

Location:	5107, 5117, 5125, 5151 and 5175 Broadway
Assessor's Parcel Numbers:	014-1241-009-00, 008-00, 006-01 and 005-01
Proposal:	To construct a 5-story, 174,608 square foot mixed-use development consisting of 127 senior housing residential care units, ground-floor commercial space, and an underground garage with 106 parking spaces. <i>(NOTE: On June 4 2014, the Planning Commission continued this application to the June 18, 2014 public hearing).</i>
Applicant:	Chad Lorentz/Urbal Architecture
Phone Number:	(206) 257-0972
Owner:	Merrill Gardens at Rockridge, LLC
Case File Number:	DR13320/T1300078
Planning Permits Required:	1) Major Conditional Use Permit for residential care activity in the CC-2 Commercial Zone; 2) Regular Design Review for new construction; and 3) Tree Protection Permit to remove three street trees in the City's Right-of-Way on Coronado Avenue.
General Plan:	Community Commercial
Zoning:	CC-2 Community Commercial Zone
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning.
Property Historic Status:	5107 Broadway: Potential Designated Historic Property (PDHP)/Survey Rating: C3. 5117, 5125, & 5151 Broadway: Not a Potential Designated Historic Property/ Survey Rating: D3. 5175 Broadway: Vacant Site.
Service Delivery District:	2
City Council District:	1
Date Filed:	November 13, 2013 (revised plans submitted on April 28, 2014)
Action to be Taken:	Decision by the Planning Commission based on staff report
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact Case Planner: Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com .

PROJECT SUMMARY

On June 4, 2014, the Planning Commission considered the development proposal (See original Staff Report/Attachment 1), received public testimony (See Neighborhood Letter/Attachment 2) and continued the public hearing on the application to the June 18, 2014 meeting. Overall, the Commission felt that the proposal was a good use for this location, but believed that the concerns raised by the neighborhood needed further review and consideration by the applicant. Some of the issues raised by the neighborhood related to building heights and casting shadows, visibility and noise of HVAC equipment from the building roof, placement of commercial kitchen exhaust systems near residences, traffic reconfiguration on Coronado Ave, removal of street trees, undergrounding of existing utilities, use of rooftops for open space, and heavy construction activity near residences. The Commission then suggested that the applicant and the neighborhood meet and find solutions or alternatives to these issues, and return with an update on the following public hearing.

On June, 10 2014, the project applicant, neighbors and Planning staff attended a community meeting at an offsite location, in the Rockridge Shopping Center. At that meeting, some of the issues raised by the neighborhood in the letter, dated June 4, 2014 and addressed to the Planning Commission were broadly discussed as follows:

- 1) The lack of construction coordination related to circulation and construction activity between the approved "Safeway" in the Rockridge Shopping Center and the proposed "Merrill Gardens" senior housing project. The neighborhood suggested that the project applicant needs to provide a formal construction management plan for review in order to minimize impacts around the neighborhood. The neighborhood asked that the plan include a restriction for large construction vehicles to use the major streets such as Broadway & 51ST Street to enter and exit the property, rather than utilizing the smaller residential streets. The project applicant agreed and plans to generate a detail construction management plan and hold meetings with the neighbors if necessary to address any new additional concerns from the construction activity.
- 2) The applicant needs to provide for protection a temporary barrier or screen structure along the rear of the residential properties to minimize dirt, noise and glare from the construction activity. It was suggested that at least a 20 feet tall fence is installed along the rear of the subject property that abuts the residences to the west. The project applicant indicated that a temporary tall fence can be installed, and positioned along the neighbors' properties to best fit their concerns.
- 3) The proposal has too many structures on the rooftop that makes the building look taller from the residences to the west. These structures include parapet, HVAC equipment, elevator/stair shafts, hardscape and landscaping such as trellises and raised planter boxes. The neighborhood also raised concerns about the future installation of telecom (wireless antennas) facilities that would make the building rooftop more clutter. The applicant would consider removing the trellises from the rooftop if necessary, and restrict the installation of wireless antennas on the property.
- 4) The proposed three street trees for removal in front of the property along Coronado Ave could be saved, but the neighborhood was inclined to support the removal if new additional street trees are planted to the south side of Coronado Ave, all the way to Desmond St. The applicant was open to the suggestion and was willing to accommodate more street trees if possible on Coronado Ave. In addition, the neighborhood suggested if new landscaping can be installed in the existing median strip along 51st St, between Broadway and Desmond St. to enhance the streetscape. The applicant was in support of the idea, but needed to consult and get approval by the City Public Works.

At the end of the community meeting, the applicant offered to draft additional conditions of approval for the project for review by the neighborhood, other than the conditions of approval already listed in the Staff Report. After the applicant's additional conditions were reviewed and considered by the neighborhood, the applicant was going to submit them to Planning staff for review, and then for consideration by the Planning Commission, on the scheduled June 18th public hearing. By the completion of this Staff Report on June 11, 2014, the applicant's new proposed conditions of approval were not received on time in order to include them in the Staff Report. However, once the applicant's new proposed conditions are received by the City and, prior to the Planning Commission hearing, staff will provide a verbal presentation at the public hearing. If the applicant's draft conditions of approval meet the concerns from the neighborhood and from the City, Staff will then recommend to the Commission implement the new conditions into the body of the original Staff Report.

ATTACHMENTS

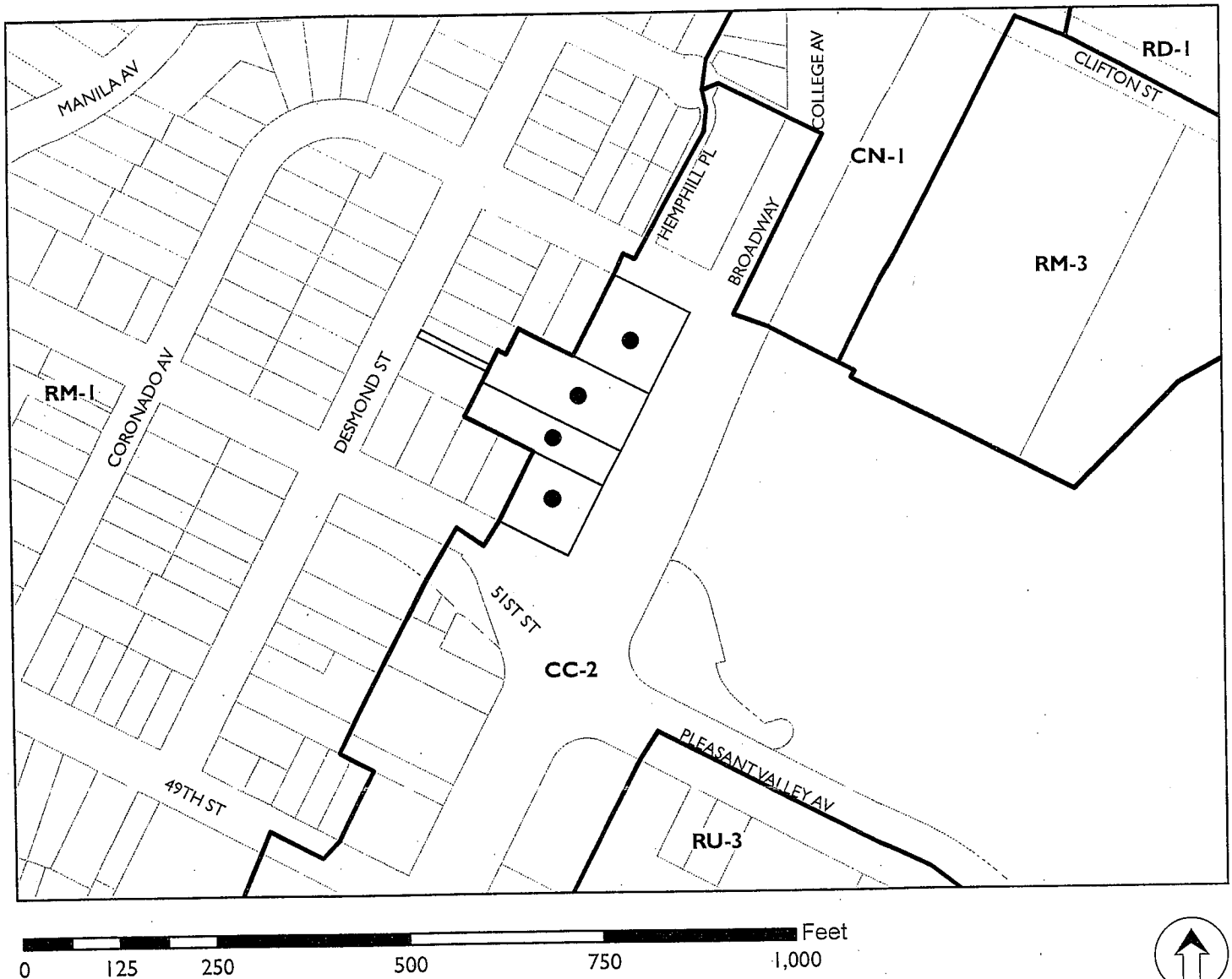
1. Original Staff Report, dated June 4, 2014
2. Neighborhood's Letter, dated June 4, 2014

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PROJECT SUMMARY

The applicant proposes to construct a mixed-use facility for 127 residential care/assisted living dwelling units and 7,743 square feet of ground-floor commercial space, located at the intersection of Broadway and 51st Street and Coronado Avenue in the Rockridge District. The proposal for a 5-story building with underground garage would require the removal of the vacant commercial buildings. Access to the underground parking for the residential and commercial (retail) facilities will be from a single driveway, located on 51st Street. A second vehicular access for a passenger (senior residents) loading area, deliveries and trash/recycling service will be from a double driveway, located on Coronado Avenue. The property is bounded to the north, east and south by a similar commercially zones, and to the west by a residential zone. The proposal requires a Major Conditional Use Permit for a Residential Care Activity in a multi-family residential facility, a Regular Design Review for new construction and a Tree Permit to remove three street trees located on Coronado Avenue. The Planning Commission is the decision-making body for the Major Conditional Use Permit. The Public Works/Tree Division Agency is the approval body for the tree removal. Staff recommends approval of the project subject to the required Findings (Attachment A) and Conditions of Approval. (Attachment B)

CITY OF OAKLAND PLANNING COMMISSION



Case File: DRI3320 / TI300078
Applicant: Chad Lorentz / Urbal Architecture
Address: 5107, 5117, 5125, 5151 and 5175 Broadway
Zone: CC-2

PROPERTY DESCRIPTION

The property is located on the northwest corner of the intersection of Broadway and 51st Street, in the Rockridge District. The 49,955 square foot (1.15 acres) property is bounded to the north by Coronado Avenue, to the east by Broadway, to the south by 51st Street and to the west (narrow driveway) by Desmond Avenue. In front of the property along Broadway and 51st Street, the street grade slopes downward to the south and west by approximately 0.5 percent gradient. The property contains two detached, two-story vacant commercial buildings, a concrete parking lot at the rear, a roof-mounted billboard and a vacant parcel that was previously occupied by a gas station. The applicant submitted a closure letter issued by the State indicating that the gas station property at 5175 Broadway was determined cleaned and thus removed from the Cortese List. The property also has five driveways (curb cuts): one on Coronado Avenue, two on Broadway, one on 51st Street and one on Desmond Avenue that will be removed. The property is fairly level and does not contain any significant landscaping. As part of this proposal, the vacant commercial buildings at 5107-5151 Broadway will be demolished. The property is currently enclosed by a temporary chain-link fence, and is not accessible to the public. The property is across the street from the Safeway site at Broadway and Pleasant Valley Road and is surrounded by a mix of commercial and low and medium-density residential properties.

PROJECT DESCRIPTION

The proposal is to develop a five-story, 174,608 square foot mixed-use residential and commercial facility in a commercially-zoned property. The ground-floor will contain 7,743 square feet of commercial space along Broadway and 51st Street. The upper four-stories of the building will provide 127 residential dwelling units (166,865 square feet) for residential care senior housing. The proposal meets the off-street parking requirements for residential care activity where one space for each three employees is required. The project proposes 20 employees: $(20/3 = 7 \text{ parking spaces})$. The project also proposes one space for the residential care facility: (1 transportation parking space for a van is provided on site). In addition, the proposal meets the off-street parking requirements for the commercial facilities. For general food sales, the ratio is one parking space for each 200 square feet of floor area: $5,175\text{-sf}/200 = 26 \text{ parking spaces}$. For general retail sales, the ratio is one parking space for each 400 square feet of floor area: $2,568\text{-sf}/400 = 6 \text{ parking spaces}$. The application meets this requirement.

The proposal consists of a single structure, but it is segmented into three wings that project to the north, south and west to articulate building volumes and provide visual relief as the building height steps down to the residentially-zoned properties, located to the west. The proposed building height along Broadway ranges between 5-stories to four and three stories towards the rear (west) of the property. The proposal includes two levels of underground parking with 106 spaces, a driveway access from 51st Street for both the residents and the commercial patrons. The proposal also includes a circular driveway for pick-up/drop-off of passengers, and a separate driveway for deliveries and trash and recycling services, located on Coronado Avenue. The property has four separate parcels that will be merged as part of the new development. A separate ministerial application to merge the parcels is under a review by the Zoning Manager and the City Engineer.

The applicant proposes major street improvements around the property, including replacing the sidewalks, installing new bulb-outs, installing an island planter (road barrier on Coronado Avenue, near Hemphill Place), widening the median strip on Broadway near the intersection of Coronado Avenue, removing the existing acceleration (slip) lane (for westbound vehicles) and the triangle-shaped utility island (corner of Broadway and 51st St) and planting new street trees. The proposal also includes the construction of a small garden pedestrian plaza, located south of the main building at the corner of Broadway and 51st Street. The pedestrian plaza will serve as a seating area for the patrons of the commercial facility. The applicant and the Public Works Division are in the review process for the development of the pedestrian plaza, and other required improvements. Furthermore, the applicant and the City Transportation Division

will be working on required street improvements to install pedestrian crosswalks, street signage, medians, and traffic signals as needed around the property including any other areas in the right-of-way.

GENERAL PLAN ANALYSIS

The property is located in the "Community Commercial" classification of the Oakland General Plan Land Use and Transportation Element (LUTE). The intent of this classification is *"to identify, create, maintain and enhance areas suitable for wide variety of commercial and institutional operations along the City's major corridors and in shopping districts and centers. The desired character and uses in the community commercial districts may include neighborhood center uses and large scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, educational facilities and entertainment uses. The community commercial areas can be complemented by the addition of urban residential and compatible mixed use development. The community commercial General Plan area allows a maximum FAR of 5.0. The floor area ratio (FAR) for the proposed project site is 3.0, which is well below the maximum. Also, the property could have a maximum density of up to 133 residential dwelling units (one dwelling unit per 375 square feet of lot area). The proposed density of 127 residential dwelling units is well within the allowable density; therefore the proposal is consistent with the General Plan. The proposed project will create and enhance the desired character of the area by developing a new mixed-use project, located along Broadway which is a major corridor, and is also located across from the Rockridge Shopping Center. The proposal is consistent with the following General Plan policies, which are applicable to the project. Staff provides an analysis for each of the policies to show the project is consistent with the policy.*

Policy N1.1: Concentrating Commercial Development. *Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.*

The proposal is located along Broadway and near a concentrated neighborhood shopping center and the College Avenue shopping district. The proposed commercial space would be designed to provide to accommodate neighborhood-serving commercial uses.

Policy N3.1: Facilitating Housing Construction. *Facilitating the construction of housing units should be considered a high priority for the City of Oakland.*

The proposal will provide 127 residential units of senior housing where 133 is the maximum number of units allowed in the CC-2 Commercial Zone. The proposal creates new housing that will also assist and provide appropriate supportive services for seniors and other persons with special needs.

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.*

The proposal is located in an urbanized and underutilized area of the City. The construction of a new mixed-use development will be an infill development, and will provide new housing.

Policy N3.8: Required High-Quality Design. *High quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added cost of those requirements and procedures.*

The proposal is of a high quality design and uses high-quality materials, finishes and details. The project complies with the Design Review Criteria of the Planning Code.

Policy N3.9: Orienting Residential Development. *Residential development should be encouraged to face the street and to orient their units to desirable sunlight and view, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.*

The proposal is designed to face the primary street frontage. The building layout, the unit orientations and outdoor areas have been designed to provide for adequate solar access to the residential units. Due to the distance between the proposed project and nearby homes to the west, potential solar access impacts would be minimized. Due to the relatively level terrain and building location, the proposal would not block views from nearby homes.

Policy N3.10: Guiding the Development of Parking. *Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.*

The proposal meets the off-street parking regulations of the Planning Code. The project off-street parking will be located in a new underground parking garage within the building. The location of the garage will be convenient for the residents and will not be visually significant from the street.

Policy N8.2: Making Compatible Interface Between Densities. *The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.*

The building height steps down from approximately 56 feet to 48 feet at the intersections of Broadway/51st Street and Broadway/Coronado Avenue to building heights that range from 25 feet to 20 feet tall toward the western side of the property.

ZONING ANALYSIS

The subject property is located in the CC-2 Community Commercial Zone. The intent of the CC-2 zone is "to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas. The proposed mixed-use "Residential and Commercial" development is a permitted activity and facility in the CC-2 Zone. However, Section 17.35.030 of the Community Commercial (CC) Zone Regulations lists the Permitted and Conditionally Permitted Activities. Within this section, Table 17.35.01 lists the type of activities that are Permitted, Conditionally Permitted and Prohibited in the CC Zones. The proposal for a Residential Care Activity (Limitations (L1)) in the CC-2 Community Commercial Zone is only permitted upon the granting of a Conditional Use Permit. Furthermore, Section 17.134.020 (A)(2)(a)(i) lists the type of Activity or Facility that is subject to a Major Conditional Use Permit. The proposal for a Residential Care Activity is listed in this Section, and therefore requires a Major Conditional Use Permit by the Planning Commission.

The development proposal complies with all other zoning standards, and it is also required to meet certain Findings. The applicable Findings are as follows: Section 17.134.050 for General Use Permit Criteria, Section 17.103.010(A) for Residential Care Activity, Sections 17.136.050 & 17.136.075(D) for Regular Design Review. These required Findings will be analyzed within the Findings section in this report. (See Attachment A)

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as Categorical Exemptions from environmental review. The development proposal is categorically exempt

from the environmental review requirements pursuant to Section 15332 for In-Fill Development Projects. A technical report for the Class 32 CEQA Exemption was submitted to the City by Lamphier-Gregory (consultants), which includes a detailed analysis of the project. A copy of this report is available for review on file at the City Planning Department. The criteria for the in-fill exemption, and staff's summary analysis for each criteria are listed below in regular text.

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

The proposal is consistent with the General Plan designation (Community Commercial) for the site and with the General Plan policies as shown in the General Plan Analysis and Findings section of this report. Also, the project is consistent with the zoning designation of the site and with the applicable zoning regulations as shown in the Zoning Analysis. The project also complies with the required conditional use permit Finding sections of this report.

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

The project site takes place within city limits of the City of Oakland and consists of 49,955 square feet (1.15 acres). The property is surrounded by commercial and residential urban uses that range from a large shopping center to the east, commercial facilities to the north and south, and to multi-family residential facilities to the west of the property.

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

The proposal is on site that has been previously developed. The property is located in an urbanized mixed-use neighborhood, and does not pose a value for habitat to endangered, rare or threatened species.

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

TRAFFIC- The technical report studied five different key intersections in the vicinity of the project site: Coronado Ave/Desmond St, Coronado Ave/Broadway, 51st St/Pleasant Valley Ave/Broadway, 51st/Project Driveway and 51st St/Desmond St. The traffic analysis shows that the existing Levels of Service (LOS) at these intersections mostly operate at LOS D or better during weekday AM & PM peak hours, and Saturday Midday peak hours. The project is anticipated to generate approximately 773 daily vehicle trips, including 52 AM peak hour trips, 53 PM peak hour trips, and 79 Saturday peak hour trips. The Level of Service (LOS) for each of the five intersections studied would remain the same, except for the intersection of Coronado Avenue and Broadway where the LOS for the peak hour of Saturday Midday is anticipated to change from LOS D to LOS E. The potential impact to the intersection of the side-street stop controlled approach at the Coronado Avenue and Broadway, an unsignalized intersection, is considered less than significant under CEQA since the project does not meet the peak-hour signal warrant. Therefore the project will not result in an adverse traffic impact when compared to the existing condition. The traffic report also assessed cumulative conditions that included the approved Safeway Shopping Center project and also concluded there would be less than significant impacts.

NOISE- The technical report for this project analysis future traffic noise levels including those caused by cumulative growth and the project. This analysis include the traffic generated by the approved Safeway redevelopment project, located across Broadway. The potential noise impacts of the proposed project are anticipated to be limited. The project is consistent with the residential and

commercial uses in the surrounding area. Potential noise impacts related to the construction of the project would be limited. Standard noise reduction measures would be included into the project Conditions of Approval. Overall, the report indicates that noise levels increases are less than 2 dBA on Broadway and 51st Street. An increase of up to 3.3 dBA is predicted along the streets near the project. The noise increase is higher on these streets because the existing traffic is relatively low, so the portion of this increase due to the project is less than 1 dBA. Therefore, since the increase in traffic noise is less than the City's 5 dBA threshold of significance, then this increase is less than significant cumulative impact.

