

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

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

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

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

Owner: Mercy Retirement & Care Center

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

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

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

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

Historic Status: Non historic property

Service Delivery District: 4

City Council District: 5

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

Action To Be Taken: Approve with Conditions

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

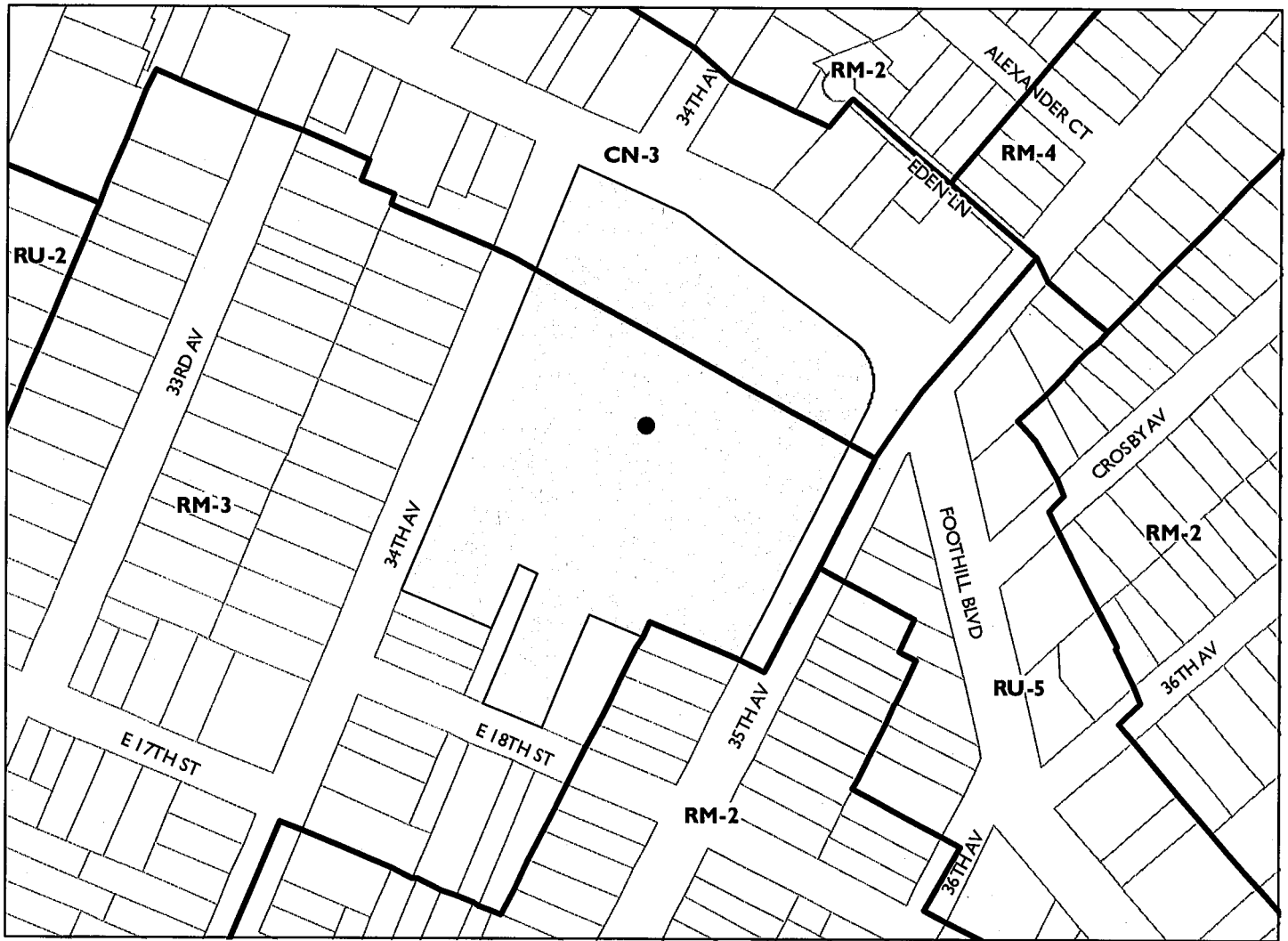
For Further information: Contact case planner **Aubrey Rose AICP, Planner II** at (510) 238-2071 or arose@oaklandnet.com

SUMMARY

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

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

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



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

PROPERTY DESCRIPTION

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

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

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

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

BACKGROUND

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

First Planning Commission hearing

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

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

PROJECT DESCRIPTION

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

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

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

Key revisions include:

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

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

GENERAL PLAN ANALYSIS

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

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

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

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

Policy N2.1 Designing and Maintaining Institutions.

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

Policy N2.2 Providing Distributed Services.

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

Policy N2.3 Supporting Institutional Facilities.

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

Policy N3.2 Encouraging In-Fill Development.

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

Policy N9.6 Respecting Diversity.

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

Policy N11.6 Suggestive Proactive Developer and Community Relations.

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

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

Policy 2.6: Seniors and Other Persons with Special Needs

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

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

ZONING ANALYSIS

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

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

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

ENVIRONMENTAL DETERMINATION

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

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

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

KEY ISSUES AND IMPACTS

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

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

Updated Analysis

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

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

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

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

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

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


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

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


RECOMMENDATIONS:

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

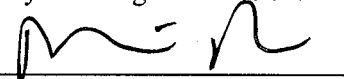
Prepared by:


AUBREY ROSE, AICP
Planner II

Approved by:


ROBERT MERKAMP
Interim Development Planning Manager

Approved for forwarding to the
City Planning Commission:


DARIN RANELLETTI
Deputy Director
Bureau of Planning

ATTACHMENTS:

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

Attachment A: Findings

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

GENERAL USE PERMIT CRITERIA (OMC SEC. 17.134.050)

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

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

The scope of the updates are appropriate given the constraints of the center and its users; the size of the property; the screening effect of the taller existing tower building along the primary frontage; the setbacks from property lines; and the growing need to provide elders special services to age in place within their community. Most of the trees scheduled for removal are well within the site and not along a property line where they will be visible from the public right-of-way, new trees and landscaping will be installed, and no oak trees are proposed to be removed. The construction of a new building that is taller than two-stories and located toward the street frontage would be impractical given cost to upgrade from wood to steel-frame construction type. Also, a building that is greater than two stories might exceed the height limit for the Zoning District and could be out of scale with adjacent one and two-story residences. Furthermore, multiple floors over a reduced footprint will break up the idealized operational plan and open space, separate client spaces, and require more staff. The setback will provide privacy and security. The new driveway and on-site turnaround off of 35th Avenue is essential given drop-off/pick-up is currently handled directly on Foothill Blvd. Also, the located of the proposed turnaround will enable grading that will in turn provide improved connections building levels to each other for ease of elderly and infirmed resident clients. Lastly, the placement of the turnaround close to the new and existing buildings will minimize client travel distances to less than one hundred fifty (150) feet.

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

The proposal will improve the appearance of the campus as seen from 35th Avenue and from East 18th Street and provide jobs at a location that can be accessed by multiple modes of transportation.

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

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

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

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

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

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

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

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

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

Policy N2.1 Designing and Maintaining Institutions.

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

Policy N2.2 Providing Distributed Services.

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

Policy N2.3 Supporting Institutional Facilities.

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

Policy N3.2 Encouraging In-Fill Development.

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

Policy N9.6 Respecting Diversity.

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

Policy N11.6 Suggestive Proactive Developer and Community Relations.

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

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

Policy 2.6: Seniors and Other Persons with Special Needs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The enhancements consist of construction compatible with neighborhood building height, retention of existing residences, minimal new surface parking, and preservation and installation of numerous trees. The new driveway is along a stretch of 35th Avenue that is better suited for circulation than 34th Avenue, but does not experience particularly heavy traffic. Gates will increase safety to the site and residents typically do not travel off-site alone. Removal of fences, trees, and new illumination will, however, increase visibility along 35th Avenue. All trees on site were analyzed by a certified arborist. The proposal consists of the count of one hundred eleven (111) trees to remain through preservation, relocation, and replacements. This consists of more trees preserved and installed than originally scheduled. Of fifty-six (56) trees proposed for removal, thirty-eight (38) are deemed unhealthy by the arborist. Fifty-five (55) trees will be preserved on site (including relocation) including thirty-three (33) palms. The complete preservation of a small grove of young Redwoods located close to the main building's north side will again preclude placement of the new building at the location on site most ideally suited to senior citizen users; however, eighteen (18) trees to be removed to accommodate new building footprint will be replaced on site. Additionally, three (3) trees will no longer be removed due to retention of East 18th Street residence. Lastly, revisions include installation of a row of trees along 35th Avenue for privacy, and, at the center of the turn-around for enhanced aesthetics.

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

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

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

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

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

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

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

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

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

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

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

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

The proposal does not require a transportation impact study.

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

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

Attachment B: Conditions of Approval

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report**, and the plans submitted on **April 4, 2014 and August and September, 2014**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

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

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

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

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

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

Ongoing

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

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

Ongoing

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

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

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

13. Landscape Maintenance.

Ongoing

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

14. Underground Utilities

Prior to issuance of a building permit

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

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

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

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

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

16. Payment for Public Improvements

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

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

17. Compliance Matrix

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

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

18. Construction Management Plan

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

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

19. Parking and Transportation Demand Management

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

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

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

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

Ongoing throughout demolition, grading, and/or construction

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

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

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

21. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

22. Noise Control

Ongoing throughout demolition, grading, and/or construction

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

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

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

23. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

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

24. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

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

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

- ii. Prohibition of Z-duct construction.

25. Operational Noise-General

Ongoing

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

26. Construction Traffic and Parking

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

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

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

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

27. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

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

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

28. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

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

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

29. Asbestos Removal in Structures

Prior to issuance of a demolition permit

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

30. Tree Removal Permit on Creekside Properties

Prior to issuance of a final inspection of the building permit

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

31. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

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

32. Tree Removal Permit

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

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

33. Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit

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

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

34. Tree Protection During Construction

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

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

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

- c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

35. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

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

measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

36. Human Remains

Ongoing throughout demolition, grading, and/or construction

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

37. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

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

38. Erosion and Sedimentation Control Plan

Prior to any grading activities

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

Ongoing throughout grading and construction activities

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

39. Stormwater Pollution Prevention Plan (SWPPP)

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

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

40. Post-Construction Stormwater Management Plan

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

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

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

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

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

41. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

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

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

42. Stormwater and Sewer

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

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

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

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

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

- c) The following information shall be submitted to the Bureau of Building for review and approval with the application for a building permit:

- i. Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards.
 - ii. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - iii. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - iv. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below.
 - v. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - vi. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - vii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- d) The set of plans in subsection (a) shall demonstrate compliance with the following:
- i. CALGreen mandatory measures.
 - ii. All pre-requisites per the **GreenPoint Rated** checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.
 - iii. Green building point level/certification requirement: Community: 6, Energy: 30, IAQ/Health: 5, Resources: 6, Water: 3 per the appropriate checklist approved during the Planning entitlement process.
 - iv. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
 - v. The required green building point minimums in the appropriate credit categories.

During construction

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

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

After construction, as specified below

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

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

Prior to issuance of a building permit

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

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

During construction

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

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

PROJECT-SPECIFIC CONDITIONS

45. Curb Cuts

Prior to submitting for a Building Permit

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

46. Fencing

Prior to submitting for a Building Permit

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

47. Community Outreach

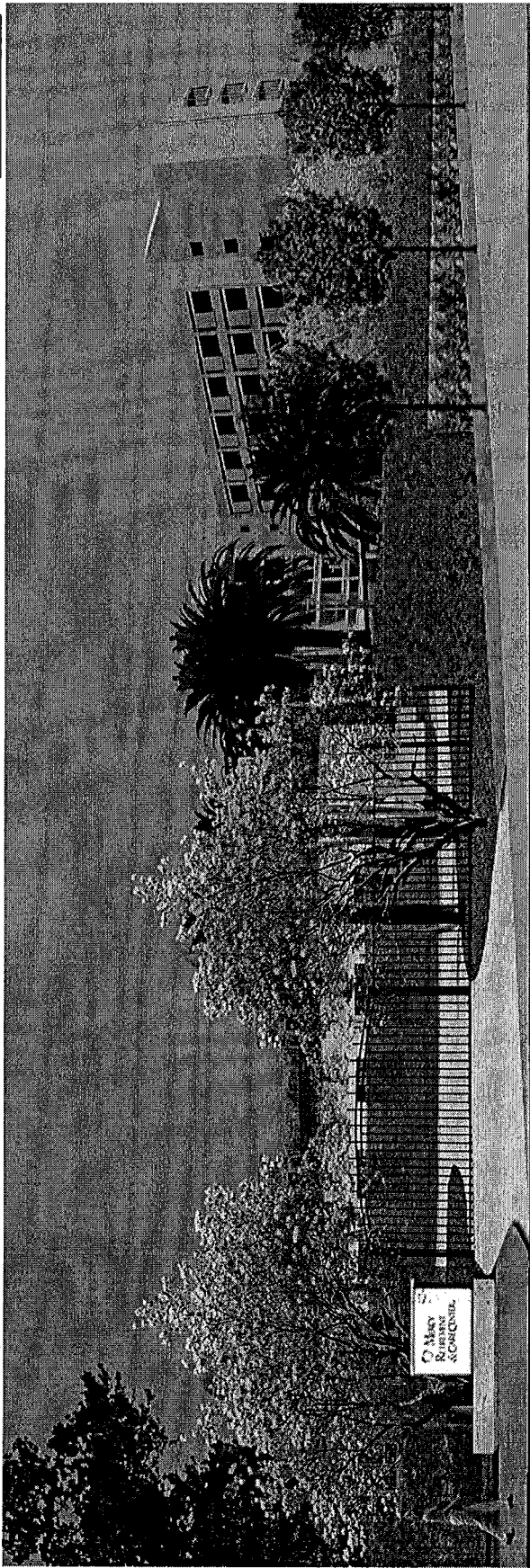
Ongoing

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

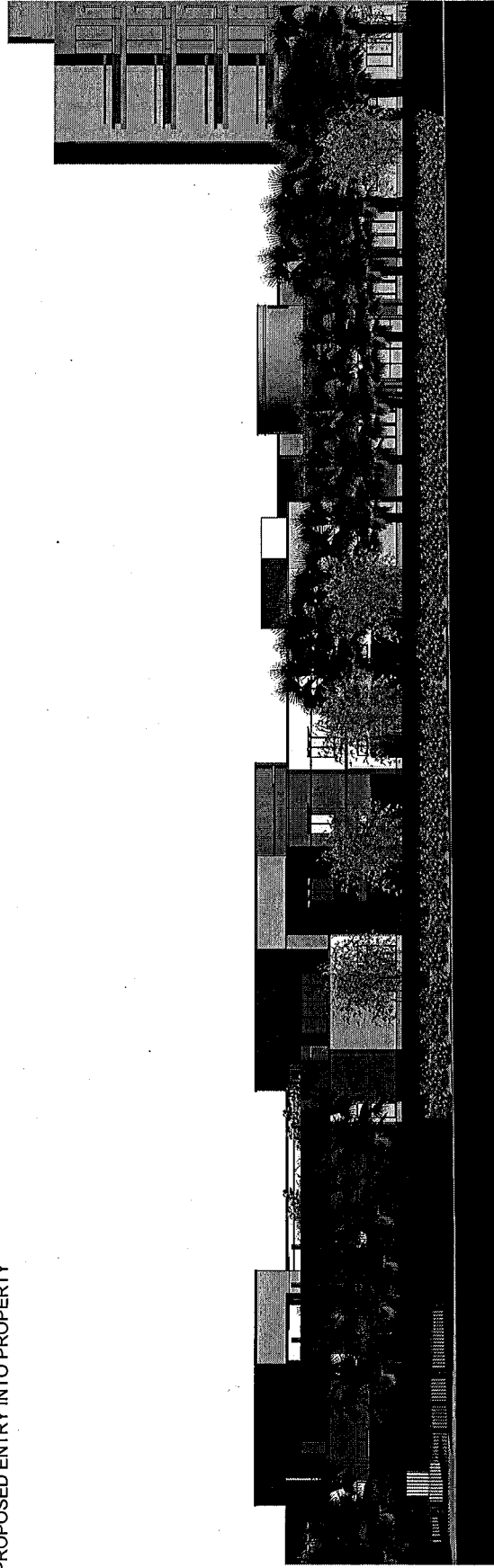
APPROVED BY:

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

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



PROPOSED ENTRY INTO PROPERTY



1 STREET ELEVATION

NO.	DATE	REVISIONS
1	08/27/2014	REVISED
2		
3		
4		
5		
6		
7		
8		
9		
10		

SEAL

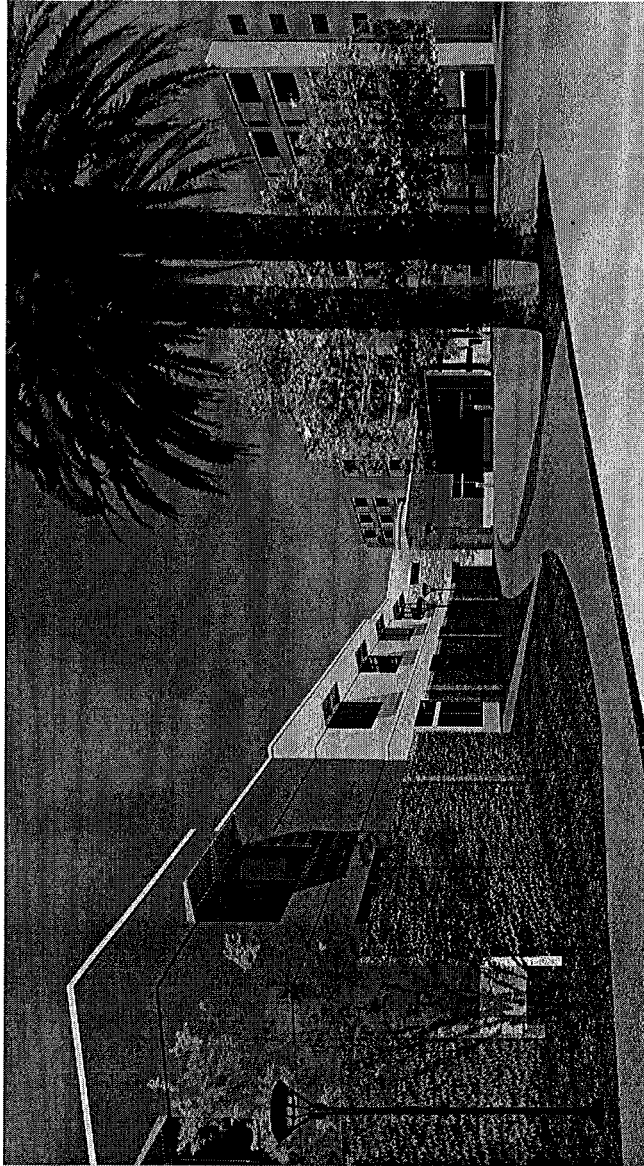
PERKINS EASTMAN
 35TH AVENUE
 SUITE 200
 OAKLAND, CA 94612
 P: 415.291.7700

