASE LXXXXXXXV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 145 | PHASE LXXXXXXXVI PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 146 | PHASE LXXXXXXXVII PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 147 | PHASE LXXXXXXXVIII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 150 | PHASE LXXXXXXXII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 161 | PHASE LXXXXXXXIV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 162 | PHASE LXXXXXXXV PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 163 | PHASE LXXXXXXXVI PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 164 | PHASE LXXXXXXXVII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 169 | PHASE LXXXXXXXIII PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 170 | PHASE LXXXXXXXIV PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 181 | PHASE LXXXXXXXVI PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 200 | PHASE LXXXXXXXVII PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 201 | PHASE LXXXXXXXVIII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 220 | PHASE LXXXXXXXIX PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 221 | PHASE LXXXXXXXI PLAN, ELEVATIONS & SECTIONS | 08/11 |
| 222 | PHASE LXXXXXXXII PLAN, ELEVATIONS & SECTIONS | 08/11 |
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| 224 | PHASE LXXXXXXXIV PLAN | |

PROJECT UNIT MIX - PHASE I & II

| AFFORDABLE FAMILY RENTAL UNITS - PHASE I | | | | | |
|--|-----------|----------|----------|----------|----------|
| UNIT TYPE | NO. UNITS | 1 BR | 2 BR | 3 BR | TOTAL |
| LEVEL ONE | 0 | 0 | 0 | 0 | 0 |
| LEVEL TWO | 0 | 0 | 0 | 0 | 0 |
| LEVEL THREE | 0 | 0 | 0 | 0 | 0 |
| LEVEL FOUR | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 |

| AFFORDABLE FAMILY RENTAL UNITS - PHASE II - ADDENDUM | | | | | |
|--|-----------|----------|----------|----------|----------|
| UNIT TYPE | NO. UNITS | 1 BR | 2 BR | 3 BR | TOTAL |
| LEVEL ONE | 0 | 0 | 0 | 0 | 0 |
| LEVEL TWO | 0 | 0 | 0 | 0 | 0 |
| LEVEL THREE | 0 | 0 | 0 | 0 | 0 |
| LEVEL FOUR | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 |

| AFFORDABLE BEHINDER RENTAL UNITS - PHASE I | | | | | |
|--|-----------|----------|----------|----------|----------|
| UNIT TYPE | NO. UNITS | 1 BR | 2 BR | 3 BR | TOTAL |
| LEVEL ONE | 0 | 0 | 0 | 0 | 0 |
| LEVEL TWO | 0 | 0 | 0 | 0 | 0 |
| LEVEL THREE | 0 | 0 | 0 | 0 | 0 |
| LEVEL FOUR | 0 | 0 | 0 | 0 | 0 |
| LEVEL FIVE | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 |

| BUILDING 1 - UNIT MATRIX | | | | | | | | | | | |
|--------------------------|-----|------|--------|-------|-----------|---------|------------|-----------|-----------|----------|----------|
| UNIT TYPE | BED | BATH | BOILER | ROOFS | UNIT AREA | BALCONY | ACCESSIBLE | ADAPTABLE | HEAVYWOOD | HARDWOOD | CONCRETE |
| | | | | | | | | | | | |
| 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 3 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 4 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 5 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 6 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 7 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 8 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 9 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 10 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 11 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 12 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 13 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 14 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 15 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 16 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 17 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 18 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 19 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 20 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 21 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 22 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 23 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 24 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 25 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 26 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 27 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 28 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 29 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 30 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
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| 32 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
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| 34 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
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| 58 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
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| 73 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 74 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 75 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 76 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 77 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 78 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 79 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 80 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 81 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 82 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 83 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 84 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 85 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 86 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 87 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 88 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 89 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 90 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 91 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 92 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 93 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 94 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 95 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 96 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 97 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 98 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 99 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 100 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

VAN METER WILLIAMS POLLACK LLP

ARCHITECTS, ENGINEERS, INTERIORS DESIGNERS

224 West 17th Street, Suite 1000
New York, NY 10011
Tel: 212 693 1200
Fax: 212 693 1201

- CIVIL ENGINEER
- ELECTRICAL ENGINEER
- MECHANICAL ENGINEER
- PLUMBING ENGINEER
- STRUCTURAL ENGINEER
- ENVIRONMENTAL ENGINEER
- LANDSCAPE ARCHITECT
- ARCHITECT



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ST. JOSEPH'S FAMILY APARTMENTS

28TH AVENUE
DUBLINO, CA 94028

BRIDGE HOUSING CORP.

2000 Market Street, Suite 1000
San Francisco, CA 94102

ZONING & UNIT MIX

DATE: 08/11/2011
DRAWN: ARIEL
SCALE: 1/8" = 1'-0"

PROPOSED SITE ZONING SUMMARY

PHASE I - BUILDING 1

28th Avenue, 1st Floor, 2nd Floor, 3rd Floor, 4th Floor, 5th Floor, 6th Floor, 7th Floor, 8th Floor, 9th Floor, 10th Floor, 11th Floor, 12th Floor, 13th Floor, 14th Floor, 15th Floor, 16th Floor, 17th Floor, 18th Floor, 19th Floor, 20th Floor, 21st Floor, 22nd Floor, 23rd Floor, 24th Floor, 25th Floor, 26th Floor, 27th Floor, 28th Floor, 29th Floor, 30th Floor, 31st Floor, 32nd Floor, 33rd Floor, 34th Floor, 35th Floor, 36th Floor, 37th Floor, 38th Floor, 39th Floor, 40th Floor, 41st Floor, 42nd Floor, 43rd Floor, 44th Floor, 45th Floor, 46th Floor, 47th Floor, 48th Floor, 49th Floor, 50th Floor, 51st Floor, 52nd Floor, 53rd Floor, 54th Floor, 55th Floor, 56th Floor, 57th Floor, 58th Floor, 59th Floor, 60th Floor, 61st Floor, 62nd Floor, 63rd Floor, 64th Floor, 65th Floor

- CIVIL ENGINEER
- ARCHITECT
- STRUCTURAL ENGINEER
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER
- LANDSCAPE ARCHITECT
- PLUMBING
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER
- LANDSCAPE ARCHITECT
- PLUMBING
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER
- LANDSCAPE ARCHITECT
- PLUMBING
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER
- LANDSCAPE ARCHITECT
- PLUMBING



**ST. JOSEPH'S
FAMILY APARTMENTS**

BRIDGE Housing Corp.

ARBORIST'S TREE SURVEY

DATE: 08/11/2009
PROJECT: ST. JOSEPH'S FAMILY APARTMENTS
JOB NO: 09-00000000000000000000
JOB SUBMITTAL: LADDERROOM

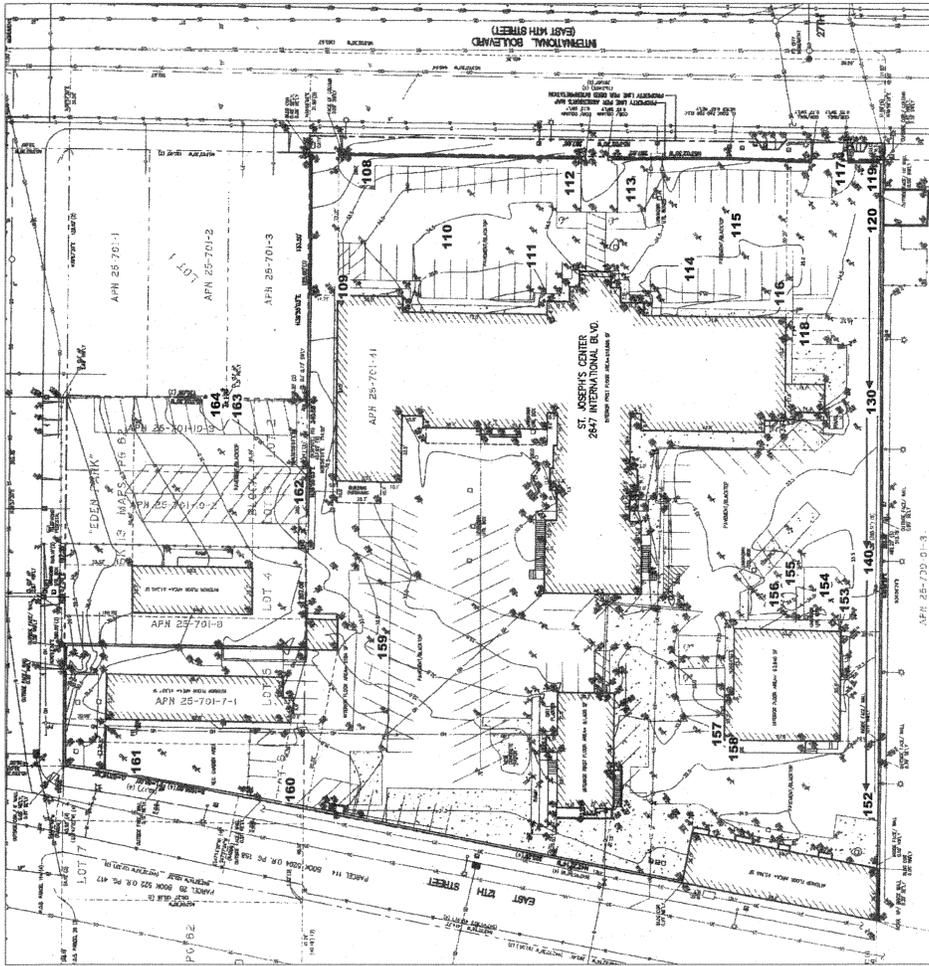


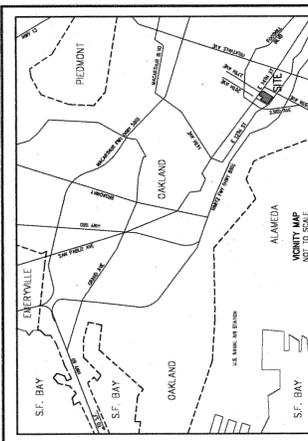
Table 1. Proposed Action, St. Joseph's, Oakland, CA.

| Tree ID | Species | DBH (inches) | Health | Location |
|---------|---------|--------------|--------|----------|
| 101 | Redwood | 12.0 | Good | Lot 108 |
| 102 | Redwood | 10.0 | Good | Lot 108 |
| 103 | Redwood | 8.0 | Good | Lot 108 |
| 104 | Redwood | 6.0 | Good | Lot 108 |
| 105 | Redwood | 4.0 | Good | Lot 108 |
| 106 | Redwood | 3.0 | Good | Lot 108 |
| 107 | Redwood | 2.0 | Good | Lot 108 |
| 108 | Redwood | 1.0 | Good | Lot 108 |
| 109 | Redwood | 1.0 | Good | Lot 108 |
| 110 | Redwood | 1.0 | Good | Lot 108 |
| 111 | Redwood | 1.0 | Good | Lot 108 |
| 112 | Redwood | 1.0 | Good | Lot 108 |
| 113 | Redwood | 1.0 | Good | Lot 108 |
| 114 | Redwood | 1.0 | Good | Lot 108 |
| 115 | Redwood | 1.0 | Good | Lot 108 |
| 116 | Redwood | 1.0 | Good | Lot 108 |
| 117 | Redwood | 1.0 | Good | Lot 108 |
| 118 | Redwood | 1.0 | Good | Lot 108 |
| 119 | Redwood | 1.0 | Good | Lot 108 |
| 120 | Redwood | 1.0 | Good | Lot 108 |
| 121 | Redwood | 1.0 | Good | Lot 108 |
| 122 | Redwood | 1.0 | Good | Lot 108 |
| 123 | Redwood | 1.0 | Good | Lot 108 |
| 124 | Redwood | 1.0 | Good | Lot 108 |
| 125 | Redwood | 1.0 | Good | Lot 108 |
| 126 | Redwood | 1.0 | Good | Lot 108 |
| 127 | Redwood | 1.0 | Good | Lot 108 |
| 128 | Redwood | 1.0 | Good | Lot 108 |
| 129 | Redwood | 1.0 | Good | Lot 108 |
| 130 | Redwood | 1.0 | Good | Lot 108 |
| 131 | Redwood | 1.0 | Good | Lot 108 |
| 132 | Redwood | 1.0 | Good | Lot 108 |
| 133 | Redwood | 1.0 | Good | Lot 108 |
| 134 | Redwood | 1.0 | Good | Lot 108 |
| 135 | Redwood | 1.0 | Good | Lot 108 |
| 136 | Redwood | 1.0 | Good | Lot 108 |
| 137 | Redwood | 1.0 | Good | Lot 108 |
| 138 | Redwood | 1.0 | Good | Lot 108 |
| 139 | Redwood | 1.0 | Good | Lot 108 |
| 140 | Redwood | 1.0 | Good | Lot 108 |
| 141 | Redwood | 1.0 | Good | Lot 108 |
| 142 | Redwood | 1.0 | Good | Lot 108 |
| 143 | Redwood | 1.0 | Good | Lot 108 |
| 144 | Redwood | 1.0 | Good | Lot 108 |
| 145 | Redwood | 1.0 | Good | Lot 108 |
| 146 | Redwood | 1.0 | Good | Lot 108 |
| 147 | Redwood | 1.0 | Good | Lot 108 |
| 148 | Redwood | 1.0 | Good | Lot 108 |
| 149 | Redwood | 1.0 | Good | Lot 108 |
| 150 | Redwood | 1.0 | Good | Lot 108 |
| 151 | Redwood | 1.0 | Good | Lot 108 |
| 152 | Redwood | 1.0 | Good | Lot 108 |
| 153 | Redwood | 1.0 | Good | Lot 108 |
| 154 | Redwood | 1.0 | Good | Lot 108 |
| 155 | Redwood | 1.0 | Good | Lot 108 |
| 156 | Redwood | 1.0 | Good | Lot 108 |
| 157 | Redwood | 1.0 | Good | Lot 108 |
| 158 | Redwood | 1.0 | Good | Lot 108 |
| 159 | Redwood | 1.0 | Good | Lot 108 |
| 160 | Redwood | 1.0 | Good | Lot 108 |
| 161 | Redwood | 1.0 | Good | Lot 108 |
| 162 | Redwood | 1.0 | Good | Lot 108 |
| 163 | Redwood | 1.0 | Good | Lot 108 |
| 164 | Redwood | 1.0 | Good | Lot 108 |