AIR QUALITY- The technical report for this project analysis air quality impacts during construction and operation. The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines contain screening criteria to establish whether a proposed project could result in potentially significant air quality impacts related to emissions during construction and operation (post-construction). Overall, emissions during construction periods at urbanized properties such as the proposed project are minimal because of its small size limits the use of heavy construction equipment. The analysis shows that the construction and operation emissions generated from the proposed project would result in a Less Than Significant Impact since the modeled construction emissions are below applicable thresholds. Standards health risk reduction measures requirements would be incorporated into the project to limit potential air quality impacts during construction and operation (see Conditions of Approval).

WATER QUALITY- The technical report for this project analysis potential water quality standard impacts. The San Francisco Bay Regional Water Quality Control Board impose regional water quality regulations for projects. All development projects within the City of Oakland are subject to the mandatory water quality requirements as a condition of construction. Potential water quality impacts related to construction of the project would be limited. Also, measures resulting from these requirements include best management practices for both construction and post-construction during grading, filtration and other similar requirements. With implementation of mandatory stormwater quality treatment methods, the project would result in a Less Than Significant Impact (see Conditions of Approval).

The site at 5175 Broadway (at the intersection of Coronado Avenue) once contained a gas station and/or other auto-related uses, and all of the structures have been removed since it closed in 2003. On December 20, 2013 the State Water Resources Control Board issued a letter confirming the remedial action for the underground storage tanks, and considered closed. Thus, a CEQA exemption is applicable for the project.

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

The proposal is located in an urbanized area of the City of Oakland. The site contains buildings and other structures that had served other commercial activities. The new development can be served by existing and/or improved utility and public services.

PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

Section 15183 of the State CEQA Guidelines provides for the streamlined review of projects that are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified. For these types of development project, additional environmental review is limited to an analysis of whether project-specific effects are peculiar to the project or its site. Based on the technical report submitted, the project proposal is consistent with the development density of the City's 1998 Land Use and Transportation Element ("LUTE") of the General Plan, and to the 2007-2014 Housing Element for which, an EIR was certified for each of these documents.

KEY ISSUES

Residential Care Activity in the CC-2 Commercial Zone

The proposal requires a Major Conditional Use Permit to operate a residential care/assisted living activity, serving senior citizens, in the CC-2 Commercial Zone. The facility will offer a variety of residential units that include 14 single-bed and double-bed memory care units, and 113 regular size units that range from studios, one bed/one bath to two bed/two bath units. The average floor area size of the units is 643 square feet. In addition to the residential units, the proposal includes common amenity areas such as an activity and wellness center, kitchen, dining and living rooms, bistro room, internet cafe, lounge/library, theater and a beauty salon. The residential care/assisted living senior housing will be licensed by the State and will operate 24-hours daily and will employ about 20 employees. The residential care facility will also include a nurse's office, a reception room and other administrative offices. Daily operations for the residential care will include general observation, care, supervision and assistance to other personal needs as required. The residential care facility will facilitate a van to transport residents to off-site locations for medical routine check-ups, grocery shopping, planned activity programs and other personal needs. Off-street parking for the employees of the residential care activity and for the facility vehicle (shuttle van) will be provided in the two-level underground garage. The proposal meets the parking ratio: One parking space for each three employees (total of seven spaces), and one space for each facility vehicle (total of one transport van). Therefore, the provided off-street parking will be more than adequate for the project.

Building Design

The proposal is designed to meet the provisions of the Community Commercial Zone, the Design Guidelines for Commercial Areas and the General Plan Policies. The project places the 5-story building along Broadway, a major street corridor, in order to create an urban character with large commercial storefronts that contribute to the success of the retail district. The street facing building design creates transitions in height, massing and scale to create interesting facades that relate well to one another, thus resulting in a cohesive design that will be compatible with existing and future mixed-use facilities. Along 51st Street and Coronado Avenue, the building height and mass is lowered and articulated to create a transition between the different scaled buildings to the west in the residentially-zoned properties. To the rear, the proposal manages height and mass by creating three different building wings, provides multiple levels of roof and wall planes, articulates the facades through the use of design features such as recessed walls, bay windows, large eaves, decks, terraces, horizontal redwood and fiber-cement lap siding, and earth-tone colors. The use of large, medium and small size trees, shrubs and groundcover around the property and on the rooftop, plus street trees, will enhance the visual character of the project, and will provide screening to improve privacy for the abutting residential properties. The proposal includes three types of exterior light fixtures that include recessed soffits, two styles of wall sconces and patio catenary lights. (See Floor Plans-Levels 1-4). A conceptual plan shows locations and renderings for future commercial signage along Broadway and 51st Street. Eventually, detailed plans will be required for new signage as a separate design review permit by the City.

Passenger Loading Area, Service Driveway & Modification on Coronado Avenue

The residential care facility's main entry is located at the north side of the property approximately 32 feet from Coronado Avenue. A large metal awning will project over the exterior walkway and into a section of the semi-circular driveway. The semi-circular driveway has two curb-cuts that will be used by a designated van to pick-up and drop-off residents of the senior housing facility. The other driveway, located along the westerly side of the property will be used for deliveries by light commercial vehicles such as UPS or FedEx. The applicant estimates deliveries to occur twice-daily, Monday through Friday from 8:00AM to 3:00PM. This driveway will also be used by the Alameda Waste Management (WM) company to service trash and recyclables from the senior housing facility. The applicant indicated that the

WM company will provide curbside pick-up, rather than driving their trucks into the 116 foot long driveway to pick-up the trash/recyclables.

Furthermore, the applicant proposes street modifications in front of the property along Coronado Avenue. The first is to convert part of Coronado Avenue from a one-way eastbound to a two-way eastbound/westbound direction, between Broadway to Hemphill Place Alley only; and convert Hemphill Place Alley to a southbound direction only by installing "DO NOT ENTER" signs at the intersection with Coronado Avenue. The second is to build a curb and island planter (4'x11') at the northwest intersection of Coronado Avenue and Hemphill Place Alley. The planter will serve as a barrier to prevent all vehicles from traveling westbound into the existing one-way street. The planter will be set back 2 feet from the northerly sidewalk to create a bicycle travel path. (See attached Civil plans, sheets C01-C03)

In the past, the City had received concerns from residents on Coronado Avenue about vehicles driving westbound into the one-way street. Presently, Coronado Avenue is a one-way eastbound street that begins from 51st Street & Coronado Avenue to Broadway. The proposal for a two-way street in front of the property only, and the installation of a curb and island planter on Coronado Avenue would be functional from a traffic point of view because it would provide vehicular access to and from Broadway to the senior housing, and also prevent all vehicles from driving westbound into the one-way street residential area. The City Transportation Division and the Fire Department have reviewed and supported the proposal, pending the submittal of construction plans for final review. Additional analysis to street modifications on Coronado Avenue is discussed in the technical report, prepared by the applicant's traffic consultants. This technical document is in the project file and available for public review at the City Planning Department.

Replacement of the Utility Island Strip with a New Landscaped Pedestrian Plaza

In addition to eliminating the existing slip right-turn lane from southbound Broadway to westbound 51st Street, the project includes the removal of the utility island strip ("pork-chop"), and installation of a new landscaped pedestrian plaza. This street modification is to provide better vehicular access to and from the proposed driveway of the proposed mixed-use development. The City Transportation Division has reviewed and supported the proposal. The existing utility island is located at the northwest corner of Broadway and 51st Street. The island has surface utility equipment, traffic signals, a Children's Hospital free-standing directional signage and some landscaping. The proposed landscaped pedestrian plaza will serve as a seating area for the patrons of the commercial facility and the public in general. As indicated in the project description of this report, the City and the applicant will be reviewing the alterations to the island strip and all improvements around this area. Staff believes that proposed landscaped pedestrian plaza will enhance the streetscape at this intersection and provide additional outdoor open space. However, staff recommends that the applicant screen from public view all new public utilities, and also repair and place in the same location the existing Children's Hospital directional signage, which has been there since about the 1940's. (See Condition of Approval #62)

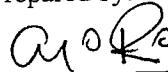
CONCLUSION

Staff believes that the proposed project is a good use for this site by creating a mixed-use facility with 127 senior housing units on an underutilized vacant property. The reuse of the site provides residential and commercial opportunities to the general public. The proposal will enhance the successful operation of the major street corridor and will not create any significant negative impacts to surrounding properties. Staff determines that the application meets the required findings (See Attachment A), and recommends approval by the Planning Commission, subject to the Conditions of Approval. (See Attachment B)

RECOMMENDATIONS

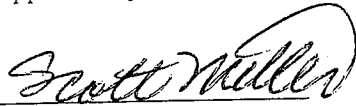
1. Affirm staff's Environmental Determination.
2. Approve Major and Minor Conditional Use Permits and Regular Design Review, subject to the attached findings and conditions of approval.

Prepared by:



Mike Rivera
Planner II

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti, Deputy Director
Bureau of Planning

ATTACHMENTS

- A. Findings
- B. Conditions of Approval
- C. Revised Design Plans, submitted on April 28, 2014

ATTACHMENT A

Findings for Approval

The findings required to grant approval for this application for a General Conditional Use Permit, Conditional Use Permit for Residential Care, Regular Design Review are (shown in **bold**) found in Sections 17.134.050, 17.103.010(A), 17.136.050 and 17.136.075(D) and the reasons this proposal satisfy these findings, are as follows:

SECTION 17.134.050-GENERAL USE PERMIT CRITERIA.

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

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

The proposal is located in an urban setting and along a major corridor where the site is adequate to accommodate the 5-story building. The operation of the residential care-assisted living and commercial facility will be in character with the mix of commercial and residential uses. Along Broadway, the building is designed to reinforce the urban character through the use of large storefronts and façade articulations that would promote retail investment and compliment the neighborhood. To the rear, the building height and mass is stepped to transition well with the scale of the residential properties to the west, and has architectural features to create visual interest. The traffic analysis prepared by Lamphier-Gregory shows the Levels of Service (LOS) that the project would generate in the surrounding area. The study evaluates traffic operations at five different intersections around the property. The study includes vehicle trip generation during all three peak hours in the day for "Existing No Project" and "Existing Plus Project", and thus finds no significant impact because in the "Existing Plus Project" condition this is not considered a significant impact since the project would not increase the volume-to-capacity ("v/c") ratio by more than 0.03.

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

The proposal provides for a convenient and functional living, working and shopping environment. The new residential senior housing units and retail space will be located adjacent to Broadway and 51st Street, which offers public transportation and commercial opportunities for the new residents. Because of its proximity to public transit and the Safeway Shopping Center, the proposed commercial area will be accessible to employees and shoppers.

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

The proposal will provide new residential units that are needed for housing senior citizens, thus meeting a basic community function. The proposal will also provide essential services from the proposed

FINDINGS

commercial space to the new residents of the new complex, and therefore will contribute to the economic vitality of the Rockridge commercial district.

D. That the proposal conforms to all applicable Regular Design Review criteria set forth in the regular design review procedure at Section 17.136.050;

The project conforms with the Regular Design Review criteria at Section 17.136.050. (See Design Review Findings section in this report)

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

The project conforms with the General Plan by creating an in-fill mixed-use development on a large vacant lot, surrounded by medium-size commercial facilities and across the street from a large Shopping Center. The proposal creates new ground-floor commercial units to increase foot traffic and residential density to support the commercial activities along Broadway and the nearby College Avenue. The development is consistent with the character of the Community Commercial designation, land uses, and densities of the General Plan.

SECTION 17.103.010(A)- CONDITIONAL USE PERMIT for RESIDENTIAL CARE ACTIVITY

1. That staffing of the facility is in compliance with any State Licensing Agency requirements.

As part of this approval, Conditions of Approval will require maintenance of a State License, and the continued compliance with its requirements will be regulated by the State of California Community Care Licensing Agency.

2. That if located in a residential zone the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.

The proposal is located adjacent to a residentially zoned area, and will include a company van to transport residents of the senior housing to and from off-site destinations or activities. It is likely that most of the residents will not possess private automobiles, so the only trips in and out of the site will be by some employees of the facility. Most trips will utilize the major street Broadway and 51st Street.

3. That if located in a residential zone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generated by the surrounding Residential Activities.

The property is not located in a residential zone, but rather in a commercial zone. Nonetheless, the project proposes underground parking that will have sufficient off-street parking that will not increase the demand for on-street parking in the neighborhood from visitors of the residential care facility. Also, it is assumed that the residential care facility visiting hours are often limited thus resulting with fewer visitors than if it was to operate as a regular permanent housing.

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4. That if located in a residential zone, arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties.

The proposal is not located in a residential zone, and the loading area for the deliveries of goods for the residential care facility is designed to not adversely affect the livability of the surrounding properties. The deliveries for the site will be from light commercial vehicles, and are estimated to occur twice-daily, between Monday through Friday from 8:00AM to 3:00PM. The proposal includes a landscaped barrier and a fence along the service driveway. Access restrictions on Coronado Avenue will limit effects on the neighborhood streets.

5. That the facility's program does not generate noise at levels that will adversely affect the livability of the surrounding properties.

The residential care facility for senior housing will not generate noise levels higher than any of other residential activity in the neighborhood. The proposal will be held to the same noise-related standards applied to the surrounding residential uses.

SECTION 17.136.050(A)-REGULAR DESIGN REVIEW FINDINGS **For Residential Facilities**

1. That 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 texture.

The proposal relates to the site configuration by being designed as three building wings, with multiple levels of horizontal roof, upper story setbacks, design articulation and details, and quality materials and earth-tone colors. The front ground-floor level provides glazed surfaces, aluminum framing for the storefront doors and windows and large awnings to emphasize the commercial space and enhance street definition so that it relates to the setting of the surrounding commercial properties. The upper facade is designed to manage building mass, including a stepped wall profile, traditional windows, bay windows, recessed decks, balconies, terraces, wood arbors, lattices, cornices, large eaves, reveal joints and distinctive materials such as colored brick, redwood and fiber-cement lap siding to create visual interest. The five-story building steps down to three-stories toward the west and its design is articulated to manage scale to transition and relate to the setting of the neighboring residential properties.

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

The proposal is designed in a manner that enhances the commercial corridor along Broadway, thus protecting and preserving the desirable retail neighborhood characteristics. As discussed in the Criteria 1 above, the proposed building design relates to the setting of the surrounding residential properties. The proposal includes an underground garage that will not impact the visual character of the neighborhood. The garage entry is located on the corner side of the property on 51st Street. Its transparent roll-up metal garage door is recessed from the street to minimize its visibility from the main corridor and new landscaping will provide screening to the abutting residential properties.

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

The proposal will take place on a fairly level site except for the grading required to construct the underground garage. The site does not have landscaping, but the proposal is subject to a Tree Removal Permit by the City's Public Works/Tree Division to remove three (3) street trees, located in front of the

FINDINGS

property on Coronado Avenue. As part of the project, the proposal includes the installation of seventeen (17) new street trees (24-inch size box) along Broadway, Coronado Avenue and 51st Street. In addition, approximately thirty-eight (38) more trees are proposed within the property, including on the rear upper terraces and on the rooftop deck.

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

The proposal is not located on a hill.

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 in all respects to the Oakland General Plan and is consistent with the City's policy framework for providing development of infill sites along major corridors. (See also General Use Permit Criteria, Finding "E").

SECTION 17.136.075 (D) DESIGN FINDINGS FOR DEMOLITION OF STRUCTURES RATED "C"

Regular Design Review Approval for the demolition or removal of any structure rated "C" by the Oakland Cultural Heritage Survey or contributes to an Area of Secondary Importance (ASI) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and to either: 1., 2., or 3., below:

- 1. The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood; or**
- 2. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure and the proposed replacement project is compatible with the character of the neighborhood. or**
- 3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.**

The project proposal conforms to the general Design Review Criteria as listed above in Section 17.136.050(A). The vacant commercial building at 5107 Broadway was constructed in the 1920's as a factory display-showroom. Its utilitarian design has large multi-lite front window openings and transom windows. The main entry has been altered, the transom windows and some of the large windows to the south have been infilled and other large windows have been boarded with plywood. Overall, the building lacks the character-defining features of the original design or have been permanently concealed, thus the building design is undistinguished and does not warrant retention. In contrast, the proposed project design as discussed in the Design Review Findings above, is compatible with the character of the neighborhood.

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ATTACHMENT B

CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following Conditions of Approval:

1. **Approved Use**
Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, and the *revised* plans dated **April 28, 2014**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval is for the construction of a mixed use development of 5-story, 174,608 square feet, 127 senior housing-residential care units, ground-floor commercial space, and underground garage for 106 parking spaces.

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

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

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

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

4. **Conformance with other Requirements**

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, 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.

CONDITIONS OF APPROVAL

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

6. **Signed Copy of the Conditions**

With submittal of a demolition, grading, and building permit

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

7. **Indemnification**

Ongoing

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

8. **Compliance with Conditions of Approval**

Ongoing

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

9. **Severability**

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if one or more of such conditions is found to be invalid by a court of competent

jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. 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 plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) 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.
- c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. 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. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
- d) 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 final inspection of the building permit

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 **or a 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 Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

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

16. Landscape Maintenance.

Ongoing

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

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 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) Install additional standard City of Oakland streetlights along the frontage of the property and/or other locations as required by the City.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard along the frontage of the property and/or on other locations as required by the City.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards at designated street locations along the frontage of the property and/or on other locations as required by the City.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage along Broadway, Coronado Avenue and 51st Street and/or on other locations as required by the City.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards as applicable 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 Matrix

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

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

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

23. 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

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. Construction Traffic and Parking

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

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

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces in the residentially zoned areas.
- 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.

32. 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.

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. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. Exposure to Air Pollution (Toxic Air Contaminants)**a. Health Risk Reduction Measures**

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose **one** of the following methods:

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with the California Air Resources Board (CARB) and the Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.
- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
 - Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents, and other sensitive populations, in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
 - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.

- The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods, if feasible.
- Sensitive receptors shall not be located on the ground floor, if feasible.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
- Within the project site, sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
- Within the project site, existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Within the project site, emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes.
 - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Planning and Zoning Division

Monitoring/Inspection: Building Services Division

b. *Maintenance of Health Risk Reduction Measures*

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

When Required: Ongoing

Initial Approval Authority: N/A

Monitoring/Inspection/Enforcement: Building Services Division

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

Ongoing throughout demolition, grading, and/or construction

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

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Air Resources Board Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
- h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.
- j) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- l) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- n) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- o) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- p) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- s) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- t) Minimize the idling time of diesel-powered construction equipment to two minutes.
- u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.
- v) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- x) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

50. Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter)

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

- A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:

- iii. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
- iv. The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
 - a) Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).
 - b) Do not locate sensitive receptors near distribution center's entry and exit points.
 - c) Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.
 - d) Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.
 - e) Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.
 - f) Install indoor air quality monitoring units in buildings.
 - g) Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

B. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

51. Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)

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

- A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential risk due to exposure to toxic air contaminants to achieve an acceptable interior air quality level for sensitive receptors. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.

- B. Exterior Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants

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

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

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

- a) The following information shall be submitted to the Building Services Division for review and approval with the application for a building permit:
- Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards.
 - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below.
 - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- b) The set of plans in subsection (a) shall demonstrate compliance with the following:
- CALGreen mandatory measures.
 - All pre-requisites per the **LEED / GreenPoint Rated** checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.
 - Insert green building point level/certification requirement: (See Green Building Summary Table; for New Construction of Residential or Non-residential projects that remove a Historic Resource (as defined by the Green Building Ordinance) the point level certification requirement is 75 points for residential and LEED Gold for non-residential) per the appropriate checklist approved during the Planning entitlement process.**
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Planning and Zoning Division that shows the previously approved points that will be eliminated or substituted.
 - The required green building point minimums in the appropriate credit categories.

During construction

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

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

After construction, as specified below

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

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

Prior to issuance of a building permit

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

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

During construction

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

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

SPECIFIC PROJECT CONDITIONS

54. Improvements in the Right-of-Way

Prior to the issuance of a demolition, grading or building permit and/or final building inspection/Ongoing

- a) Ensure that Project driveways on 51st Street and Coronado Avenue provide adequate sight distance of the pedestrians in both directions of the adjacent sidewalk and for vehicles on the adjacent streets.
- b) Ensure that trucks can enter and exit the loading area without conflicting with parked vehicles on Coronado Avenue.
- c) Ensure that the reconstruction of the northwest corner of the 51st Street/Pleasant Valley Avenue/Broadway provides continuous sidewalks along both Broadway and 51st Street and that directional curb ramps are provided at the intersection crosswalks.
- d) Identify location and amount of short-term and long-term bicycle parking, consistent with the City of Oakland Bicycle Parking Ordinance.
- e) Install a bulb-out at the southwest corner of the Coronado Avenue/Broadway intersection to increase pedestrian visibility and shorten pedestrian crossing time.
- f) Widen the existing median on the south approach of the intersection to provide a pedestrian refuge.

- g) If the planned Safeway Project is canceled or the Merrill Gardens Project is constructed first, signalize intersection to provide a protected signalized pedestrian crossing of Broadway.

55. New Business Signage***Ongoing***

Any new business signage on the property shall require a separate design review application and permit by the Planning and Building Service Division.

56. New Street Trees in Front of the Property***Prior to issuance of a demolition, grading, or building permit to construct***

The plans shall indicate a minimum of seventeen (17) street trees along the Broadway, Coronado Avenue and 51st Street frontage. Said trees shall meet the City's standard specifications for tree planting of the Public Works/Tree Division.