PROJECT TITLE
 MERCY RETIREMENT
 AND CARE CENTER

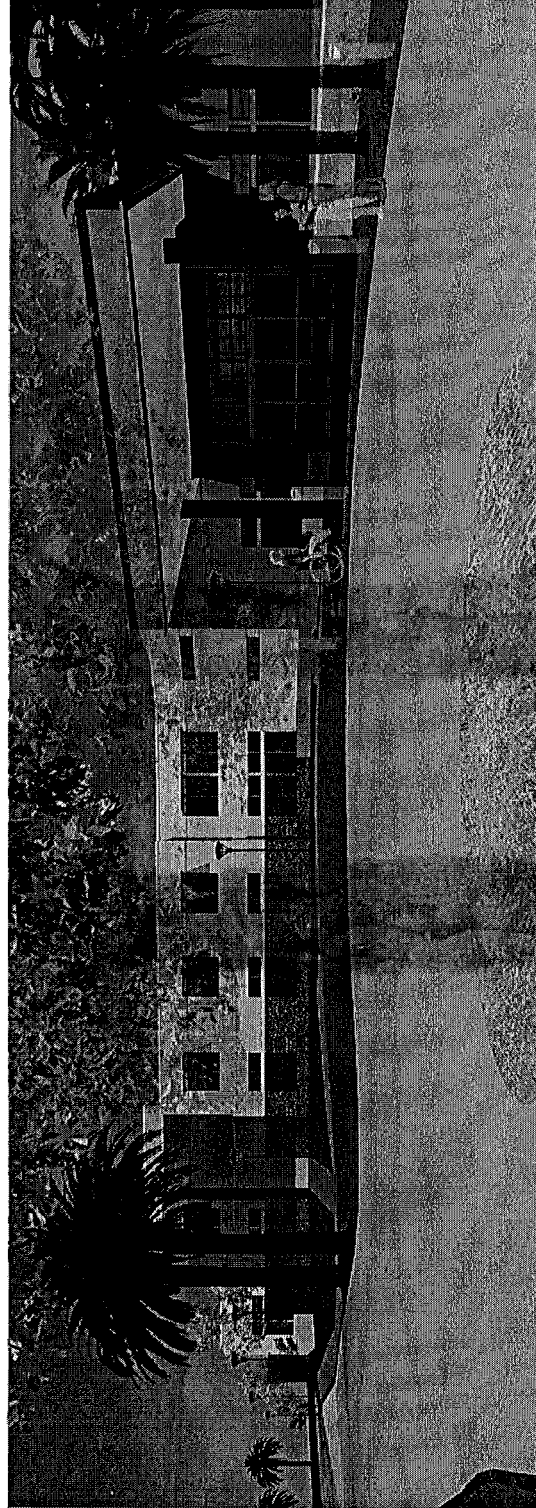
35TH AVENUE BOULEVARD OAKLAND,
 CA 94612

PROJECT NO: 24648.00
 DRAWING TITLE
 35TH AVENUE
 ELEVATION &
 PERSPECTIVE VIEW

SCALE: 1/8"=1'-0"
A-103
 ENTITLEMENTS
 4/04/2014



APPROACH TO THE MAIN DROP OFF



MAIN DROP OFF

NOTES	
1.	SEE SHEET A-101 FOR FOR DETAILS ON PROPOSED LANDSCAPE REDESIGN TO THE SITE LAYOUT SHEET FOR LOCATION OF PLANTINGS

NO.	DATE	ENTITLEMENTS
1	8/22/2014	PERMITTING

SEAL

PERKINS EASTMAN
25500 STREET
SUITE 100
SAN FRANCISCO, CA 94134
P: 415.224.7700

KEY PLAN

PROJECT TITLE
**MERCY RETIREMENT
AND CARE CENTER**

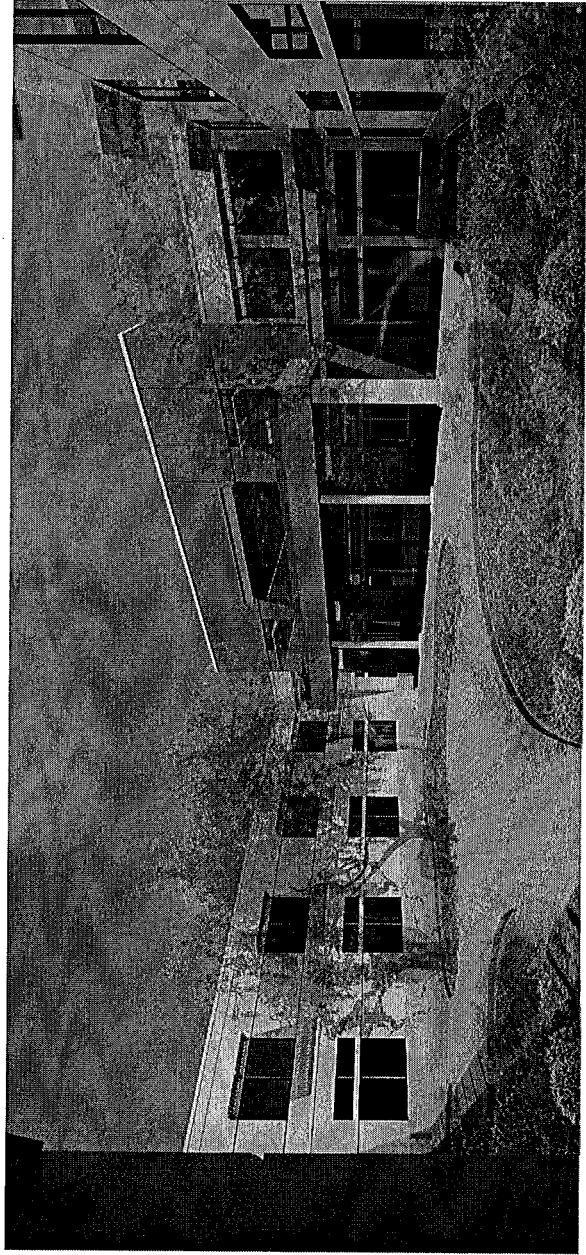
SITE FOOTPRINT, BOULEVARD OAKLAND,
CA 94612

PROJECT NO: 54640.00
DRAWING TITLE
**PERSPECTIVE
VIEWS- APPROACH**

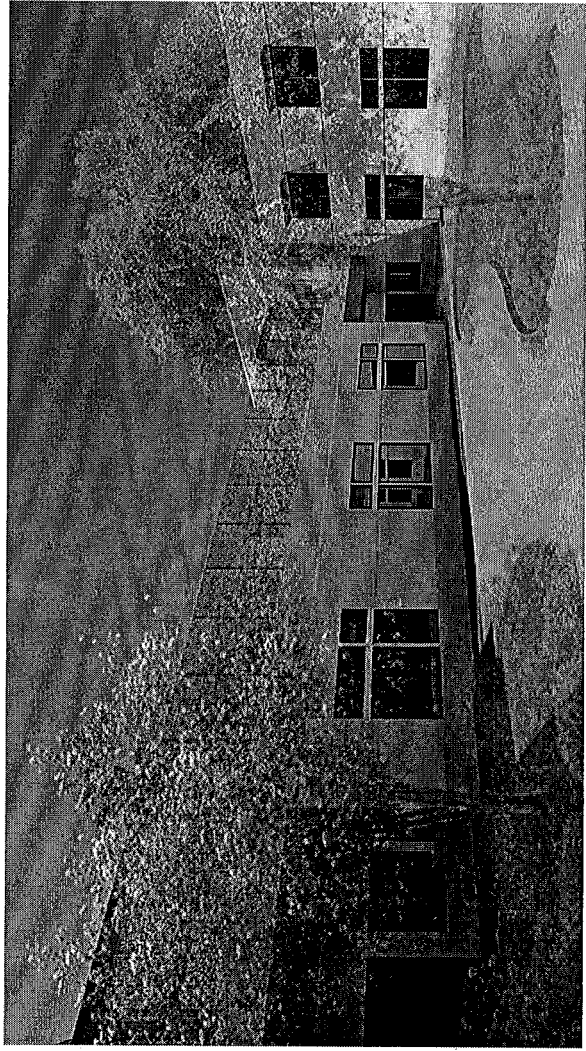
SCALE: 1/8" = 1'-0"

A-104

ENTITLEMENTS
8/22/2014



SOUTH VIEW INSIDE THE MEMORY CARE COURTYARD



NORTH VIEW INSIDE THE MEMORY CARE COURTYARD

NOTES	
1.	REFER SHEET A-104 FOR
2.	FOR THE LOCATION OF THE
3.	USED TO THE DETAIL SHEET FOR
4.	LOCATION OF THE

NO.	DATE	DESCRIPTION
1.	08/27/14	REVISION
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

SEA

KEY PLAN

Perkins Eastman

250 GENESEE STREET
SAN FRANCISCO, CA 94102
P: 415.222.7700

PROJECT TITLE

**MERCY RETIREMENT
AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,
CA 94611

PROJECT NO: 54640.00

DRAWING TITLE

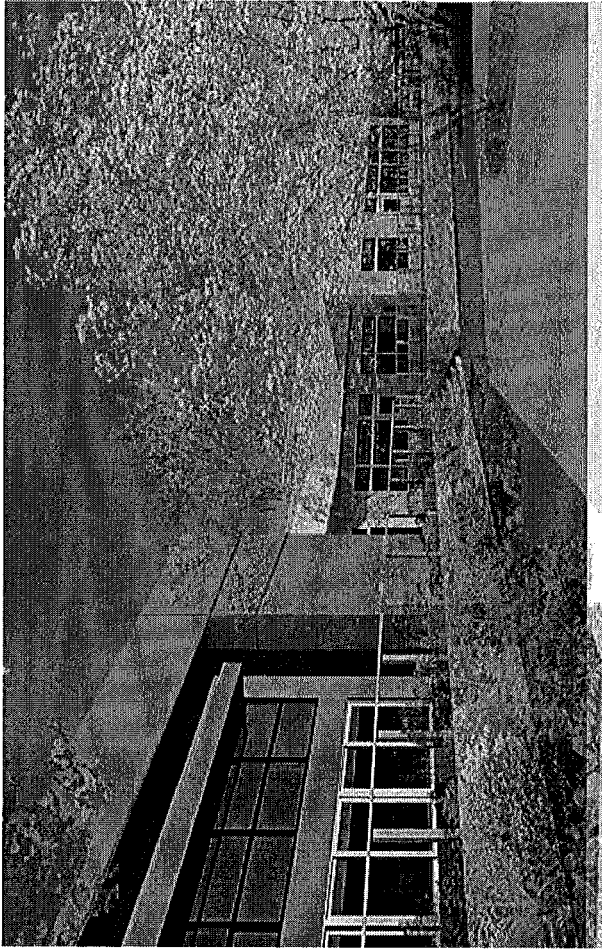
**PERSPECTIVE
VIEWS- MEMORY
CARE COURTYARD**

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

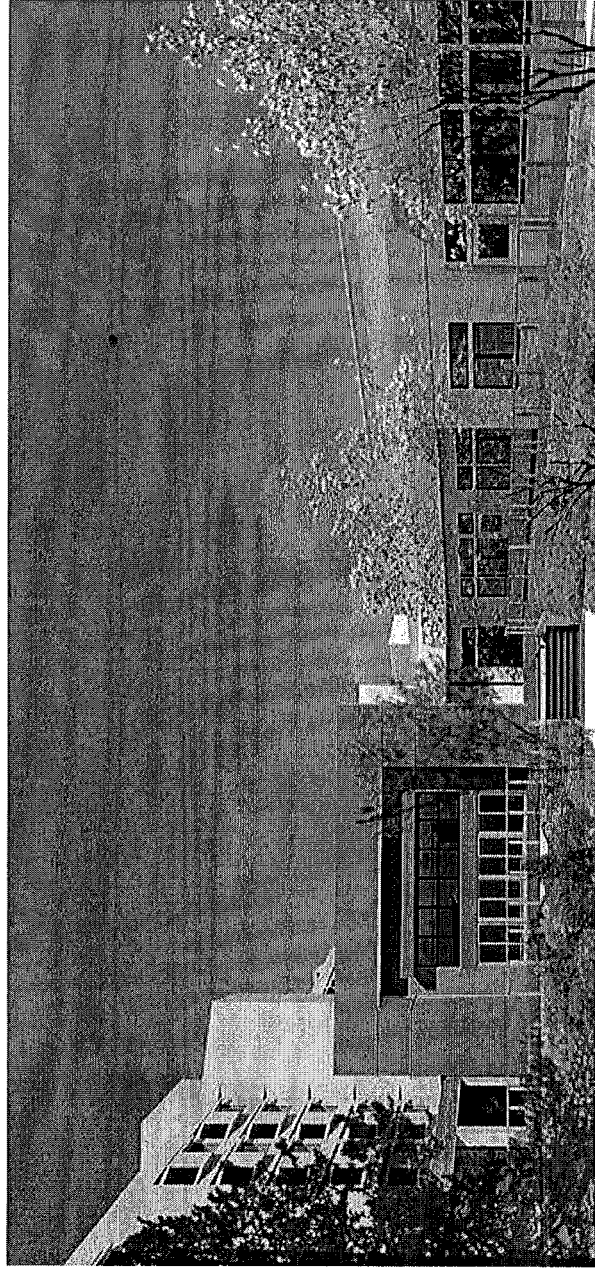
A-105

ENTITLEMENTS

4/24/2014



COMMONS OPENING ONTO THE COURTYARD



COMMONS OPENING ONTO THE COURTYARD

NOTES

SEE SHEET 414.1A FOR
PERSPECTIVE VIEWS OF PROPOSED LANDSCAPE
REFERS TO THE SITE LAYOUT SHEET FOR
LOCATION OF FEATURES

NO.	DATE	ENTITLEMENTS
1	04/22/2014	PERMITS
2	04/22/2014	PERMITS
3	04/22/2014	PERMITS
4	04/22/2014	PERMITS
5	04/22/2014	PERMITS
6	04/22/2014	PERMITS
7	04/22/2014	PERMITS
8	04/22/2014	PERMITS
9	04/22/2014	PERMITS
10	04/22/2014	PERMITS

SEAL

SET PLAN

Perkins Eastman

25000 STREET
SUITE 1000
SAN FRANCISCO, CA 94108
P: 415.261.7700

PROJECT TITLE

**MERCY RETIREMENT
AND CARE CENTER**

3451 FOOTHILL BOULEVARD OAKLAND,
CA 94611

PROJECT No: 548940.00

DRAWING TITLE

**PERSPECTIVE VIEWS
- COMMONS
COURTYARD**

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

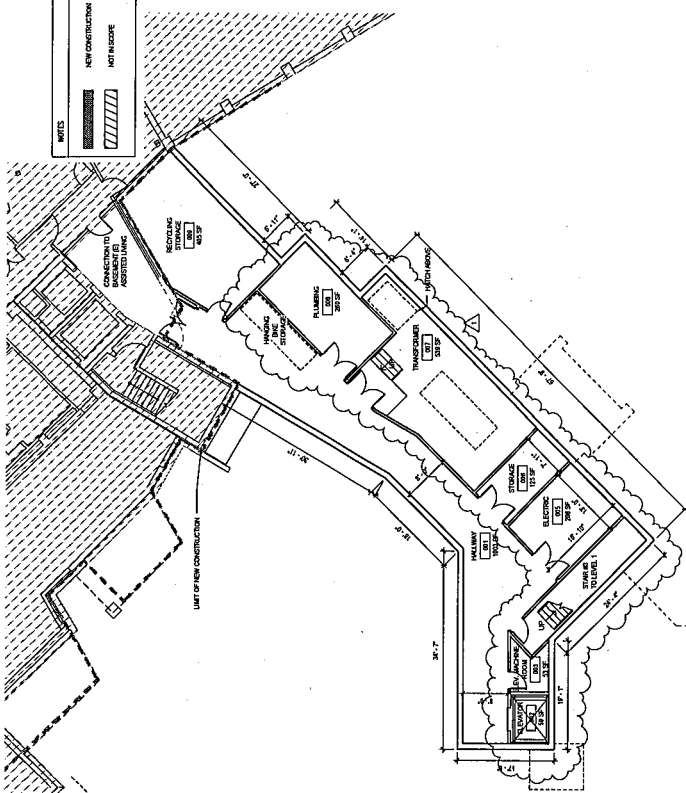
A-106

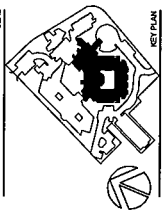
ENTITLEMENTS

04/22/2014

NO.	DATE	ISSUE
1	02/27/14	PERKINS EASTMAN'S REVISIONS

NOTES
NEW CONSTRUCTION
NOT IN SCOPE





Perkins Eastman
 345 BAY STREET
 SUITE 1000, OAKLAND, CA 94601
 P 415.774.2700

PROJECT TITLE
**MERCY RETIREMENT
AND CARE CENTER**

3451 FOOTHILL BOULEVARD OAKLAND,
CA 94601

PROJECT No: 54840.00

DRAWING TITLE
**BASEMENT FLOOR
PLAN MEMORY CARE**

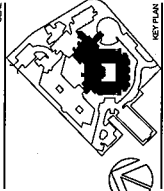
SCALE: 1/8" = 1'-0"