ARBORIST'S TREE SURVEY

Location: St. Joseph's Family Apartments, Oakland, CA
Date: 08/11/2009

| Tree ID | Species | DBH (inches) | Health | Location | Comments |
|---------|---------|--------------|--------|----------|-----------------------|
| 101 | Redwood | 12.0 | Good | Lot 108 | Tree to be preserved. |
| 102 | Redwood | 10.0 | Good | Lot 108 | Tree to be preserved. |
| 103 | Redwood | 8.0 | Good | Lot 108 | Tree to be preserved. |
| 104 | Redwood | 6.0 | Good | Lot 108 | Tree to be preserved. |
| 105 | Redwood | 4.0 | Good | Lot 108 | Tree to be preserved. |
| 106 | Redwood | 3.0 | Good | Lot 108 | Tree to be preserved. |
| 107 | Redwood | 2.0 | Good | Lot 108 | Tree to be preserved. |
| 108 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 109 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 110 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 111 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 112 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 113 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 114 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 115 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 116 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 117 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 118 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 119 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 120 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 121 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 122 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 123 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 124 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 125 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 126 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 127 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 128 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 129 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 130 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 131 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 132 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 133 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 134 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 135 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 136 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 137 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 138 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 139 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 140 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 141 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 142 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 143 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 144 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 145 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 146 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 147 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 148 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 149 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 150 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 151 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 152 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 153 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 154 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 155 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 156 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 157 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 158 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 159 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 160 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 161 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 162 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 163 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |
| 164 | Redwood | 1.0 | Good | Lot 108 | Tree to be preserved. |



NOTES AND LEGEND

BOUNDARY AND TOPOGRAPHIC SURVEY
 1. ALL DIMENSIONS ARE SHOWN IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO THE CENTER OF THE LINE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO THE CENTER OF THE LINE UNLESS OTHERWISE NOTED.
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 8. ALL DIMENSIONS ARE TO THE CENTER OF THE LINE UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO THE CENTER OF THE LINE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO THE CENTER OF THE LINE UNLESS OTHERWISE NOTED.

UNDERGROUND UTILITY NOTE

THE UTILITIES SHOWN ON THIS MAP ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION AND DEPTH OF UTILITIES ARE NOT GUARANTEED BY THE SURVEYOR. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITY RECORDS AND HAS FOUND NO DISCREPANCIES. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITY RECORDS AND HAS FOUND NO DISCREPANCIES.

BENCHMARK NOTE

THE BENCHMARK IS A CONCRETE PIPER WITH AN IRON NAIL. THE BENCHMARK IS LOCATED AT THE CORNER OF THE LOT. THE BENCHMARK IS LOCATED AT THE CORNER OF THE LOT.

BASE OF RECORDS

THE RECORDS FOR THIS PROJECT ARE KEPT AT THE OFFICE OF THE SURVEYOR. THE RECORDS FOR THIS PROJECT ARE KEPT AT THE OFFICE OF THE SURVEYOR.

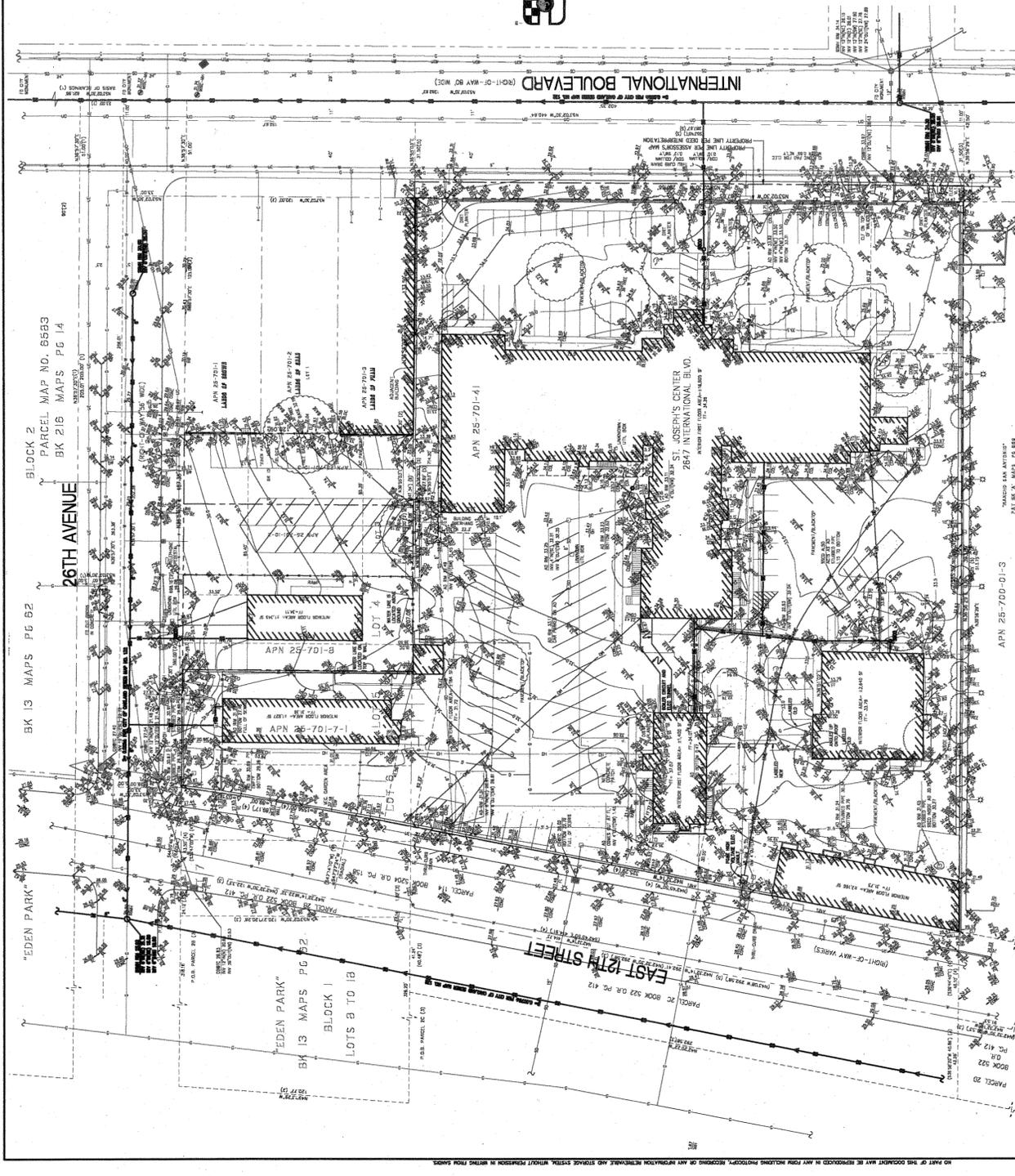
SURVEYOR'S STATEMENT

I, SANDIS, A PROFESSIONAL SURVEYOR, HAVE CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION. I, SANDIS, A PROFESSIONAL SURVEYOR, HAVE CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.

DATE _____

SCALE 1" = 40'

PROJECT BOUNDARY AND TOPOGRAPHIC SURVEY
CLIENT ST. JOSEPH'S CENTER
ADDRESS 2647 INTERNATIONAL BOULEVARD
CITY OAKLAND, CALIFORNIA



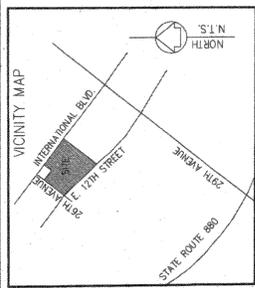
| NO. | REVISION | DATE | BY |
|-----|-----------------------------------|----------|-----|
| 1 | ADD SURVEYOR'S STATEMENT | 12/29/07 | SK |
| 2 | PER COMMENTS 12/29/07 | 12/29/07 | SK |
| 3 | SUPPLEMENTARY INFO | 02/09/08 | SK |
| 4 | MECHANICAL UTILITY SOLUTION ADDED | 12/27/08 | TKD |
| 5 | | | |

SCALE 1" = 40'

PROJECT BOUNDARY AND TOPOGRAPHIC SURVEY
CLIENT ST. JOSEPH'S CENTER
ADDRESS 2647 INTERNATIONAL BOULEVARD
CITY OAKLAND, CALIFORNIA

BASIS OF BEARINGS
THE BEARING OF N53°02'30"W OF THE MONUMENTATION
CERTAIN "PARCEL MAP NO. 688" RECORDED IN BOOK
216 OF MAPS AT PAGE 14, ALAMEDA COUNTY RECORDS,
WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

PARCEL MAP 9590
PHASE 1 OF TENTATIVE PARCEL MAP 9590
BEING A PORTION OF LOTS 2, 3 AND 4 OF THE REVISED MAP OF
EDEN PARK AND A PORTION OF THE RANCHO SAN ANTONIO
AND LYING ENTIRELY WITHIN THE
CITY OF OAKLAND
COUNTY OF ALAMEDA
AUGUST, 2008
- SHEET 2 OF 3

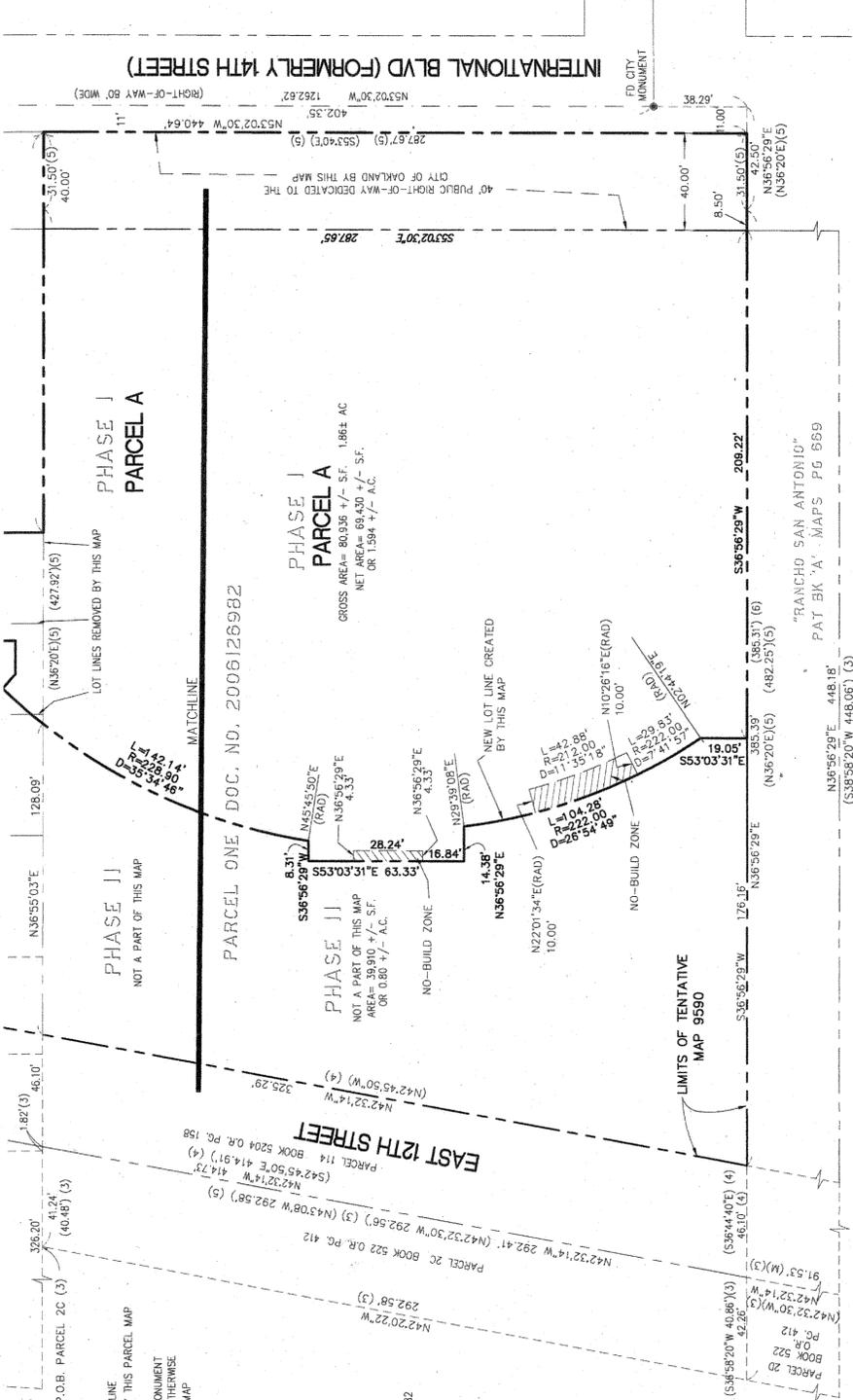


- LEGEND**
- INDICATES EXTERIOR BOUNDARY LINE
 - INDICATES LOT LINE CREATED BY THIS PARCEL MAP
 - INDICATES MONUMENT LINE
 - FOUND CITY OF OAKLAND PIN MONUMENT WITH NUMBER, UNLESS NOTED OTHERWISE
 - RECORD DATA PER REFERENCE MAP

OWNER / SUBDIVIDER
BRIDGE ECONOMIC DEVELOPMENT CORPORATION
345 SPEAR STREET, SUITE 700
SAN FRANCISCO, CALIFORNIA, 94105

- REFERENCE DOCUMENTS**
- 1) 216-M-14, ALAMEDA COUNTY RECORDS
 - 2) 15-M-82, ALAMEDA COUNTY RECORDS
 - 3) 500-L-8, PG 152, ALAMEDA COUNTY RECORDS
 - 4) 500-L-8, PG 152, ALAMEDA COUNTY RECORDS
 - 5) GRANT DEED - RECORDED AS INSTRUMENT NO. 2006126982
MARCH 31, 2006, SAN MATEO COUNTY RECORDS

SEISMIC HAZARD ZONE NOTE
THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA: A SEISMIC HAZARD ZONE - LIQUIFICATION ZONE PURSUANT TO SECTION 26866 OF THE PUBLIC RESOURCES CODE. THESE HAZARDS MAY BE AFFECTED BY THE CITY OF OAKLAND'S PROPERTY TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THESE ARE NOT GUARANTEES OF ACCURACY. THE CITY OF OAKLAND PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER, TRANSFEREE AND TRANSFEROR MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING HAZARDOUS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

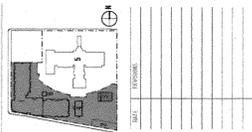


- NOTES**
- 1) ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 - 2) ALL DISTANCES SHOWN ARE BASED ON FIELD MEASUREMENTS OR CALCULATED, UNLESS OTHERWISE DENOTED BY RECORD REFERENCE.