57. Landscape Maintenance.***Ongoing***

All required planting and landscape improvements installed on-site and off-site shall be permanently maintained in good condition and, whenever necessary, replaced to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

58. Screening of HVAC/Utility Meters and Equipment***Prior to issuance of a demolition, grading or building permit/Ongoing***

The applicant shall submit construction plans that show details for the screening of all exterior HVAC, utility meters and related equipment from public view.

59. Storefront Windows and Doors***Prior to issuance of a demolition, grading, or building permit***

The applicant shall submit construction plans that provide details for the new storefront windows and doors. All of the windows and door glass shall be clear. Also, the applicant shall keep all of the façade windows and doors clear of visual obstruction including window/door coverage materials, except for the future proposal of new business signage that meets Section 17.104.020 (k) of the Oakland Planning Code.

60. Trash and Recyclable Containers Odor Control/Loading Area***Ongoing***

The trash and recycling containers shall be kept and maintained and placed away from public view, except for during regular service pick up dates. The applicant shall sweep around these containers and the loading area daily, and use power-generated steam equipment in this area once weekly or as often as required.

61. Garage and Parking***Ongoing***

The garage and parking stalls shall be maintained as required off-street parking spaces for the intended residential and commercial units including for the employees of the residential care facility. The garage and/or parking stalls shall not be used or converted for any other purpose without prior review and approval by the Oakland Department of Planning and Building.

62. Screening of Utilities and Replacement of Children's Hospital Signage***Prior to issuance of a demolition, grading, or building permit***

- a) The applicant shall submit construction plans that provide details for the screening if needed, of all new utilities, located in the City Right-of-Way including those located in the new landscaped pedestrian plaza.
- b) The applicant shall submit construction plans that show the reinstallation of the existing free-standing Children's Hospital directional signage, located in the City Right-of-Way. The signage shall function to its original design.

63. Senior Citizen Transportation/Shuttle Van***Prior to issuance of Building Permits***

The applicant shall submit to the Planning Services Division a shuttle van plan for review and approval with details of the shuttle operation including frequency, operator information, hours of operation and proposed route(s). The applicant shall implement the operations on the approved plans.

64. Delivery Restrictions***Ongoing***

The facility will include restrictions on vendors and other delivery vehicles that prohibits use of Coronado Avenue beyond the loading driveway (i.e. restricted on the one-way portion of Coronado). All deliveries and loading operations shall be scheduled between 7:00AM and 8:00PM (except for emergencies).

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 _____. 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.

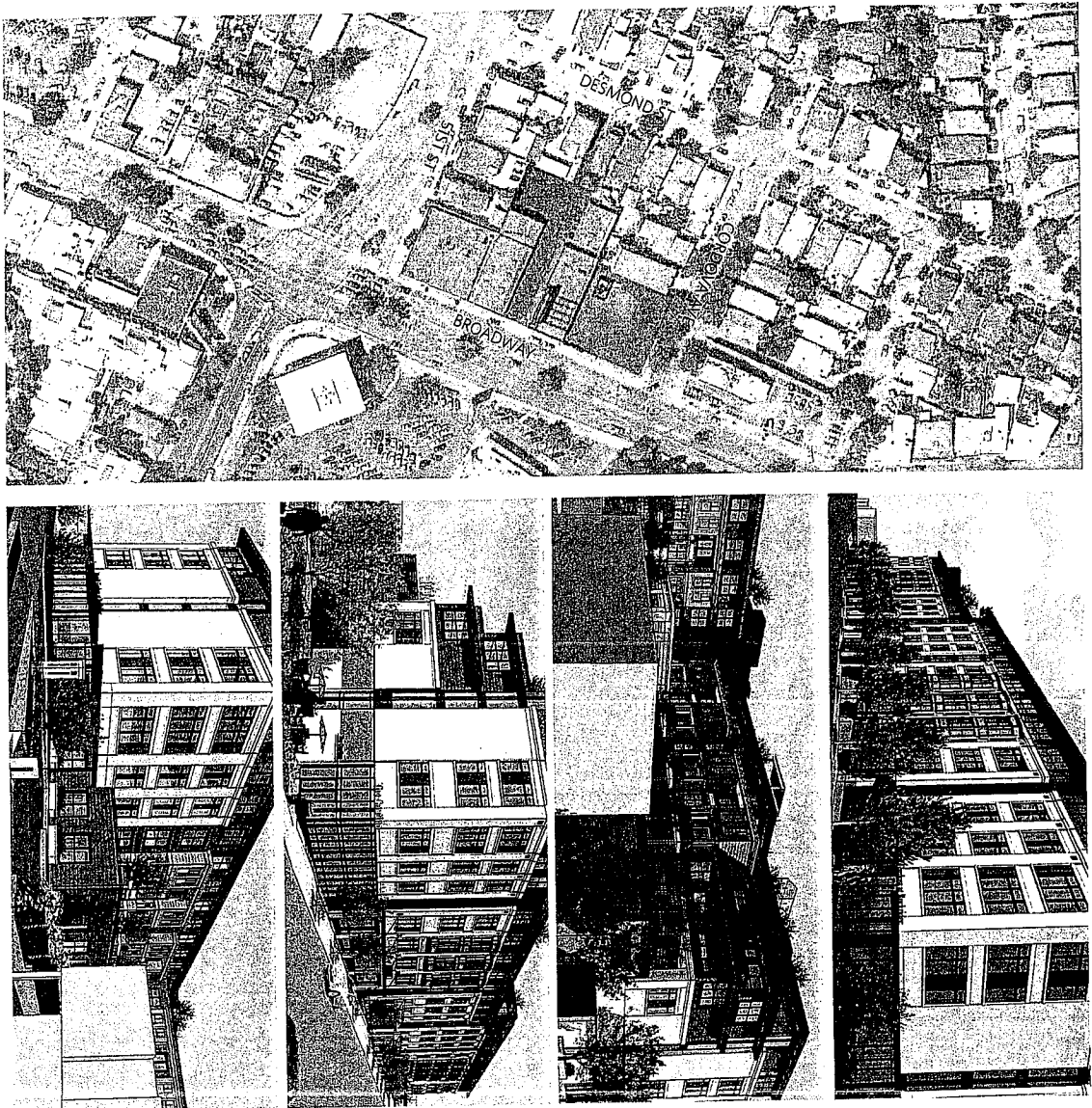
Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

Merrill Gardens at Rockridge

5107-5175 Broadway Oakland, CA 94611

Planning Commission Review | May 15, 2014



OWNER/OPERATOR
MERRILL GARDENS
 1938 FAIRVIEW AVE. E. SUITE 300
 SEATTLE, WA 98102
 PHONE: 206-676-5300
 CONTACT: BILLY PETTIT
 E-MAIL: wpettit@merrillgardens.com

DEVELOPER/CONTRACTOR
SRM DEVELOPMENT
 111 N. POST STREET, SUITE 200
 SPOKANE, WA 99201
 PHONE: 509-455-5477
 CONTACT: RYAN LEONG
 E-MAIL: ryan@srmdvelopment.com

ARCHITECT
URBAL ARCHITECTURE
 1938 Fairview Ave E Suite 100
 SEATTLE, WA 98102
 PHONE: 206-257-0972
 CONTACT: CHAD LORENTZ
 E-MAIL: chad@urbalarchitecture.com

Neighboring Properties

Proposed:
 Architectural Drawings
 Plans
 Sections
 Elevations
 Civil Plans
 Landscape Plans

Architectural Renderings:

LANDSCAPE ARCHITECT
WEISMAN DESIGN GROUP
 2329 E MADISON ST.
 SEATTLE, WA 98112
 PHONE: 206-322-1732
 CONTACT: ANDY RASMUSSEN
 E-MAIL: andy@wdg.com

CIVIL ENGINEER
HUMANN COMPANY, INC.
 1021 BROWN AVE.
 LAFAYETTE, CA 94549
 PHONE: 925-283-5000
 CONTACT: IZZAT NASHASHIBI
 E-MAIL: izzat@humannco.com

GREEN BUILDING CONSULTANT
INBALANCE GREEN CONSULTING
 100 CROSS ST., SUITE 204
 SAN LUIS OBISPO, CA 93401
 PHONE: 805-235-6355
 CONTACT: ANDREA PEASE
 E-MAIL: andy@inbalancegreen.com

MERRILL GARDENS
A new 27-story apartment community

SRM
 DEVELOPMENT LLC
 ARCHITECTURE

APR 13 2014
 Planning
 DR 13-320
 REVISED SET

ATTACHMENT C

PROJECT DESCRIPTION
CONSTRUCTION OF A 5-STORY, 174,608 GSF MIXED USE BUILDING
CONTAINING 127 ASSISTED-LIVING RESIDENTIAL UNITS WITH AS-
SOCATED COMMON AMENITY SPACES, 7,743 SF OF STREET-LEVEL
RETAIL AND PARTIALLY BELOW-GRADE PARKING GARAGE CONTAIN-
ING 106 PARKING SPACES. FACILITY TO BE OPERATED 24 HRS/DAY,
WITH APPROXIMATE PEAK STAFF OF 20.

PROJECT DATA

Building Name: Merrill Gardens at Rockridge
Client: Merrill Gardens
Address/Location: 5107/5115 Broadway, Oakland, CA 94611
Site Area: 49,955 sq ft
Zone: CC-2
Building Code: 2013 California Building Code
Proposed Use: Residential Care, Retail

PROJECT GROSS FLOOR AREA: (in Square Feet)

Floor Level	puting	retail	residential	leasable storage	common amenity	circulation	house utility	TOTAL	outdoor decks
P2	20,606	1,529				628	2,306	25,269	
P1	19,194	6,214				630	1,087	27,125	
L1			6,140		20,493	1,876	1,373	29,882	5235
L2			23,335			4,013	864	28,212	
L3			22,895			3,953	864	27,760	
L4			19,800			2,075	211	24,617	7390
L5			9,457					11,743	
TOTAL	40,000	7,743	81,627	0	20,493	17,176	7,568	174,608	12,629

UNIT INFORMATION

Unit Distribution	M.C. Single	M.C. Double	Studio	1 br/1 ba	2 br/2 ba	TOTAL
L1	12	2				14
L2			11	17	6	34
L3			11	19	4	34
L4			13	15	3	31
L5			4	8	2	14
TOTAL	12	2	59	59	15	127

Unit Mix

Unit Type	# of Units	%
M.C. Single	12	9.4%
M.C. Double	2	1.6%
Studio	39	30.7%
1 br/1 ba	59	46.5%
2 br/2 ba	15	11.8%
Totals	127	100%

Average Unit Size

Res	# of Units	Avg. GSF
81,627	127	643

PARKING INFORMATION

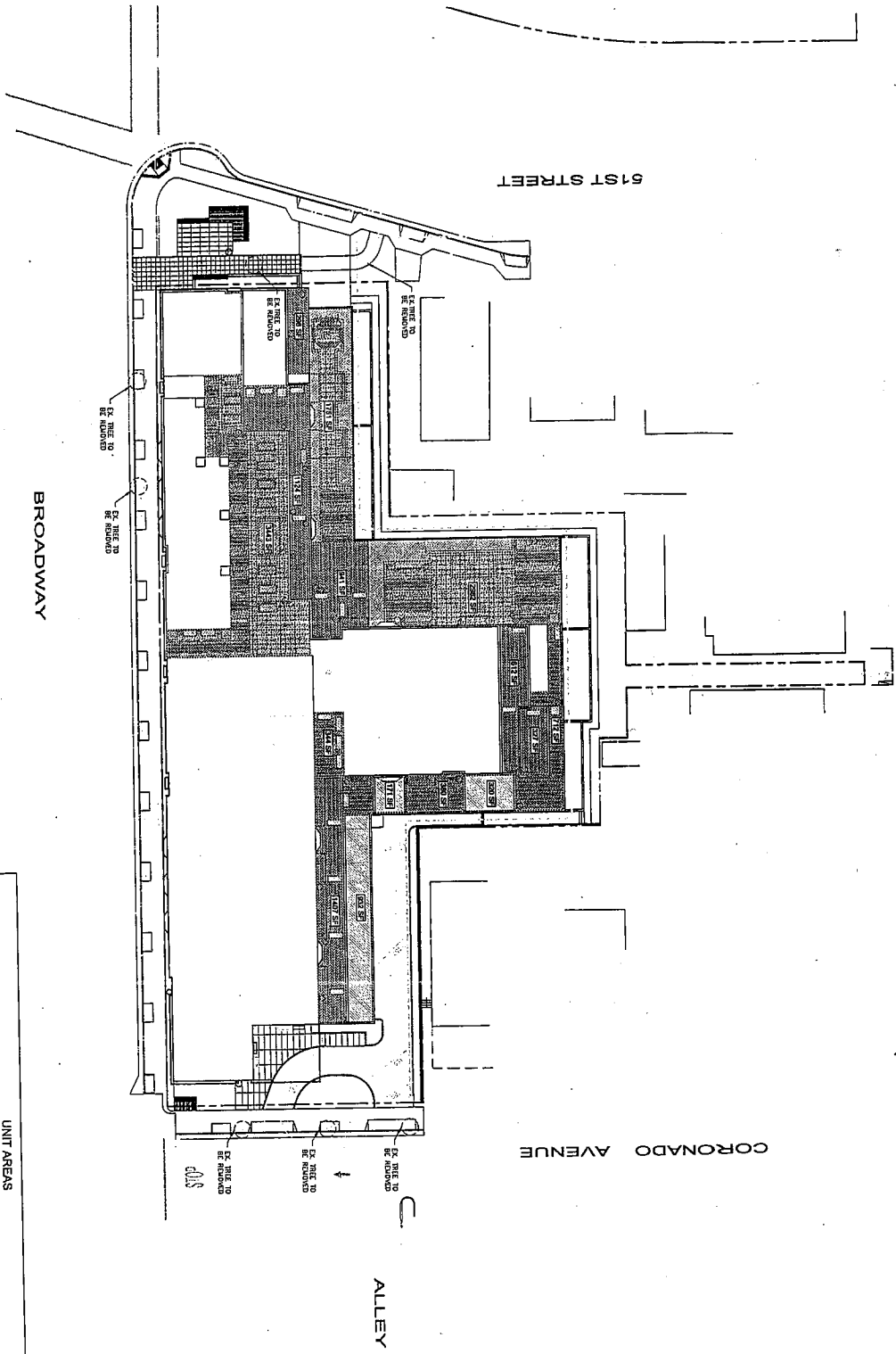
	Residential Parking	Retail Parking	ADA	ADA-van	Total
P2	16	7	1	1	25
P1	36	14	1	1	52
TOTAL	52	21	2	2	77
					total retail parking
					code minimum
					19

DENSITY INFORMATION

Unit Density Unit	Site Area/Unit	# of Units	Site Area
	per Unit (sf)		Applied (sf)
MC Units	185	12	2220
AL Units	375	115	43125
TOTAL			45345

	Maximum	Site Area
	FAR	Floor area (sf)
	3	7,743
	Retail	2581
TOTAL		2581
	Total + Residential	47926
Site Area		49955

Maximum Allowable Units	133
Aspirations	127
Units Proposed	127



UNIT AREAS													TOTAL
PRIVATE	296	1124	941	612	712	327	320	380	171	344	932	1407	7566
GROUP										1751	3443	2982	8176

SCALE 1"=20'-0"

DATE 11/09/13

DRAWN T.E.

CHECKED A.H.

REVISIONS

L-200

MERRILL GARDENS
AT ROCKRIDGE
OAKLAND, CA

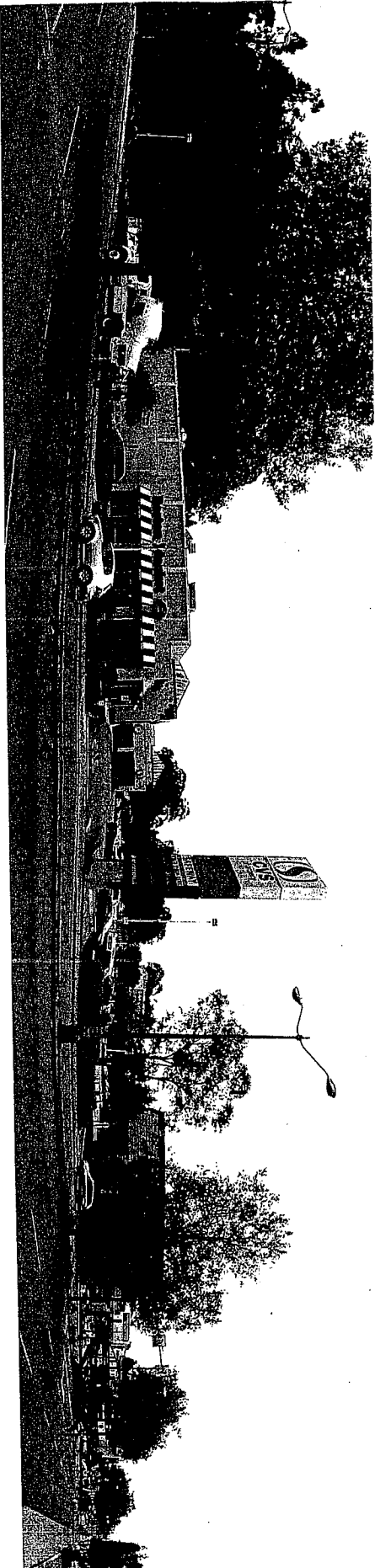
WEISMANDESIGNGROUP

LANDSCAPE ARCHITECTS

3278 E. MADISON ST.
SEATTLE WA 98117

206-321-1722
WWW.WEISMANDESIGNGROUP.COM





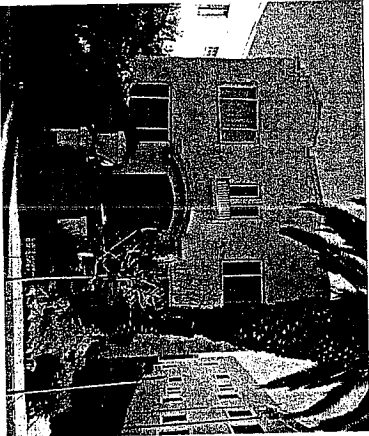
5050-5100 BROADWAY



310 51st ST.



316 51st ST.



320 51st ST.

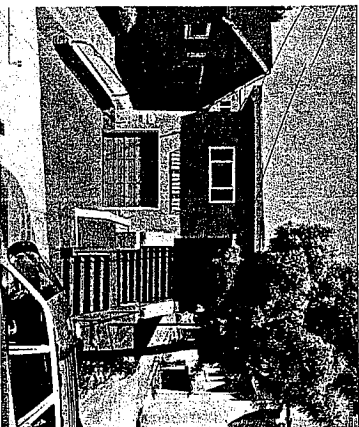


324 51st ST.

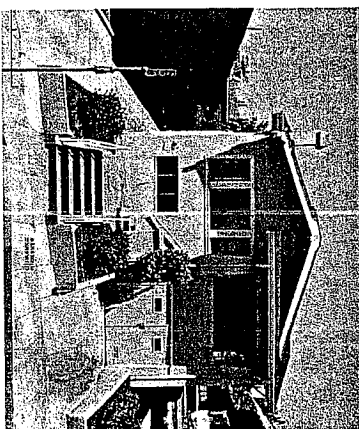
NEIGHBORING PROPERTY PHOTOS



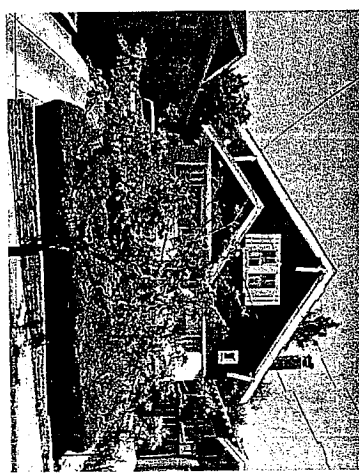
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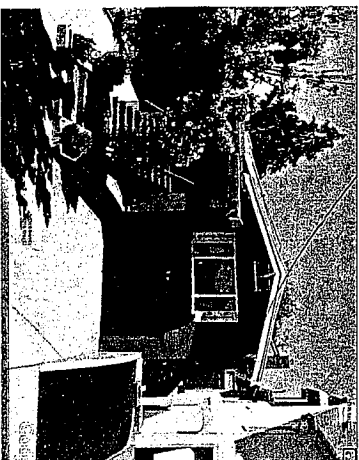
5107 DESMOND ST.



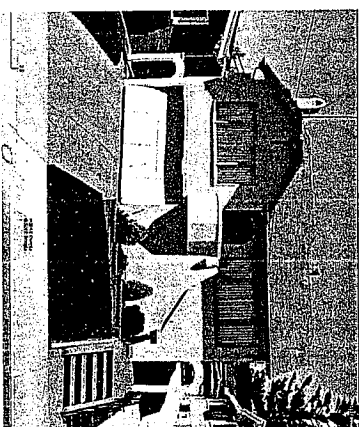
5111 DESMOND ST.