A-200

ENTITLEMENTS
4/24/2014

NO.	DATE	ISSUE
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2	04/27/14	CONSTRUCTION
3	04/27/14	CONSTRUCTION
4	04/27/14	CONSTRUCTION
5	04/27/14	CONSTRUCTION
6	04/27/14	CONSTRUCTION
7	04/27/14	CONSTRUCTION
8	04/27/14	CONSTRUCTION
9	04/27/14	CONSTRUCTION
10	04/27/14	CONSTRUCTION

NOTES
1. NEW CONSTRUCTION
2. EXISTING
3. IMPROVEMENTS
4. LANDSCAPE

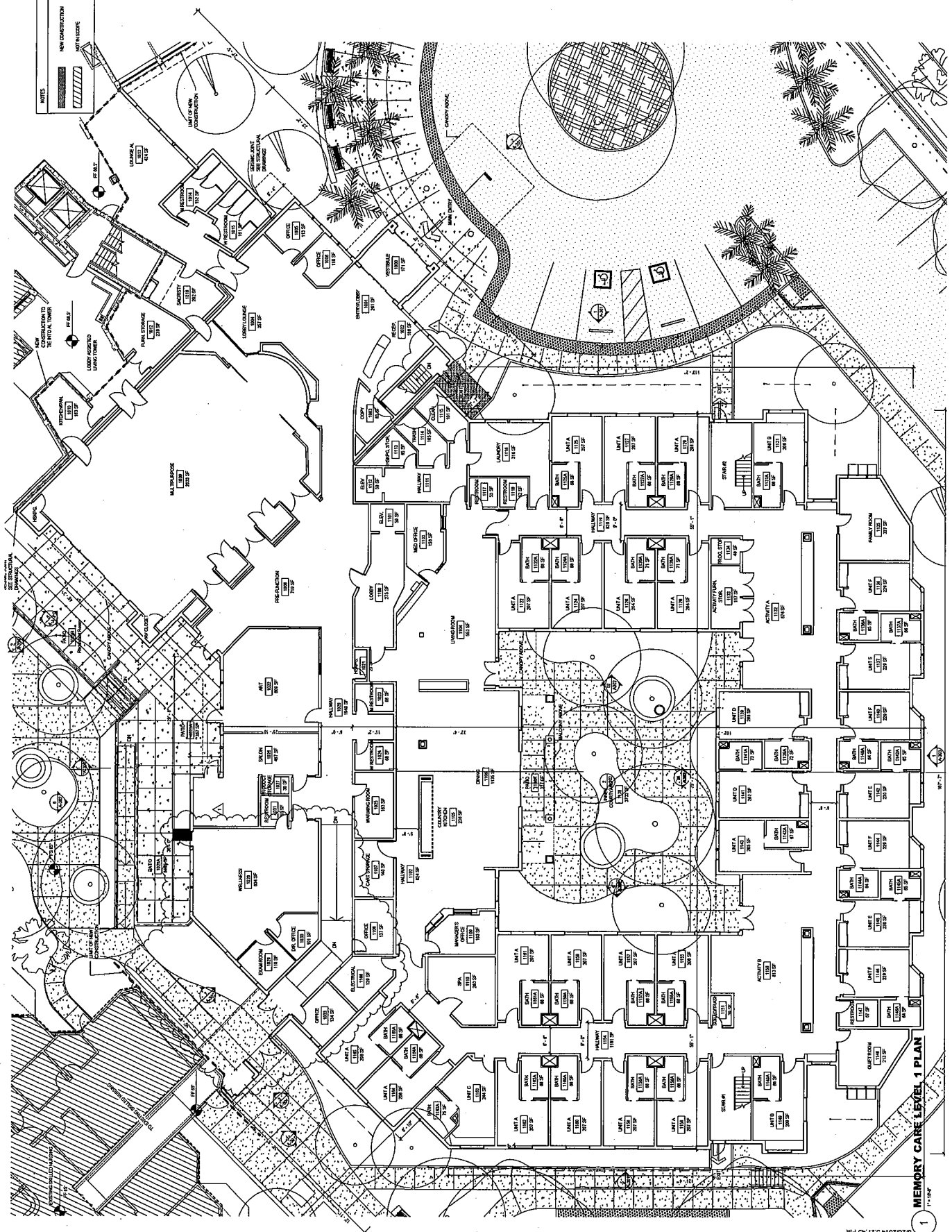

Perkins Eastman
 ARCHITECTS
 1000 MARKET STREET
 SAN FRANCISCO, CA 94102
 P: 415.774.2700

PROJECT TITLE
**MERCY RETIREMENT
 AND CARE CENTER**

301 FOOTHILL BOULEVARD OAKLAND,
 CA 94601

PROJECT NO: 54640.00
 DRAWING TITLE
**FIRST FLOOR PLAN
 MEMORY CARE**

SCALE: 1/8"=1'-0"
A-201
 ENTITLEMENTS
 4/24/2014



MEMORY CARE LEVEL 1 PLAN
 1"=16'-0"

NO.	DATE	ISSUE
1	07/20/2014	REVISION
2	08/01/2014	REVISION
3	08/01/2014	REVISION
4	08/01/2014	REVISION
5	08/01/2014	REVISION
6	08/01/2014	REVISION
7	08/01/2014	REVISION
8	08/01/2014	REVISION
9	08/01/2014	REVISION
10	08/01/2014	REVISION

KEY PLAN

Perkins Eastman
2500 MARKET STREET
SAN FRANCISCO, CA 94104
P: 415.774.7700

PROJECT TITLE
**MERCY RETIREMENT
AND CARE CENTER**

3401 FOOTHILL BOULEVARD OAKLAND,
CA 94611

PROJECT No. 54846.00

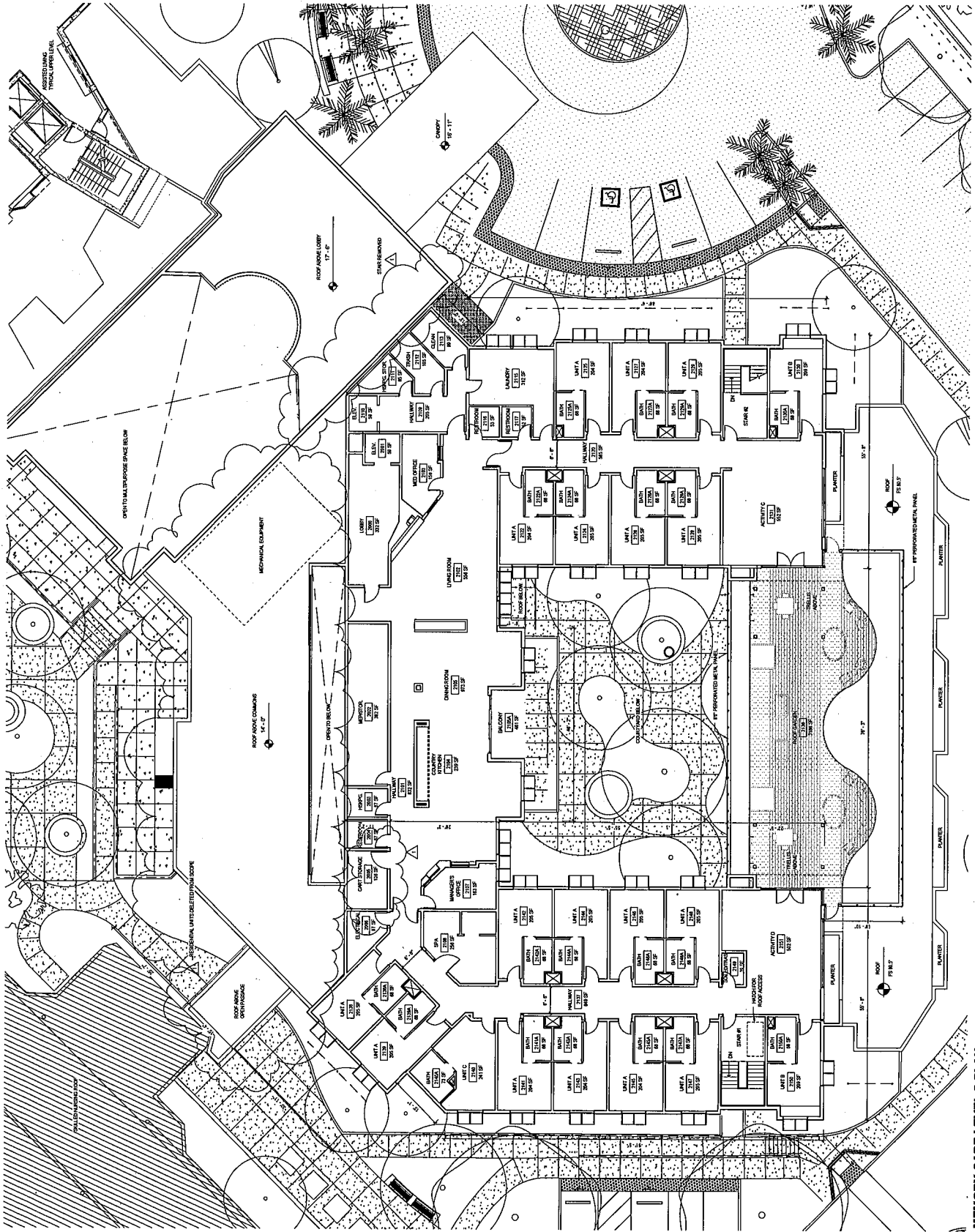
DRAWING TITLE
**SECOND FLOOR
PLAN MEMORY CARE**

SCALE: 1" = 10'-0"

A-202

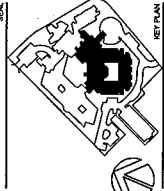
ENTITLEMENTS

4/24/2014



MEMORY CARE LEVEL 2 PLAN

NO.	DATE	ISSUE
1	04/27/2014	SCHEMATIC DEVELOPMENT
2	05/27/2014	SCHEMATIC DEVELOPMENT
3	06/27/2014	SCHEMATIC DEVELOPMENT
4	07/27/2014	SCHEMATIC DEVELOPMENT
5	08/27/2014	SCHEMATIC DEVELOPMENT
6	09/27/2014	SCHEMATIC DEVELOPMENT
7	10/27/2014	SCHEMATIC DEVELOPMENT
8	11/27/2014	SCHEMATIC DEVELOPMENT
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10	01/27/2015	SCHEMATIC DEVELOPMENT
11	02/27/2015	SCHEMATIC DEVELOPMENT
12	03/27/2015	SCHEMATIC DEVELOPMENT
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83	02/27/2021	SCHEMATIC DEVELOPMENT
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96	03/27/2022	SCHEMATIC DEVELOPMENT
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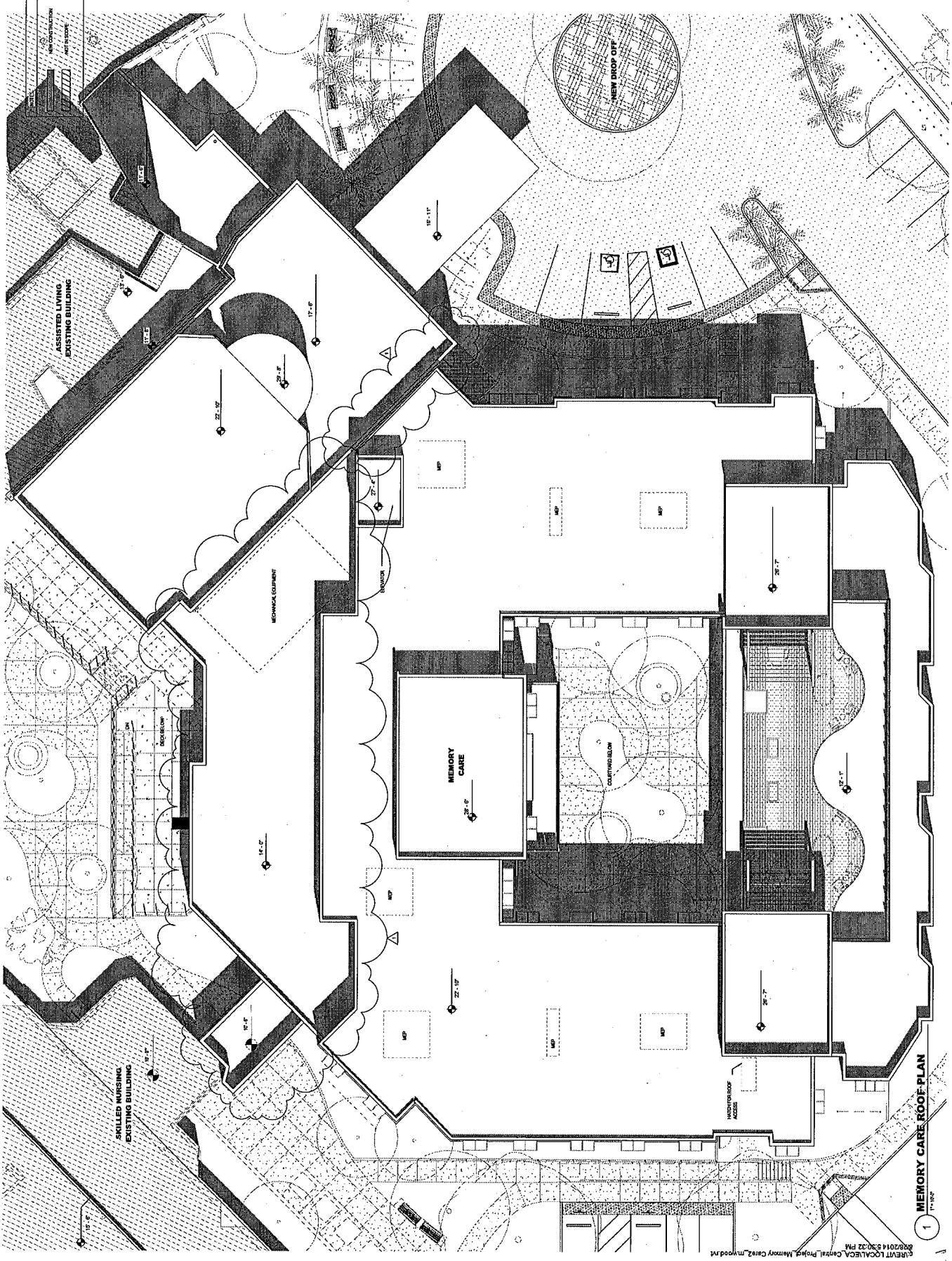
Perkins Eastman
 3300 WEST 10TH STREET
 SAN FRANCISCO, CA 94118
 P: 415.239.7700

PROJECT TITLE
**MERCY RETIREMENT
 AND CARE CENTER**

3300 WEST 10TH STREET, OAKLAND,
 CA 94601

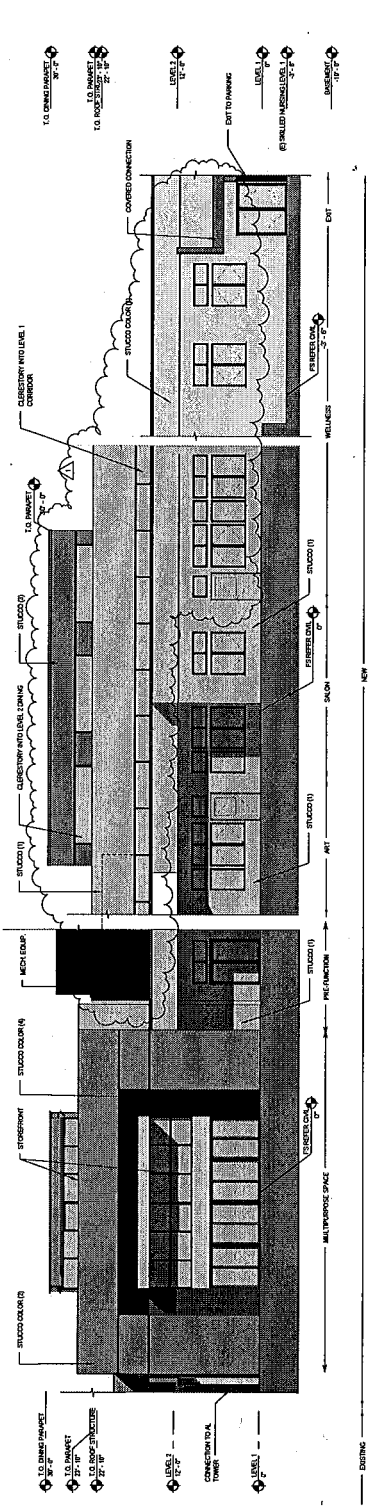
PROJECT No: 54840.00
 DRAWING TITLE
**MEMORY CARE
 ROOF PLAN**

SCALE: AS SHOWN
A-203
 DATE: 04/27/2014

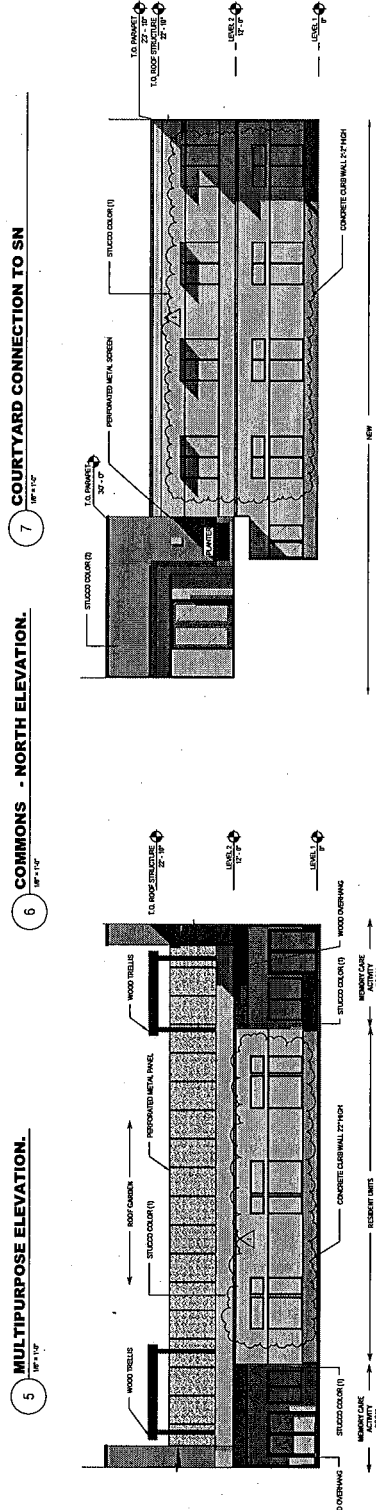


1 MEMORY CARE ROOF PLAN
 1/12/20

NO.	DATE	ISSUE
1	05/22/14	REVISIONS
2		REVISIONS
3		REVISIONS
4		REVISIONS
5		REVISIONS
6		REVISIONS
7		REVISIONS
8		REVISIONS
9		REVISIONS
10		REVISIONS