SANDIS
CITY ENGINEER
COUNTY ENGINEER
465 Castro Street | Mountain View, CA 94034 | P: 650.966.6900 | F: 650.969.6472 | www.sandis.net
MOUNTAIN VIEW ROSEVILLE OAKLAND

**VAN METER
WILLIAMS
POLLACK LLP**

- CIVIL ENGINEER
- ELECTRICAL ENGINEER
- MECHANICAL ENGINEER
- PLUMBING ENGINEER
- STRUCTURAL ENGINEER
- LANDSCAPE ARCHITECT

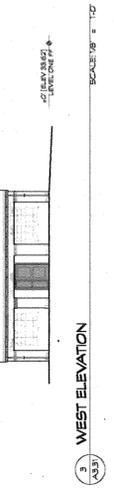
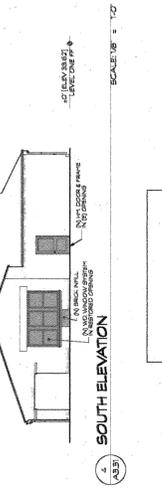
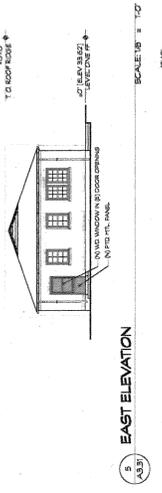
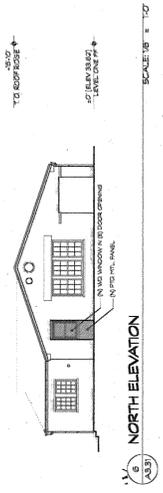
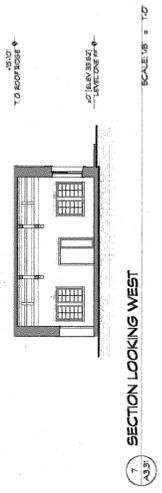
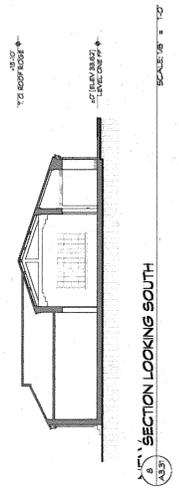
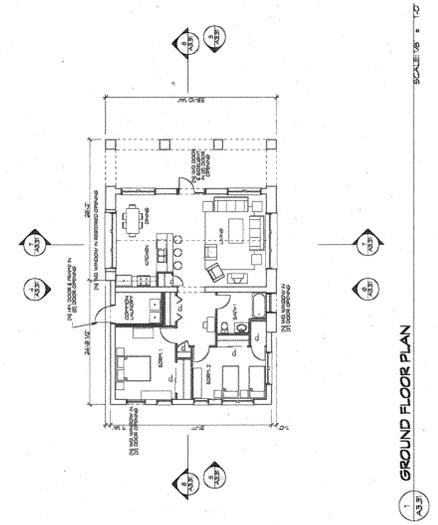
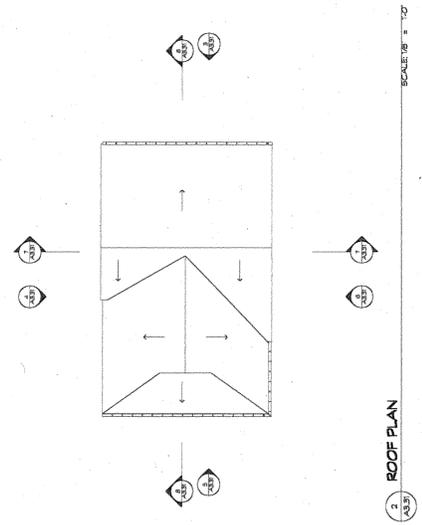


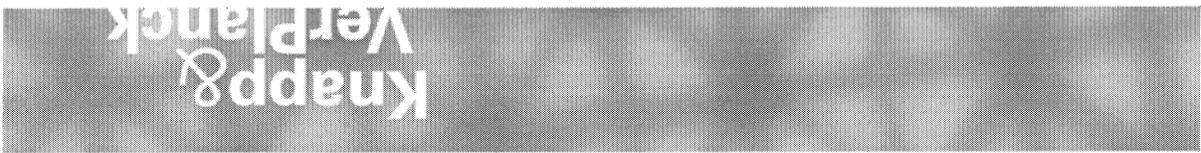
**ST. JOSEPH'S
FAMILY APARTMENTS**
2814 AVENUE
OAKLAND, CA 94601

BRIDGE Housing Corp.
1000001, 1000002, 1000003

**BLDG 3
(SMYKHOUSE)
PLANS, ELEVATIONS &
SECTIONS**

DATE: 1.18.18, 1.18.18
PROJECT: ADDENDUM





26 March 2011

Joann Pavlinec
Planner IV Historic Preservation, Major Projects
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: St. Joseph's Senior & Family Housing Project

Dear Ms. Pavlinec:

This letter is to explain various changes in the design for the St. Joseph's Senior & Family Housing Project that have occurred as the project has moved forward and to describe why the design conforms to the Secretary of the Interior's Standards for Rehabilitation. The project team submitted a Part One Historic Preservation Application to the California Office of Historic Preservation (OHP) and the National Park Service (NPS); the NPS approved that application, confirming the property is eligible to the National Register of Historic Places and therefore can apply for tax credits. A Part Two application was submitted and was approved with conditions. Amendments from the project team have been approved by OHP and NPS in response to those conditions and refinement of the design, and at least one more amendment will be needed to reflect ongoing evolution of the project and to complete the responses to the conditions of the Part 2 approval. The rehabilitation of the Main Building is mostly constructed and approval of its design has been completed for the tax credits. The final phase of tax credit approval is the Part Three application, which will come after construction is complete.

Currently before the City are ongoing evolution and refinement of the project:

- Retention of the Garage at the southeast corner of the site (postponing replacement of this building with the new Building 2 which would provide additional housing);
- Selected revisions to the rehabilitation design for the Laundry Building; and
- Refinement of the design for rehabilitation of the Men's Smokehouse.

The project previously included demolition of the Garage and construction of a new building on its site. The City reviewed this proposal under applicable planning regulations (including historic preservation) and OHP and the NPS reviewed it under tax credit regulations. This part of the project was approved under both processes. The Garage is not hierarchically primary among the buildings at the St. Joseph's complex, and the proposed replacement building was found to be compatible historically and acceptable under other applicable criteria. But because of changes in project needs in light of the economy, the project does not require construction of the new Building 2 at this time, and the Garage can be retained for service uses. Retention of a contributing building within a historic site always conforms to the Secretary's Standards, which do not require construction of new buildings. Therefore, the proposal to retain the Garage for now, instead of replacing it, unequivocally meets the Secretary's Standards. The project will perform various repairs to the building envelope and minor interior alterations. This work will not remove or substantially alter significant features of the Garage and also conforms to the Secretary's Standards.

In the review of the original Part 2 Historic Preservation Certification application, OHP and the NPS required revisions to the rehabilitation for the Laundry Building. In response, architects Van Meter Williams Pollack have reworked the proposed layout inside the building. The existing stairs and stair hall will be retained with relatively little change. A new window will be added to the west elevation on the second floor in order to allow what was originally a windowless drying chamber to serve as a bedroom. A wheelchair lift will be added if required under the building official's final application of accessibility requirements to the specifics of this site. With these changes, the design conforms to the Secretary's Standards by accomplishing changes needed for an appropriate new use (housing instead of offices) while preserving the character-defining features of the building.

The design for the Men's Smokehouse has been refined, with relatively minor changes. A non-contributing addition will be removed along with certain alterations to the exterior of the original building and a variety of interior partitions and other past changes which are not compatible with the character of the building. Exterior envelope repairs and alteration and interior alterations which are compatible with the original building will be completed in order to allow the building to be used for housing instead of offices. These changes conform to the Secretary's Standards and will allow the building to retain its historical integrity.

As a whole, the changes under review will reduce the impact the overall project will have on historic resources at St. Joseph's. The project was previously determined to be in conformance with the Secretary's Standard and these changes will reinforce this. The proposed rehabilitation of the Laundry Building and Men's Smokehouse will repair or replace in kind deteriorated features, while allowing the buildings to be converted to an appropriate new use. This will ensure the long-term use and retention of these historic buildings as part of the St. Joseph's complex, an important historic place in the Fruitvale District.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frederic Knapp".

Frederic Knapp, AIA
preservation architect

FINDINGS FOR APPROVAL:

Findings (4-6-11) for PUDF11044 and REV110003 are listed below. Previous findings for this project PUDF07452; PUDF07454; ER070003; TPM9590 and PUDF09141; TPM9892; and REV090011 follow.

The proposed St. Joseph’s Senior and Family Housing Project meets the required findings pursuant to **CEQA Guidelines Section 15073.5 – 15074.1 and 15162 - 15164;** under Planning code Sections **17.136.050A (Residential Design Review Criteria), 17.136.070D Special Regulations for Designated Landmarks, 17.140.080 Criteria For Planned Unit Developments, Section 17.140.060 (Planning Commission Action for Final Planned Unit Development).**

Required findings are shown in bold type below; explanations as to why these findings can be made are in normal type and are also contained within other sections of this report and the administrative record.

Findings Required under CEQA

A Joint MND/FONSI was previously adopted by the Planning Commission on December 19, 2007. The current proposal has been reviewed in light of the adopted MND/FONSI and the analysis contained within the MND/FONSI. The Planning Commission hereby finds that none of the circumstances requiring preparation of a Subsequent or Supplemental MND/FONSI (as specified in CEQA Section CEQA Guidelines 15162-15164) are present. Specifically, the Planning Commission finds:

1) The 2007 MND/FONSI studied a project that included the rehabilitation of three of the existing buildings, demolition of three existing buildings, and new construction of two buildings to provide a total of up to 164 senior and family housing units. The existing main building would be retained and rehabilitated for 84 units of affordable rental housing for seniors, with limited ground floor commercial space. Adaptive reuse of the Laundry Building and Men’s Smokehouse will provide new affordable family housing. The two new buildings, together with rehabilitated Laundry Building and Smokehouse, will create a total of up to 80 units of new affordable family housing.

The proposed project does not involve substantial changes that would require major revisions to the previously adopted MND/FONSI. None of the proposed project changes would involve new significant environmental effects or a substantial increase in the severity of previously identified *less than significant* or *potentially significant* effects. No new significant impacts will result from the proposed project and no impacts previously identified as *less than significant* or *potentially significant* will be made more severe.

The proposed project calls for the retention and rehabilitation of the Garage, previously approved for demolition. Demolition of the Garage was identified as a *less than significant* impact in the approved MND/FONSI. Retention will further reduce the *less than significant* impact.

The proposed rehabilitation of the Garage has the potential to adversely impact the Main Building, the Laundry Building and the Smokehouse. The proposed rehabilitation includes:

1. Restore three existing wood garage doors; remove existing plywood, restore wood panels, add new hardware, and paint;
2. Restore seven existing steel windows; remove existing plywood, replace missing glazing, install new putty, sealant at perimeter, and paint;
3. Restore existing copper gutter system at south elevation; restore broken seams and replace missing or damaged copper brackets in kind;
4. Patch holes at existing brick walls, remove graffiti paint at south facade only, and re-paint existing painted brick at south and east facades;
5. Remove existing built-up roof system and replace with new TPO² roof system;
6. Remove existing copper and glass skylight system for roof installation, restore and reinstall;
7. Remove all existing temporary wood framed interior walls;
8. Reconnect existing building electrical and plumbing to new Phase II underground utilities.