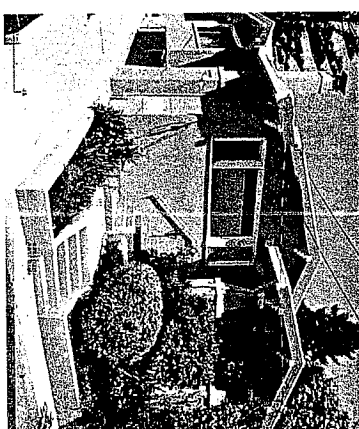
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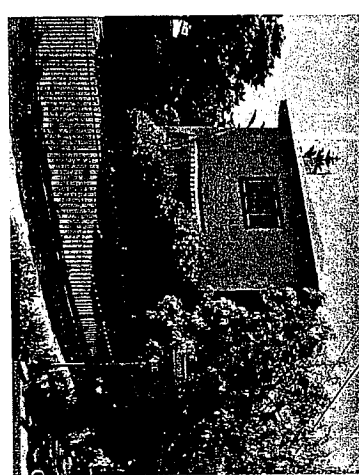
5119 DESMOND ST.



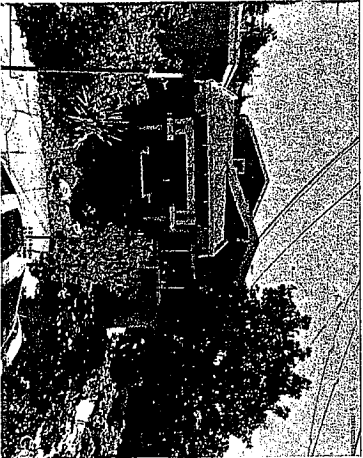
5125 DESMOND ST.



5131 DESMOND ST.



5188 CORONADO AVE.



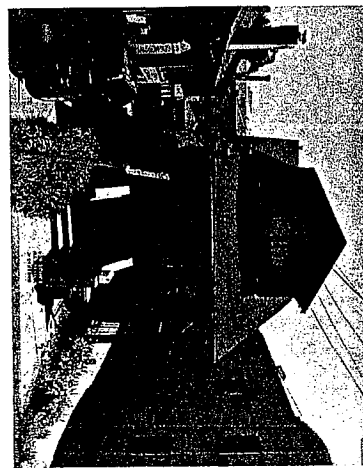
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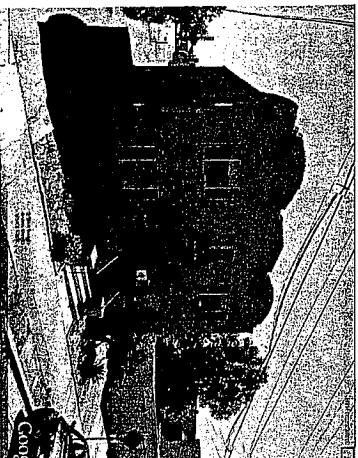
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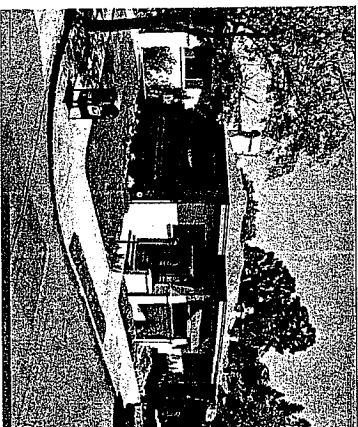
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5122 DESMOND ST.



5116 DESMOND ST.



5204 DESMOND ST.



5200 CORONADO AVE.



5222 CORONADO AVE.



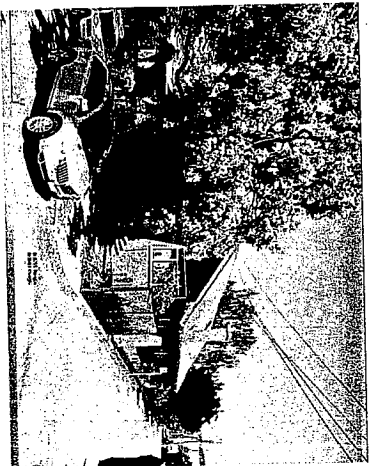
5230 CORONADO AVE



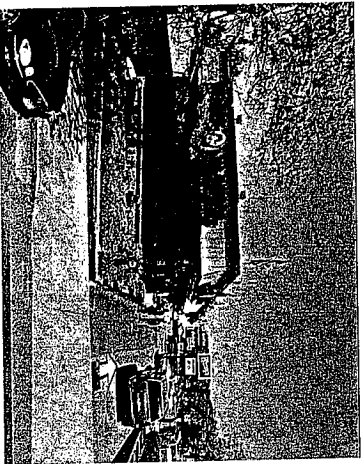
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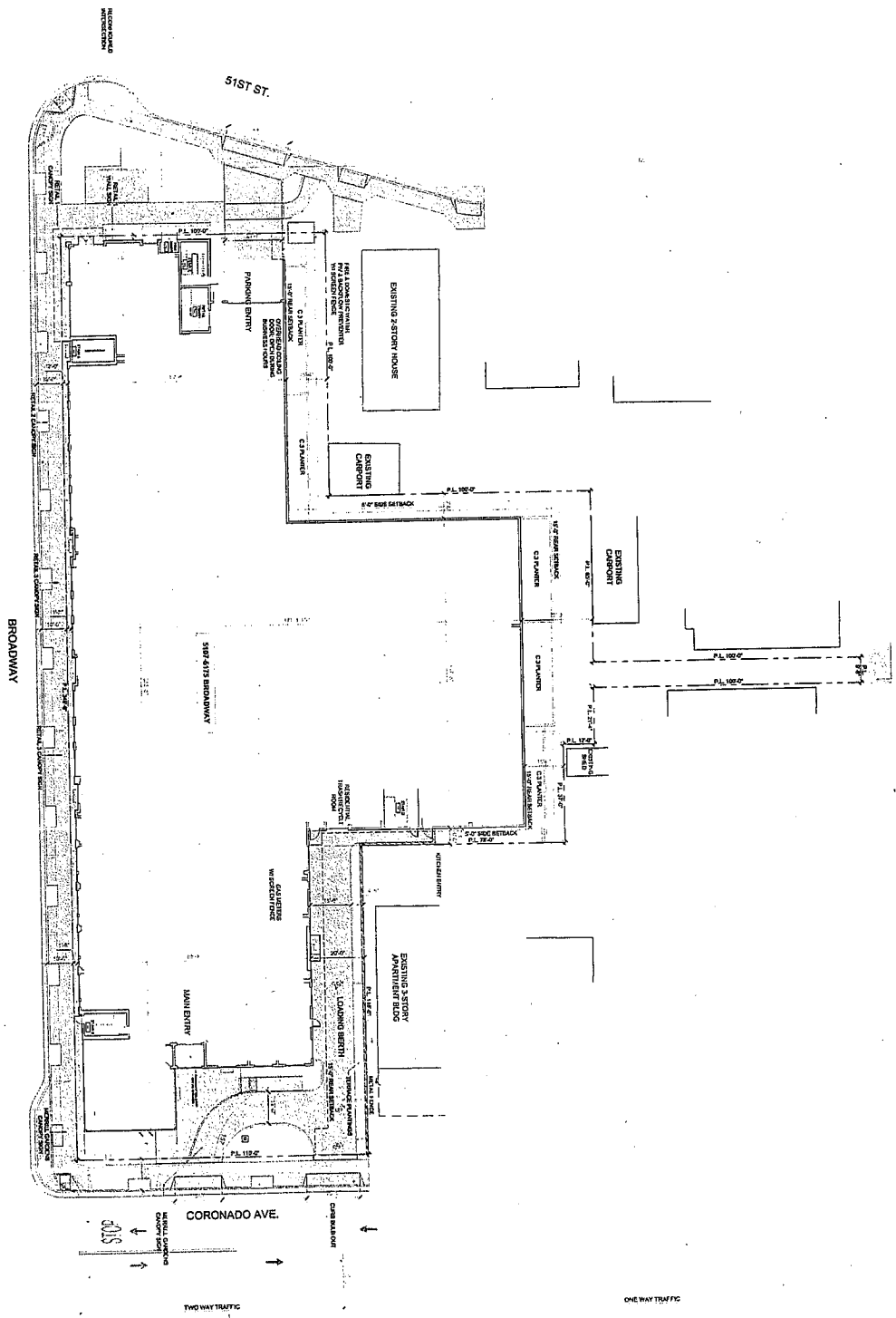
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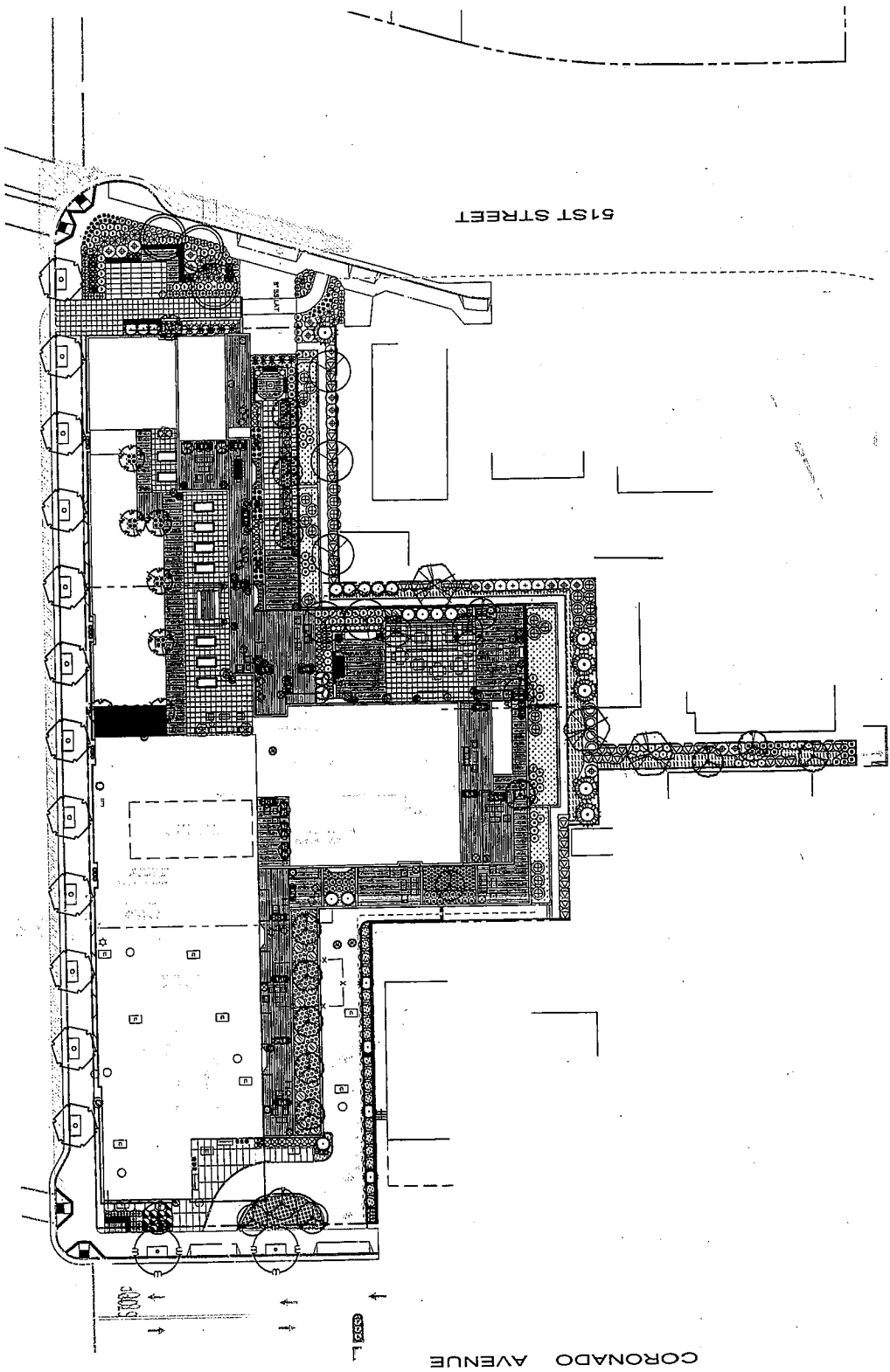


5231 CORONADO AVE



5211 BROADWAY





SYMBOL	QTY.	BOTANICAL /COMMON NAME	SIZE /CONDITION /REMARKS
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STREET TREES

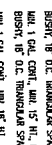
SMALL / MEDIUM SHRUBS

WIL. 16'-20' HT. & SPREAD, DRY AND BUSHY, SPACING IS SHOWN ON PLAN.

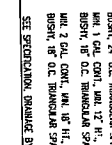
GRASSES, PERENNIALS & GROUNDCOVERS, CONT.

1. IMPER. UNWEED, 10" G. BLVD. 10' x 10' G. CONT., 10' x 12' H.

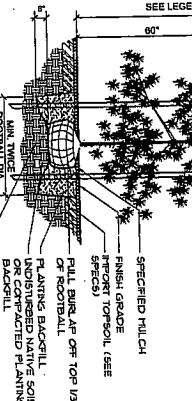
MIN. 1 GAL. CONT.; MIN. 12" HT.



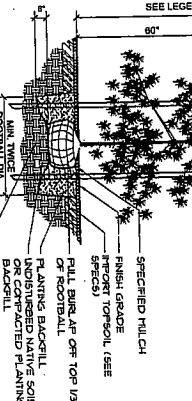
MIN. 1 GAL. CORN., WBL. 12 HI.,
BUSBY 36" O.T. TRIANGULAR SP.



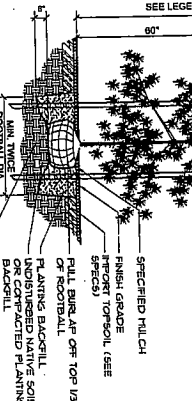
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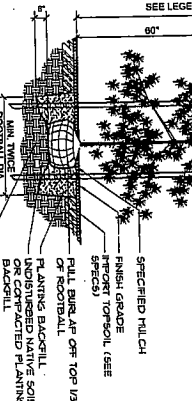
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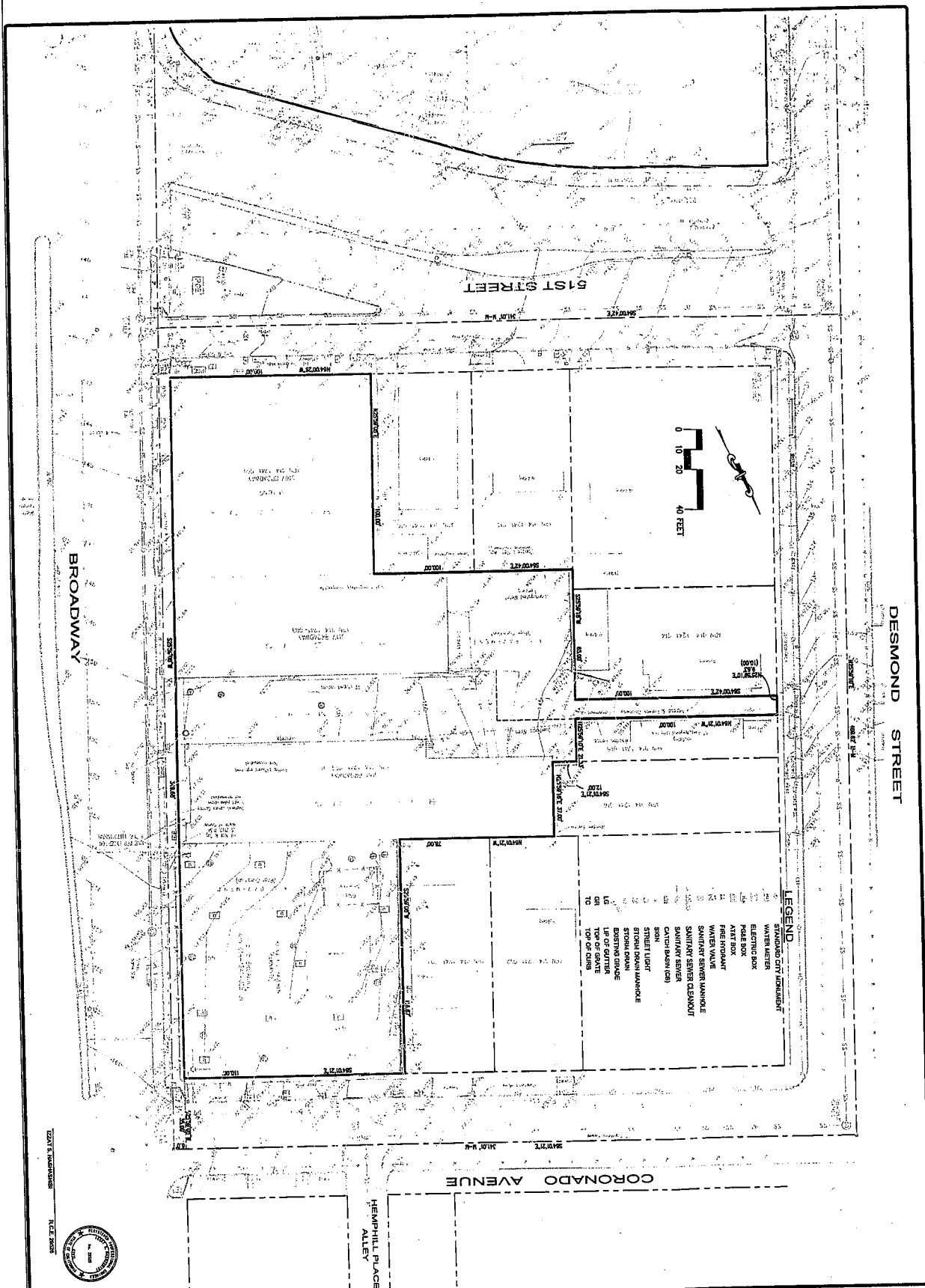


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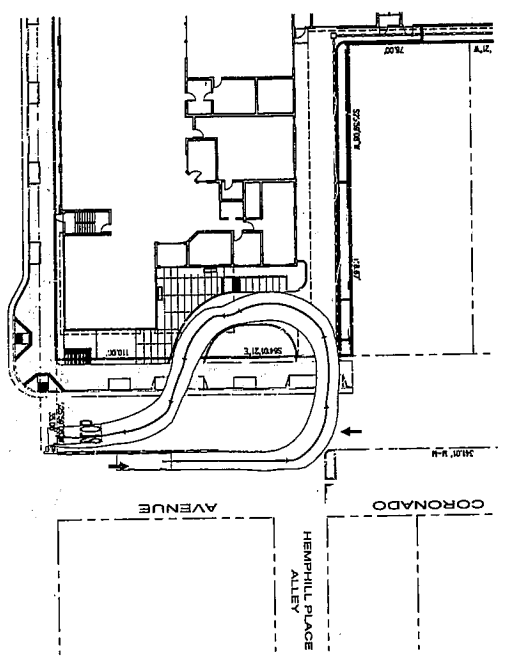
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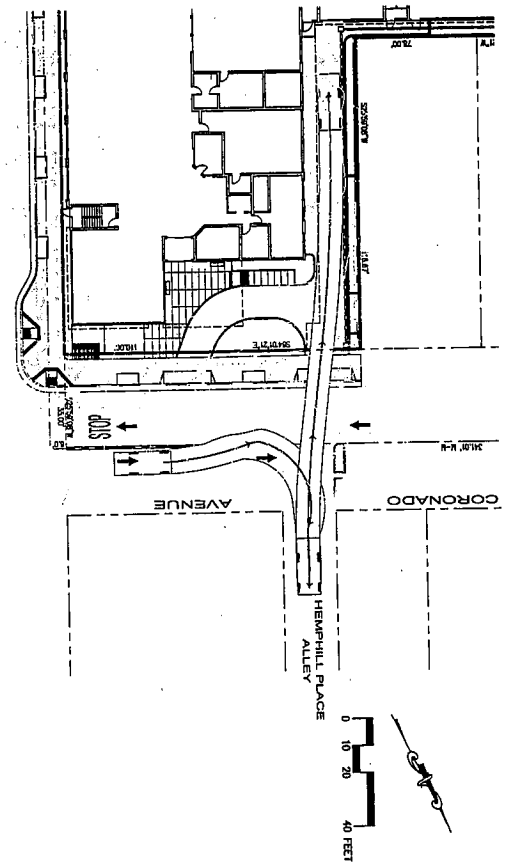


JOB NO. 120231	SHEET OF 7 SHEETS C02	 RUHANN COMPANY INC. ENGINEERING - SURVEYING 1601 BROWN AVE. LA JAVITA, CA 92038 PH (602)385-5000 FAX (602)385-3076	MERRILL GARDENS AT ROCKRIDGE EXISTING CONDITIONS		SCALE 1"=20'	REVISIONS
			5107-5175 BROADWAY OAKLAND CALIFORNIA		DATE 06/14/2014	
					ENGINEER H. N.	
					JOB NO. 12031	

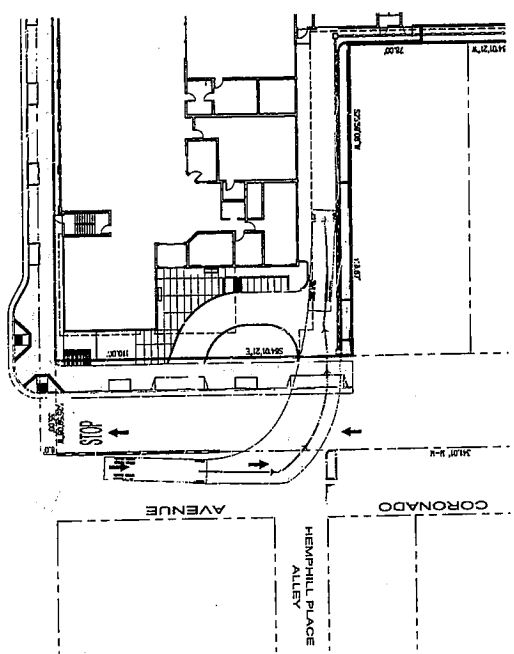
PASSENGER VAN (20')