PERKINS EASTMAN
2000 BAY STREET
SAN FRANCISCO, CA 94109
P: 415.774.1700



PROJECT TITLE
MERCY RETIREMENT
AND CARE CENTER

3431 FOOTHILL BOULEVARD OAKLAND,
CA 94601

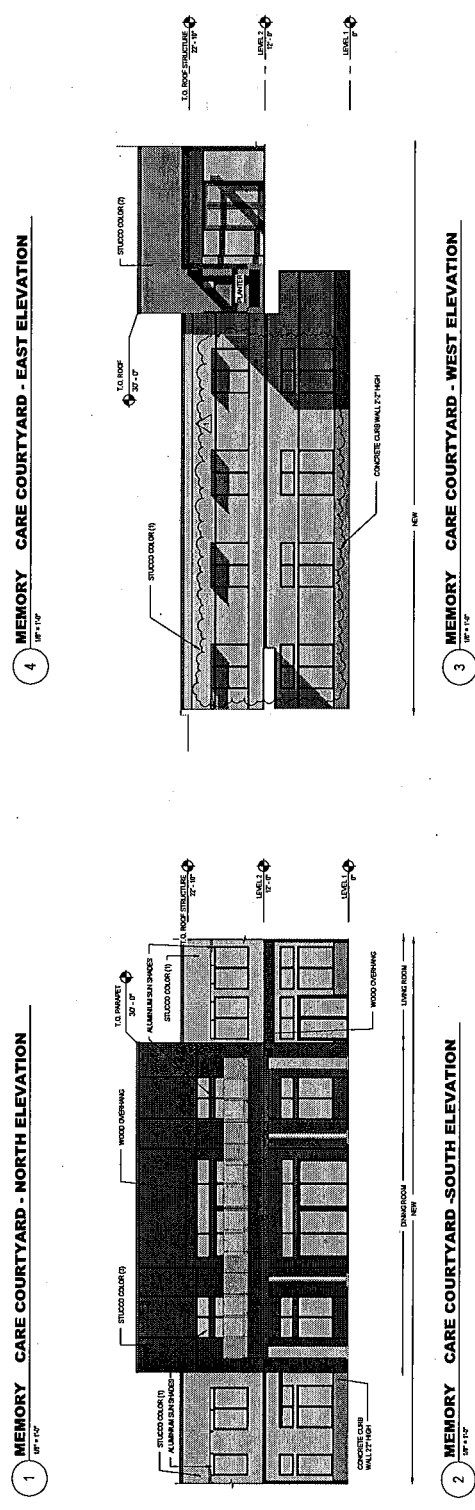
PROJECT No. 54840.00

DRAWING TITLE
EXTERIOR
ELEVATIONS
MEMORY CARE

SCALE 1/8" = 1'-0"

A-302

ENTITLEMENTS
4/04/2014



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

3451 FOOTHILL BOULEVARD OAKLAND, CA 94601

PROJECT No: 58640.00

DRAWING TITLE

EXTERIOR ELEVATIONS

MEMORY CARE

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

A-303

ENTITLEMENTS

4/04/2014

3451 FOOTHILL BOULEVARD OAKLAND, CA 94601

PROJECT No: 58640.00

DRAWING TITLE

EXTERIOR ELEVATIONS

MEMORY CARE

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

A-303

ENTITLEMENTS

4/04/2014

3451 FOOTHILL BOULEVARD OAKLAND, CA 94601

PROJECT No: 58640.00

DRAWING TITLE

EXTERIOR ELEVATIONS

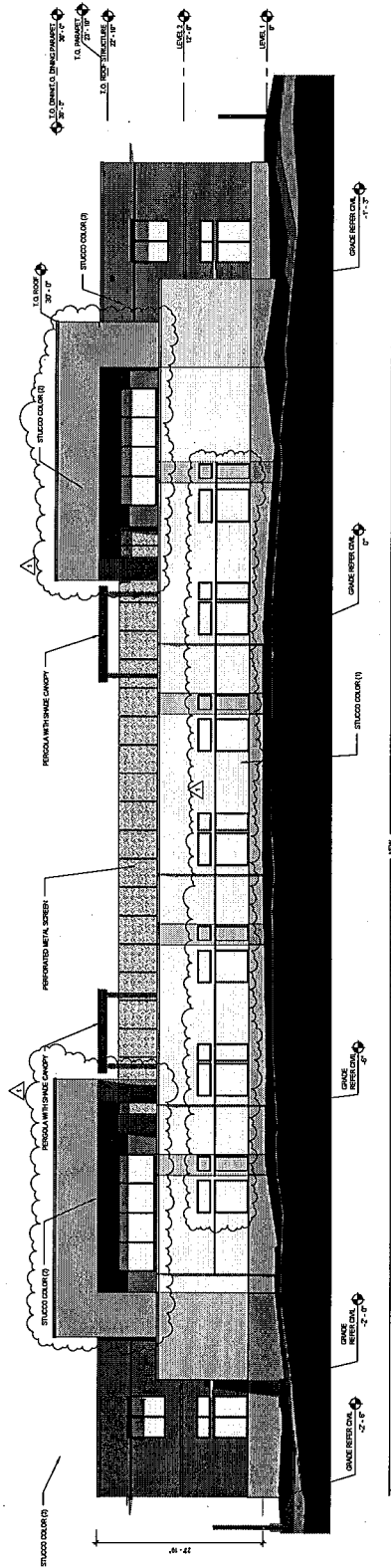
MEMORY CARE

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

A-303

ENTITLEMENTS

4/04/2014



1 SOUTH ELEVATION..

PROJECT TITLE

MERCY RETIREMENT AND CARE CENTER

3451 FOOTHILL BOULEVARD OAKLAND, CA 94601

PROJECT No: 58640.00

DRAWING TITLE

EXTERIOR ELEVATIONS

MEMORY CARE

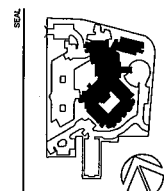
SCALE: 1/8" = 1'-0"

A-303

ENTITLEMENTS

4/04/2014

NO.	DATE	ISSUE
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		PROJECT NO. 14-0000
		PROJECT NAME
		PROJECT ADDRESS
		PROJECT CITY
		PROJECT STATE
		PROJECT ZIP
		PROJECT PHONE
		PROJECT FAX
		PROJECT EMAIL



Perkins Eastman
 235 EAST STREET
 SUITE 100
 SAN FRANCISCO, CA 94105
 P: 415.262.7700

PROJECT TITLE
 MERCY RETIREMENT
 AND CARE CENTER

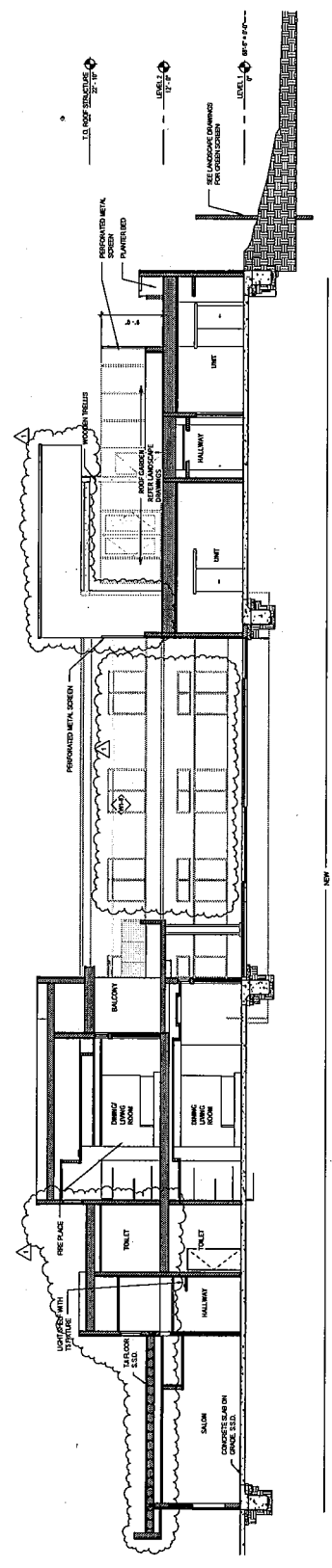
3451 FOOTHILL BOULEVARD OAKLAND,
 CA 94601

PROJECT NO. 54840.00
DRAWING TITLE
 ARCHITECTURAL
 SECTIONS MEMORY
 CARE

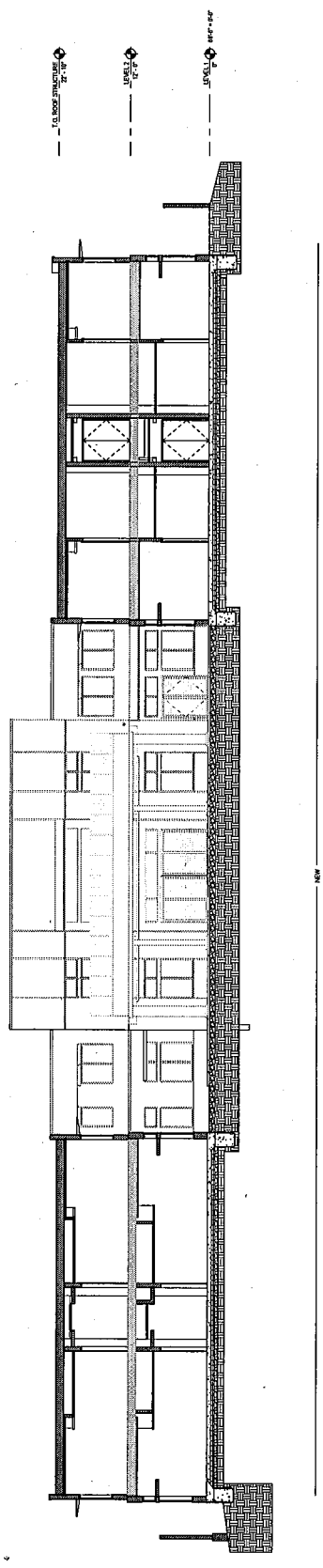
SCALE 1/8" = 1'-0"

A-305

ENTITLEMENTS
 4/6/2014



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



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

NO.	DATE	BY	REVISION



SEAL

PERKINS EASTMAN

345 PINE STREET
SUITE 1000
SAN FRANCISCO, CA 94104
(415) 774-2272

PROJECT TITLE

MERCY RETIREMENT
AND CARE CENTER
(E) ASSISTED LIVING
BUILDING
345 PINE STREET, SUITE 1000
SAN FRANCISCO, CA 94104

PROJECT NO: 54841.00

DRAWING TITLE

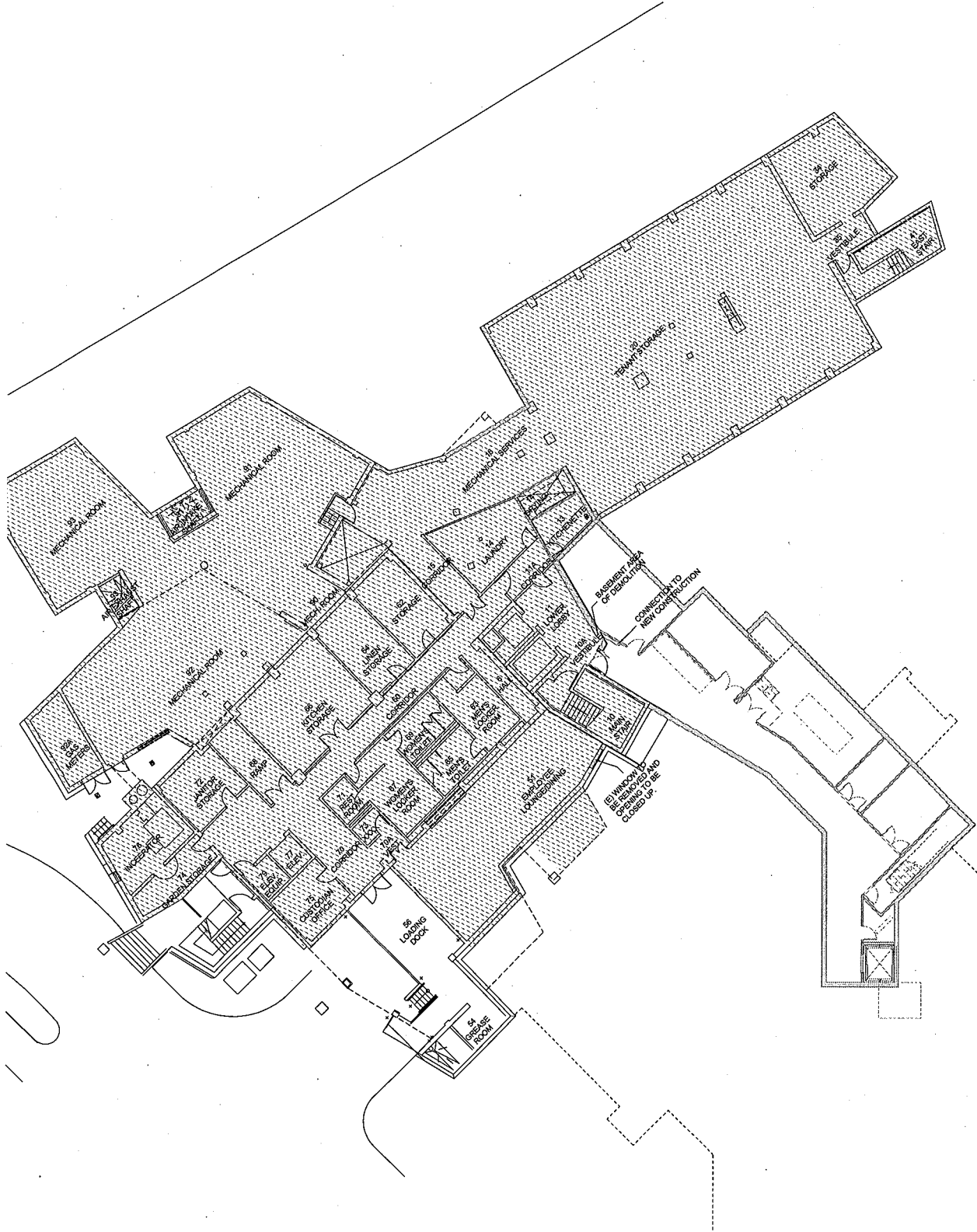
BASEMENT PLAN -
INTERIOR
RENOVATIONS

SCALE: 1" = 10'-0"

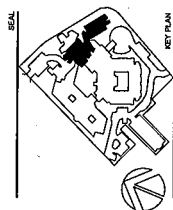
AR-200

ENCLOSURE

04042014



NO.	DATE	ISSUE
1	06/20/14	ENTITLEMENTS REVISIONS

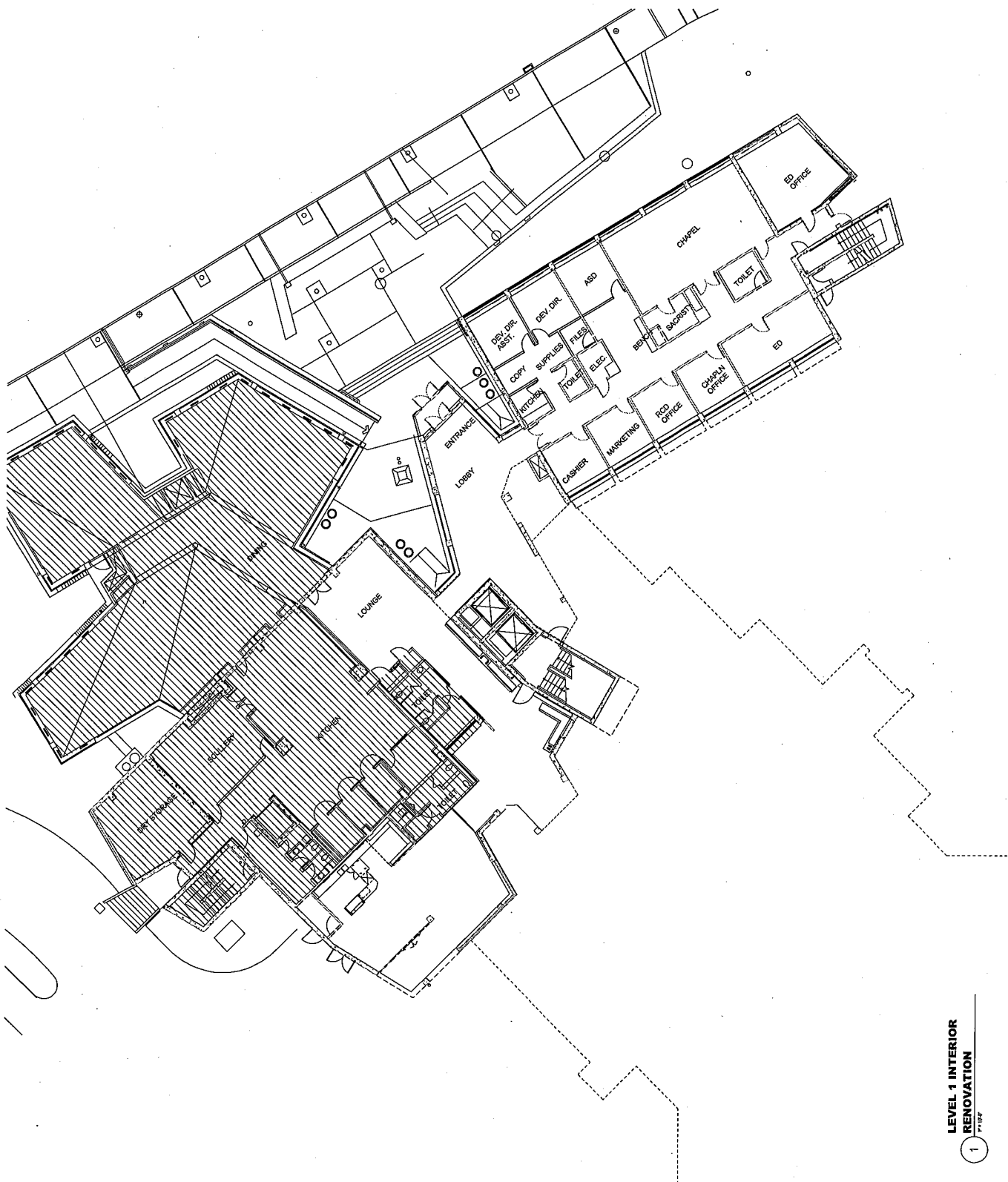


Perkins Eastman
 25 CALVERT STREET
 BALTIMORE, MD 21202
 P: 410.528.7200

PROJECT TITLE
**MERCY RETIREMENT
 AND CARE CENTER
 (E) ASSISTED LIVING
 BUILDING**
 1801 FOOTHILL BOULEVARD, OAKLAND,
 CA 94612