These measures restore or repair/replace in kind. In summary, proposed rehabilitation as illustrated in the current submittal (Attachment A) will rehabilitate the Garage in a manner that restores/repairs the essential form and integrity of the Garage, and therefore is consistent with the Secretary of the Interior’s Standards for Rehabilitation. Also, under the adopted MND/FONSI, rehabilitation and reuse of an existing building in a manner that alters or removes historic fabric and character defining features is a *potentially significant impact*. Mitigation Hist –2 requires the rehabilitation to comply with the Secretary of the Interior’s Standards with an evaluation to be submitted by a qualified architectural historian to the City. Please see Attachment D of this report, a letter from a qualified architectural historian, which states that the proposal meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

In conclusion, the proposed project change reduces previously identified *less than significant* or mitigate *potentially significant* impacts.

There are no substantial changes with respect to the circumstances under which the project is undertaken. There is no new information of substantial importance not discussed. The current project will not have one or more significant effects not discussed in the previous MND/FONSI. Impacts previously examined will be less severe than shown in the previous MND/FONSI.

In conclusion, it can be determined that the MND/FONSI analyzed a more intensive project than what is proposed, and therefore, no further Environmental Review is required. The current project complies with CEQA and NEPA. The current proposed project was reviewed and considered by the Planning Commission in conjunction with the adopted MND and FONSI, prior to acting on the project approvals. The monitoring and reporting of CEQA mitigation measures in connection with the current project will be conducted in accordance with the adopted Mitigation Monitoring and Reporting Program. All proposed mitigation

² **TPO: Thermoplastic Olefin or Polyolefin:** TPO membranes are single-ply roof membranes constructed from ethylene propylene rubber.

17.136.050A (Residential Design Review Criteria):

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

measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.

The Landmarks Preservation Advisory Board and Planning Commission design review sub-committee found that, with conditions, the proposed PUD Preliminary Development

Plan with respect to the proposed footprint, scale and relationship of the buildings,

streets and open spaces, with conditions as outlined, would meet the required design review findings. The proposed project would remove the poultry house. The removal

of this building would still retain the spatial organization of the main, laundry, men's smokehouse and garage. Areas adjacent to and between these buildings will

remain open as they were historically, the proposed uses for these spaces to be either open space or parking. Character defining elements of the exterior of the main building,

the laundry building, the men's smokehouse, the garage and the garage would remain. Mitigation measures require that the new construction will be differentiated

from the old, but compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the complex. The proposed reduction in

height of Building #1 adjacent to the historic Laundry Building creates a spatial relationship that allows the historic Laundry Building to be more prominent and the Main Building to be

more visible. This reduction in height and massing increases protection of the integrity of the historic Laundry Building and the property. The design of Building #1 incorporates

elements that takes cues from the historic architecture, including upper building termination projecting cornices, window type and proportions similar to the historic windows, inclusion

of sills, simple massing which allows a focus of the budget savings to be directed to accents and details, such as those of the deck railings. The proposed stucco structure is compatible,

yet differentiated, from the historic brick buildings.

2. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.

The proposed project would be used for its historic purpose and minimal change to the character defining features of the building, site and its environment would occur. St. Joseph's main building was designed for senior housing and it would continue to be used for senior housing.

Five of the existing buildings will be rehabilitated. The historic central staircase, missing from the main historic building, will be replaced. In addition Phase II will add an additional up to 80 residential family units to the site. The scale of the new construction of Phase II is compatible

with and similar to that of the existing neighborhood. The new proposal along 26th Avenue provides stoops along this edge that provide a transitional space between the public street and the private units where interaction between neighbors can occur. This will also potentially improve

the safety of the neighborhood as it provides 'eyes on the street'. New street trees will also enhance the neighborhood. And, the existing historic palm trees, in addition to other existing

trees, will be retained.

3. **The proposed design will be sensitive to the topography and landscape.**
Topography is not an issue in this proposal as the site is overall flat. A tree survey evaluated fifty-seven trees on the Project site. Although at the time of the survey ten palms were suitable for transplanting, one of the Canary Island date palms was severely damaged during a recent storm and had to be removed. The remaining palms will be retained in place with two transplanted to the rear of the Main building in order to accommodate circulation. The Norfolk Island pine tree would also be retained. Seven were in poor condition. Approximately 45 of the 56 trees will be saved. Twenty-five qualify as 'Protected' under the City of Oakland Tree Preservation Ordinance. Sixteen of the twenty-five will be saved. A Tree Removal Permit would be required. In addition, the project proposes to plant 69 new trees, including 24 new perimeter street trees and 45 new trees within the site. Benches have been incorporated into the open space of this Phase.
4. **If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**
Not Applicable.

5. **The proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.**
The proposal conforms with many Policies of the General Plan, including the following:
Policy N6.1 Mixing Housing Types
The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Policy N9.8 Preserving History and Community
Locations that create a sense of history and community within the City should be identified and preserved where feasible.

Policy N9.9 Respecting Architectural Integrity
The City encourages rehabilitation efforts which respect the architectural integrity of a building's original style.

Policy N3.2 Encouraging Infill 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.

Additionally, all rehabilitation of existing historic buildings to be retained is required to meet the Secretary of Interior's Standards for Rehabilitation as outlined in the project record. And, all new construction is required to be differentiated from the old, but compatible with the historic materials, features, size, scale and portion, and massing to protect the integrity of the Complex. New construction shall be undertaken in a manner such that, if removed in the future, the essential form and integrity of the historic Complex would be unimpaired.

Mitigation Hist – 2 and Mitigation Hist – 3 require rehabilitation and new construction to comply with the Secretary of the Interior's Standards with an evaluation to be submitted

by a qualified architectural historian to the City. Please see Attachment D of this report, a letter from a qualified architectural historian, which states that the proposal meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties. Also, the review of the design by the Office of Historic Preservation in Sacramento and the National Park Service in Washington has concluded that it meets the Standards.

17.136.070D Special Regulations for Designated Landmarks

Design Review for Criteria:

- 1) **That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features;**

All rehabilitation of existing historic buildings to be retained is required to meet the Secretary of Interior’s Standards for Rehabilitation as outlined in the project record. The Landmarks Preservation Board has worked with the applicant and architect to identify interior features that will be retained. The chapel’s historic elements include the cornice detail at the sanctuary on the third floor, tile floor detail in the east wing, wood paneling in the former apse area, and confessionals on the east and west sides. Paneling in the former apse is a non-historic later addition and will be removed. Ceiling tiles in the entrance lobby area on the first floor are non-historic and will be removed. Most of the original historic paneling and frames around the windows will be retained. Tile will be retained, covered with carpeting. The cornice details at the sanctuary on the third floor will be retained and will be visible in the stairwell. Condition of Approval 26Af addresses a strategy for retaining the wood parquet flooring at the chapel altar. Mitigation Measure 2b provides a process for retention of additional interior elements should they be discovered during the Project construction.

Phase II Addendum Area includes the rehabilitation and reuse of the garage, previously approved for demolition. The rehabilitation of the garage meets the Secretary of Interior’s Standards.

- 2) **That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting;**

All new construction is required to be differentiated from the old, but compatible with the historic materials, features, size, scale and portion, and massing to protect the integrity of the Complex. New construction shall be undertaken in a manner such that, if removed in the future, the essential form and integrity of the historic Complex would be unimpaired. Building #1 has been found to meet the Secretary of Interior’s Standards with respect to new construction, by a qualified architectural historian. The proposed Building #1 height has been reduced since the original approval to a lesser height which permits the Laundry building to be prominent and also permits greater visibility of the Main building from East 12th Street.

The Phase II Addendum Area rehabilitation of the Laundry Building and the Men’s Smokehouse, and the repair/maintenance of the Garage have been found to meet the Secretary of Interior Standards .

- 3) **That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior’s Standards for the Treatment of Historic Properties;**

As outlined above the rehabilitation and new construction have been conditioned so that each comply with the appropriate Secretary of the Interior’s Standards for Rehabilitation. Rehabilitation of the Laundry Building, the Men’s Smokehouse and repair/maintenance of the garage have been reviewed by the Landmarks Preservation Advisory Board and recommended for approval.

- 4) **If the proposal does not conform to the criteria set forth in subdivisions 1, 2, and 3;**
- i. **That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it; or**
 - ii. **That considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.**

Not applicable.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):
The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

As outlined above under Section 17.136 the proposal meets all design review criteria. In addition those portions of the plan shown in a generalized, schematic fashion are required to comply with appropriate Secretary of the Interior’s Standards for Rehabilitation with respect to new construction. **The Phase II Addendum Area includes rehabilitation of the Laundry Building, the Men’s Smokehouse and repair/maintenance of the garage. The rehabilitation/repair/maintenance of this proposal has been found to meet the Secretary of Interior’s Standards by a qualified architectural historian. The proposal has been reviewed by the Landmarks Preservation Advisory Board and recommended for approval.**

17.140.080 Criteria For Planned Unit Developments

A planned unit development permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.122.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.122:

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

As outlined above, the proposal is well below the General Plan maximum residential density, with a proposal of 164 units where 485 units would be allowed. Parking and Open space requirements have been exceeded. In addition, it complies with the Historic Preservation Element Policy 2.4 for Landmark and Preservation Districts, as outlined above. Also, it meets the requirements for Lot Design Standards and Tentative Map Findings as outlined below. Design Review Findings under the Zoning Regulations 17.136 also outlined in this Section of the report, and throughout the record have been met.

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

The project site is located in the Lower San Antonio Planning District of East Oakland and the Coliseum Redevelopment Area along International Boulevard, one of Oakland’s major commercial corridors. Commercial and community facilities are located to the north, across International Boulevard. The Cesar Chavez Education Center borders the project site to the east. A multi-family apartment complex is located to the west, across 26th Avenue. Phase I reuses an existing historic facility for senior housing, as it was used historically. This is ideally located along a major corridor where access to transportation for seniors is easily accessible. Also, new family housing units are proposed at the rear areas of the complex. These relate well in terms of scale, design and use to the multi-family housing across 26th Avenue. Reduction in height of Building #1 adjacent to the Laundry Building from the original proposal allows the Laundry Building to be prominent and also permits better visibility of the Main Building from East 12th Street. New residential uses in the area will also add vitality to the commercial uses along International Blvd. The Phase II Addendum Area proposal incorporates all existing buildings into the overall project in a manner that complies with the Secretary of Interior’s Standards. As historic structures they are all compatible with the main historic structure on the site, the main building.

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

Based on the traffic study, as analyzed in the IS/EA, the proposed project would result in a reduction of 500 daily trips when compared to the existing Conditions, and 1,378 daily trips when compared to the existing 100% occupied conditions. The analysis also found that the project would not result in a substantial increase in traffic hazards due to a design feature, nor would it resulting in inadequate emergency access. All traffic impacts are less than significant with the Standard Conditions of Approval. The Phase II Addendum Area was reviewed in this Traffic analysis and has been reduced since then due to the retention of the garage.

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

The IS/EA finds that the Utilities and Services impacts are all less than significant with the Standard Conditions of Approval.

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

The location of the rehabilitation and new constructions provides easy accessibility to both public transportation along International Blvd. and thus connection to existing BART stations, and through this easy access along a major corridor also access to many shopping, work, and educations opportunities. The family housing will be located adjacent to the Cesar Chavez Education Center.

F. That the development will be well integrated into its setting, will not require excessive

earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices. (Prior planning code § 9407)

Overall, the lot is flat. Many of the units will be located in already existing rehabilitated historic buildings and therefore will not effect the existing environment. A significant number, the majority, of the existing trees will be retained. The trees are the most significant natural feature of the site. The height and massing of the new construction has been studied and designed to be compatible with, and transition to existing structures on the site. The scale is typical to other neighborhood mixed-use developments. in general.

PREVIOUS FINDINGS FOR APPROVAL:

Findings (12-19-07) for PUD07-452, PUDF07-454, TPM9590 have been modified to include findings for PUDF09141, TPM9892 and REV090011. Deletions are shown as ~~cross-out~~ and additions as underlined.

The proposed St. Joseph’s Senior and Family Housing Project meets the required findings pursuant to **CEQA Guidelines Section 15073.5 – 15074.1** and **15162** Historic Preservation Element **Policy 2.4 - Landmark and Preservation District Regulations**; under Planning code Sections **17.136.050A (Residential Design Review Criteria)**, **17.136.070D Special Regulations for Designated Landmarks**, **17.140.080 Criteria For Planned Unit Developments**, **Section 17.140.060 (Planning Commission Action for Final Planned Unit Development)**, **16.24.040 O.M.C. Lot Design Standards**, and **16.08.030 O.M.C. & California Government Code §66474**).

Required findings are shown in bold type below; explanations as to why these findings can be made are in normal type and are also contained within other sections of this report and the administrative record.

Findings Required under CEQA

A Joint MND/FONSI was previously adopted by the Planning Commission on December 19, 2007. The current proposal has been reviewed in light of the adopted MND/FONIS and the analysis contained within the MND/FONSI. The Planning Commission hereby finds that none of the circumstances requiring preparation of a Subsequent or Supplemental MND/FONSI (as specified in CEQA Section CEQA Guidelines 15162-15164) are present. Specifically, the Planning Commission finds:

- 1) The 2007 MND/FONSI studied a project that included the rehabilitation of three of the existing buildings, demolition of three existing buildings, and new construction of two buildings to provide a total of up to 164 senior and family housing units. The existing main building would be retained and rehabilitated for 84 units of affordable rental housing for seniors, with limited ground floor commercial space. Adaptive reuse of the Laundry Building and Men’s Smokehouse will provide new affordable family housing. The two new buildings,

together with rehabilitated Laundry Building and Smokehouse, will create a total of up to 80 units of new affordable family housing.