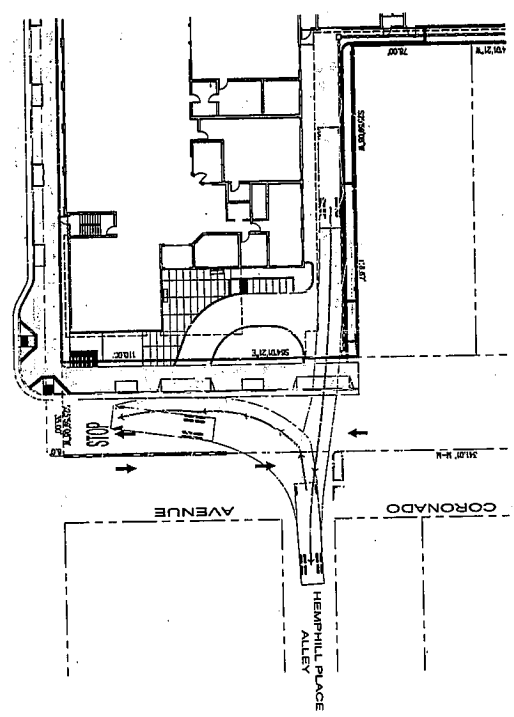
UPS TRUCK (21')



TURN IN
(SHOWN FOR 37' TRUCK)



BACK OUT
(SHOWN FOR 37' TRUCK)



DATE: 04/14/2014 RCL: 2014



HUMANN COMPANY INC.
ENGINEERING - SURVEYING
1021 BROWN AVE., LAFAYETTE, CA 94540
PH (925) 943-5000 FAX (925) 943-5075

SHEET **C03**
OF 7 SHEETS
JOB NO. 12001

MERRILL GARDENS AT ROCKRIDGE
TRUCK TURNING EXHIBIT
5107-5175 BROADWAY
OAKLAND CALIFORNIA

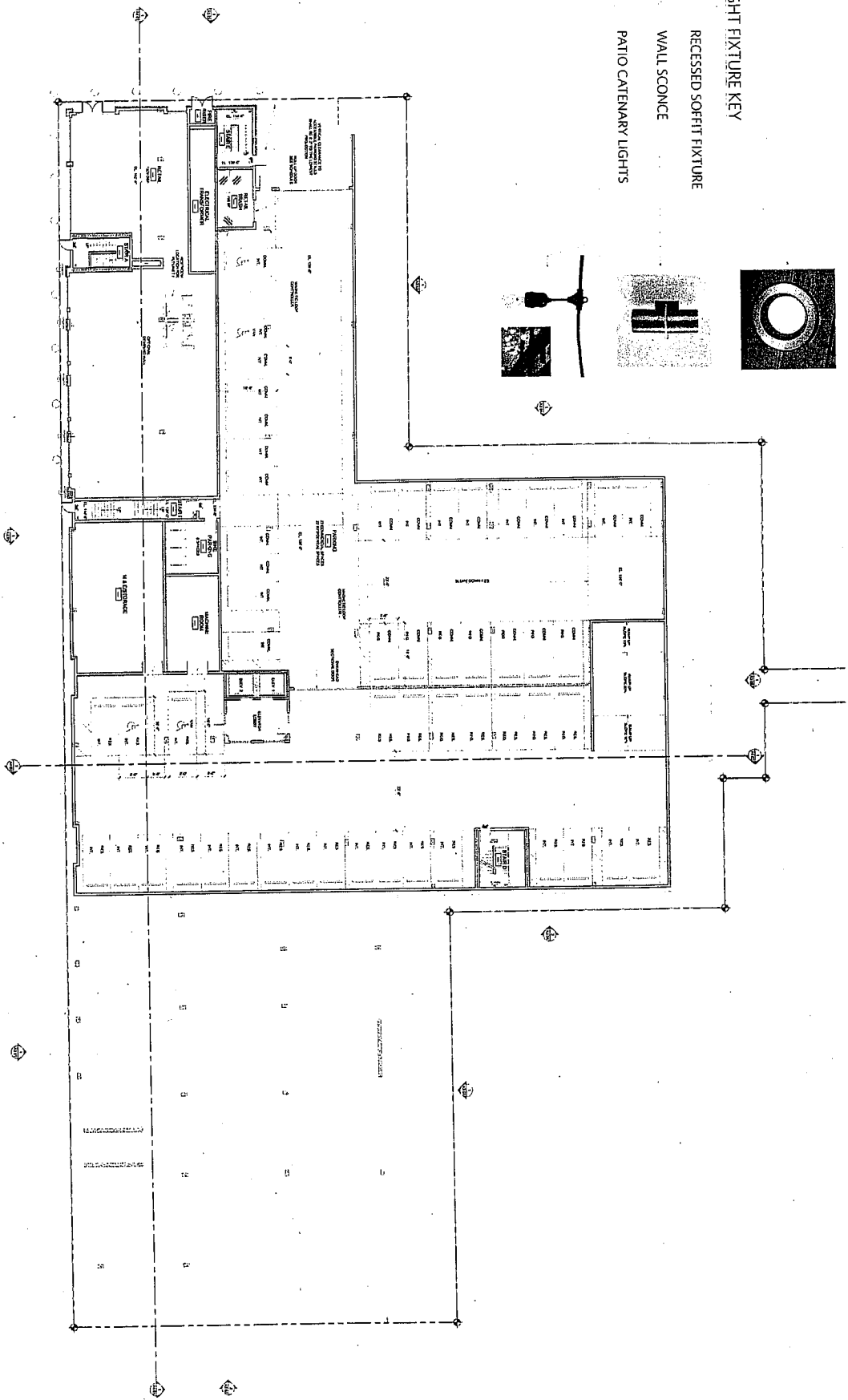
REVISIONS	
SCALE	1"=20'
DATE	04/14/2014
ENGINEER	H. N.
JOB NO.	12001

LIGHT FIXTURE KEY

RECESSED SOFFIT FIXTURE

WALL SCONCE

PATIO CATENARY LIGHTS

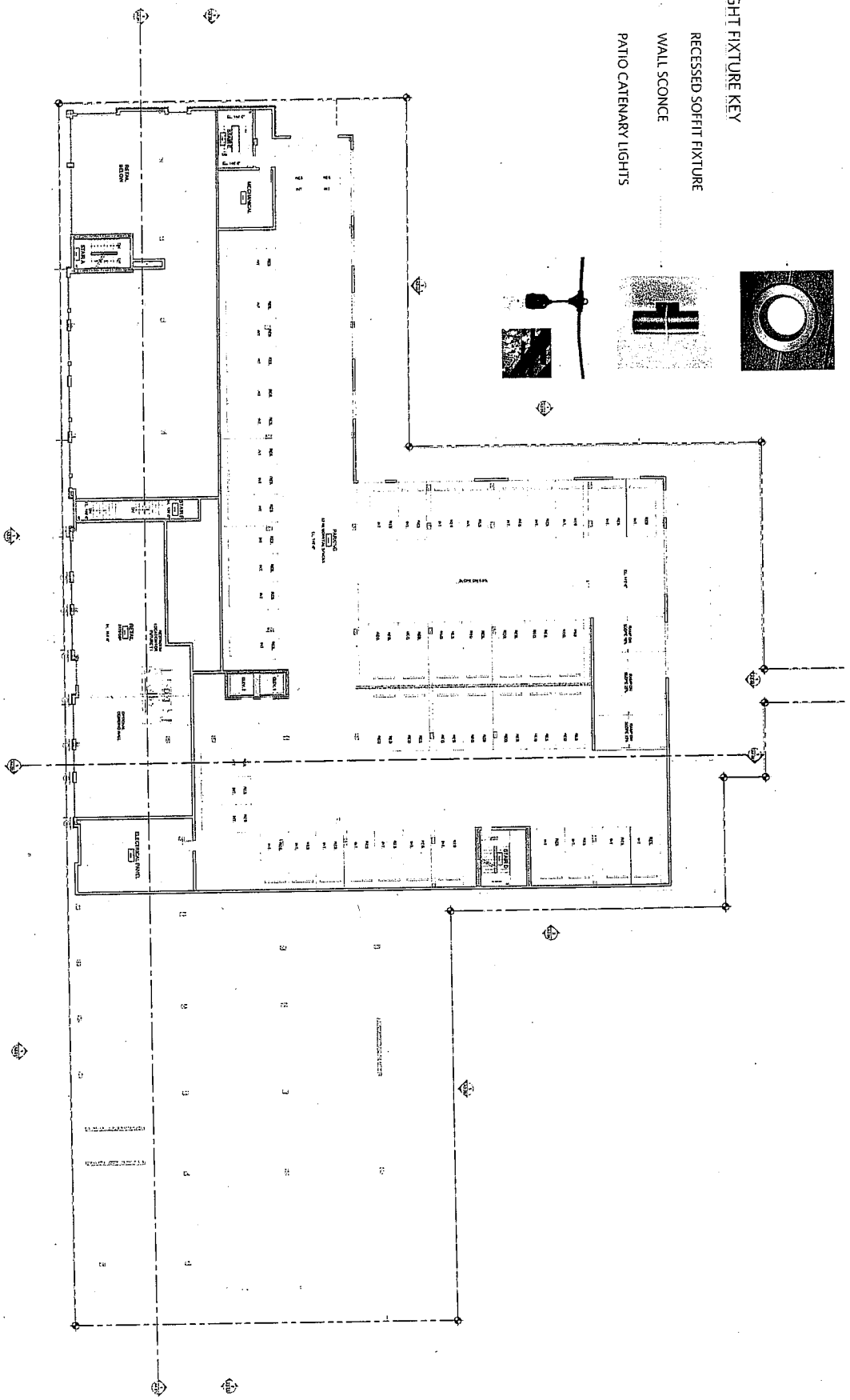


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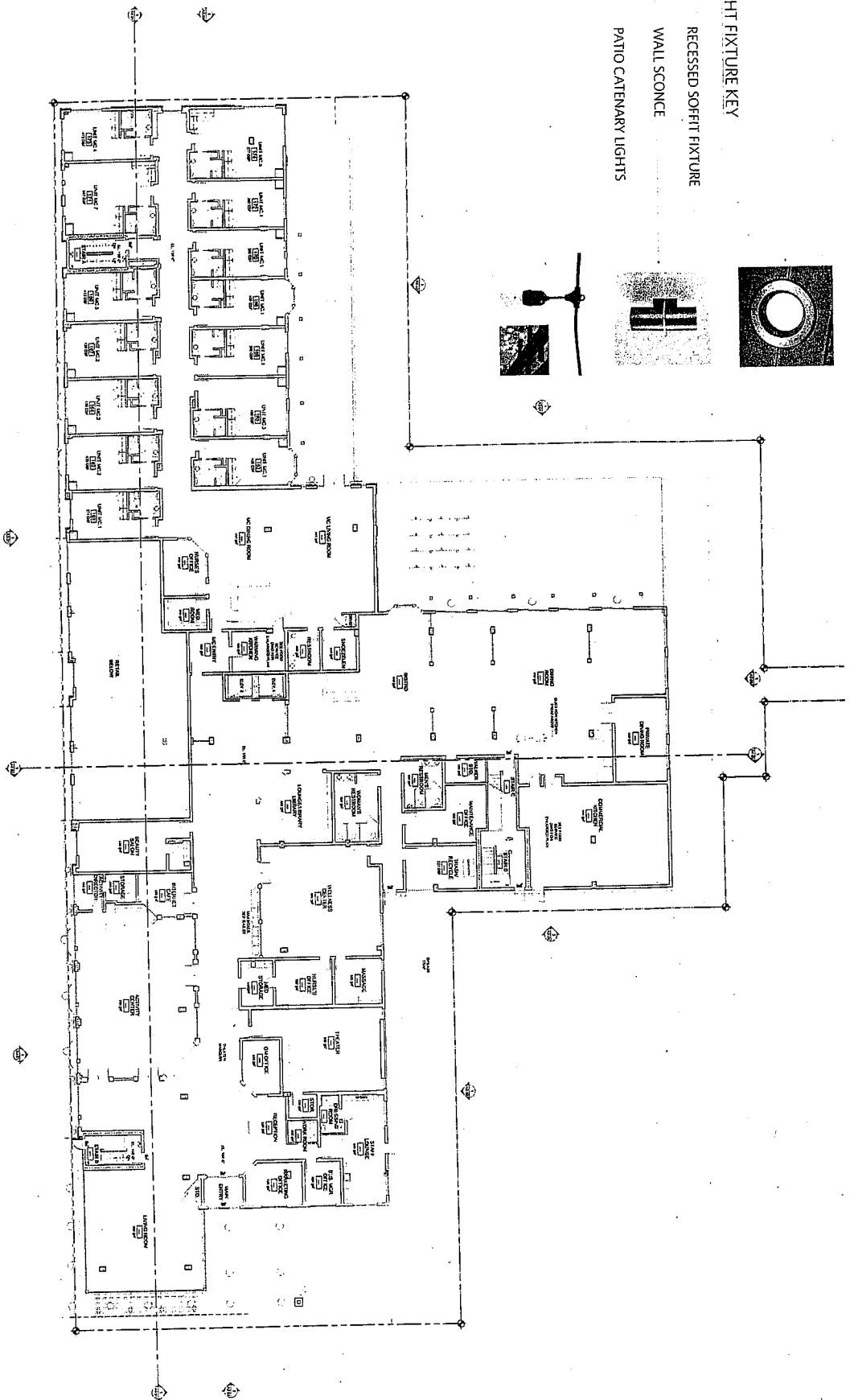
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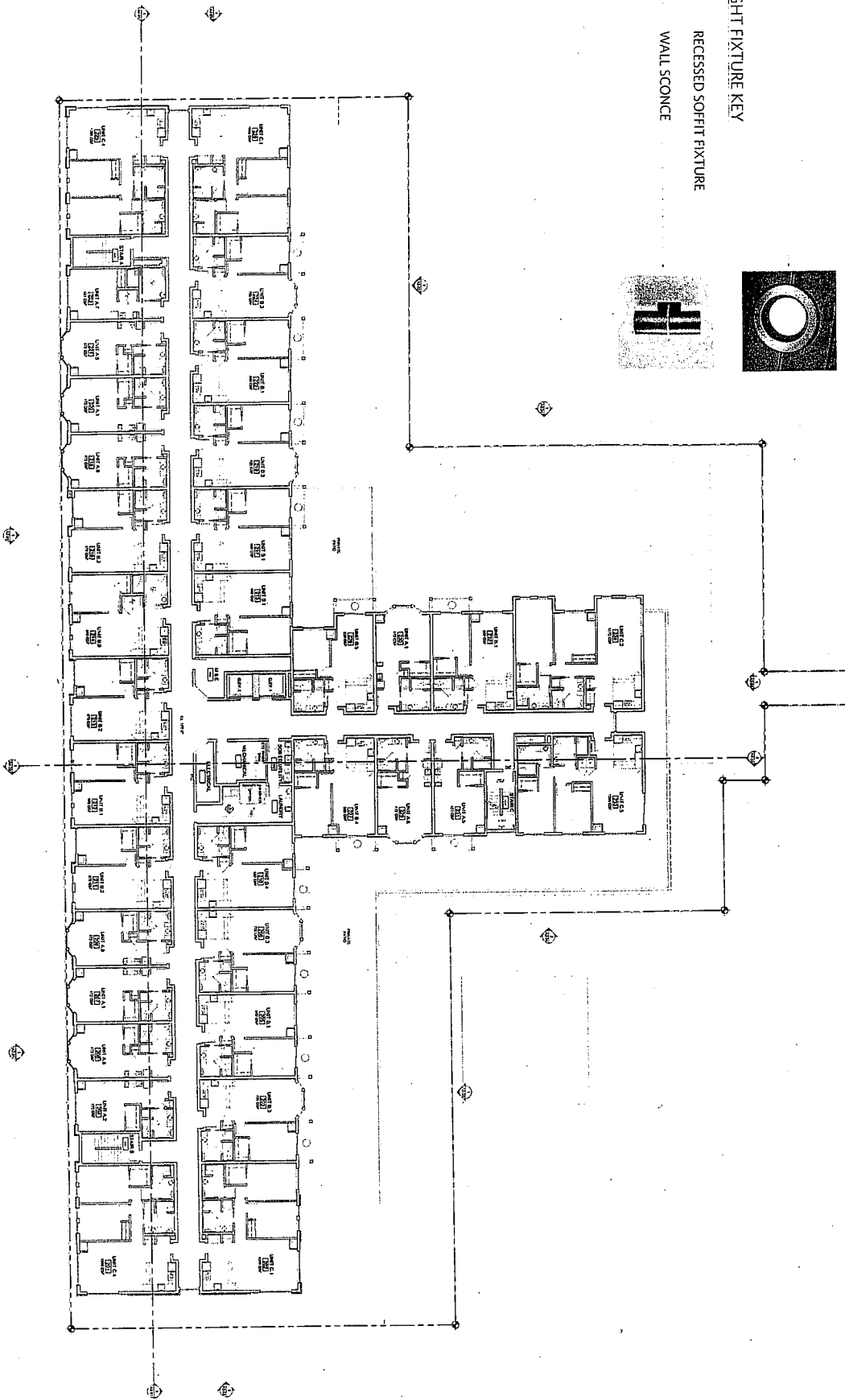
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PATIO CATENARY LIGHTS



WALL SCONCE
PATIO CATENARY LIGHTS



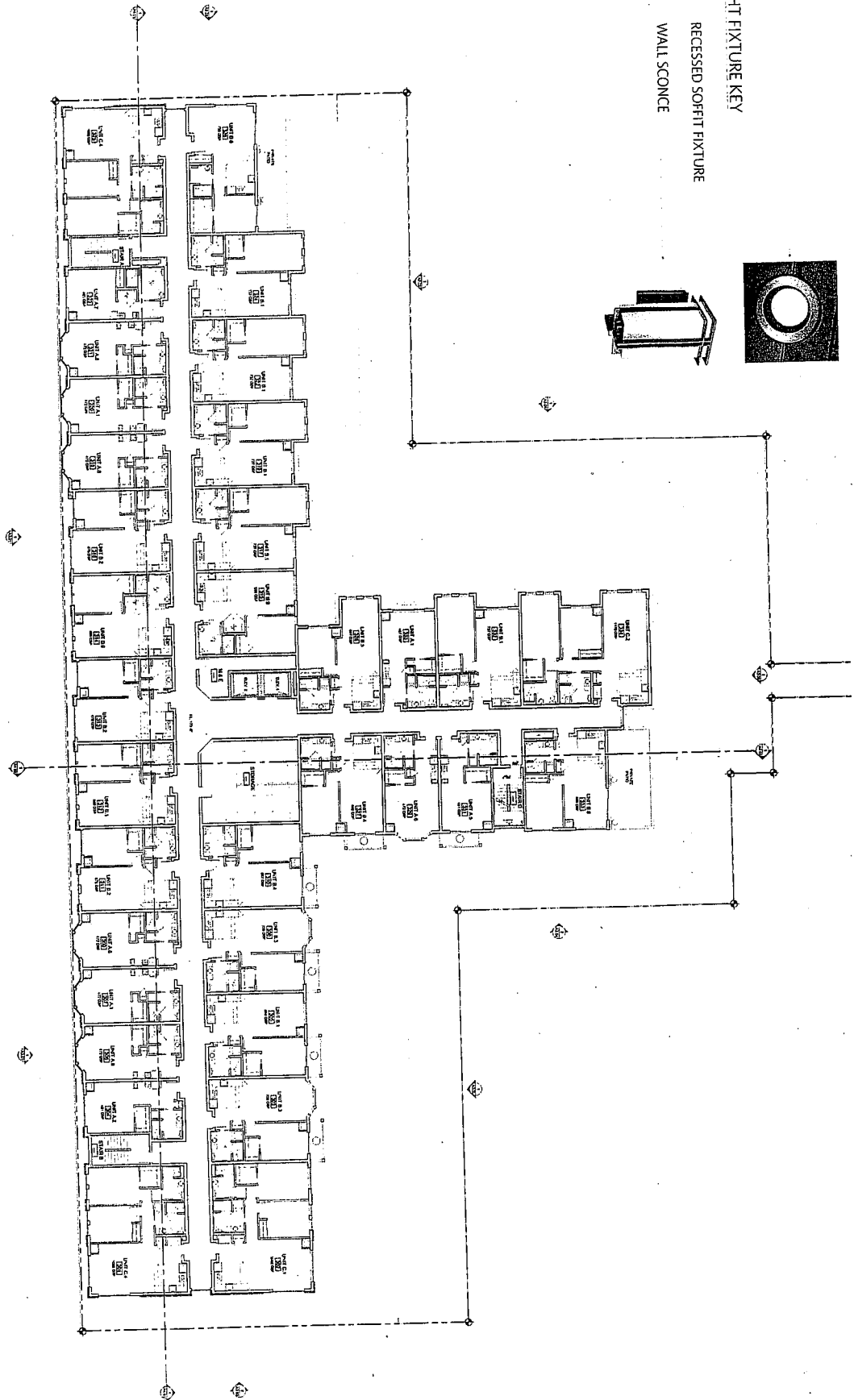
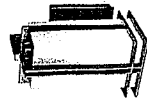