PROJECT NO: 54841.00
 DRAWING TITLE
**1ST FLOOR -
 INTERIOR
 RENOVATIONS**
 SCALE: 1" = 10'-0"

AR-201
 ENTITLEMENTS
 04/04/2014



LEVEL 1 INTERIOR
 RENOVATION

NO.	DATE	REV.
1	04/02/2014	ENTITLEMENTS REVISIONS



SEAL

PERKINS EASTMAN

3431 FOOTHILL BOULEVARD, OAKLAND, CA 94601

TEL: 415.863.7700

FAX: 415.863.7701

PROJECT TITLE

MERCY RETIREMENT AND CARE CENTER (E) ASSISTED LIVING BUILDING

3431 FOOTHILL BOULEVARD, OAKLAND, CA 94601

PROJECT NO. 54841.00

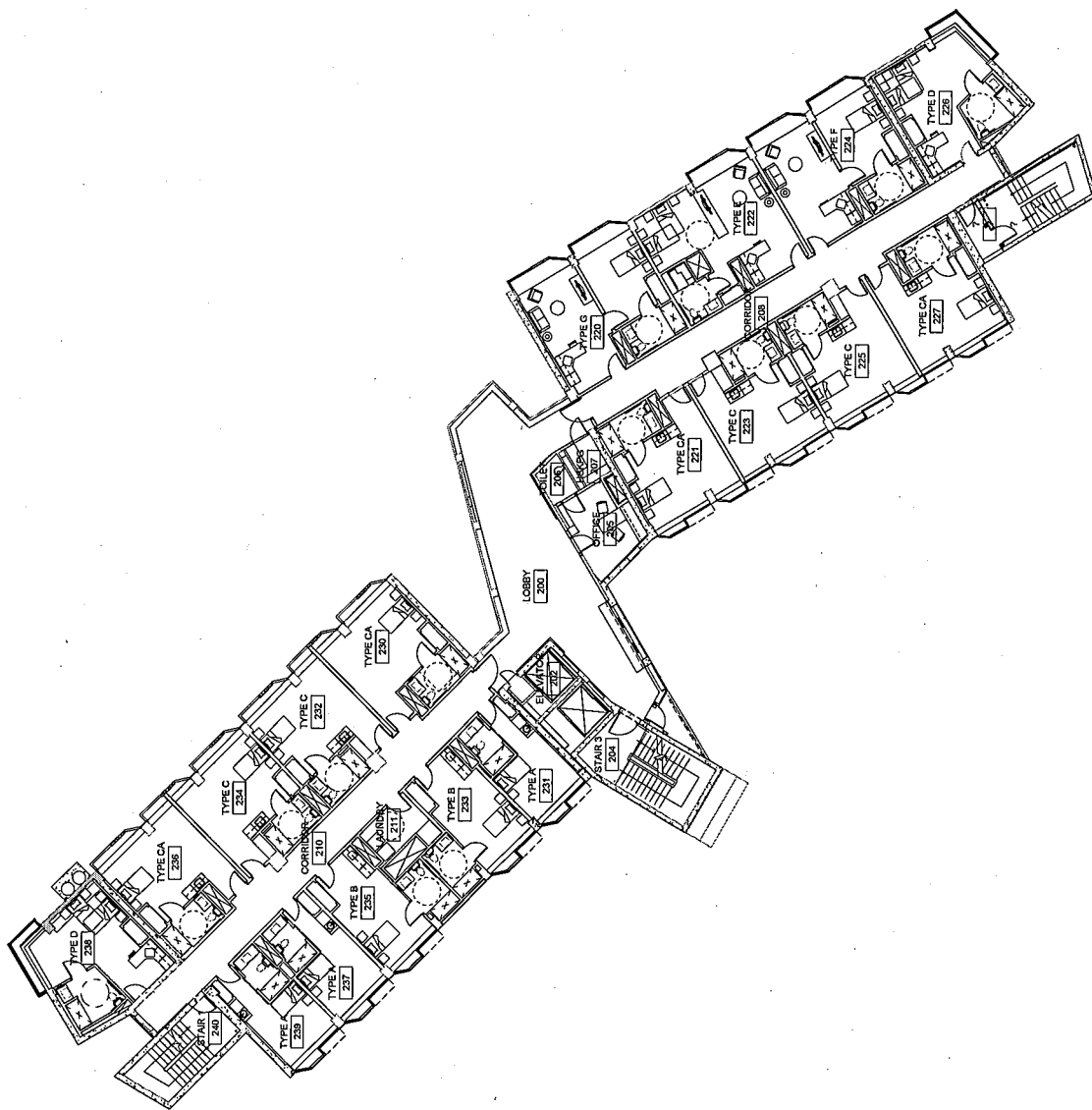
DRAWING TITLE

2ND FLOOR - INTERIOR RENOVATIONS

SCALE: 1" = 10'-0"

ENTITLEMENTS

04/02/2014



NO.	DATE	ISSUE
1	02/27/2014	ENTITLEMENTS REVISIONS




PERKINS EASTMAN

2500 CALIFORNIA STREET
SAN FRANCISCO, CA 94115
P: 415.774.2700
F: 415.774.2770

PROJECT TITLE

MERCY RETIREMENT
AND CARE CENTER
(E) ASSISTED LIVING
BUILDING

3401 FOOTHILL BOULEVARD, OAKLAND,
CA 94611

PROJECT No: 54841.00

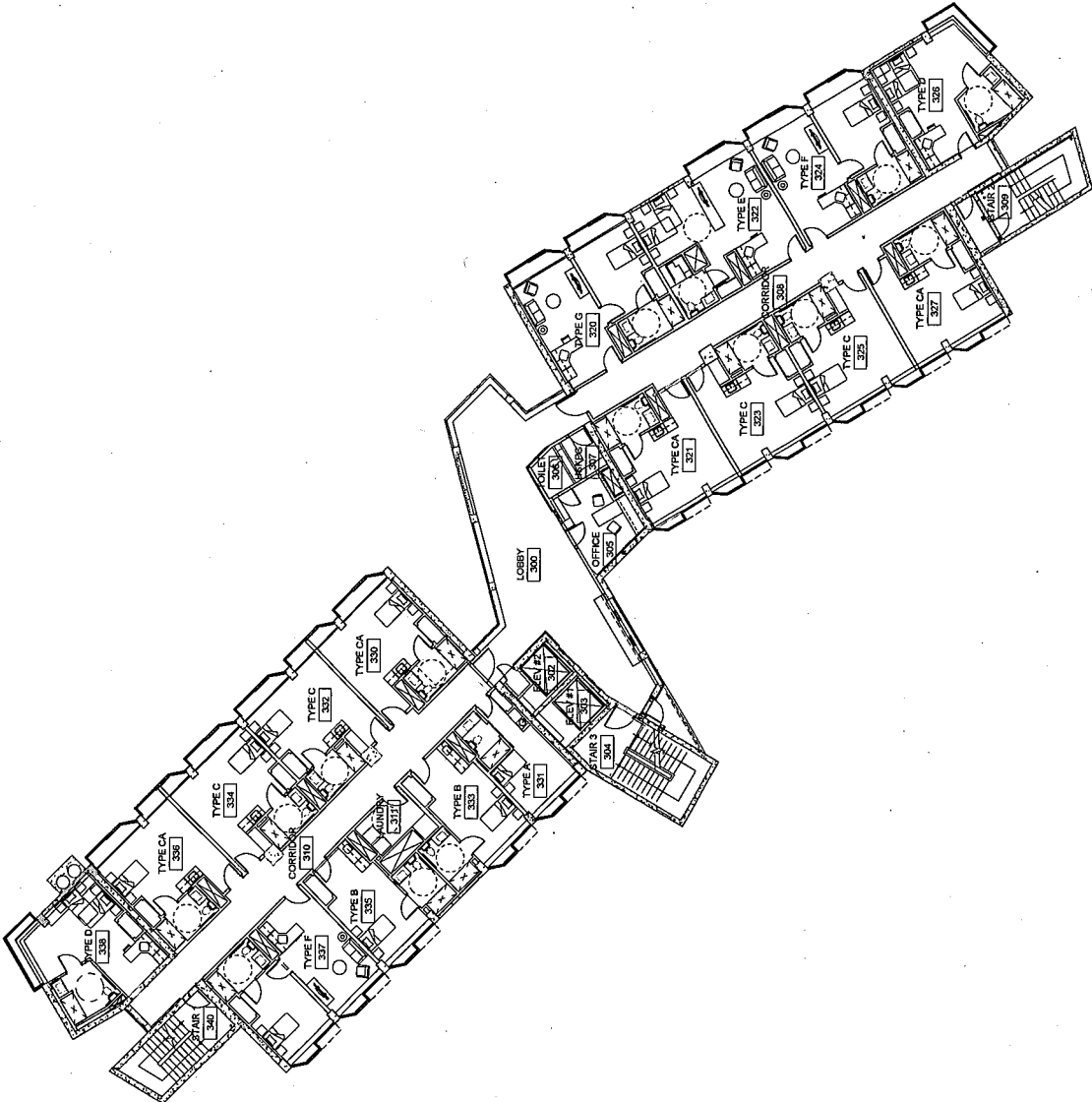
DRAWING TITLE

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


SCALE: 1" = 10'-0"

ENTITLEMENTS

04/02/2014



NO.	DATE	ISSUE
1	02/27/14	RESUBMITAL



Perkins Eastman

200 WEST WASHINGTON STREET
SUITE 200
CHICAGO, IL 60601
P: 312.427.1000
F: 312.427.1001

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

3431 FOOTHILL BOULEVARD OAKLAND,
CA 94601

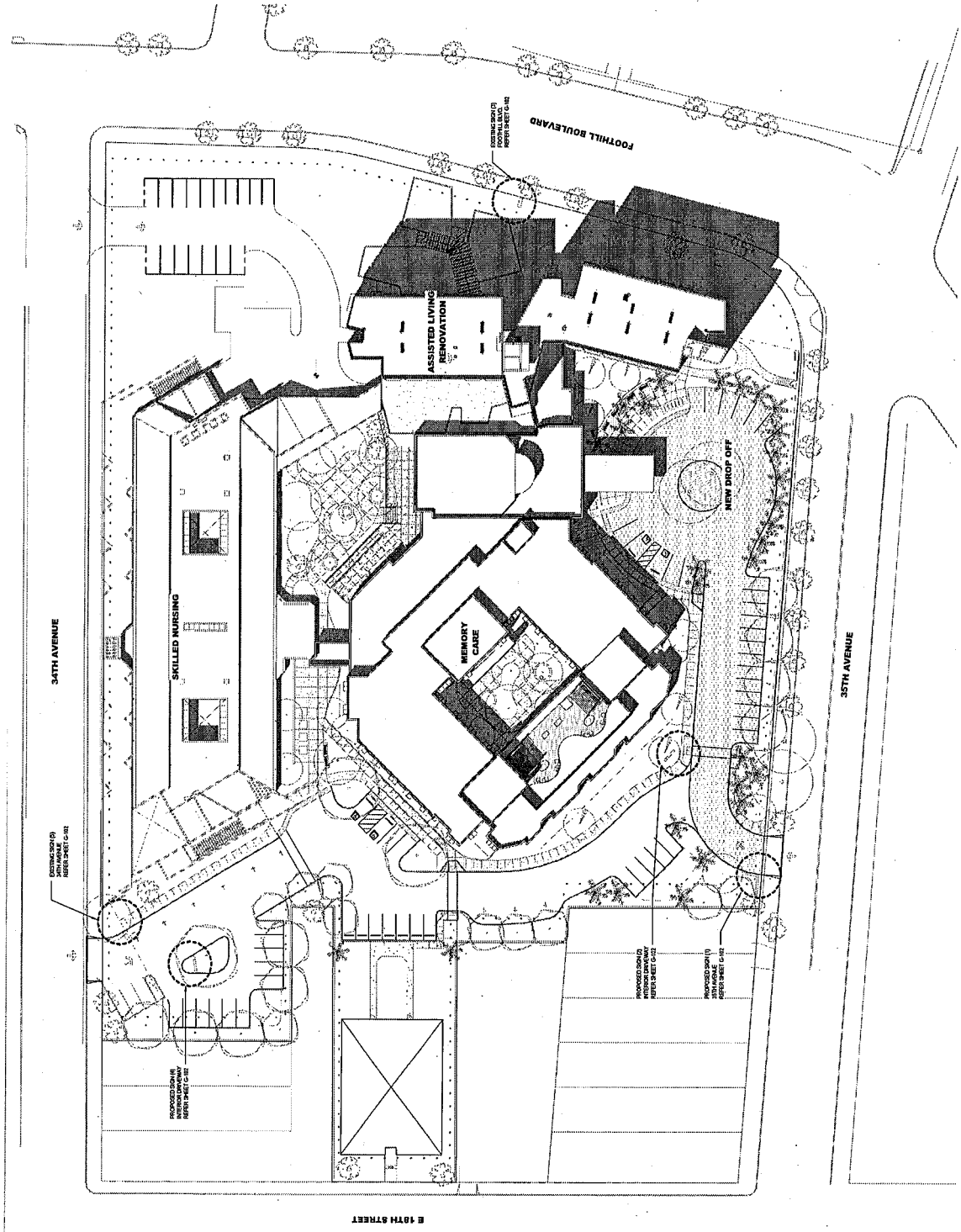
DRAWING TITLE:
**SIGNAGE OVERALL
SITE PLAN**

SCALE: 1" = 30'-0"

G-101

ENTITLEMENTS

4/24/2014

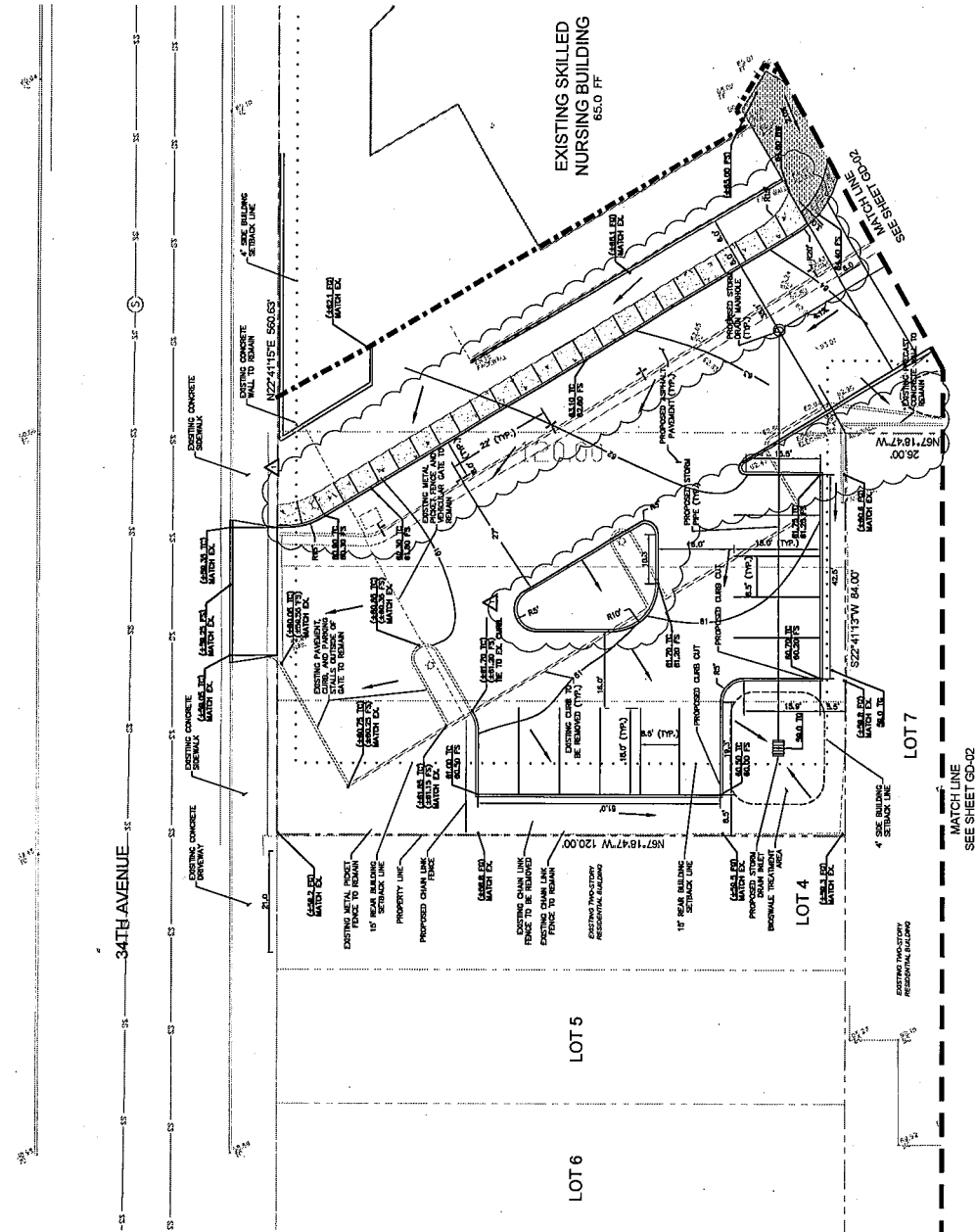
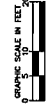


1 SIGNAGE PLAN



GENERAL NOTES:
 1. ALL EXISTING GRADE, LANDSCAPING, AND
 UTILITIES SHOWN ON THIS PLAN ARE TO BE
 REMOVED UNLESS OTHERWISE NOTED.