The proposed project does not involve substantial changes that would require major revisions to the previously adopted MND/FONSI. None of the proposed project changes would involve new significant environmental effects or a substantial increase in the severity of previously identified *less than significant* or *potentially significant* effects. No new significant impacts will result from the proposed project and no impacts previously identified as *less than significant* or *potentially significant* will be made more severe.

The proposed project calls for the retention and rehabilitation of the Guardhouse, previously approved for demolition. Demolition of the Guardhouse was identified as a *less than significant* impact in the approved MND/FONSI. Retention will further reduce the *less than significant* impact.

The proposed rehabilitation of the Guardhouse has the potential to adversely impact the Main Building, the Laundry Building and the Smokehouse. The proposed rehabilitation includes measures that will remove nonhistoric elements of conduit and lighting fixtures, plumbing, signage, concrete niche, and metal window grills. Existing slate shingles will be removed and replaced in kind over new roofing underlayment. Existing painted wood trim, wood windows, brick masonry, and doors will be retained and restored. In summary, proposed rehabilitation as illustrated in the current submittal (Attachment B) will rehabilitate the Guardhouse in a manner that restores the essential form and integrity of the Guardhouse, and therefore consistent with the Secretary of the Interior's Standards for Rehabilitation. Also, under the adopted MND/FONSI, rehabilitation and reuse of an existing building in a manner that alters or removes historic fabric and character defining features is a *potentially significant impact*. Mitigation Hist -2 requires the rehabilitation to comply with the Secretary of the Interior's Standards with an evaluation to be submitted by a qualified architectural historian to the City. Please see Attachment D of this report, a letter from a qualified architectural historian, which states that the proposal meets the Secretary of the Interior's Standards for the Treatment of Historic Properties. Also, the review of the design by the Office of Historic Preservation in Sacramento and the National Park Service in Washington has concluded that it meets the Standards.

A portion of Building #1 and all of Building #2 adjacent to the Laundry Building have been reduced from three and four stories to two stories. This reduction in height of the new construction adjacent to the historic Laundry Building creates a spatial relationship that allows the historic Laundry Building to be more prominent and also permits better visibility of the Main Building from East 12th Street. This reduction in height and massing increases protection of the integrity of the historic Laundry Building and the property, above that of the previous proposal. Under the previous proposal, design of the new buildings is a *potentially significant impact* if the new design is not compatible with the historic resource. Mitigation Hist -3 requires the new construction to comply with the Secretary of the Interior's Standards with an evaluation to be submitted by a qualified architectural historian to the City.

In conclusion, all of the proposed project changes reduce previously identified *less than significant* or mitigate *potentially significant* impacts.

2 and 3) . There are no substantial changes with respect to the circumstances under which the project is undertaken. There is no new information of substantial importance not discussed.

The current project will not have one or more significant effects not discussed in the previous MND/FONSI. Impacts previously examined will be less severe than shown in the previous MND/FONSI.

In conclusion, it can be determined that the MND/FONSI analyzed a more intensive project than what is proposed, and therefore, no further Environmental Review is required. The current project complies with CEQA and NEPA. The current proposed project was reviewed and considered by the Planning Commission in conjunction with the adopted MND and FONSI, prior to acting on the project approvals. The monitoring and reporting of CEQA mitigation measures in connection with the current project will be conducted in accordance with the adopted Mitigation Monitoring and Reporting Program. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.

17.136.050A (Residential Design Review Criteria):

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

The Landmarks Preservation Advisory Board and Planning Commission design review sub-committee found that, with conditions, the proposed PUD Preliminary Development Plan with respect to the proposed footprint, scale and relationship of the buildings, streets and open spaces, with conditions as outlined, would meet the required design review findings. The proposed project would remove the garage and poultry house, and guard house. The removal of these buildings would still retain the spatial organization of the main, laundry, and men’s smokehouse, and guardhouse. Areas adjacent to and between these three buildings will remain open as they were historically, the proposed uses for these spaces to be either open space or parking. Character defining elements of the exterior of the main building, the laundry building, and the men’s smokehouse and the guardhouse would remain. Mitigation measures require that the new construction will be differentiated from the old, but compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the complex. The proposed reduction in heights of Building #1 and Building #2 adjacent to the historic Laundry Building creates a spatial relationship that allows the historic Laundry Building to be more prominent and the Main Building to be more visible. This reduction in height and massing increases protection of the integrity of the historic Laundry Building and the property, above that of the previous proposal. The design of Building #1 incorporates elements that take cues from the historic architecture, including upper building termination projecting cornices, window type and proportions similar to the historic windows, inclusion of sills, simple massing which allows a focus of the budget savings to be directed to accents and details, such as those of the deck railings. The proposed stucco structures are compatible, yet differentiated, from the historic brick buildings.

7. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.

The proposed project would be used for its historic purpose and minimal change to the character defining features of the building, site and its environment would occur. St. Joseph’s main building was designed for senior housing and it would continue to be used for senior housing. ~~Three~~ Four of the existing buildings will be rehabilitated. The historic central staircase, missing from the main historic building, will be replaced. In addition Phase II will add an additional up to 80 residential family units to the site. The scale of the new construction of Phase II is compatible with and similar to that of the existing neighborhood. The new proposal along 26th Avenue provides stoops along this edge that provide a transitional space between the public street and the private units where interaction between neighbors can occur. This will also potentially improve the safety of the neighborhood as it provides ‘eyes on the street’. New street trees will also enhance the neighborhood. And, the exiting historic palm trees, in addition to other existing trees, will be retained.

8. The proposed design will be sensitive to the topography and landscape.

Topography is not an issue in this proposal as the site is overall flat. A tree survey evaluated fifty-seven trees on the Project site. Although at the time of the survey ten palms were suitable for transplanting, one of the Canary Island date palms was severely damaged during a recent storm and had to be removed. The remaining palms will be retained in place with two transplanted to the rear of the Main building in order to accommodate circulation. The Norfolk Island pine tree would also be retained. Seven were in poor condition. Approximately 45 of the 56 trees will be saved. Twenty-five qualify as ‘Protected’ under the City of Oakland Tree Preservation Ordinance. Sixteen of the twenty-five will be saved. A Tree Removal Permit would be required. In addition, the project proposes to plant 69 new trees, including 24 new perimeter street trees and 45 new trees within the site.

9. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

Not Applicable.

10. The proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.

The proposal conforms with many Policies of the General Plan, including the following:

Policy N6.1 Mixing Housing Types

The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Policy N9.8 Preserving History and Community

Locations that create a sense of history and community within the City should be identified and preserved where feasible.

Policy N9.9 Respecting Architectural Integrity

The City encourages rehabilitation efforts which respect the architectural integrity of a building’s original style.

Policy N3.2 Encouraging Infill 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.

General Plan Historic Preservation Element Analysis
Policy 2.4 - Landmark and Preservation District Regulations

a) **Demolitions and removals involving Landmarks or Preservation Districts will generally not be permitted, or be subject to postponement unless certain findings are made. Demolition or removal of more important landmarks and of most Preservation District properties will normally not be permitted without the required findings, which demolition or removal of less important landmarks will be subject only to postponement.**

a) **Alterations or new construction involving Landmarks and Preservation Districts will normally be approved if they are found to meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties or if certain other findings can be made.**

b) **Findings for approval of demolitions, removals, alterations or new construction involving Landmarks or Preservation Districts will seek to balance preservation of these properties with other concerns.**

At the September 24, 2007 meeting, the LPAB preliminarily determined, based on the Summary of Historic Resources and Potential Impacts – St. Joseph’s Complex report, that the project will have less than significant impacts under NEPA and CEQA and that such be communicated to SHPO as part of the Section 106 process. At the December 10, 2007 LPAB meeting, the Board unanimously recommended the Planning Commission Adoption of the Proposed Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA) and a Finding of No Significant Impact (FONSI) under the National Environmental Protection Act (NEPA) based on the Joint Initial Study and Environmental Assessment, including the adoption of required findings under the California Environmental Quality Act and the approval of the Mitigation Monitoring and Reporting Program, finding that all potential impacts regarding Cultural Resources had were less than significant with the Mitigation Measures and Standard Conditions of Approval.

Additionally, all rehabilitation of existing historic buildings to be retained is required to meet the Secretary of Interior’s Standards for Rehabilitation as outlined in the project record. And, all new construction is required to be differentiated from the old, but compatible with the historic materials, features, size, scale and portion, and massing to protect the integrity of the Complex. New construction shall be undertaken in a manner such that, if removed in the future, the essential form and integrity of the historic Complex would be unimpaired.

Mitigation Hist –2 and Mitigation Hist – 3 require rehabilitation and new construction to comply with the Secretary of the Interior’s Standards with an evaluation to be submitted by a qualified architectural historian to the City. Please see Attachment D of this report, a letter from a qualified architectural historian, which states that the proposal meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties. Also, the review of the design by the Office of Historic Preservation in Sacramento and the National Park Service in Washington has concluded that it meets the Standards.

17.136.070D Special Regulations for Designated Landmarks

Design Review for Criteria:

- 5) **That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features;**

All rehabilitation of existing historic buildings to be retained is required to meet the Secretary of Interior’s Standards for Rehabilitation as outlined in the project record. The Landmarks Preservation Board has worked with the applicant and architect to identify interior features that will be retained. The chapel’s historic elements include the cornice detail at the sanctuary on the third floor, tile floor detail in the east wing, wood paneling in the former apse area, and confessionals on the east and west sides. Paneling in the former apse is a non-historic later addition and will be removed. Ceiling tiles in the entrance lobby area on the first floor are non-historic and will be removed. Most of the original historic paneling and frames around the windows will be retained. Tile will be retained, covered with carpeting. The cornice details at the sanctuary on the third floor will be retained and will be visible in the stairwell. Condition of Approval 26Af addresses a strategy for retaining the wood parquet flooring at the chapel altar. Mitigation Measure 2b provides a process for retention of additional interior elements should they be discovered during the Project construction.

Phase II includes the rehabilitation and reuse of the guardhouse, previously approved for demolition. The rehabilitation of the guardhouse meets the Secretary of Interior’s Standards.

6) That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting;

All new construction is required to be differentiated from the old, but compatible with the historic materials, features, size, scale and portion, and massing to protect the integrity of the Complex. New construction shall be undertaken in a manner such that, if removed in the future, the essential form and integrity of the historic Complex would be unimpaired. Building #1 has been found to meet the Secretary of Interior’s Standards with respect to new construction, by a qualified architectural historian. The proposed Building #1 height has been reduced since the original approval to a lesser height which permits the Laundry building to be prominent and also permits greater visibility of the Main building from East 12th Street.

7) That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior’s Standards for the Treatment of Historic Properties;

As outlined above the rehabilitation and new construction have been conditioned so that each comply with the appropriate Secretary of the Interior’s Standards for Rehabilitation. Rehabilitation of the guardhouse and new construction of Building #1 have been reviewed by the Landmarks Preservation Advisory Board and recommended for approval.

- 8) If the proposal does not conform to the criteria set forth in subdivisions 1, 2, and 3;**
- i. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it; or**
 - ii. That considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.**

Not applicable.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):

The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

As outlined above under Section 17.136 the proposal meets all design review criteria. In addition those portions of the plan shown in a generalized, schematic fashion are required to comply with appropriate Secretary of the Interior’s Standards for Rehabilitation with respect to new construction. Phase II includes rehabilitation of the guardhouse and new construction of Building #1. The rehabilitation of the guardhouse and the new construction of Building #1 have been found to meet the Secretary of Interior’s Standards by a qualified architectural historian. Rehabilitation of the guardhouse and new construction of Building #1 have been reviewed by the Landmarks Preservation Advisory Board and recommended for approval.

17.140.080 Criteria For Planned Unit Developments

A planned unit development permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.122.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.122:

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

As outlined above, the proposal is well below the General Plan maximum residential density, with a proposal of 164 units where 485 units would be allowed. Parking and Open space requirements have been exceeded. In addition, it complies with the Historic Preservation Element Policy 2.4 for Landmark and Preservation Districts, as outlined above. Also, it meets the requirements for Lot Design Standards and Tentative Map Findings as outlined below. Design Review Findings under the Zoning Regulations 17.136 also outlined in this Section of the report, and throughout the record have been met.

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

The project site is located in the Lower San Antonio Planning District of East Oakland and the Coliseum Redevelopment Area along International Boulevard, one of Oakland’s major commercial corridors. Commercial and community facilities are located to the north, across International Boulevard. The Cesar Chavez Education Center borders the project site to the east. A multi-family apartment complex is located to the west, across 26th Avenue. Phase I reuses an existing historic facility for senior housing, as it was used historically. This is ideally located along a major corridor where access to transportation for seniors is easily accessible. Also, new family housing units are proposed at the rear areas of the complex. These relate well in terms of scale, design and use to the multi-family housing across 26th Avenue. Reduction in height of Building #1 adjacent to the Laundry Building from the original proposal allows the Laundry Building to be prominent and also permits better visibility of the Main Building from East 12th Street. New residential uses in the area will also add vitality to the commercial uses along

International Blvd.

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

Based on the traffic study, as analyzed in the IS/EA, the proposed project would result in a reduction of 500 daily trips when compared to the existing Conditions, and 1,378 daily trips when compared to the existing 100% occupied conditions. The analysis also found that the project would not result in a substantial increase in traffic hazards due to a design feature, nor would it resulting in inadequate emergency access. All traffic impacts are less than significant with the Standard Conditions of Approval.

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

The IS/EA finds that the Utilities and Services impacts are all less than significant with the Standard Conditions of Approval.