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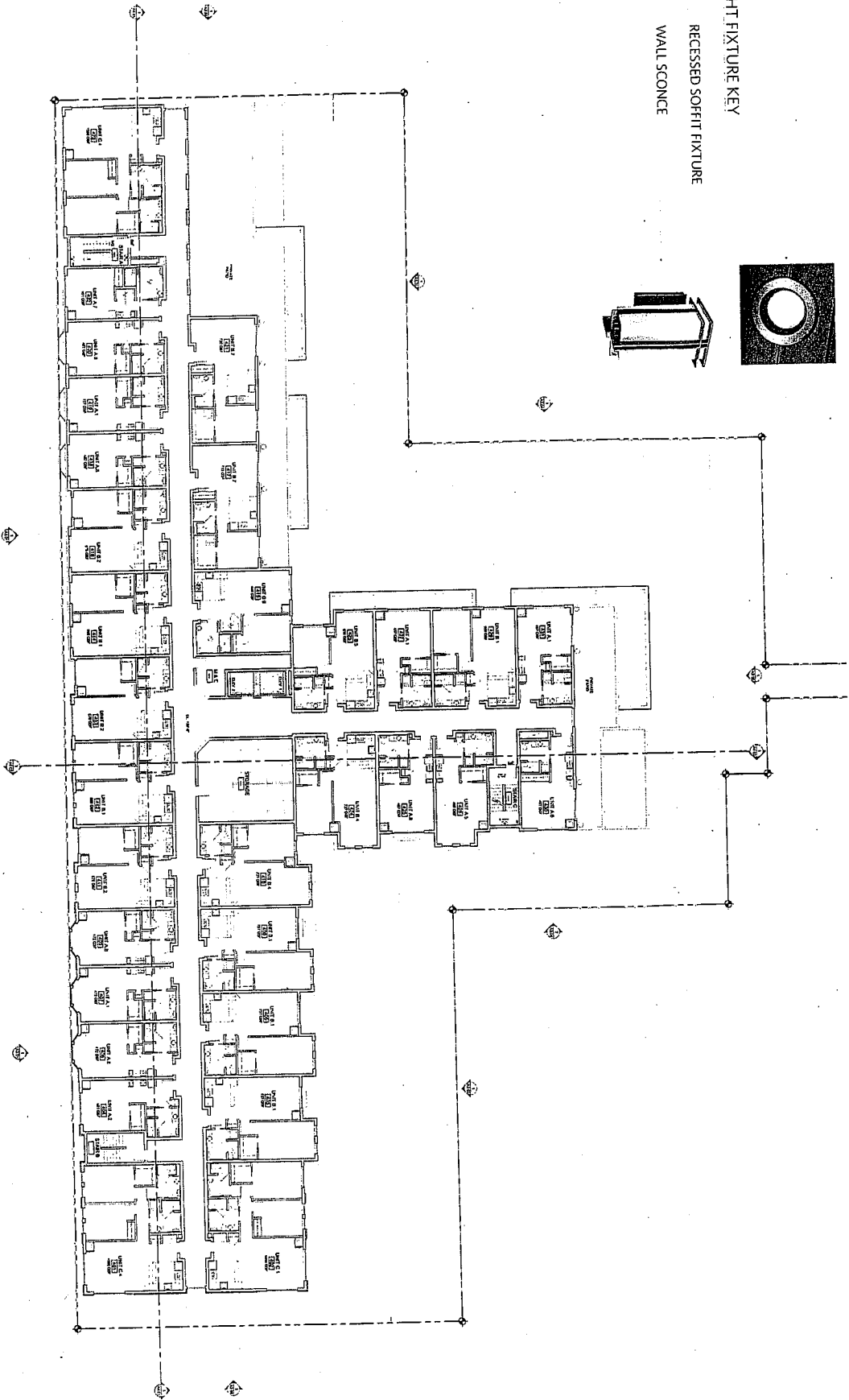
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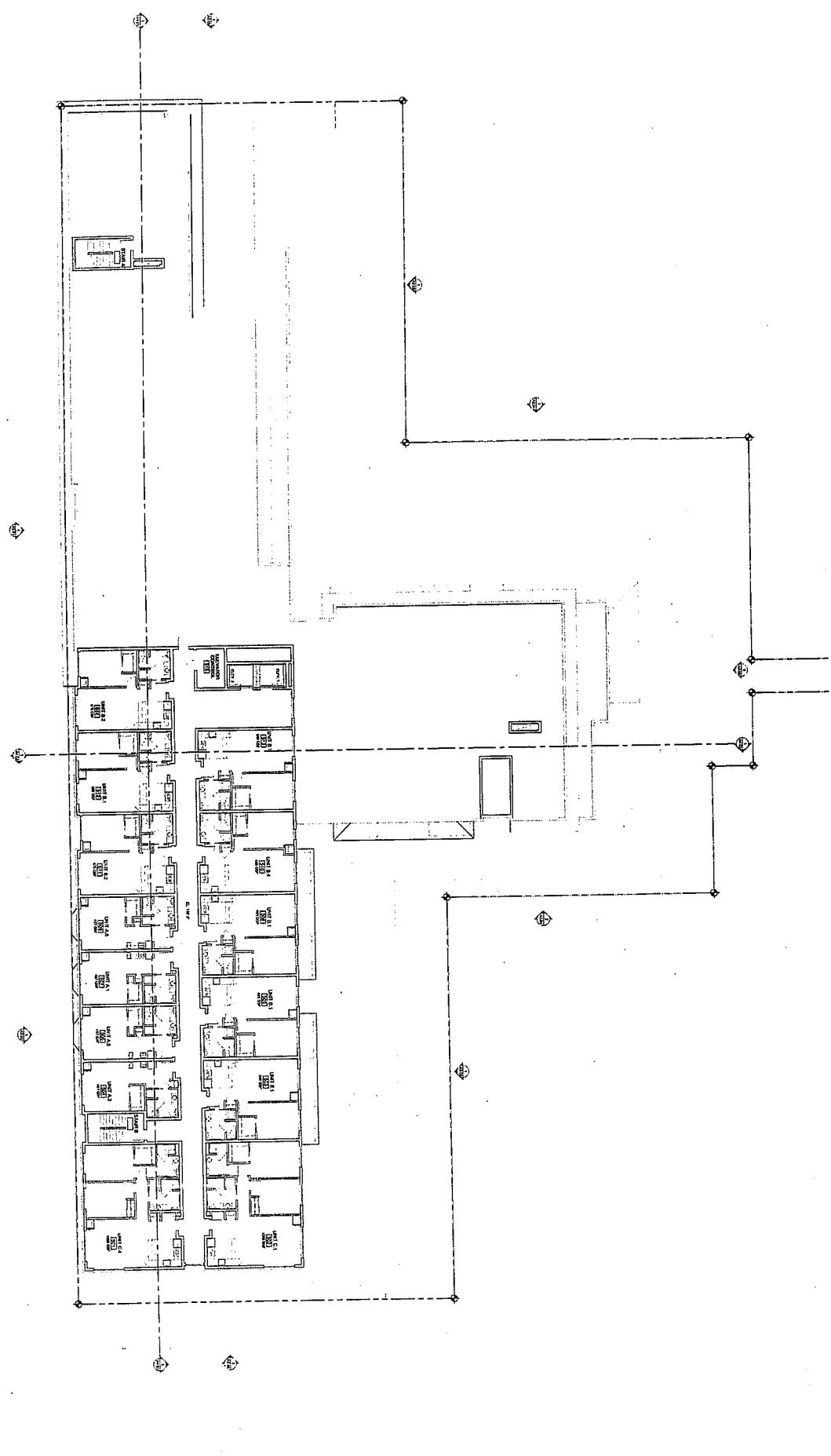


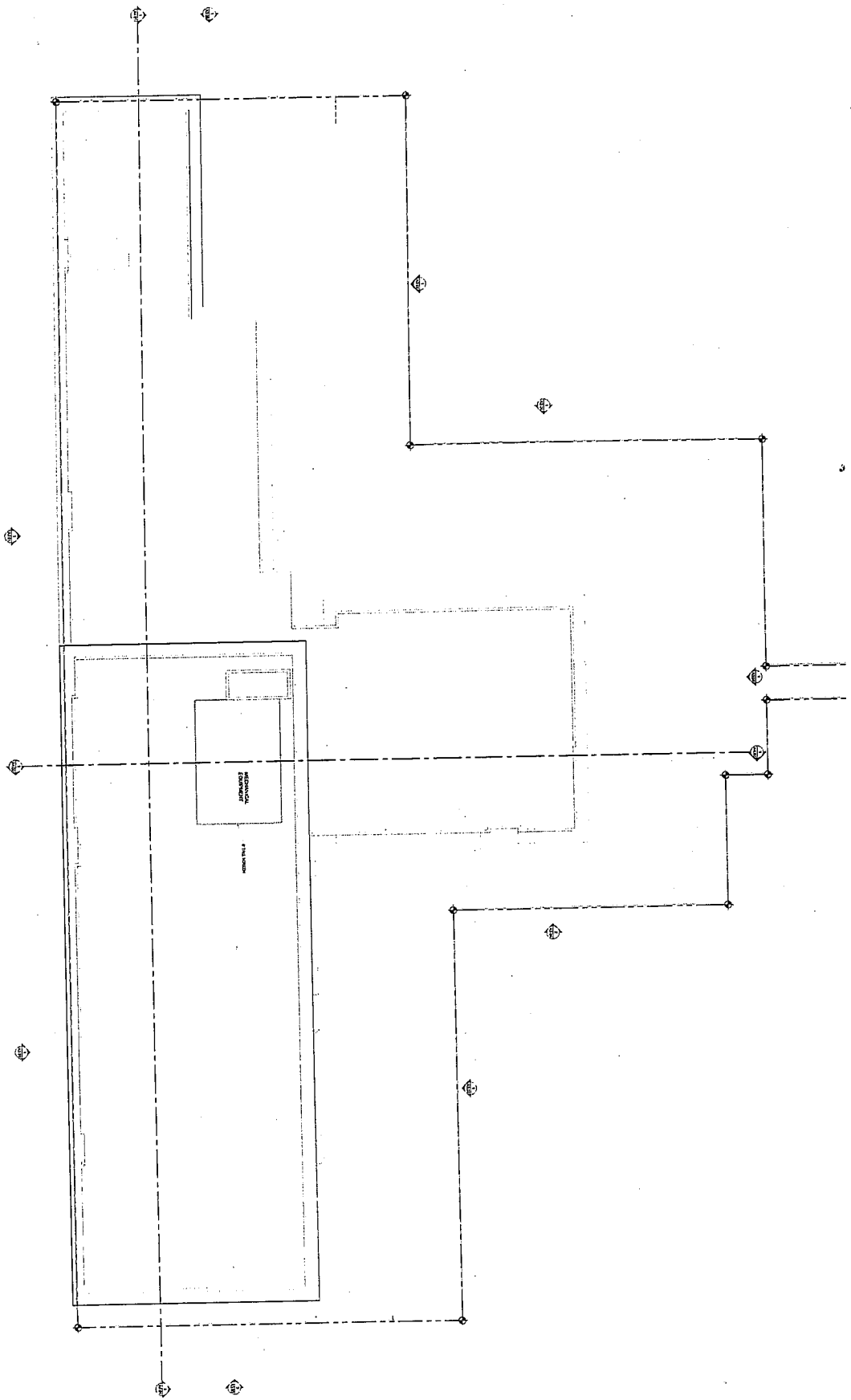
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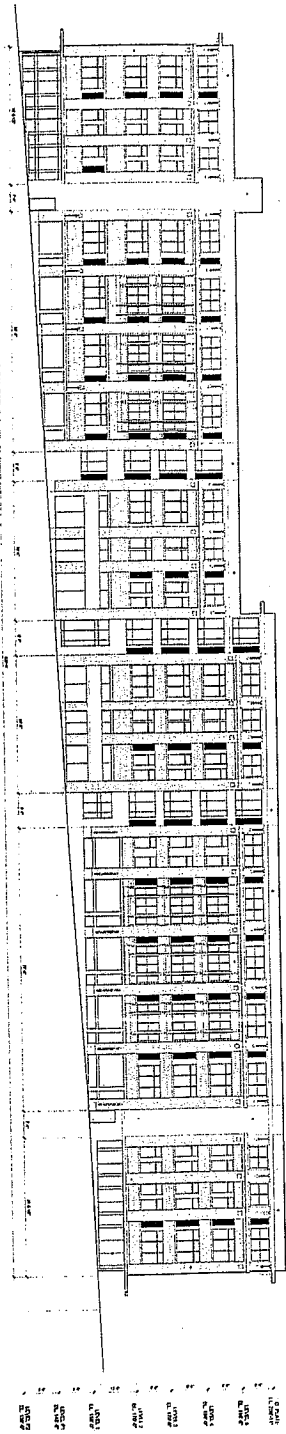
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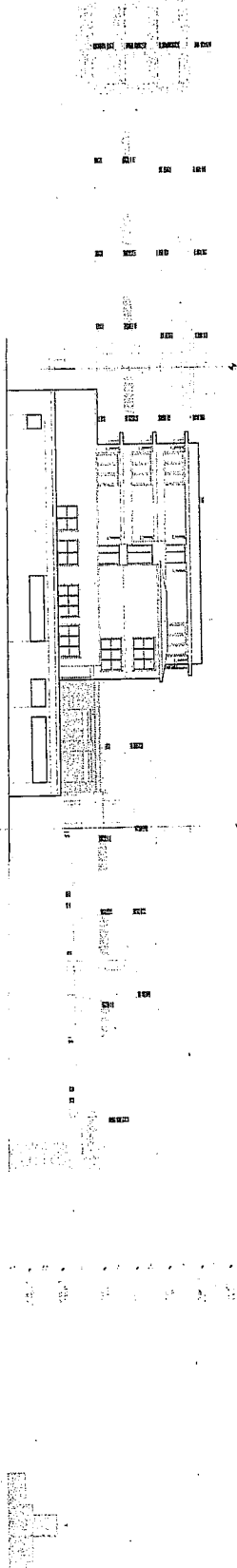