- LEGEND**
- (XXXX) EXISTING ELEVATION
 - XXXX PROPOSED ELEVATION
 - DIRECTION OF FLOW
 - TC TOP OF CURB
 - PF FINISHED FLOOR
 - PS FINISHED SURFACE (ASPHALT/CONCRETE)
 - PG FINISHED GRADE (LANDSCAPE)
 - SW BACK OF WALK
 - TF TOP OF WALL
 - SW BOTTOM OF WALL
 - GB GRADE BREAK
 - BUILDING SETBACK LINE
 - CONCRETE RETAINING WALL
 - LIMITS OF WORK
 - BORROWE LIMITS
 - TRUNCATED DOWNS
 - CONCRETE



MATCH LINE
 SEE SHEET GD-02

NO. DATE	DATE
1	2/27/14
2	3/10/14
3	3/10/14
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100	3/10/14

Kimley»Horn
1000 City Avenue, Suite 200
San Francisco, CA 94103
Phone: (415) 624-2272



Perkins Eastman
3000 California Street, Suite 200
San Francisco, CA 94115
Phone: (415) 774-2000

**MERCY RETIREMENT
AND CARE CENTER**

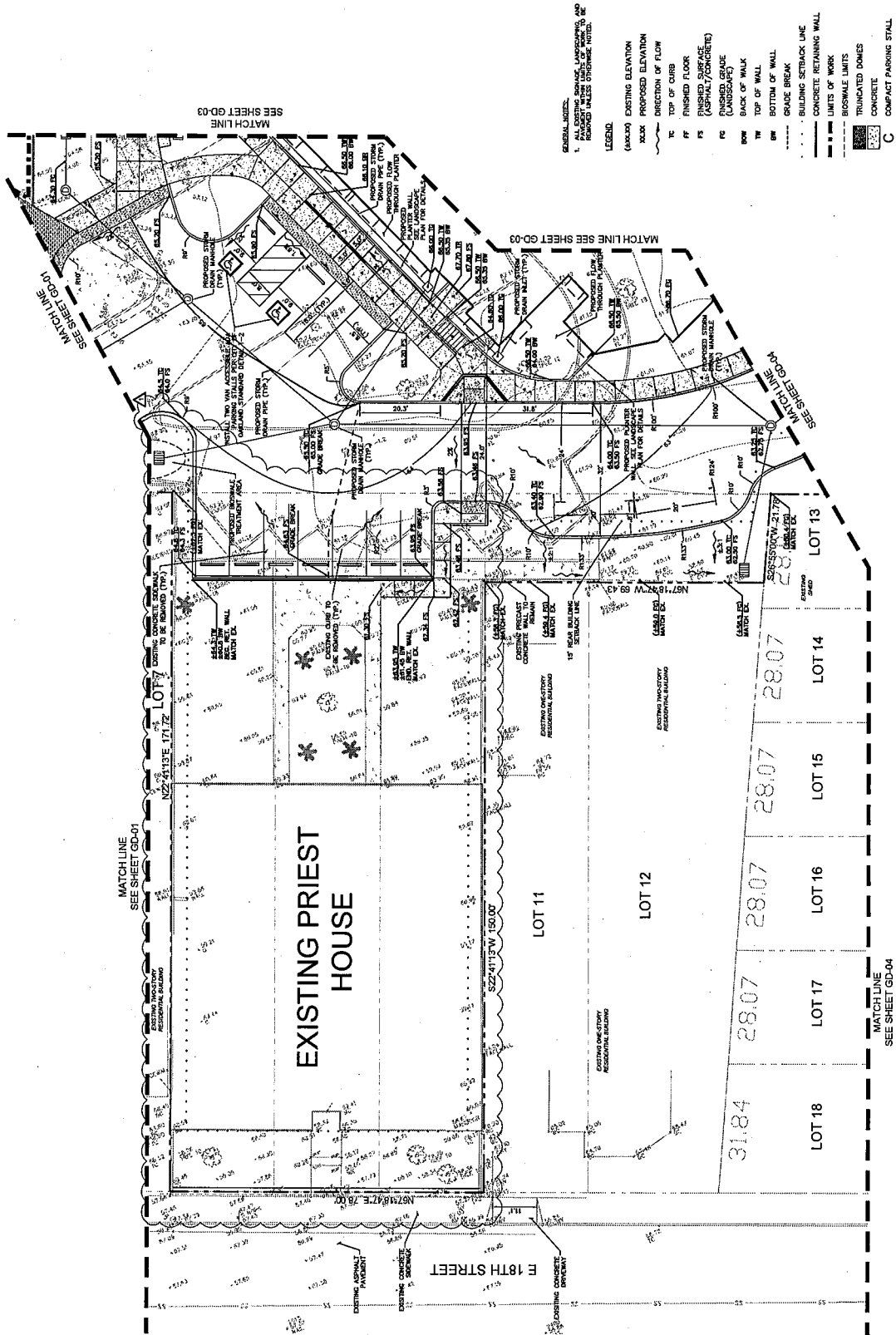
3431 FOOTHILL BOULEVARD OAKLAND,
CA 94611

PROJECT NO: 54540.00

PRELIMINARY
SITE AND
GRADING PLAN 2

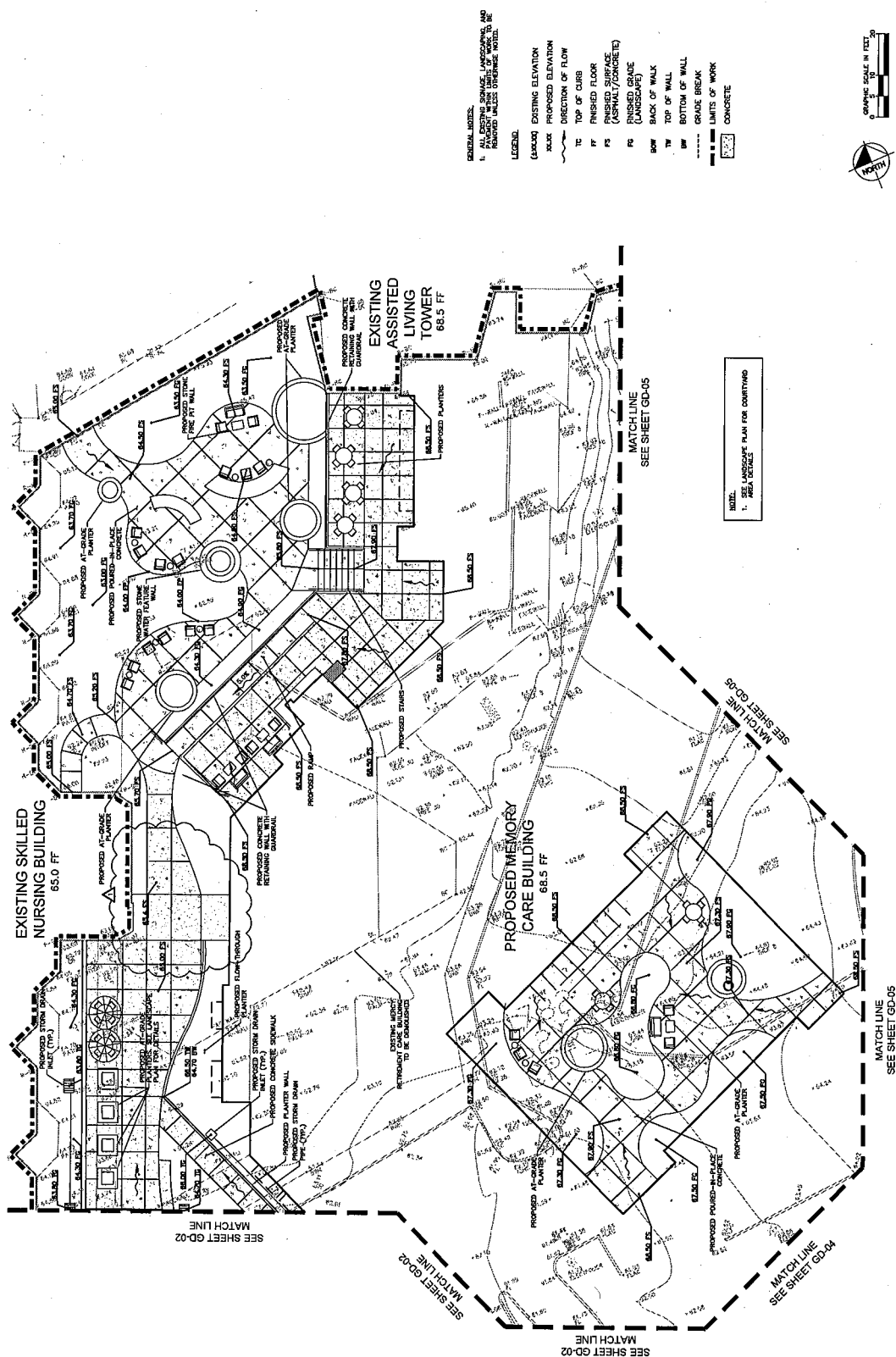
GD-02

DESIGNED BY: PERKINS EASTMAN
DATE: 2/27/14



- GENERAL NOTES:**
1. EXISTING GRADE SHOWN WITH DASHED LINES.
2. PROPOSED GRADE SHOWN WITH SOLID LINES.
3. EXISTING AND PROPOSED GRADES SHOWN WITH DASHED LINES.
- LEGEND:**
 (A) EXISTING ELEVATION
 (B) PROPOSED ELEVATION
 (C) DIRECTION OF FLOW
 (D) FINISHED FLOOR
 (E) FINISHED SURFACE (PAVEMENT)
 (F) FINISHED GRADE (LANDSCAPE)
 (G) BACK OF WALL
 (H) TOP OF WALL
 (I) BOTTOM OF WALL
 (J) GRADE BREAK
 (K) BUILDING SETBACK LINE
 (L) CONCRETE RETAINING WALL
 (M) LIMITS OF WORK
 (N) TRUNCATED DOMES
 (O) CONCRETE
 (P) COMPACT PARKING STALL

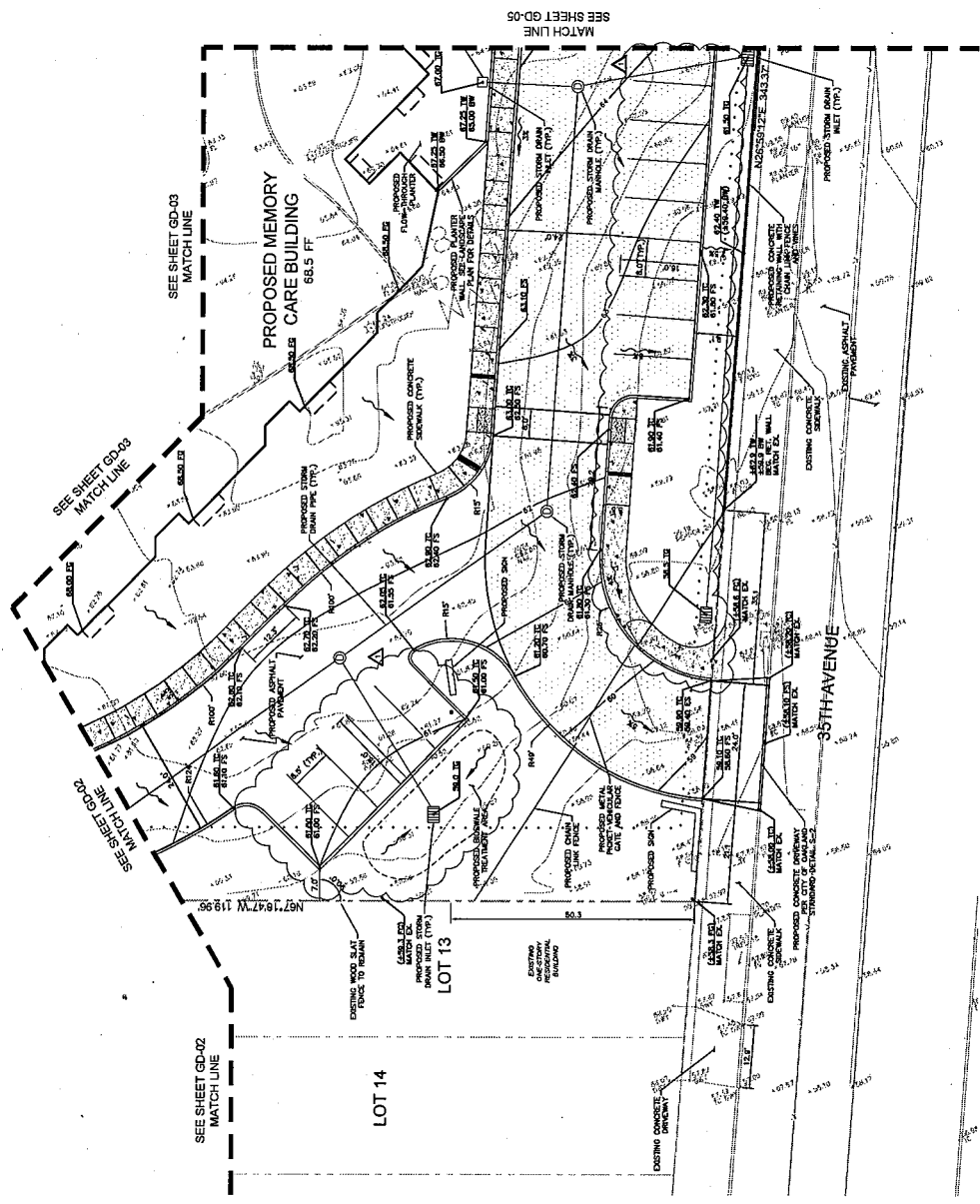
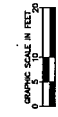






GD-04

- GENERAL NOTES**
1. EXISTING GRADE, EXISTING ELEVATION, AND EXISTING SURFACE SHALL BE SHOWN IN THE LIMITS OF WORK TO BE PROVIDED BY OTHERS.
 2. EXISTING GRADE SHALL BE SHOWN IN THE LIMITS OF WORK TO BE PROVIDED BY OTHERS.
- LEGEND**
- (A) EXISTING ELEVATION
 - (B) PROPOSED ELEVATION
 - (C) DIRECTION OF FLOW
 - (D) TOP OF CURB
 - (E) FINISHED FLOOR
 - (F) FINISHED SURFACE (PAVEMENT, GRASS, ETC.)
 - (G) FINISHED GRADE (LANDSCAPE)
 - (H) BACK OF WALK
 - (I) TOP OF WALK
 - (J) BOTTOM OF WALK
 - (K) GRADE BREAK
 - (L) BUILDING STRUCK LINE
 - (M) CONCRETE RETAINING WALL
 - (N) PERVIOUS PAVEMENT
 - (O) TRUNCATED DOWNS
 - (P) CONCRETE





Perkins Eastman
33 GEARY STREET
SUITE 500
SAN FRANCISCO, CA 94104
T 415 774 7969
F 415 926 7733