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

The location of the rehabilitation and new constructions provides easy accessibility to both public transportation along International Blvd. and thus connection to existing BART stations, and through this easy access along a major corridor also access to many shopping, work, and educations opportunities. The family housing will be located adjacent to the Cesar Chavez Education Center.

F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices. (Prior planning code § 9407)

Overall, the lot is flat. Many of the units will be located in already existing rehabilitated historic buildings and therefore will not effect the existing environment. A significant number, the majority, of the existing trees will be retained. The trees are the most significant natural feature of the site. The height and massing of the new construction has been studied and designed to be compatible with, and transition to existing structures on the site. The scale is typical to other neighborhood mixed-use developments. in general.

Lot Design Standards (Section 16.24.040 O.M.C.):

1. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:
 - a. Lots created in conjunction with approved private access easements;
 - b. A single lot with frontage on a public street by means of a vehicular access corridor provided that in all cases the corridor shall have a minimum width of twenty (20) feet and shall not exceed three hundred (300) feet in length. Provided further, the corridor shall be a portion of the lot it serves, except that its area (square footage)

shall not be included in computing the minimum lot area requirements of the zoning district:

1. Parcel A being created by Vesting Tentative Parcel Map No. 9590 is fronted by International Blvd. Parcel B being created by Vesting Tentative Parcel Map No. 9590 9892 is fronted by East 12th Street and 26th Avenue. The Conditions of Approval note that Lot C does not appear to currently have direct driveway access to the public right-of-way, and requires that when the PUDF is submitted for Phase III, access is provided to the parcel.
2. **The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography:**

The lot lines along the public streets run parallel to the streets. Side lines run at right angles where feasible.

3. **All applicable requirements of the zoning regulations shall be met:**
The proposal meets all applicable requirements of the PUD regulations, and design review requirements.
4. **Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:**
 - a. **Where the area is still considered acreage;**
 - b. **Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development:**

It has been determined that Parcels A and Parcel B being created in Tentative Parcel Map No. 9590 are equal or larger than the prevalent size of existing lots in the surrounding area. It has been determined that Parcel B and Parcel C being created in Vesting Tentative Parcel Map No. 9892 are equal to or larger than the prevalent size of existing lots in the surrounding area.

Proposed Area Parcel A = +/-72,681 square feet or +/- 1.669 acres ~~+/- 69,430 square feet or 1.594 acres~~

Proposed Area Parcel B = +/-54,102 square feet or +/- 1.242 acres ~~+/- 34,289 square feet or .79 acres~~

Proposed Area Parcel C = +/- 23,064 square feet or .53 acres

5. **Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.**

Not applicable.

Tentative Map Findings (Section 16.08.030 O.M.C. & California Government Code §66474):

6. **The proposed map is consistent with applicable general and specific plans as specified in the State Government Code Section 65451:**
All requirements of the State Government Code Section 6541 were addressed in the Tentative Parcel Map No. 9590 and Vesting Tentative Map No. 9892.
7. **The design or improvement of the proposed subdivision is consistent with applicable general and specific plans:**

The General Plan’s Land Use and Transportation Element (LUTE) classifies the project site as located in the ‘Community Commercial’ area. The intent of the Community Commercial designation is “to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts or centers.” The desired character and uses in the Community Commercial area include neighborhood center uses and larger scale retail and commercial uses, but can also be complemented by the addition of urban residential and compatible mixed-use development. The maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre or 166.67 units per net acre (261 square feet of site area per principal unit). The project would result in a maximum of 80 affordable family units and 84 affordable senior units, for a total of 164 dwelling units on the site. Based on the maximum residential density, 485 units would be allowed.

8. The site is physically suitable for the type of development:

Phase I and Phase II Environmental Studies have determined that the site is physically suitable for residential development.

9. The site is physically suitable for the proposed density of development:

Per the General Plan designation, the maximum residential density is 125 units per gross acre or 166.67 units per net acre (261 square feet of site area per principal unit). The project would result in a maximum of 80 affordable family units and 84 affordable senior units, for a total of 164 dwelling units on the site. Based on the maximum residential density, 485 units would be allowed. Per Zoning, both the C-28 and C-40 zone use the R-70 density. The R-70 permits one dwelling unit per 450 square feet of lot area. Therefore 282 units would be allowed on the Project site. Parcel A: $54,102/450$ square feet = 120 units allowed, 84 proposed. Parcel B: $72,681/450$ square feet = 161 units allowed, 80 proposed.

10. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

The project site is located in a densely developed urban area with little habitat value. Currently the site is almost entirely covered with impervious surfaces. The proposed design will increase the amount of landscaped green area on the site.

11. The design of the subdivision or type of improvements is not likely to cause serious public health problems:

The design is conducive to good health as it provides abundant outdoor areas, including a senior gardening area. The existing and new construction buildings have good access to light. A great percentage of existing trees are being retained and additional trees are proposed. The site is an urban site that promotes and encourages walking and public transportation, rather than auto transportation.

12. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This

subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction):

The Engineer's Report reviewed the map for technical completeness and correctness of information, including easements and rights of way that will be required for public uses and cross parcel access. Any incompleteness or incorrectness has been addressed in the Conditions of Approval.

13. The design of the subdivision provides to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Not Applicable.

The Conditions of Approval (12-19-07) PUD07452; PUDF07454; ER070003 have been modified to include conditions for PUDF09141, TPM9892 and REV090011. Deletions are shown as ~~cross-out~~ and additions as underlined. Updated Standard Conditions of Approval have been included.

Additional Conditions for PUDF11044 and REV110003 are shown as *Italicized*. All previous applicable conditions and applicable Standard Conditions of Approval apply for Phase II Addendum Area.

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 dated December 19, 2007 and the plans dated 9/24/07 and submitted on 12/10/07 (PUD 07-452 and PUDF07-454), the revisions to the PUD, REV090011, and the PUDF09-141 as outlined in the application materials and staff report dated August 5, 2009, *and the PUDF11044 and REV110003 as outlined in the application materials and staff report dated April 6, 2011* and the Vesting Tentative Parcel Map 9590 and Boundary and Topographic Survey, both dated December 7, 2007, as amended by Vesting Tentative Map 9892 dated 7/14/09 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 includes the approvals set forth below. This Approval includes:
 - 1) Reliance on the previously adopted Joint MND/FONSI and the approval of the Mitigation Monitoring and Reporting Program;
 - 2) Approval of the Planned Unit Development, Preliminary Development Plan (PDP) dated 9/24/07 for the entire development, under Oakland Municipal Code Section 17.122 and 17.140; and revisions to the PDP, as outlined in the August 5, 2009 staff report for REV090011, and revisions to the PDP as outlined in the April 6, 2011 staff report for REV110003.
 - 3) Approval of the Planned Unit Development, Final Development Plan (FDP) of Phase I dated 9/24/07 for the Planned Unit Development, including rehabilitation of the Main Building, on-site circulation, surface parking areas, the senior garden and landscaping to the north of the complex on-site driveway parallel to International Blvd, under Oakland Municipal Code Section 17.122 and 17.140; and FDP of Phase II dated ‘Received 7/24/09’ for the Planned Unit Development, including the rehabilitation of the guardhouse, new construction of Building #1, landscaping, open spaces, and historic wall, and FDP of Phase II Addendum Area date ‘Received 3/24/11 for the Planned Unit Development, including the rehabilitation of the

Laundry Building, the Men’s Smokehouse, repair/maintenance of the Garage and landscaping, open spaces.

- 4) Design Review Approval for Phase II (Phase I Design Review Approval 12-19-07), and Phase II Addendum Area under Oakland Municipal Code Section 17.136;
- 5) Approval of the Vesting Tentative Parcel Map 9590 for Parcel A (Phase I) and for Vesting Tentative Parcel Map 9892 for Parcel B (Phase II) and for Parcel C (Phase III) for the entire site, and for Phase II condominium units, under Oakland Municipal Code Section 16.08 and 16.24;
 - a) The new construction proposed for Phase II (PUD07-452) is approved ONLY with respect to scale, massing, building footprints and how these relate to the streets and open spaces. Any other indication of design or detail on the set of drawings is NOT approved. The Phase II design will be reviewed for Design Review by the Landmarks Preservation Advisory Board and the Planning Commission Design Review sub-committee, with the Final review and approval by the full Planning Commission, following PUDF is submitted for Phase II. In addition, the proposed Phase II design and Phase II Addendum Area shall respond to all recommendations included in these Conditions of Approval and MMRP (especially see condition # 25).
 - b) The proposed new construction and rehabilitation of the Laundry Building and the Smokehouse for Phase III (currently Phase II Addendum Area) is approved ONLY with respect to scale, massing building footprints and how these relate to the streets and open spaces. The Phase III Design Review (currently Phase II Addendum Area) by the Landmarks Preservation Advisory Board and the Planning Commission Design Review sub-committee, with Final review and approval by the full Planning Commission, following PUDF is submitted for Phase III (currently Phase II Addendum Area). In addition, the proposed Phase III (currently Phase II Addendum Area) design shall respond to all recommendations included in these Conditions of Approval and MMRP.

2. Effective Date, Expiration, Extensions and Extinguishment

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 the Planning Code and Subdivision Regulation. 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 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.
- 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/Mitigation Measures 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/Mitigation Measures if it is found that there is violation of any of the Conditions/Mitigation Measures or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions/Mitigation Measures

With submittal of a demolition, grading, and building permit

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

7. Indemnification

Ongoing

- a) The project applicant shall defend (with counsel reasonably 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 their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney’s fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney’s fees.

- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

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 and all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

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 mitigations, and if any one or more of such conditions and mitigations is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions and mitigations 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 and mitigations, 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 special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The project applicant may also be required to cover the full costs of independent technical 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. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities

Prior to issuance of a building permit

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

- a) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.
- b) Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire resistant and, to the satisfaction of the Director of City Planning, a substantial portion of the planted area shown on submitted landscape plans shall be drought tolerant plant materials. The City Planning Department shall maintain lists of plant materials considered fire resistant and drought tolerant.
- c) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

13. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. 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, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

14. Assurance of Landscaping Completion.

Prior to Issuance of a Certificate of Occupancy

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued; or a bond, cash, deposit or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such bond, cash, deposit or letter of credit shall equal the greater of two thousand five hundred dollars (\$2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor’s bid.

15. Landscape Maintenance.

Ongoing

All landscaping areas and related irrigation shown on the approved plans, or submitted for review and approval after final review as required by the conditions of approval, shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

16. Bicycle Parking

Prior to the issuance of first certificate of occupancy.

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities to accommodate one per 20 units short-term bicycle parking spaces onsite or on public sidewalk, and one per four units long-term bicycle parking spaces for Phase II new construction. The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.

17. 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.

18. 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 mitigations and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City’s Tree Services Division is required as part of this condition.
- 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.

19. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division shall include the following components:

- a) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter;
- b) Project required to include public improvements including sidewalks, trees, curbs/gutters, undergrounded utility vaults, wheel chair ramps that comply with Americans with Disability

Act requirements and current City Standards at each corner (two per corner), street lighting and undergrounding of overhead power wires;

The development shall refer to our PWA website for the "Outdoor Lighting Standards" guideline at <http://www.oaklandpw.com/Page245.aspx>.

- The development shall refer to our PWA website for the "Street Lighting Warrants" guideline at <http://www.oaklandpw.com/Page247.aspx>.
 - PWA-Electrical must review and approve any streetlight or pedestrian fixture proposed for this development.
 - Installation of street lights shall be installed in accordance to City of Oakland, standard construction details for public works construction.
 - All existing street light systems to be modified shall remain in operation until final connections are made.
- c) If property line along East 12 Street is located within the sidewalk area, the City will require that the sidewalk be dedicated;
 - d) Contact Dan Gallagher at 615-5856 for tree species, spacing, spacing in relation to street lights, grates, bracing, size at the time of planting, irrigation details, etc.
 - e) All proposed trees shall be installed 20' laterally from the center of any streetlight or pedestrian light pole.
 - f) Sanitary Sewers: look at existing and proposed capacity to determine impacts; submit an impact analysis to Public Works [contact at (510) 238-6601 for a copy of the form to be submitted];
 - g) Storm Sewers: Project shall not add any to peak run-off; minimize run-off.
 - h) Sewer Discharge: Capacity analysis and discharge calculations must be based on the City of Oakland Sanitary Sewer Design Guidelines. See the website <http://www.oaklandpw.com/Asset605.aspx>. This project is located in Sub-basin 60-04. Sewer discharge and capacity calculations should be submitted prior to final design to determine if the sub-basin allocation and local sewer system have enough capacity to accommodate the proposed sewer discharge. If the project exceeds the sub-basin allocation, the applicant will be required to upgrade the local system to accommodate the project. Additionally, the applicant will be responsible for an off-site sewer rehabilitation project to offset the project sewer flows.
 - i) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.
 - j) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
 - k) Stop stencil or signs should not be inserted at the signalized entrance/exit.
 - l) The City of Oakland Public Works Department shall confirm that there is available water within the Sub basin that is reserved for this project.

20. 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.

21. Compliance 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 a Conditions/Mitigation Measures compliance plan that lists each condition of approval and mitigation measure, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance plan for review and approval. The compliance plan shall be

organized per step in the plan check/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 plan and provide it with each item submittal.

22. 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 and mitigation measures related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval and mitigation measures.

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

24. 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 Planning and Zoning Division 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

25. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City’s storm drain system and creeks.