EAST ELEVATION

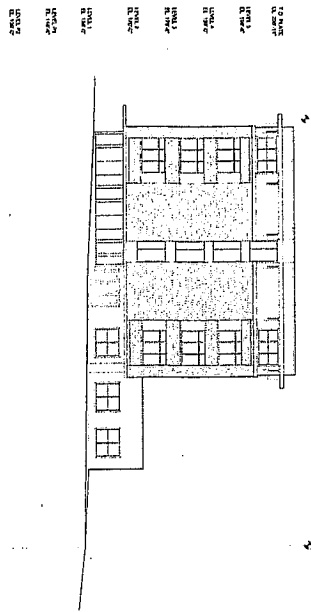


WEST ELEVATION

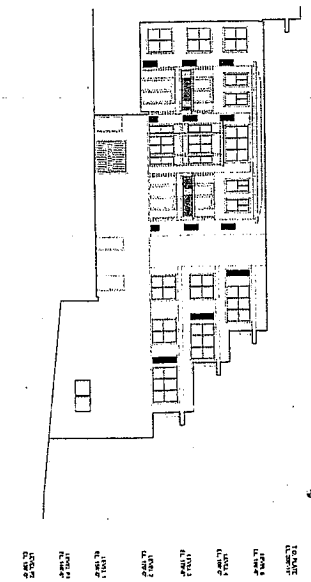


EXTERIOR ELEVATIONS | URBAL ARCHITECTURE

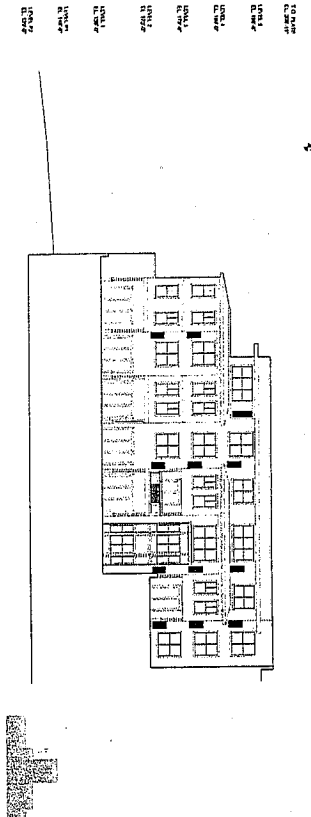
NORTH ELEVATION



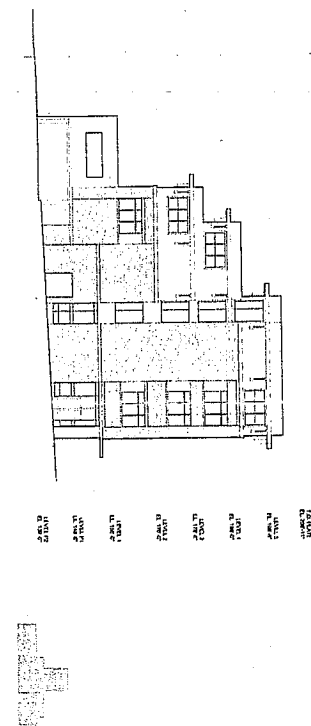
NORTH ELEVATION - CENTER



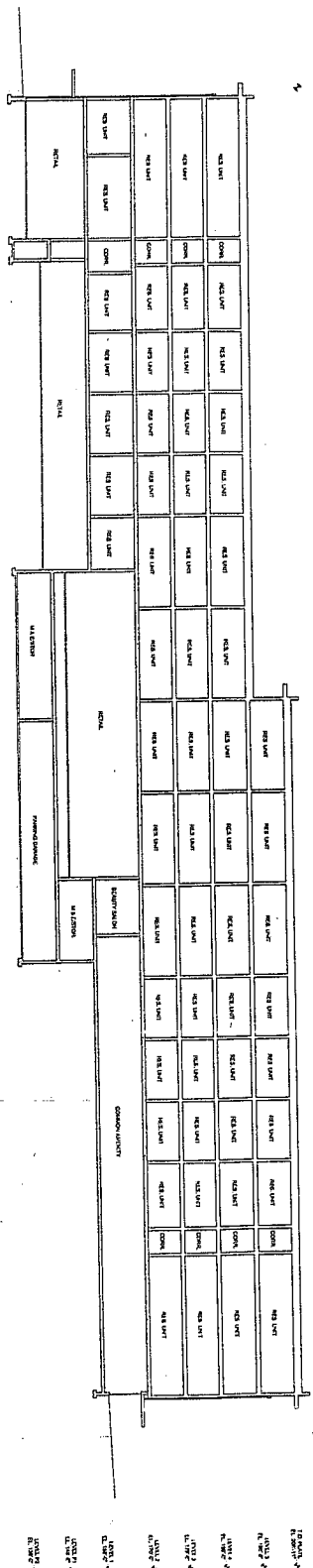
SOUTH ELEVATION - CENTER



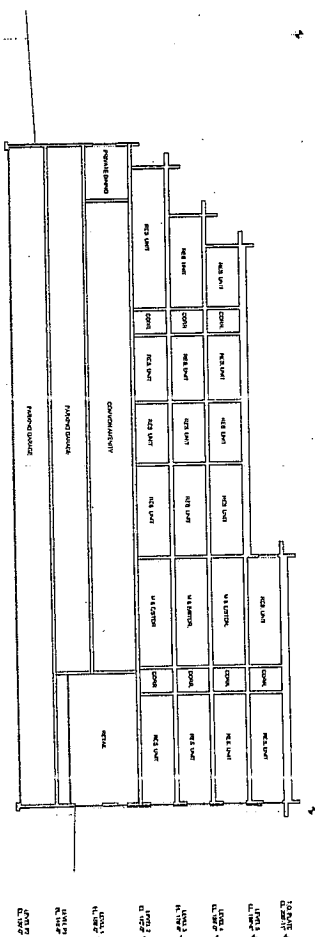
SOUTH ELEVATION



BUILDING SECTION 1

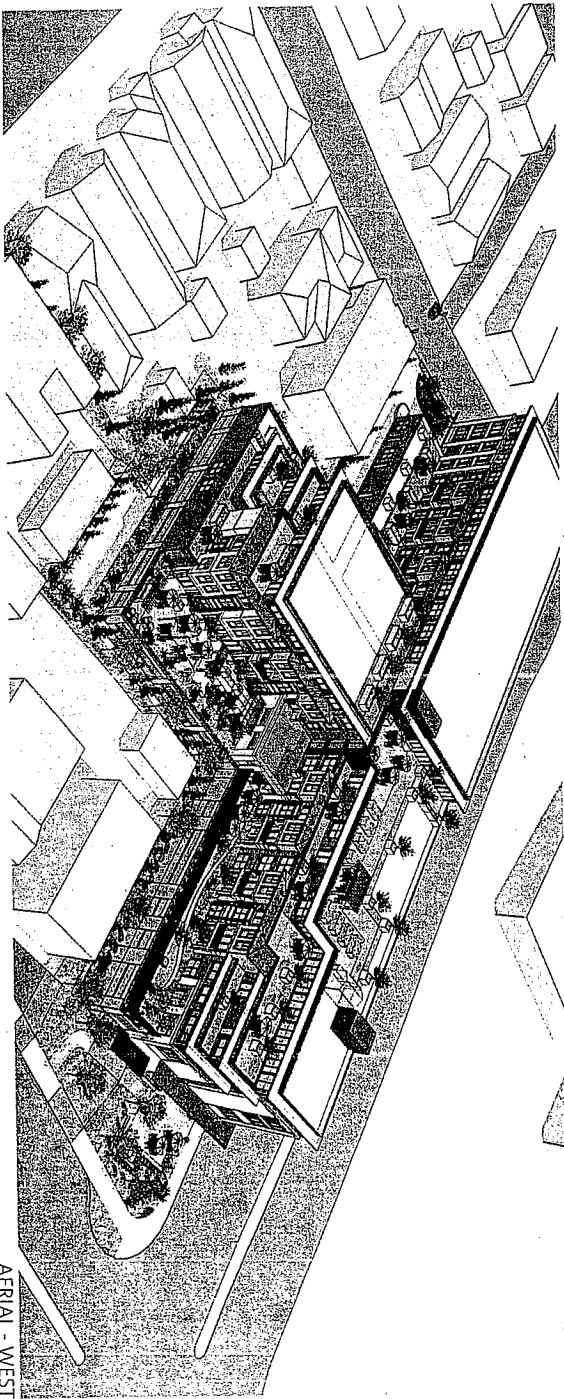


BUILDING SECTION 2

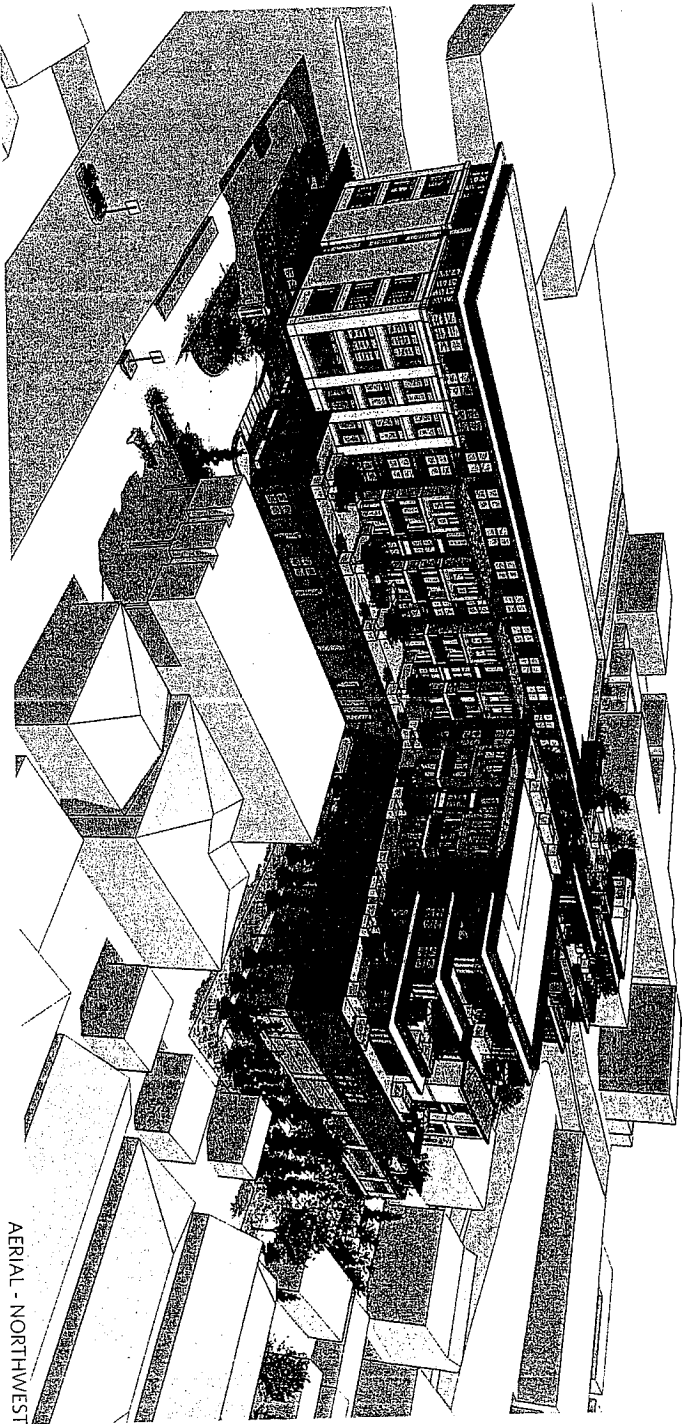




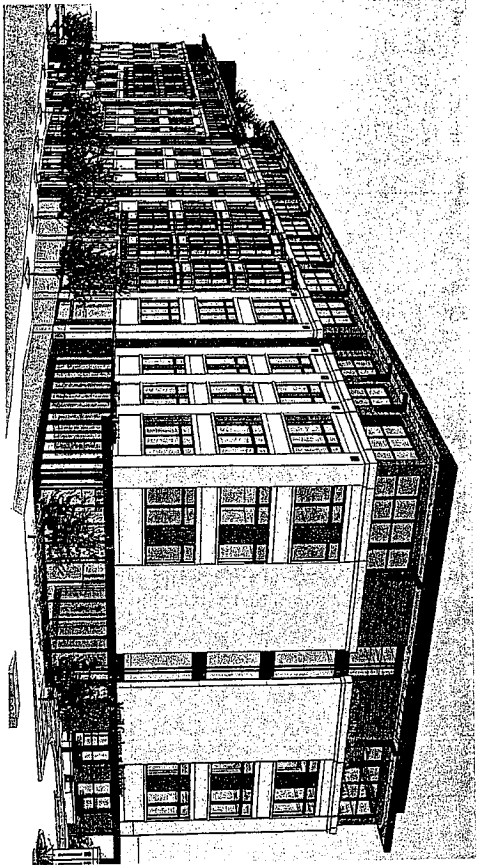
AERIAL - EAST



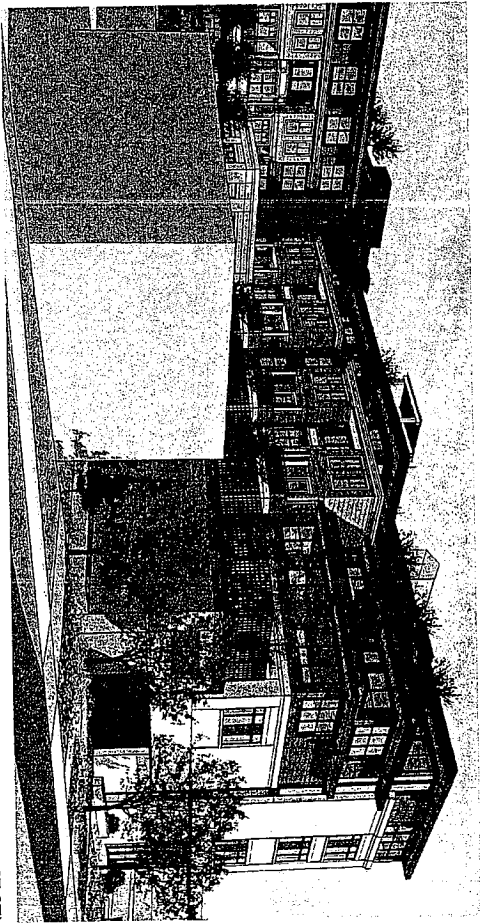
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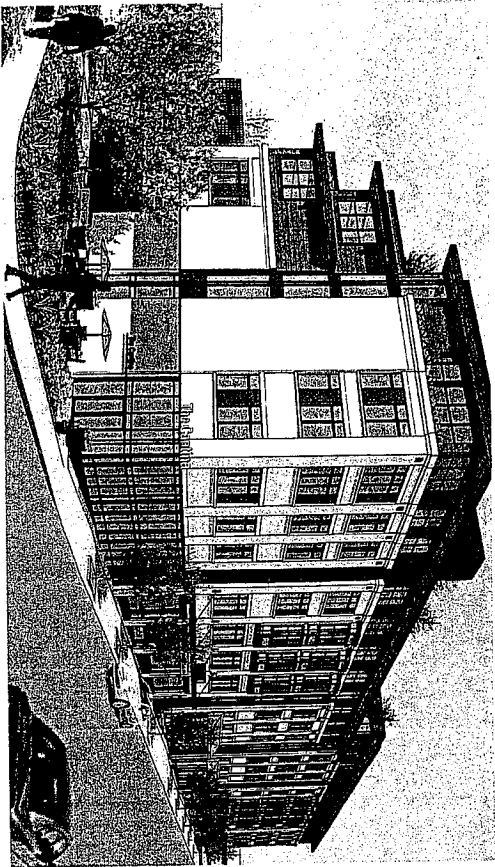
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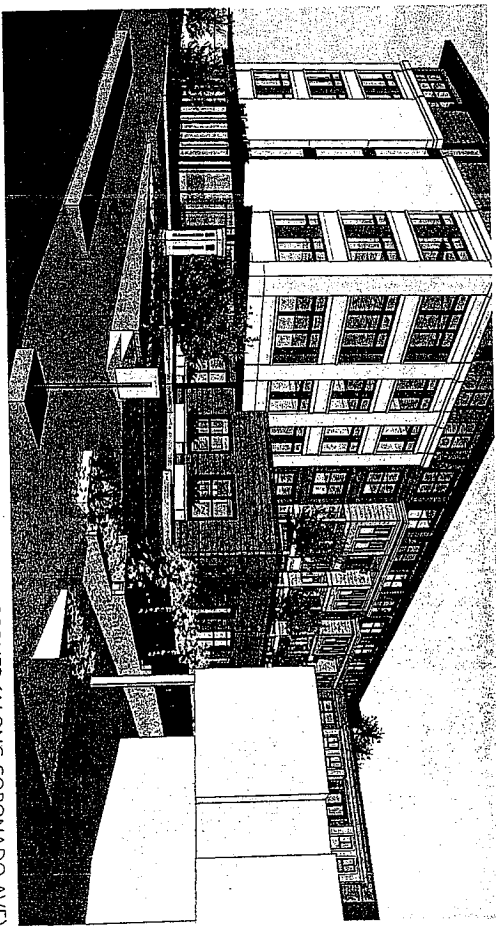
CORNER OF BROADWAY & CORONADO



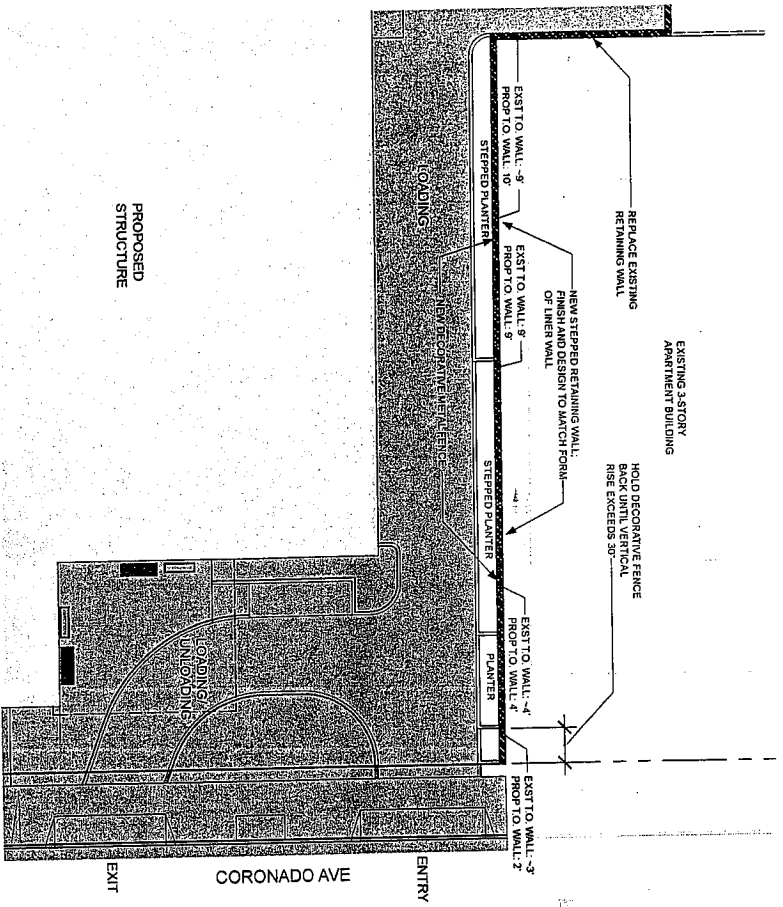
SW CORNER (ALONG 51ST ST)



CORNER OF 51ST AND BROADWAY

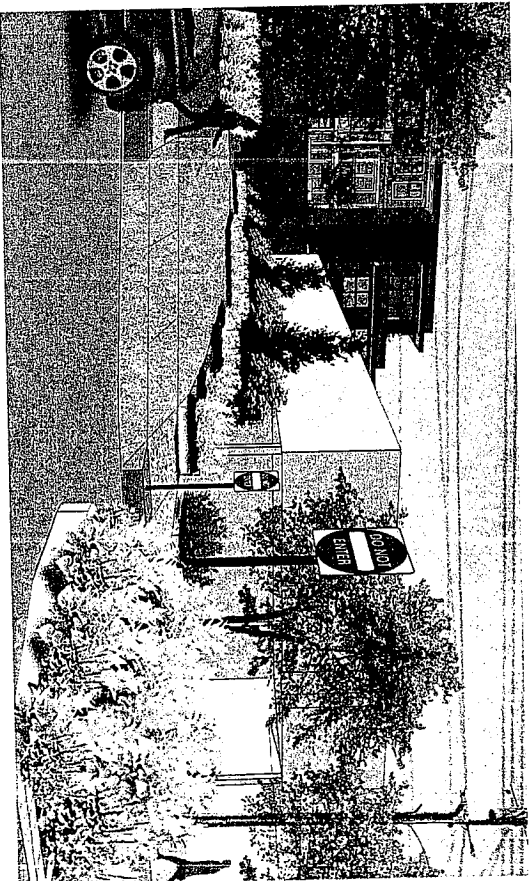
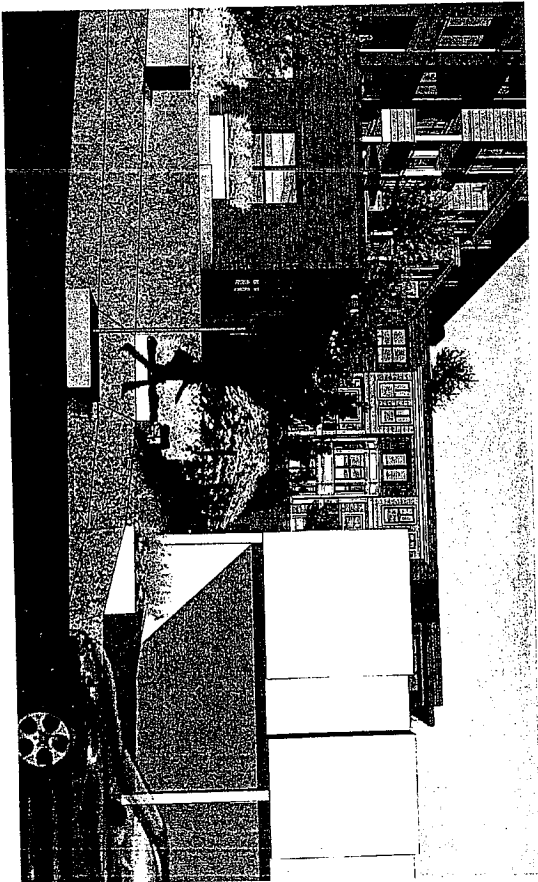


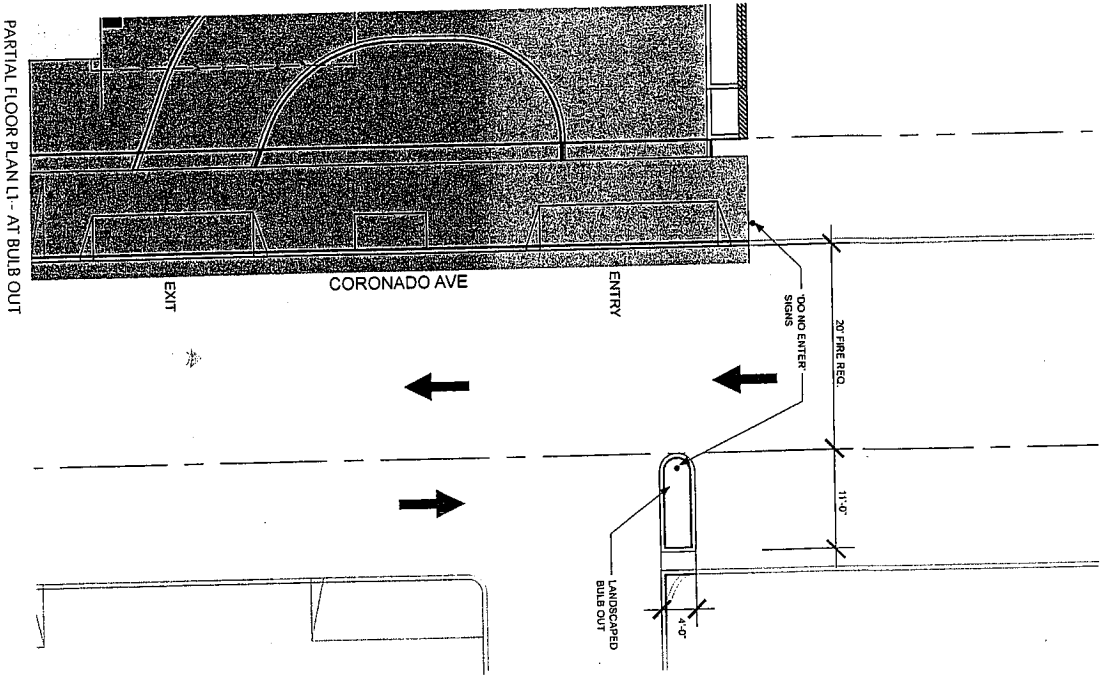
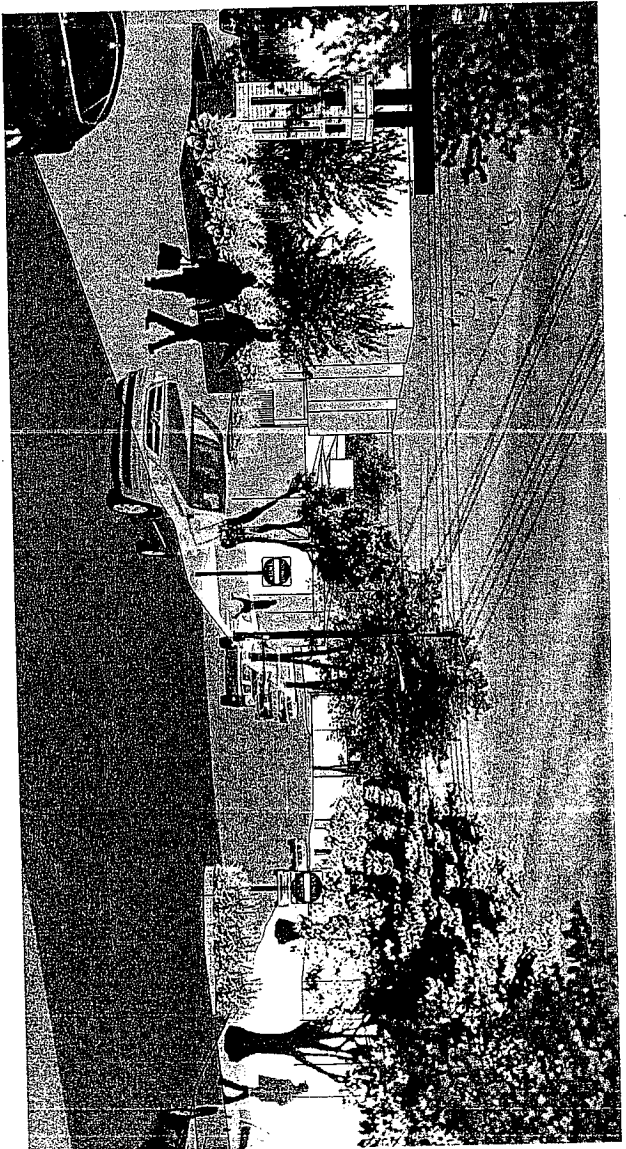
NW CORNER (ALONG CORONADO AVE)