**MERCY RETIREMENT
AND CARE CENTER**

3431 FOOTHILL BOULEVARD OAKLAND,
CA 94601

PROJECT No: 54840.00

POST-CONSTRUCTION STORMWATER MANAGEMENT

PLAN

GD-06

102714

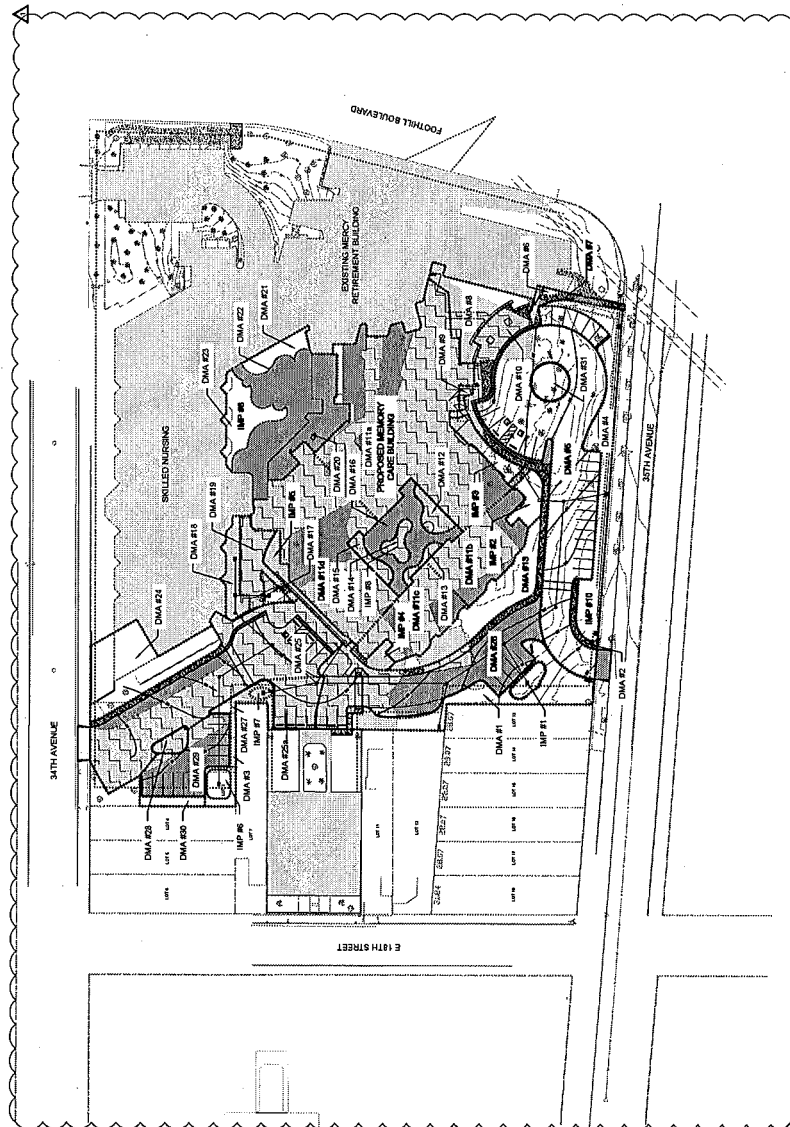
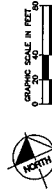
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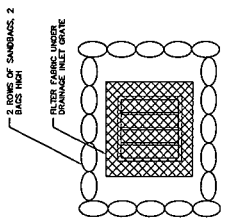
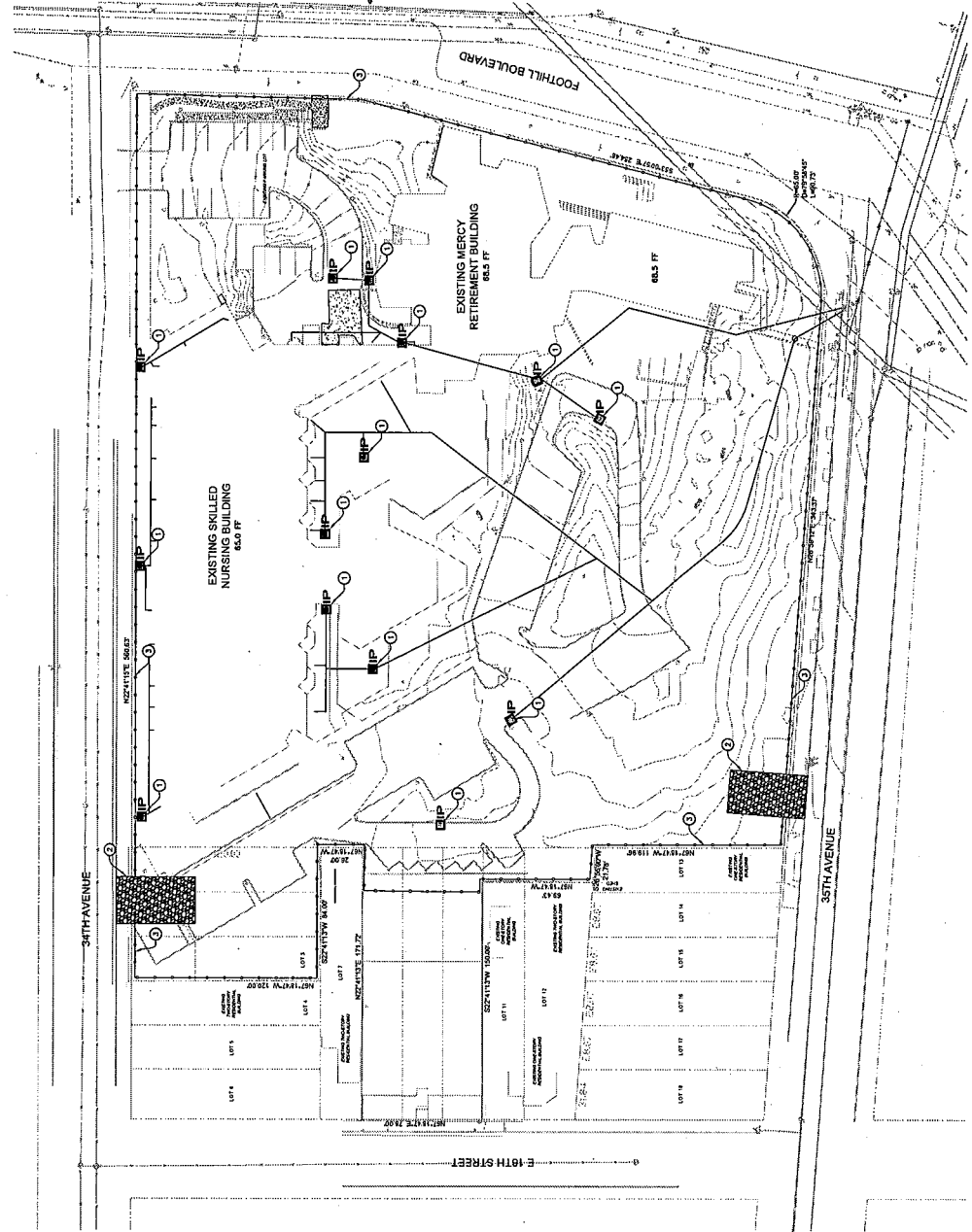
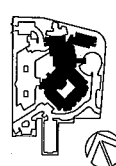
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1	BIO-SWALE	440	11,500
2	FLOW-THROUGH PLANTER	770	19,400
3	FLOW-THROUGH PLANTER	632	20,800
4	FLOW-THROUGH PLANTER	424	10,600
5	FLOW-THROUGH PLANTER	768	18,150
6	BIO-SWALE	440	11,000
7	BIO-SWALE	245	6,125
8	SELF RETAINING AREA	480	900
9	SELF RETAINING AREA	1,770	3,540
10	SELF RETAINING AREA	8,988	1,912
TOTAL		13,987	97,917

LEGEND

***** DRAINAGE AREA LIMITS

STORMWATER MANAGEMENT LEGEND	
TOTAL SITE AREA	217,000 sq. ft. 5.00 AC.
TOTAL LAND AREA DISTURBED	100,350 sq. ft. 2.31 AC.
TOTAL EXISTING IMPERVIOUS SURFACE	127,300 sq. ft. 2.91 AC.
REPLACED IMPERVIOUS SURFACE	45,750 sq. ft. 1.05 AC.
NEW IMPERVIOUS SURFACE	24,300 sq. ft. 0.56 AC.
TOTAL POST-PROJECT IMPERVIOUS SURFACE	70,550 sq. ft. 1.61 AC.





DETAIL A: DRAINAGE INLET GRATE SANDBAGS
 N.E.S.

- EROSION CONTROL LEGEND**
- SILT FENCE
 - CONSTRUCTION ENTRANCE
 - DIP INLET PROTECTION
 - 1 INSTALL INLET PROTECTION SEE DETAIL A, THIS SHEET
 - 2 INSTALL CONSTRUCTION ENTRANCE
 - 3 INSTALL SILT FENCE



SCALE

Perkins Eastman
2000 N. 1st Street, Suite 200
Oakland, CA 94612
Tel: 415.774.8800
Fax: 415.774.8801

PROJECT TITLE
**MERCY RETIREMENT
AND CARE CENTER**

3431 FOOTHILL BOULEVARD, OAKLAND,
CA 94611

PROJECT No: 54840.00

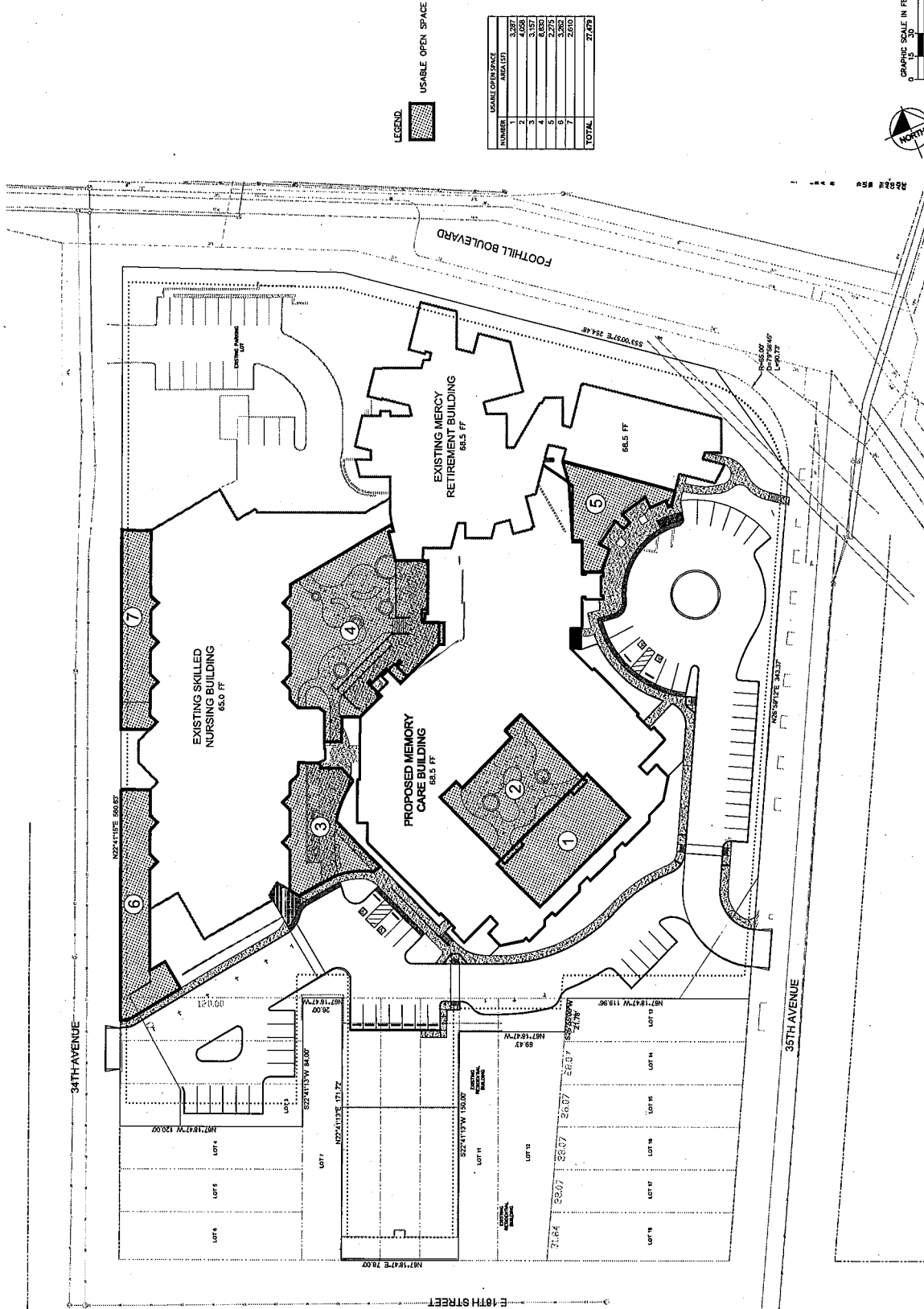
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SPACE EXHIBIT**

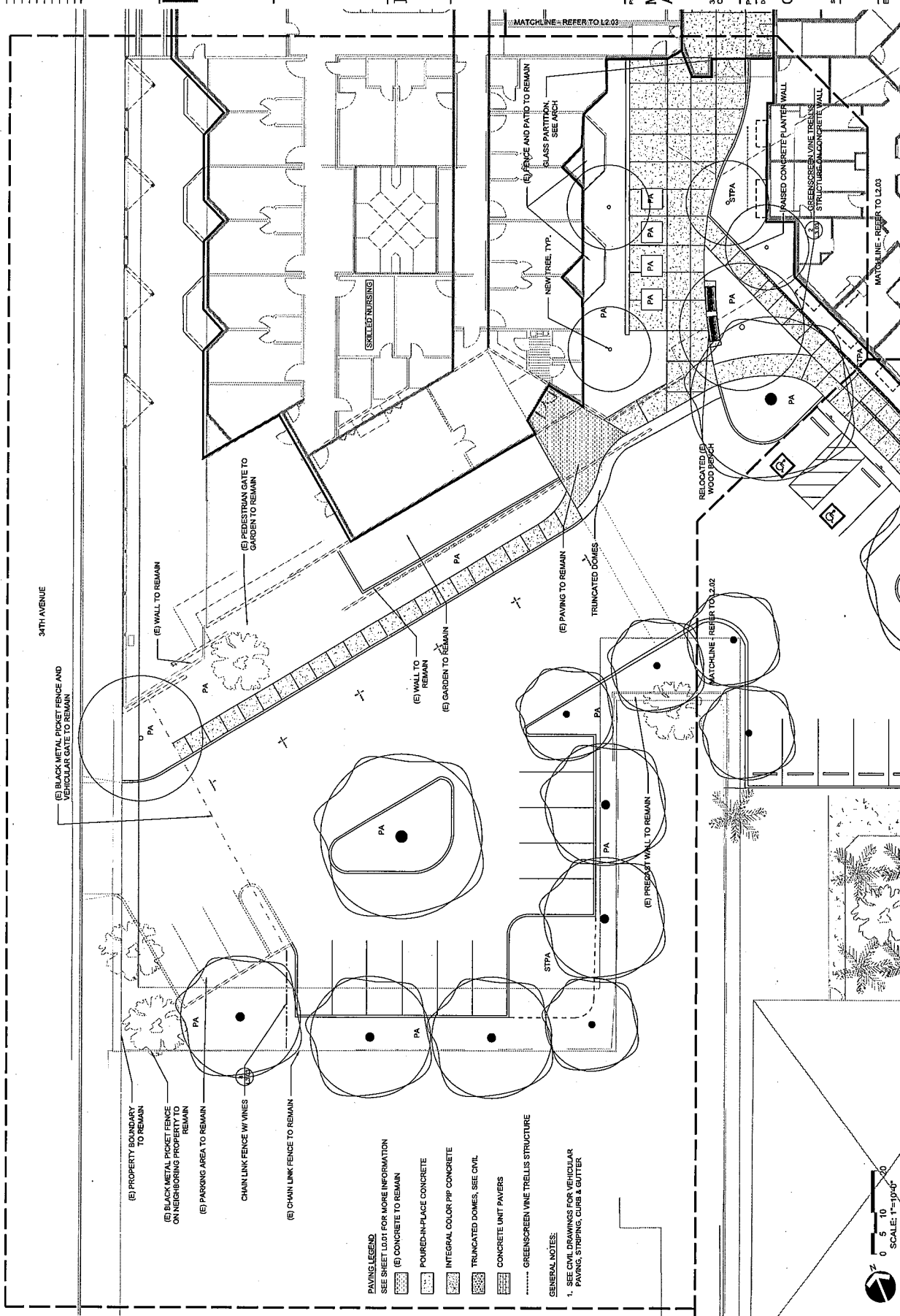
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EX-01







ENTITLEMENTS

927714

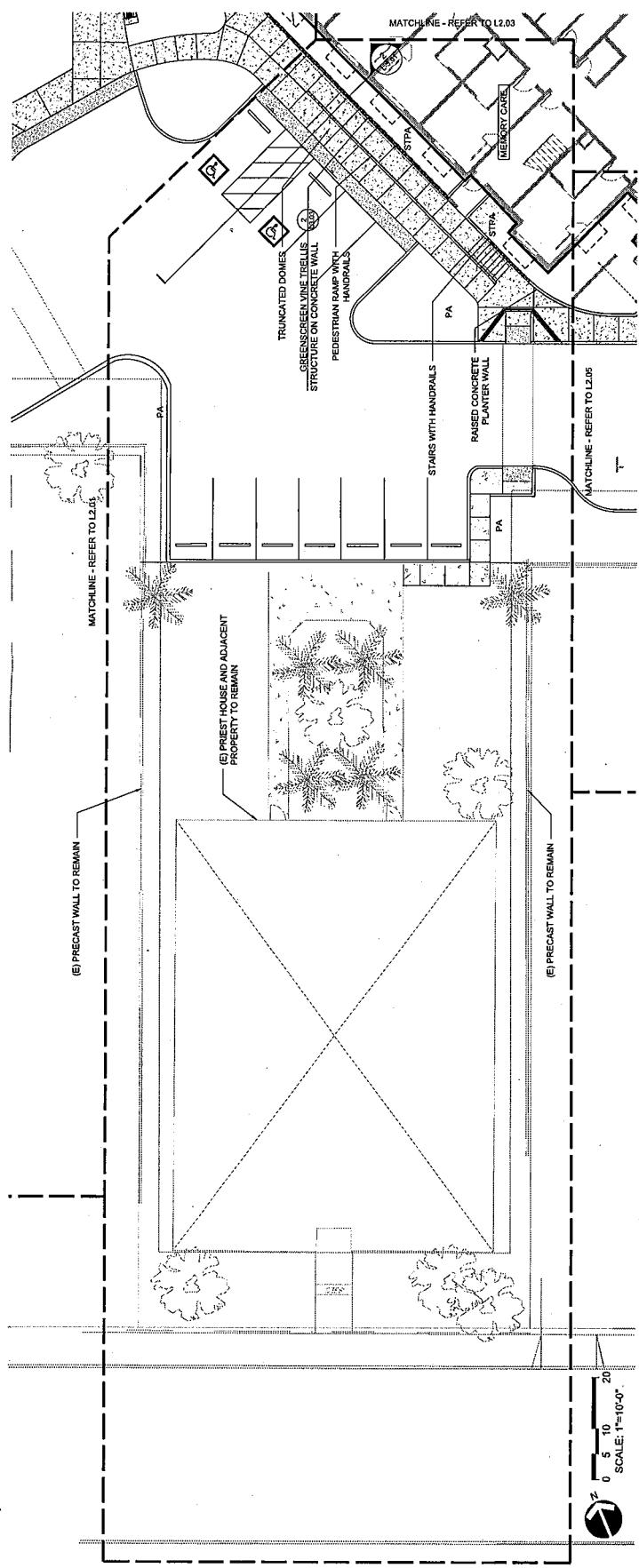




PAVING LEGEND
SEE SHEET J.D.1 FOR MORE INFORMATION

	(E) CONCRETE TO REMAIN
	POURED-IN-PLACE CONCRETE
	INTEGRAL COLOR PP CONCRETE
	TRUNCATED DOMES, SEE CIVIL
	CONCRETE UNIT PAVERS
	GREENSCREEN VINE TRELLIS STRUCTURE