26. 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.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

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

28. 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 on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

29. 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 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)

Ongoing

All mitigation measures identified in the MND/FONSI are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as Attachment G as conditions of approval of the project. The Standard Conditions of Approval identified in the Joint MND/FONSI are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The

SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

36. Vibration

Prior to issuance of a building permit

A qualified acoustical consultant shall be retained by the project applicant during the design phase of the project to comment on structural design as it relates to reducing ground borne vibration at the project site. If required in order to reduce ground borne vibration to acceptable levels (CEQA Thresholds, Page 13, Table3), the project applicant shall incorporate special building methods to reduce ground borne vibration being transmitted into project structures. The City shall review and approve the recommendations of the acoustical consultant and the plans implementing such recommendations. Applicant shall implement the approved plans. Potential methods include the following:

- a) Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a “spring isolation” system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of ground-borne vibration to the residences above.
- b) Trenching, which involves excavating soil between the railway/freeway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project’s structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets (i.e., Styrofoam) or low-density polyethylene).

37. 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.

38. 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.

39. 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.

40. 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.

41. **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.

42. **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.

43. **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.

44. **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.

45. 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.

46. 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.

47. 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 Building Services Division. 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 Building Services Division.

48. Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition)

Prior to issuance of a demolition permit

The project applicant shall make a good faith effort to relocate the Poultry House building located in the St. Joseph’s complex to a site acceptable to the Planning and Zoning Division and the Oakland Cultural Heritage Survey. Good faith efforts include, at a minimum, the following:

- a) Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3’x 6’ size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City ;and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;
- b) Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the Planning and Zoning Division;
- c) Maintaining the signs and advertising in place for a minimum of 90 days; and
- d) Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.

49. Vibrations Adjacent Historic Structures

Prior to issuance of a demolition, grading or building permit

The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the St. Joseph's complex historic buildings (Historic Structure) and design means and methods of construction that shall be utilized to not exceed the thresholds.

50. Soils Report

Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.

A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:

A. Logs of borings and/or profiles of test pits and trenches:

- a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.
- b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
- c) All boring logs shall be included in the soils report.

B. Test pits and trenches

- a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
- b) Soils profiles of all test pits and trenches shall be included in the soils report.

C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.

D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.

E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:

- a) Site description;
- b) Local and site geology;
- c) Review of previous field and laboratory investigations for the site;
- d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;
- e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;
- f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;
- g) Conclusions and recommendations for temporary and permanent erosion control and

drainage. If not provided in a separate report they shall be appended to the required soils report;

- h) All other items which a Soils Engineer deems necessary;
- i) The signature and registration number of the Civil Engineer preparing the report.

F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.

51. Geotechnical Report

Required as part of the submittal of a tentative Tract Map or tentative Parcel Map

- a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part if this project and submitted for review and approval by the Building Services Division.

Specifically:

- i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.
- ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).
- iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.
- iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.
- v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.
- vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.
- vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.

- b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.

52. Site Review by the Fire Services Division

Prior to the issuance of demolition, grading or building permit

The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.

53. Phase I and/or Phase II Reports

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

Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

54. Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment

Prior to issuance of any demolition, grading or building permit

The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

55. Environmental Site Assessment Reports Remediation

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

If the environmental site assessment reports recommend remedial action, the project applicant shall:

- a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
- b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.
- c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

56. Lead-based Paint Remediation

Prior to issuance of any demolition, grading or building permit

If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited

to: Cal/OSHA’s Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

57. Other Materials Classified as Hazardous Waste

Prior to issuance of any demolition, grading or building permit

If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

58. Health and Safety Plan per Assessment

Prior to issuance of any demolition, grading or building permit

If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

59. Best Management Practices for Soil and Groundwater Hazards

Ongoing throughout demolition, grading, and construction activities

The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.

- a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.
- b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources
- c) Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City’s Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.

60. Fire Safety Phasing Plan

Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit

The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.

61. Hazardous Materials Business Plan

Prior to issuance of a business license

The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b) The location of such hazardous materials.
- c) An emergency response plan including employee training information
- d) A plan that describes the manner in which these materials are handled, transported and disposed.

62. 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 Building Services Division. 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 Building Services Division 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.

63. 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 Building Services Division. 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.

64. 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.

65. 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.

66. Phase I Design

Prior to Planning Staff sign-off of the building permit set of drawings

A. The approval includes the following revisions made during the design review of the proposal. All revisions shall be included in the building permit set of drawings:

- b. Retention of the chapel’s confessional windows;
- c. Where doors are modified to windows, the windows are wood framed;
- d. New non-divided light windows on the chapel are compatible with the existing windows;
- e. Doors at the new entry lobby at the rear of the existing main building shall be double glazed doors;
- f. The reconstruction of the new entry stair shall be detailed as detailed in the original building drawings, with the precast concrete cap flush and the precast concrete continuing on the front of the stair wall, as the finish material;
- g. With respect to the retention of the interior wood parquet flooring at the chapel altar and ADA requirements:
 - o Save as much as possible, but not at the expense of compromising units for senior housing;
 - o Where possible, leave existing flooring in place and carpet over (this is the current intent of the architect);
 - o Save to the maximum extent possible, unless precluded by ADA requirements.
- g.) With respect to the landscaped area between the sidewalk along International Blvd. and the parking area in front of the Main Building, the applicant shall submit a detailed landscaped plan at a scale that illustrates sizes, quantities, specific and botanical names of plant species, and size at the time of planting, to demonstrate that there will be continuous and varied planted buffer between the sidewalk and parking lot.

- B. The approval includes the following required recommendations made by the State Historic Preservation Office at the October 11, 2007 meeting. All recommendations shall be included in the building permit set of drawings:
 - a.) The depth of the recess of the windows at the shear wall reinforcement shall be as close to the original recess depth as possible; this is particularly critical on the front (north) façade elevation; drawings shall illustrate existing recess and recess with shear wall reinforcement;
 - b.) The new proposed windows at the apse of the chapel (2nd and 3rd level, Sheet A3.508) shall be modified to a more appropriate window type (e.g. single hung).

67. Phase II Design

Prior to LPAB and PC Design Review of PUDF for Phase II Demolition/Building Permit Submittal for Phase II

A. The following items shall be included in the PUDF for Phase II:

- a.) If buildings proposed for demolition are demolished, rather than relocated, the buildings shall be deconstructed so that the bricks can be re-used for planters, the stoops off of 26th Avenue, and other areas where applicable. A report by a conservation professional shall be submitted regarding the condition of the brick in the buildings to be demolished. The report may address the following items, but is not limited to these in consideration of their appropriateness for reuse: condition of the bricks and/or the grout; hazardous materials analysis; and economic analysis of salvaging and re-use rather than demolishing, disposing of the bricks and the purchase of new materials. The report shall be reviewed by Development Director for approval.
- b.) A report by a conservation professional shall be submitted regarding the condition of the historic brick wall for restoration/retention. The report shall address the condition of the bricks and/or the grout, structural analysis of integrating the wall with the new construction, etc. The report and the revised design, including review of the cutouts of the brick wall along East 12th Street shall be submitted for Administrative Review for acceptance of the report and approval of any design submittals for reuse of the Poultry House bricks, and restoration of the brick wall. As part of this review the gate revisions would also be reviewed.
- c.) Prior to Building Permit approval, the applicant shall submit the proposed slate replacement roofing for the Guardhouse for review and approval by Historic Preservation staff.
- de.) The detailed design of the new construction along the East 12 Street edge shall illustrate in both building orientation and design detail that the potential for interaction between pedestrian activity and building residents has been taken into full consideration in the design of this facade. In addition, to address this design goal, the design proposal may incorporate elements that add to and enhance the pedestrian experience along this edge of the project.

Prior to LPAB and PC Design Review of PUDF for Phase II

- ee.) The proposed new architecture shall incorporate a character that is less institutional than that shown on plans before the Planning Commission design review sub-committee.

- B. The following items shall be included in the PUDF for Phase II, per comments by the State Historic Preservation Office at the October 11, 2007 meeting.
 - a.) Break down the massing at the north façade of new building #1;
 - b.) The top floor of the new building #1 shall appear lighter than the lower floors in

- order to reduce the appearance of height;
- c.) Take cues on the exterior façade design of the new buildings from the existing historic buildings, especially on the facades of the new buildings on the interior of the complex.

68. Landscape and Irrigation Plan.

Prior to issuance of building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged. All landscaping for each phase shall be submitted as part of the building permit set of drawings for each phase.

69. Window and Door Details

Prior to issuance of the building permit

The applicant shall submit to the Planning and Zoning Division for review and approval a window and door schedule, including cross-sections and elevations and final architectural details. The applicant shall submit window and door manufacturer’s cut sheets for review and approval.

70. Exterior Materials Details

Prior to issuance of building permit

The applicant shall submit for review and approval of the Planning and Zoning Divisions, plans that show the details of the exterior of each building. These details shall include the labeling of all the materials and treatments proposed for the exterior of the building(s). The applicant shall also provide a material and color board for review and approval of the Planning and Zoning Division. All materials and treatments shall be of high quality that provides the building with significant visual interest. All material at ground level shall be made of durable material that can be maintained in an urban environment.

71. Meter Shielding

Prior to issuance of building permits

The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing the location of any and all utility meters, transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.

72. Rooftop Utilities

Prior to issuance of building permit

The applicant shall submit for review and approval by the Planning and Zoning Division plans and sections through the roof showing the location and height of any and all roof utilities for review and approval. All roof utilities shall be located so as to not be seen or screened in an appropriate manner.

73. Parking and Driveway Design

Prior to issuance of building permit

All parking and driveways shall be designed according to all City codes and be approved by the Building Services Division.

74. Parking Lot Lighting

a) Ongoing

The exterior lighting fixtures which serve the parking area shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, and that shall be adequately shielded to a point below the bulb and reflector, and that shall prevent unnecessary glare onto adjacent properties.

b) Prior to sign off of building permit

The applicant shall submit a photometric study to be reviewed by Planning and Zoning and Public Works. Lighting levels shall be as low as safety standards permit.

75. Payment for Public Improvements

Prior to receiving first occupancy permit

The applicant shall pay for and install public improvements made necessary by the project.

76. Master Signage Plan

Prior to issuance of sign permit

The applicant shall submit a Master Signage Plan for review and approval by the Planning and Zoning Division, showing areas of all proposed signage.

77. Building Address Signs

Prior to issuance of the first certificate of occupancy

The applicant shall submit for review and approval of the Planning and Zoning Division, plans showing the design and location of the building address signs of each structure. All address signs shall be clearly posted, lighted and permanently maintained.

78. Section 106 Review

Ongoing

The applicant shall continue processing the Section 106 review with the State Historic Preservation Office through the Lead Agency, the City, including but not limited to the execution of the Memorandum of Agreement and its ongoing requirements, and appropriate post-review discovery if applicable.

79. Demolition Permit for Demolition of Historic Resources

Concurrent Approval with Building Permit Application Approval for Phase II

A demolition permit to demolish the historic resources, as described in the record, shall not be issued prior to building permit approval and commencement of the actual construction of Phase II (for Phase II historic resources) and Phase III (for Phase III historic resources). The historic resources shall be protected during all grading, review and approval of protection during grading by qualified Historic Architect.

80. Loading Space

Phase II New Construction

The Phase II New Construction shall include one off-street loading space.

81. Dumpster Storage

Ongoing

Dumpster(s) and trash containers must be in the building, where feasible. If stored outside, area should not face directly on to a street and screening shall be reviewed and approved as part of the Design Review.

82. VTPM 9590 Conditions of Approval

Prior to Grading Permit Submittal

a.) A Storm Water Pollution Prevention Plan will be required as a condition of receiving a Grading Permit.

Prior to Phase I Building Permit sign-off

- b.) Future Construction Documents shall reference the appropriate City of Oakland standard for street designation and lighting standards where new street lighting is planned.
- c.) The future Construction Documents shall reference and comply with the Alameda Countywide Clean Water Program C.3 Stormwater Technical Guidance dated August 31, 2006, in the design of runoff treatment devices.
- d.) Conceptual Grading and Drainage Plan, Sheet C-2 – If the amount of disturbed surface will exceed 1 acre, the project will have to file a Notice of Intent letter (to be covered under the State General Construction Permit), obtain WDID# (Water Discharge Identification #), and submit a SWPPP.
- e.) Demolition Site Plan, Sheet A1.1 – Show utilities that will be abandoned in place, or capped at the property line.
- f.) Utility Plan, Sheet C-3 – Illustrate on this sheet and the demolition plan what is to be the disposition of two laterals located at about the mid-quarter of the property line on International Blvd.
- g.) Submit Stormwater Control Plan (Post Construction) because the new/renewed surface exceeds 50%, the entire site will be subject to treatment. Calculations are required to determine the potential size and location of treatment devices and this is also critical to determine the final site layout and impervious surface coverage.

Vesting Tentative Parcel Map

- h.) The map indicates that it is based on information obtained from the Preliminary Title Report dated April 22, 2005. The application contains a report dated June 5, 2007. Applicant shall verify in writing that the current and prior report information is the same.
- i.) Surveyor shall note on map, in addition to the Benchmark BM#1506, Oakland’s own datum that is NGVD minus 3.40 feet (as there is the possibility of a mix of the datum relative to facilities or utilities that are to coincide).
- j.) Have added to the Condominium note “for up to 80 Units”. Also, on the plan view where Parcel B is designated, add to the “for Condominium purposes: the words “for up to 80 Units.”
- k.) The surveyor shall indicate the existing widths of East 12th Street, 26th Avenue and International Blvd.
- l.) The surveyor shall indicate the record owner of the following abutting lots: APN 25-701-1, -2, -3 and 25-700-01-3. Also, if the information exists, show the tract name for APN 25-700-01-3. Provide record information about any existing tract or grant in which the survey associated with the map was performed and record owners of abutting parcels.
- m.) Illustrate the gradients of the Sanitary Sewer in East 12th Street and International Blvd.
- n.) Provide a signed statement of the quantities involved in the site improvements, (grading, paving, etc.)