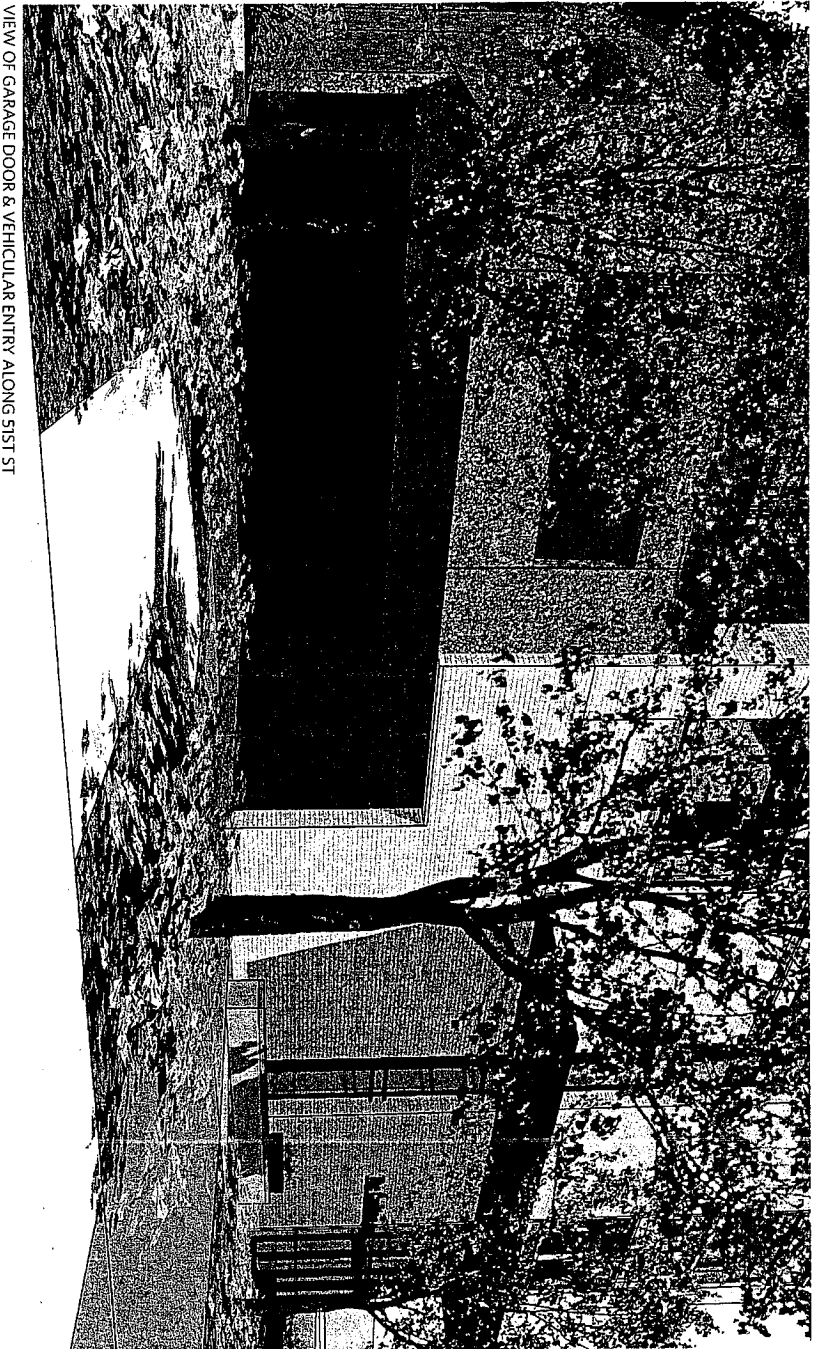


PARTIAL FLOOR PLAN LI - AT LOADING AREA

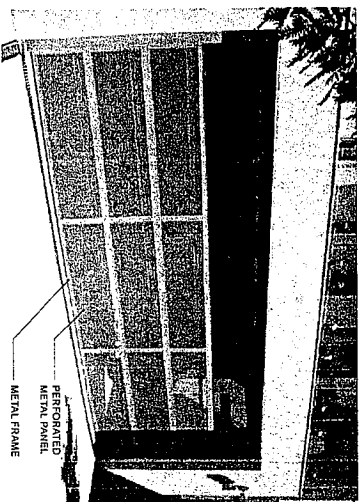
PROPOSED
STRUCTURE



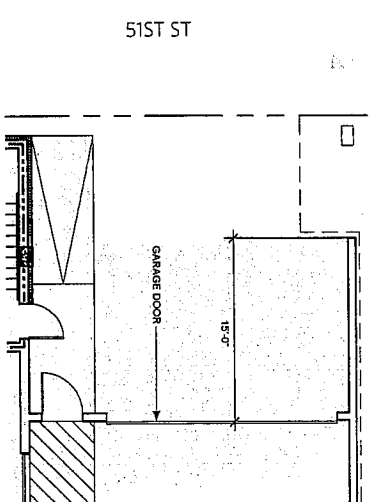




VIEW OF GARAGE DOOR & VEHICULAR ENTRY ALONG 51ST ST



GARAGE DOOR EXAMPLE



PARTIAL FLOOR PLAN P2 - AT PARKING GARAGE

June 4, 2014

Chris Pattillo, Chair
Jim Moore, Vice Chair
Jahaziel Bonilla, Michael Coleman, Jahmese Myres, Adhi Nagraj, Emily Weinstein
Oakland Planning Commission
City of Oakland

Case File: DR13320/T1300078 (Merrill Gardens)

Dear Members of the Planning Commission:

We the undersigned neighbors have requested a delay in the hearing, sending the attached letter to Planning Staff giving the reasons for that request. While we would prefer a one month delay, we are outlining our preliminary thoughts on review of the Staff Report and Revised Plans that became available only recently.

Let us be explicitly clear: We are not opposed to this project. We welcome this addition to our neighborhood, particularly given that the site has been blighted for many, many years. That being said, we feel strongly that there are modest improvements that can be made, and moreover, the neighborhood, the new residents, and the developer can all benefit from a little more time being spent to review, discuss, and make such improvements.

In the Conclusion to the Staff Report, City Planning staff states that [the project] ...will not create any significant negative impacts to surrounding properties". We respectfully disagree. Herewith are the **preliminary** concerns and ideas we have identified. There are also some clarifications that are not evident in either the current set of plans or in the Staff Report:

1. Height and shadows:

As the building is located on the west side of the Broadway and the south side of Coronado, it casts significant shadows towards the west (Desmond and beyond) and to the North (Coronado). The houses and the one apartment building on the south side of the 5200 block of Coronado will be the most impacted, but shadowing will be experienced in the mornings up to several blocks away, and on certain houses for much more than that. Additionally, the drawings show a uniform, low (approximate 3'-6') tall parapet around the entire perimeter of the roof.

We realize the site was up-zoned 20' in the city-wide re-zoning process two years ago, and are dismayed that that rewarded the long-time blight-producing property owners without extracting a community benefit in return. However, we see a possible mitigation that will save the current Developer money—and reduce some shadowing:

Proposal 1a: *The current drawings do not actually state how high the building will be. Dimensions are given to the top of the highest top plate, but not to the top of the roof, much less the top of parapets, mechanical penthouses and screens, etc. But what is given is the floor-to-floor height, which for the residential floors is listed as 9'-6". If this can be reduced to a standard 9' or so, at least 2' of height could be shaved off the building. As an assisted living project, we assume that to meet Building Code restrictions concerning non-ambulatory persons, it will be of concrete construction, so interior ceiling heights can still be good. This will reduce construction costs (less interior and exterior wall finish). As for the residents, seniors are shorter and don't need high ceilings. Plus, the reduced interior volume will reduce energy usage and operating costs—something that is always an issue for senior projects, where folks are not so conscientious about energy use.*

Proposal 1b: *Further, reduce the parapet on the west and north roof edges (the shade-casting edges) to the minimum required for waterproofing.*

Proposal 2c: *Prohibit the installation of billboards, cell phone towers, and similar equipment on the roof.*

Please also see the next, related items...

2. **Heating, Ventilating, and Air Conditioning (HVAC) equipment location and noise:** As noted in the previous item, the location of HVAC equipment is not shown. Besides the height issue, the choice of what type of systems will be used (there is no indication on the drawings or in the Staff Report of these systems) will have a significant impact on the amount of equipment and its noise level. For example, use of highly energy efficient VRV units would eliminate the need for interior ducting (and any additional floor-to-floor heights to accommodate ducting). Indeed, in this climate, one questions the need for AC in the residential units at all—they could be heating only, with AC only in the common areas.

***Proposal 2:** Require that no noisy equipment be located at ground level adjacent to existing homes, and that all rooftop equipment be located on the Broadway edge of the roof, as low as possible, and with solid screens facing the neighborhood, and all ventilated screens be facing Broadway. This will help push the noise towards the shopping center, not the neighborhood.*

Please also see the next, related item.

3. **Location of kitchen and other commercial-level exhausts:** The early set of plans that were shown in the one meeting in the fall did not indicate where the commercial kitchen was located (indeed, if anything, it looked like it was pretty much in the center of the building). Now, we see for the first time that the kitchen is located in the NW corner of the "T"—that part of the building closest to the residential corner of Desmond and Coronado, with the grease hood on the roof above, which is part of the lower roof, closer to these single family houses. These commercial range hood exhausts can be quite noisy, and of course, smelly and greasy. This also means that this most "commercial" aspect of the project (essentially a full-service restaurant that is open for breakfast, lunch, and dinner) is located on the back half of the property, away from the existing commercial uses on the Broadway. Similarly, we have a question regarding whether or not there will be a commercial-level laundry as part of the operations.

***Proposal 3:** Require that the kitchen exhausts (and commercial laundry, if present) be re-configured so that it comes up on along the Broadway edge of the roof, and is screened similarly to the HVAC equipment. This also has the benefit of keeping grease and smoke away from the project's residential windows on the highest floor, currently located downwind from the proposed exhaust location.*

4. **Re-configuring Traffic on the Half Block of Coronado:** Similar to what the neighborhood came up with for the earlier condo project on the lot at the SW corner of Broadway and Coronado that was approved but never built, the developer is proposing making the portion of Coronado that runs from Broadway back to the alley that connects from Hemphill two-way, with both the main entrance to the building (with pedestrian drop-off, (also see item 6) and delivery and trash pick-up happening along here. The proposal calls for trucks to back up into the alley to turn around back to Broadway. This could be of significant impact to the neighbors: How many days a week will trash be picked-up? How many trucks per week will be delivering food and supplies? And all of these are currently proposed to be backing in and out onto Coronado and the alley. Is this a violation of City policy? Perhaps more importantly: Assisted living facilities have numerous medical emergencies. What is the effect of the proposed loading/unloading on access for emergency vehicles? None of this is effectively reviewed in the Staff Report.

Any discussion of traffic needs to take into account the far great impact of traffic from the new shopping center. That approved project includes re-configuring the Broadway/Coronado intersection with a traffic light, and a left turn from southbound Broadway into the shopping center and the new three story garage located along what is essentially an extension of Coronado past Broadway. Our concern is that drivers heading to the shopping center on 51st, and who are caught up traffic from the light at 51st and Broadway (already a bad intersection that will only get much worse once the shopping center is fully operational) will bail out at Desmond, and head up the 5100 block of Desmond, then right on the 5200 block of Coronado, then through the light at Broadway to the parking garage. One could easily see traffic backing up along these two currently quiet residential streets. One of the mitigations discussed was to create a "T-Bone" island at the end of Coronado to allow people to only turn left or right onto Broadway—not go straight into the shopping center. But this is totally at odds with the

Merrill Gardens project's need for truck access, and Staff's request for a pedestrian bulb-out at this location. This situation clearly needs more study—and coordination between the two projects and the City.

We also note that the Conditions of Approval allow deliveries between 7:00AM and 8:00 PM.

We also note that the proposal includes eliminating the "pork chop" and slip lane right turn from southbound Broadway to westbound 51st.

Idea for discussion 4a: Block off Coronado at the alley completely, making each side of the barrier two-way, but one end will be for Wendy's and Merrill Gardens, the other will be for the rest of us. This would mean that we have to find other ways to get onto Broadway—admittedly not so easy.

Idea for discussion 4b: Require that the developer consider incorporating the entry and delivery/trash on 51st. Since the current triangular "pork chop" is to be eliminated, it seems possible to incorporate these functions on what is now current publicly-owned land. We note that the proposal also shows that the "pork chop" area to be a "public plaza". We note that it is currently virtually un-landscaped, and has recently become a homeless encampment. We question the use of this land as a public plaza, and note that incorporating it into the project as the project port-cochere would make this area useful—to the benefit of the project. At any rate, the developer should be required to landscape and maintain this area in perpetuity.

Idea for discussion 4c: Have the City provide some type of traffic stopping/calming device at the corner of 51st and Desmond so that traffic does not get backed up there unnecessarily. Perhaps painting the intersection and posting "Don't Block the Box" signs or installing a more visible pedestrian crossing would allow for cars to move from Desmond out across 51st.

Idea for discussion 4d: Reduce the allowed hours of delivery and trash collection, especially on weekends.

Idea for discussion 4e: Require a thorough review of the implications of the proposal on emergency vehicles, traffic to the shopping center, etc.

Please also see the next, related item:

5. **Parking:** The entry to residential and staff parking is proposed along 51st. Since this can only be from westbound 51st, how many people coming from the freeway or other points west will turn left on Desmond, and then loop around the block to access the parking? Assisted living residents don't drive much (if at all), so it is likely that the commercial traffic generated by the project as noted above will be the greater impact. Maximum staff is stated to be 20, but for Assisted Living facilities, there is typically shift-change, doubling up staff parking needs.

Given that most folks in Assisted Living don't drive, we are also concerned about the facility renting out spaces for non-project uses.

Proposal 5a: Review traffic patterns relative to reversing the entries as discussed in Item 4 above.

Proposal 5b: Confirm that there is sufficient parking to service the shift-change load.

Proposal 5c: Restrict the leasing/renting of parking spaces for non-project-related uses to local residents only.

6. **Trees:** The proposal (and this is only recently been revealed) includes the removal of three mature locust trees on the Coronado block. These trees are part of a set piece—two blocks of mature locusts that define these two blocks of Coronado. This issue has been discussed, but is tightly wound up in the design of the issues surrounding item 4 above and Item 8 below.

Proposal 6a: Eliminate the problem by reversing the porte-cochere/service dock as discussed in Item 4.

Proposal 6b: If the trees are to go, then require the developer to provide additional mitigation, such as planting street trees along the whole of the Coronado block where they are currently missing, provide larger, healthy specimen trees as replacement, and landscaping and perpetual maintenance of the median strip on 51st from Broadway to Manila. All of these would benefit residents of the project as well.

7. **Retail:** Coupled with the same developer's proposal for 120 condos and another about 10,000 sf of retail across 51st, we have a concern about empty storefronts.

Proposal 7: The developer can't promise to keep the stores rented, but he can promise to keep the windows attractive, perhaps as rotating window gallery space, etc.

8. **Underground Utilities:** The city is requesting undergrounding of utilities. While we are generally in favor of this, along Coronado it is problematic: At the end of the run of remaining telephone poles, it is likely that guy wires will be required. It is not clear to us that this has been thought through relative to the impact on not only the loading dock and pedestrian entrance to the project, but to the neighboring apartment building as well. This requires further study.

Proposal 8: Study this issue further, with the involvement of the affected utilities, and if it is determined that the undergrounding poses a problem, require alternate mitigation from the developer, such as the aforementioned additional street trees along Coronado.

9. **Use of the rooftops for open space/lighting and activities/amount of open space:** Significant areas of roof are occupied. Information on the amount of this that will have shade structures, etc. is skimpy (and seniors need shade), let alone wind protection. All of this leads to the question of whether or not any of these areas create a de facto sixth floor, and will jut up above the height limit. Further, the total amount of open space provided (about 12,000 sf, seems to be about half of that required by the Planning Code (17.142.110.F: 200 sf per unit of shared open space), not to mention that the Code further restricts rooftop usage (other than above parking) to only 25% of the total (17.126.030.B). Finally, the plans show for open "necklace" lighting, which may be attractive, but does violate requirements that restrict sideways broadcasting of light onto adjacent properties.

Proposal 9a: The method in which the development is meeting requirements for usable open space should be reviewed, and the project modified accordingly. Given that seniors in assisted living facilities are not big users of outdoor spaces, we would not oppose reducing the open space if it means reducing or eliminating the occupied high roof. Use of the roof, if it means essentially ceiling-high structures should be prohibited.

10. **Construction Time, Debris, Noise, and Pests:** While the Staff Report has the usual boilerplate language regarding construction times, limits on heavy noise-producing activities, etc., there are issues specific to this project that have not been addressed. These include:
- The proximity of such a large project immediately adjacent, and uphill from, small, single-family bungalows, many of which are occupied by families with young children particularly susceptible to dust, etc.
 - The site is located on a rocky hill. What is the plan for the rock excavation in terms of noise?
 - The previously approved condo project (on just lot at the SW corner of Broadway and Coronado—a former gas station) was planning to use available toxic materials removal funding to help pay for excavation of the contaminated earth, which would help to pay for their garage excavation (which is quite expensive under any circumstances, even more so in rock). We note that the shopping center across the street abandoned plans for an underground garage due to the costs of excavating here). The current project has far greater subterranean excavation—not only deeper, but of course extending all the way across the block. Did the ground remediation that took place for the previous project remove all that is needed for this greater amount of excavation? If not, what is the extent of hazardous materials remaining, and how do they propose to safely collect and dispose of them?
 - The project will require demolition of existing commercial structures that have been vacant for many years. They are likely to contain toxic materials, as well as harbor rodents, etc.

Proposal 10a: *Require that the Developer provide a detailed public report on how they intend to keep debris off of neighboring properties and control the spread of dust.*

Proposal 10b: *Require that the Developer provide a detailed public report of the extent of rock excavation, the noise associated with it, and how they intend to effectively mitigate the effects of this noise on the neighborhood*

Proposal 10c: *Prior to the start of construction, require an in-depth public report of the hazardous material situation on site, and how it will be dealt with in a safe manner.*

Proposal 10d: *As with what happened at the Kaiser Hospital work down Broadway, require the Developer to provide sound and dust-proofing at affected properties.*

Proposal 10e: *Require that the Developer provide a detailed public report on how they intend to mitigate the potential for rodents migrating to adjacent homes during demolition, including the use of poisons and keeping these toxics away from adjacent homes.*

For these reasons, and given the scale of the project, its importance and impact, we request a delay in the planning notification for at least one month.

Thank you,

Rockridge Neighbors*

Janis Brewer, Coronado Ave
Leslie Correll, Coronado Ave
Kathy Herman, Coronado Ave
Nobu Ito, Coronado Ave
Len Raphael, Desmond Street
Debby Konar, Desmond Street
Judy Berne, Coronado Ave.
Beth Johnke, Coronado Ave.
Dona Turner, Coronado Ave.
Leslie Warren, Coronado Ave.
Carole Jo Trent, Desmond Street
Larry Mayers, Coronado Ave.
Norm Bedford, Coronado Ave
Norma Bedford, Coronado Ave.
Len Raphael, Desmond Street

Patrick Kelly, Desmond Street
Debby Kelly, Desmond Street
Pierre Tehrany, Coronado Ave.
Alejandra Chiesa, Coronado Ave.
Jonathan Wexler, Desmond Street
Heidi Wexler, Desmond Street
Ilana Wexler, Desmond Street
Mori Wexler, Desmond Street
Julie Barron, Desmond Street
Brian Allen, Desmond Street
June Chan, Desmond Street
Nancy Bryant, Coronado Ave.
Lou Esparza, Coronado Ave
Earl Barron, Desmond Street

**As of this printing. More neighbors are signing on every day*

*Cc: Scott Miller, Zoning Administrator, Mike Rivera, Case Planner, Dan Kalb, District 1 Councilperson
Attachment*

June 2, 2014

Mike Rivera
Case Planner
Planning and Zoning Department
City of Oakland

Re: Case File DR13320/T1300078 (Merrill Gardens)

Dear Mr. Rivera:

The above-referenced project is just now coming onto the radar screens for neighbors directly impacted by the project. We the undersigned respectfully request a delay in this project being heard before the Planning Commission, as is currently scheduled for June 4th. We do so for the following reasons:

1. The project is large and complex, requiring detailed scrutiny by stakeholders, who are only now becoming aware of the project.
2. Given the scale of the project, notification has not been adequate:
 - a. On the entire block on which the project is located (approximately 1,400' of street frontage, there are only three signs posted, two of which are on the vacant property itself. Only one is posted on a utility pole on the 5100 block of Desmond. There are no postings the 51st block, nor on the 5200 block of Coronado, let alone any postings on adjacent blocks.
 - b. Mailed notification has not been complete. Homeowners may have been notified, but there are numerous rental properties as well.
 - c. In contrast to the normal rigor of public meetings (both official and unofficial), there has only been one advertised public meeting that the developer has hosted—and that was some time ago. Not every stakeholder could attend, or even knew about that meeting. In keeping with normal Oakland procedures, more are needed.
3. The first time we heard that there were revised plans was the mailed notification, which did not arrive until the week of May 19th, and the staff report only became available on Friday afternoon, May 30th, just five days before the scheduled Planning Commission hearing. Stakeholders need a reasonable amount of time to review the staff report, and then have meetings to discuss, identify concerns, and come up with reasonable recommendations for mitigation of these concerns.

For these reasons, and given the scale of the project, its importance and impact, we request a delay in the planning notification for at least one month.

Thank you,

Rockridge Neighbors

Janis Brewer, Coronado Ave
Leslie Correll, Coronado Ave
Kathy Herman, Coronado Ave
Nobu Ito, Coronado Ave
Len Raphael, Desmond Street
Debby Kenar, Desmond Street
Judy Berne, Coronado Ave.

Debby Kelly, Desmond Street
Pierre Tehrany, Coronado Ave.
Alejandra Chiesa, Coronado Ave.
Jonathan Wexler, Desmond Street
Heidi Wexler, Desmond Street
Ilana Wexler, Desmond Street
Mori Wexler, Desmond Street

Beth Johnke, Coronado Ave.
Dona Turner, Coronado Ave.
Leslie Warren, Coronado Ave.
Carole Jo Trent, Desmond Street
Patrick Kelly, Desmond Street

Larry Mayers, Coronado Ave.

PS: These are signers gathered just over the weekend. More can be expected in the following two days.

CC: Council Person Dan Kalb, RCPC President Zabrea Valentine