Prior to Final Map Approval

Ongoing

o.) Cross easement must be granted between Parcel A and Parcel B based on future development plans for access and utilities.

- p.) Future utility easements will be described and dedicated with each parcel to serve needs established on any future development plan on that parcel.

83. Mitigation Monitoring and Reporting Program

Ongoing

The applicant shall implement all the mitigation measures and standard conditions of approval contained in the Mitigations Monitoring and Reporting Program (MMRP), attached hereto and incorporated by reference, at its sole cost and expense. The MMRP identifies the time frame and specific responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Unless otherwise stated in the MMRP those Conditions of Approval herein that involve ongoing maintenance or any other ongoing provision shall be monitored and reported on pursuant to the City’s Code Compliance procedures.

84. Recordation of Mitigation Monitoring and Reporting Program and Conditions of Approval

Prior to issuance of demolition, grading or building permit

The applicant shall execute and record with the Alameda County Recorder's Office a copy of the Mitigation Monitoring and Reporting Program and conditions of approval for the project, on a form approved by the Planning and Zoning Division. Proof of recordation shall be provided to the Planning and Zoning Division.

85. VTPM 9892 Conditions of Approval

Prior to Grading Permit Submittal

A. Building Services

- a) The proposed dedication along International Boulevard was dedicated on a previous parcel map that has been recorded at the County. Revise the TPM to reflect previously recorded Parcel Map 9590.
- b) Show location, purpose, and width of all existing and proposed easements.
- c) Major and Minor Encroachment Permits shall be obtained prior to the approval of the Final Map or the issuance of Grading, Demolition, or P-job permits.
- d) Obstruction permits for parking meter removal shall be obtained prior to obtaining Grading, Demolition, or P-job permits.
- e) Provide confirmation that the building to remain meets the California Building Code 2008 for set back from the proposed new property line.
- f) New utility vaults may require Major Encroachment permits.
- g) No dedications or vacations are shown on the Tentative Parcel Map. Please confirm that no dedications or vacations are required for this project.

- h) The existing street lights adjacent to the project may require removal and/or relocation during construction. Obtain approval for any removal and/or relocation of lights from the City.
- i) Note that the property lies within a seismic hazard zone with earthquake-induced liquefaction potential. A soils report may be required. If required, submit geotechnical reports meeting the guidelines of Special Publication 117 prepared by a licensed civil engineer or a registered engineering geologist to the City for review when applying for permits. A statement acknowledging the above shall be placed on the parcel map. Add a statement to the Map that says “This real property lies within the following hazardous area: A SEISMIC HAZARD ZONE - Liquefaction Zone pursuant to Section 2696 of the Public Resources Code. These hazards may limit your ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. The maps on which these disclosures are based estimate where natural hazards exist. They are not definitive indicators of whether or not a property will be affected by a natural disaster. Transferee(s) and transferor(s) may wish to obtain professional advice regarding hazards and other hazards that may affect the property.”
- j) Obtain a Tree Removal Permit from the City before removing any trees.
- k) Note, new and/or revised storm water (C3) and Title 24 regulations are in affect. The designer will be required to provide a project design that meets the new regulations.
- l) Note the Conditions of Approval from the previous Parcel Map 9550 entitlement are assumed to still apply to this Map along with any new Conditions of Approval placed on the entitlement of this Map.
- m) Note, Lot C does not appear to currently have direct driveway access to the public right-of-way. Provide access to the parcel.

B. Fire Prevention Bureau

- n) Provide automatic sprinkler protection for all buildings to remain on site as of completion of phase III or provide 2 additional on-site hydrants and a second access road.

Note: In order to meet the exception to 2007 CFC Section D106.1 requiring 2 separate access roads for multiple family residential developments of 100 to 200 dwelling units, all buildings on site, including nonresidential occupancies must be provided with approved automatic sprinkler systems. See also condition 1.

- o) Obtain verification from EBMUD that the minimum flow of 1500 gpm is available from all private and public hydrants in the vicinity of the site. See fire flow analysis and condition 1.
- p) Confirm adequate portable fire extinguishers and fire watch, automatic fire alarm systems or other means approved by Oakland Fire Prevention Bureau for the guard house and the 3 buildings that are to be demolished prior to the end of Phase III but that currently remain on site without automatic sprinkler protection until they are demolished.
- q) Confirm provision of no parking signs and restrictions for both sides of street including locations of turn-outs for access road from International blvd. through site. Place “no parking fire lane” signs on entrance and at intermediate points along both roads.

- r) Provide a fire dept Knox box with key at the pedestrian gate on 12th Ave. Provide a Fire Dept Knox box with access key at each entrance gate (not shown) to be provided across the site vehicular access road. Width of entrance gates across vehicular access road to be a minimum of 20 ft.
- s) An exposure protection automatic sprinkler system will be required for openings (not shown) in the 75 ft long segment of the south wall of building 2 in Phase III on the south property line.
- t) Provide a partial automatic sprinkler system to protect exit pathways that are within 5 ft of the property line.
- u) Provide address signs per OFD inspection check list for dwelling occupancies, (condo conversions) i.e. 6” numerical height, 1” stroke, in contrasting background and within visible public view. 2007 CFC. All addresses shall be visible at street frontage.
- v) Provide smoke detectors to all sleeping areas and in hallways near bedrooms per code per 2007 CBC.
- w) Comply with city ordinances if installing bars that serve sleeping rooms. Bars on windows of bedrooms are required to be operable from inside the room by the occupant without the use of a key or special knowledge.
- x) Provide 1-hour occupancy separation between condominium units.
- y) Provide 1-hour occupancy separation between any interior garage (not shown) and the dwelling spaces.
- z) The property is not located in the designated hazardous fire areas, so the Vegetation Management Unit will not be enforcing the provisions of The Oakland Fire Code applicable to the Wildfire Assessment District boundaries. However, certain trees and vegetation should be regulated as noted below:

A. At the time of trimming, maintain clearances between vegetation & electrical lines not less than those established in Table 4717.2.4.3.2 of the Oakland Fire Code based on line voltage and minimum radial clearance from conductor.

B. The tallest trees near the buildings should be maintained to allow fire apparatus ladder access to rescue openings (ie windows, porches or private decks) this would start at the fourth floor elevation for the building proposed building 1.

The building owners should maintain the maximum tree height with respect to openings to allow the boom ladder to operate effectively.

C. Tree crowns extending to within 10 ft of any structure and portions of tree crowns extending to within 10 ft of the outlet of a chimney should be pruned to maintain a minimum horizontal clearance of 10’ & tree limbs shall be pruned to remove limbs less than 6 ft above the ground surface adjacent to the trees. Deadwood and litter should be regularly removed from trees.

- aa) The new fence along the north boundary of Parcel C and the existing access road ending at the corner of new building 3 (effectively limiting access to parcel C) must be removed or provided with a vehicle access gate a minimum of 20 ft wide per 2007 CFC Appendix D, Section D103.5 (1).

86. Compliance with the Secretary of Interior’s Standards

Prior to review of Phase II and Phase III by the Planning Commission

Written comments to the City indicating the final design of the new construction complies with the Secretary of the Interior’s Standards, including a) and b) below, shall be submitted to the City for review and approval, prior to review of Phase II by the Planning Commission. a) The new work shall be differentiated from the old and be compatible with the historic materials, features, size, scale and proportions and massing to protect the integrity of the Complex; and b) That new additions and adjacent or related new construction will be undertaken in a manner such that, if removed in the future, the essential form and integrity of the historic Complex would be unimpaired.

87. Location of the Transformer for Building #1/Landscaping Surrounding the Laundry Building on Parcel III

Prior to Sign-off of the Building Permit Set of Drawings by Planning Staff and Building Staff

The location of the transformer for Building #1 shown on Parcel III, Phase III and the landscaping surrounding the Laundry building are not approved. The location of the transformer for Building #1 and the landscaping surrounding the Laundry building may be approved through an Administrative Review process by the Development Director.

PHASE II ADDENDUM AREA PROJECT SPECIFIC CONDITIONS OF APPROVAL

NOTE: All prior applicable Conditions of Approval are included in the Phase II Addendum Area Approval.

88. Withdraw Vesting Tentative Map 9892

Prior to Historic Preservation Staff sign-off of the Building Permit for Phase II
The applicant shall withdraw Vesting Tentative Map 9892 as directed by Building Services, Engineering.

89. Material Samples/Detailed Drawings

Prior to Historic Preservation Staff sign-off of the Building Permit for Phase II
New roof material samples shall be submitted for review and approval. New interior/exterior doors and all new windows shall be detailed in the construction Building Permit set of drawings to demonstrate their location in the wall (recess from the building façade), plan, elevation, and section design to demonstrate how they match existing.

90. Secretary of the Interior’s Standards for the Treatment of Historic Structures
Prior to Planning Commission Review, April 6, 2011

Written confirmation by a qualified architectural historian that the proposed rehabilitation of the Laundry Building, the Smokehouse and the Garage comply with the Secretary of the Interiors Standards shall be submitted to the City.

STIPULATIONS OF MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE DEVELOPMENT OF ST. JOSEPH’S SENIOR AND FAMILY HOUSING

STIPULATIONS

The City will ensure that the following measures are carried out:

1. *The City shall ensure that the design of the undertaking will proceed pursuant to St. Joseph’s Restoration and Adaptive Reuse plans prepared by Van Meter Williams Pollack, revised September 24, 2007 and further revised August 5, 2009, reviewed and approved by the City of Oakland Planning Commission on December 19, 2007 and August 5, 2009 respectively.*
2. *Following the execution of this MOA, review of the undertaking, including but not limited to the Phase III submittal, and any changes to the approved architectural plans, landscape plans, and any archeological monitoring, pursuant to the terms of the MOA will be carried out by the LPAB.*
3. *Pursuant to the City’s Historic Preservation Element of its General Plan, and Mitigation Measure Hist-1a of the Mitigation Monitoring and Reporting Program for the undertaking, documentation meeting the specifications of the Historic American Building Survey will include the Garage and Poultry Buildings, prior to their demolition, through the use of large-format black and white photography and a brief historical report describing the buildings and their historic significance to the City of Oakland. The documentary photographs shall be in color, and photographs and report would be archived locally at the Oakland History Room (OHR) of the Oakland Public Library along with a copy on archival paper. Digital copies of the photographs and the report would be forwarded to the Oakland Cultural Heritage Survey. .*
4. *Prior to the initiation of project construction an archeologist for both historic and prehistoric archeology who meets the Secretary of the Interior’s professional qualification standards for archeology defined at 36 CFR Part 61, Appendix A, and whose resume has been reviewed and approved by SHPO, shall be retained and funded by the Developer. The archeologist shall be present on-site during any phase of ground disturbing activities, including but not limited to demolitions, foundation work, utility work, removal of asphalt, landscaping, etc. to monitor ground disturbing activities. In the event cultural resources are encountered, the City shall ensure that construction activities within 50 feet of the discovery will be*

redirected until the procedure outlined in this MOA is carried out. The City will notify the SHPO within 48 hours of the discovery. The notification shall describe the City's assessment of the National Register eligibility of the property and proposed actions to resolve adverse effects, relying on the professional judgment of the above referenced archeologist(s). Pursuant to 36 CFR § 800.13 (c), the City, in consultation with the SHPO, may assume a newly-discovered property to be eligible for the National Register for purposes of this MOA. To the extent feasible, the Developer will redesign the project to avoid adverse effects to known historic or cultural properties, with review and approval by the City Planning Commission. The SHPO shall respond within 48 hours of the notification. Upon completion of the monitoring, the archeologist(s) shall prepare a report documenting the methods and results used. The report will be submitted to the Office of Historic Preservation, the City of Oakland, and the Northwest Information Center.

- 5. Should any signatory or concurring party object at any time to the matter in which the terms of this Agreement are implemented, the City shall consult with the objecting party(ies) to resolve the objection. If the City determines within fifteen days of receipt that such objection(s) cannot be resolved, the City will forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR § 800.2(b)(2). The City in reaching a final decision regarding the dispute shall take any Council comment provided into account. The City's responsibility to carry out all other actions under this Agreement that are not the subjects of the dispute will remain unchanged.*
- 6. At any time during implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised in writing by a member of the public, the City shall take the objection into account and consult, as needed, with the objecting party and the SHPO, as needed, for a period of time not to exceed fifteen days. If the City is unable to resolve the conflict, the City will forward all documentation relevant to the dispute to the Council, following the terms outlined in stipulation 5, above.*
- 7. The City shall notify the SHPO as soon as practicable if it appears that any action covered by this Agreement will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner. The City shall stop construction in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the property and proceed pursuant to 36 CFR § 800.13(b).*
- 8. If any signatory believes that the terms of this Agreement cannot be carried out, or that an amendment to its terms should be made, that signatory shall immediately consult with the other parties to develop amendments pursuant to 36 CFR §§ 800.6(c)(7) and 800.6 (c)(8). If this Agreement is not amended as provided for in this stipulation, any signatory may terminate it, whereupon the City shall proceed in accordance with 36 CFR § 800.6(c)(8).*

9. *If either the terms of this Agreement or the undertaking have not been carried out within five years following the date of execution of the Agreement, the signatories shall reconsider its terms. If the signatories agree to amend the Agreement, they shall proceed in accordance with the amendment process referenced in stipulation 8, above.*

APPROVED BY:

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

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on 8-5-09. I agree to abide by and conform to these conditions, as well as to all provisions of the

Oakland Zoning Code and Municipal Code pertaining to the project.

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