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



PAVING LEGEND
SEE SHEET L2.01 FOR MORE INFORMATION

- (C) CONCRETE TO REMAIN
- POURED-IN-PLACE CONCRETE
- INTEGRAL COLOR P/P CONCRETE
- TRUNCATED DOMES, SEE CIVIL
- CONCRETE UNIT PAVERS
- GREENSCREEN VINE TRELLIS STRUCTURE

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

NO.	DATE	ISSUE

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SEAL

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WWW.PERKINS-EASTMAN.COM

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

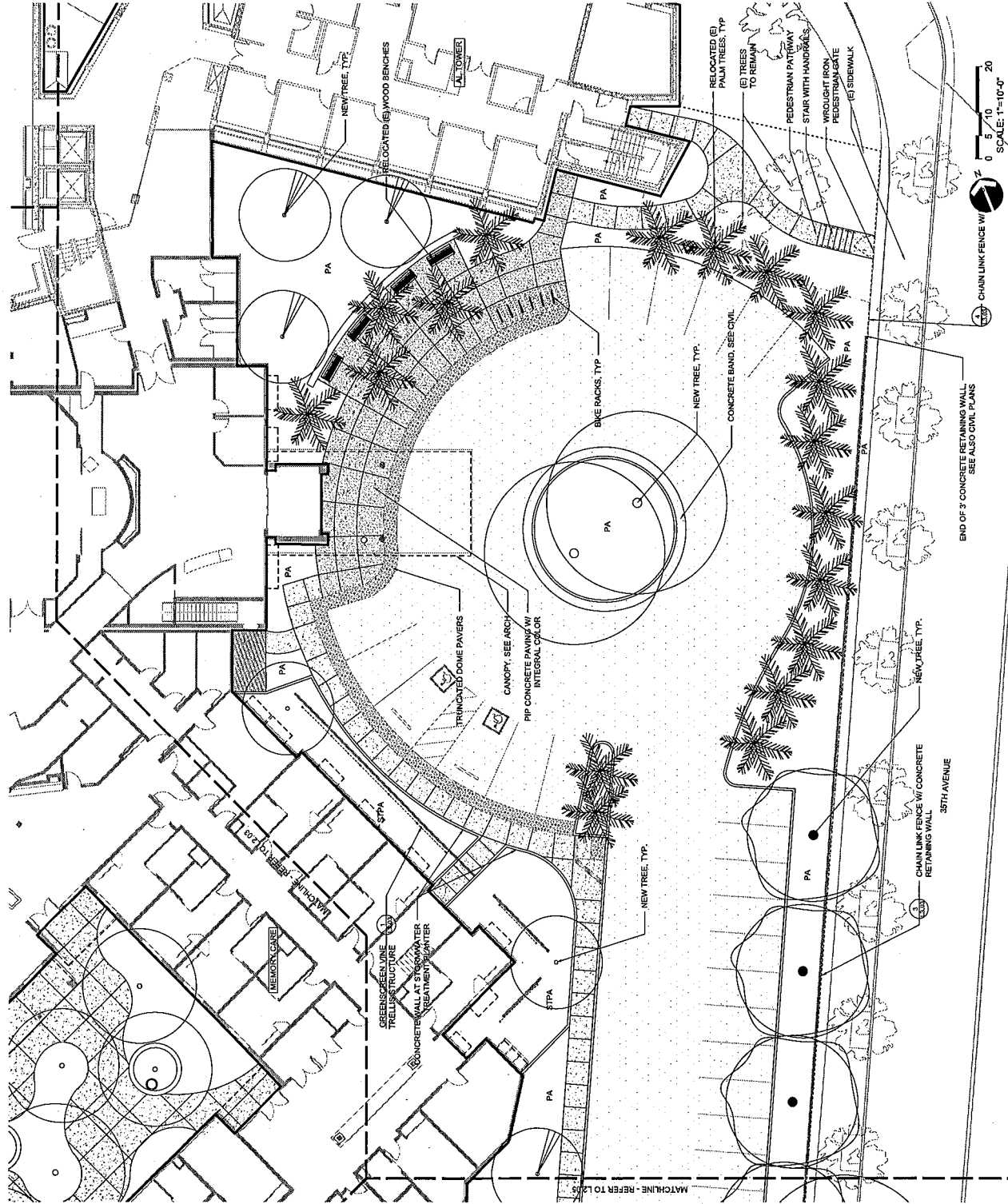
3431 FOOTHILL BOULEVARD, OAKLAND,
CA 94601

PROJECT No: 54840.00
DRAWING TITLE:

CONSTRUCTION PLAN
B

SCALE:
L-2.02

ENTITLEMENTS
9/27/2014



- PAVING LEGEND**
SEE SHEET L-0.01 FOR MORE INFORMATION
- (E) CONCRETE TO REMAIN
 - POURED-IN-PLACE CONCRETE
 - INTEGRAL COLOR PIP CONCRETE
 - TRUNCATED DOMES, SEE CIVIL
 - CONCRETE UNIT PAVERS
 - GREENSCREEN VINE TRELLIS STRUCTURE
- GENERAL NOTES:**
1. SEE CIVIL DRAWINGS FOR VEHICULAR PAVING, STRIPING, CURB & GUTTER

NO.	DATE	ISSUE

rhac
235 Miller Avenue
Oakland, CA 94612
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PROJECT TITLE:
**MERCY RETIREMENT
AND CARE CENTER**

3431 FOOTHILL BOULEVARD, OAKLAND,
CA 94611

PROJECT NO: 54860.00
DRAWING TITLE:

**CONSTRUCTION PLAN
D**

SCALE:
L-2.04

ENTITLEMENTS
8/27/2014

$1/4" = 1' = 0"$

rhac
MANUFACTURING EQUIPMENT & SUPPLIES
225 Miller Avenue
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[illegible]

PROJECT No: 54840.00

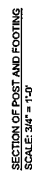
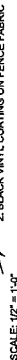
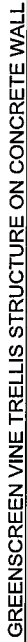
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SCALE: AS SHOWN

L-3.03







ENTIREMENTS

8/27/2014



1 VINYL COATED CHAIN LINK FENCE W/ VINES

4) VARIES

QTY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
ZONE 5: GREEN ROOF PLANTERS					
		5% ANGONANTHOS SPP. FESTUCA MAUREI	KANGAROO PAW ATLAS FESCUE	1 GAL 1 GAL	12" O.C.
		5% POTANORUM TENUIFOLIUM	OLIVER TWIST	1 GAL	18" O.C.
		42.5% PERMANENT OFFICIALS PROSTATE US	KOHLEHJI ROSEMARY	5 GAL	60" O.C. 24" O.C.
		100% INSTA GREEN SEDUM CARPET + PERENNIAL PLUGS AT 36" O.C. SPACING- SPECIES TBD			POP UP SPRAY
ZONE 6: VINES ON PERIMETER FENCE					
		100% JASMINUM POLYANTHUM	PINK JASMINE	1 GAL	12" O.C.
ZONE 7: PLANTING STRIP ALONG SIDEWALK AT 25TH ST.					
		100% CHOROPETALUM TECTORIUM	SMALL CAPE RUSH	5 GAL	36" O.C.
					DRIP

NOTES:

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



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25 DEARY STREET
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PROJECT TITLE:
MERCY RETIREMENT
AND CARE CENTER

3431 FOOTHILL BOULEVARD, OAKLAND,
CA 94601

PROJECT No: 54840.00

DRAWING TITLE:

PLANTING SCHEDULE

SCALE: **L-4.00**

8/27/2014

ENTITLEMENTS



Tree Report

**Mercy Retirement and Care Center
3431 Foothill Blvd.
Oakland CA**

Prepared for:
**Elder Care Alliance
1301 Marina Village Parkway, Suite 210
Alameda CA 94501**

Prepared by:
**HortScience, Inc.
325 Ray Street
Pleasanton, CA 94566**

**March 18, 2014
Revised June 6, 2014**



ATTACHMENT D

Tree Report
Mercy Retirement and Care Center
3431 Foothill Blvd.
Oakland CA

Table of Contents

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Evaluation of Impacts and Recommendations for Action	7
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Table 3. Proposed action and appraisal of value.	8

Attachments

Tree Assessment Form

Tree Location Map

Introduction and Overview

The Elder Care Alliance is planning to redevelop a portion of its Mercy Retirement and Care Center located at 3431 Foothill Blvd. in Oakland CA. Current site use of the proposed project area includes parking and driveways, low-rise structures, landscape and a vegetable garden. The City of Oakland Protected Trees Ordinance (Municipal Code Chapter 12.36) requires that a Tree Report be prepared as part of the project submittals. This preliminary report provides the following information:

1. Evaluation of tree health and structural condition.
2. Evaluation of impacts from the proposed project.
3. Recommendations for action.
4. Guidelines for tree preservation.

Survey Methods

Trees were assessed in October 2013. The survey included 1) all trees greater than or equal to 9" in diameter (measured 54" above grade), 2) any street trees within 30' of the property line and 3) trees on adjacent property whose canopies overhang the proposed project area. Each tree was visually assessed from the ground and evaluated as follows:

1. Identify the tree as to species.
2. Attach a numerically coded metal tag on the trunk of each tree.
3. Record the tree's location on a map.
4. Measure the trunk diameter at a point 54" above grade.
5. Evaluating the health and structural condition using a scale of 0 – 5, where 0 = dead; 1 = poor and 5 = excellent condition.
6. Estimating the amount of brown trunk on palms.
5. Comment on presence of defects in structure, insects or diseases and other aspects of development.
6. Assess tree suitability for preservation as high, moderate or low.

Description of Trees

One hundred eleven (111) trees were evaluated, representing 21 species (Table 1, following page). All trees were associated with the site's landscape development. No coast live oaks (*Quercus agrifolia*) were present. Coast redwood is native to Oakland but none of the assessed trees was indigenous to the project site.

The City of Oakland Protected Tree Ordinance (Chapter 12.36) defines a Protected Tree as *Quercus agrifolia* (California or Coast Live Oak) measuring $\geq 4"$ diameter or larger, and any other tree $\geq 9"$ diameter or larger, except *Eucalyptus* and *Pinus radiata* (Monterey Pine). Diameter is measured at 4½' (54") above the ground. For multi-stemmed trees, a permit is required if the diameter of all individual trunks when added together, equals or exceeds the minimum size stipulated for the species.

For the 111 trees assessed, 103 met the criterion for Protected Tree status.

Description of individual trees is found on the enclosed **Tree Assessment Form**. Tree locations are found on the **Tree Location Map**. Both are included as **Attachments**.

Table 1. Tree condition and frequency of occurrence. Mercy Care and Retirement Center. 3431 Foothill Blvd. Oakland CA.

Common name	Scientific Name	Condition				No. of Trees	
		Poor	Fair	Good	Excell.	Protected	Total
River birch	<i>Betula nigra</i>	5	--	--	--	1	5
European birch	<i>Betula pendula</i>	--	4	2	--	6	6
Bronze loquat	<i>Eriobotrya deflexa</i>	2	3	--	--	5	5
Japanese loquat	<i>Eriobotrya japonica</i>	--	1	--	--	1	1
Raywood ash	<i>Fraxinus angustifolia</i> 'Raywood'	1	--	1	--	2	2
Hollywood juniper	<i>Juniperus chinensis</i> 'Kaizuka'	--	1	--	--	1	1
Sweetgum	<i>Liquidambar styraciflua</i>	--	--	3	--	3	3
S. magnolia	<i>Magnolia grandiflora</i>	--	--	--	1	1	1
Avocado	<i>Persea americana</i>	--	1	1	--	1	2
Canary Island date palm	<i>Phoenix canariensis</i>	--	1	16	10	27	27
Colorado spruce	<i>Picea pungens</i>	--	--	--	1	1	1
Canary Island pine	<i>Pinus canariensis</i>	--	3	5	3	11	11
London plane	<i>Platanus x hispanica</i>	1	2	4	2	9	9
Purpleleaf plum	<i>Prunus cerasifera</i> 'Atropurpurea'	4	1	--	--	5	5
Callery pear	<i>Pyrus calleryana</i>	--	2	--	--	2	2
Evergreen pear	<i>Pyrus kawakamii</i>	4	2	2	--	8	8
Calif. pepper	<i>Schinus molle</i>	--	1	2	--	3	3
Coast redwood	<i>Sequoia sempervirens</i>	--	--	3	3	6	6
Tristania	<i>Tristaniopsis laurina</i>	--	4	1	1	3	6
Siberian elm	<i>Ulmus pumila</i>	--	--	1	--	1	1
Mexican fan palm	<i>Washingtonia robusta</i>	--	--	--	6	6	6
Total, all trees assessed		17	26	41	27	103	111

Canary Island date palm was the most frequently occurring species with 27 trees (Photo 1, following page). The majority of palms were concentrated in the northeast section of the project area, forming a double row. Palms varied widely trunk diameter ranging from 23" to 50". A better indicator of size is the amount of brown trunk, i.e., from the base of the palm to the bottom of the crown. Brown trunk height can be used to estimate stage of development. Brown trunk height ranged from 2' to 40'. Seven (7) palms were young and relatively small with brown trunk of 10' or less. Six (6) palms had 10' to 29' of brown trunk while 14' had 30' or more.

Condition of Canary Island date palms was generally good (16 trees) and excellent (10 trees). Palm #61 was fair due to irregularities in the trunk. Several palms had small cavities in the lower trunk. In others, the pineapple at the base of the crown was degrading. Crown health was generally good. Development of the base of the trunk varied widely with some palms exhibiting the growth of adventitious roots.



Photo 1. Canary Island date palms #10, 11, 12.



Photo 2. Canary Island pines along the entry drive.

Canary Island date palms were often sited within 5' of existing buildings and/or infrastructure such as sidewalks and stairs.

Eleven (11) mature Canary Island pines were located adjacent to existing buildings both along the driveway and in the interior courtyard (Photo 2). Pines ranged in diameter from 14" to 25". The largest pine #80 was in fair condition. Pines had been planted both close to one another. As a result, tree canopies were narrow and upright, but often one-sided. Tree condition ranged from fair (3) to good (5) to excellent (3). Pines were also within 6' of the foundation of existing buildings.

Eight (8) evergreen pears were concentrated near the existing entry driveway on 34th Avenue. Pears were mature in development with the open, rangy form that is typical of the species. Trunk diameter ranged from 11" to 14". Overall condition was poor (4 trees). Pears #3 and 92 were in fair condition; #1 and 2 were good.

Nine (9) London planes were street trees on 35th Avenue. Trees were located in cut-outs in the pavement, adjacent to the curb. Cut-outs had recently been enlarged and sidewalk replaced. Tree roots had been pruned as part of this process. Trunk diameter ranged from 4" to 20". Tree #108 was 20" in diameter and in excellent condition. It was located at the intersection of 35th and Foothill.

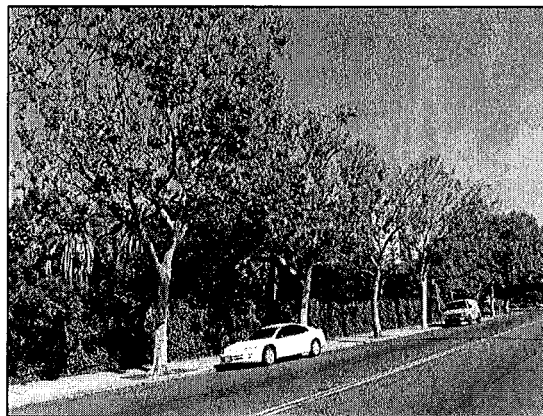


Photo 3. London planes on 35th Avenue.

Condition of planes varied from poor (#106) to fair (#105, 110) to good (#101, 102, 103, 104) and excellent (#107, 108). Variation in tree condition was due largely to the density of the canopy as tree form was generally acceptable.

No other species was represented by more than 6 trees. Included in this group were:

- 6 coast redwoods were found in the interior courtyard. Trees ranged in diameter from 24" to 37". Three (3) trees were in good condition; 3 were excellent.
- 6 mature European birch, located primarily in the interior courtyard. Trunk diameters ranged from 9" to 12". Tree condition was either fair (4 trees) or good (#76, 78).
- 6 Mexican fan palms were located in the rear yard of the residential structure on E. 18th Street. All were mature in development with brown trunk ranging from 25' to 50'. Condition was excellent for all palms.
- 5 river birches were located among the Canary Island pines. Trunk diameters ranged from 4" to 9". All were in poor condition.
- 5 bronze loquats were located as accent trees throughout the property. All were mature in development with multiple stems that arose near the ground. Tree condition was either poor (2) or fair (3).
- 5 mature purpleleaf plums were located in the parking lot. Trees #14, 16, 17, and 18 were in poor condition; #15 was fair. All had multiple stems with included bark that arose low on the trunk.
- 5 tristanias were located in the interior courtyards, often close to existing buildings.. Trees were mature in development with trunk diameters between 7" and 10". Tree condition was fair (#84, 85, 94), good (#86) and excellent (#90).
- 3 Calif. peppers (#7, 62, 71) were present. Trees #7 and 71 were in good condition; #62 was fair. All were mature in development. The crown of tree #71 was bowed to the east, extending over the property fence and 35th Avenue.
- Sweetgums #97, 98 and 99 were located in the front yard on E. 18th Street. Trees were semi-mature in development and in good condition. All had small circling roots at the base of the trunk and large surface roots. Trees #98 and 99 had been side-trimmed to clear the adjacent electrical lines.
- Avocados #19 and 109 were located in the vegetable garden. Tree #19 was mature in development and in fair condition. Tree #109 was located in the southeast corner of the project area, was semi-mature in development and in good condition.
- Callery pears #88 and 89 were adjacent to one another in the interior courtyard. Both were semi-mature in development and in fair condition. Both had significant infections of fire blight.
- Raywood ashes #100 and 111 were street trees on 35th Avenue. Both were located in pavement cut-outs. Tree #100 was mature in development, typical of the species, 15" diameter and in good condition. Tree #110 was 4" and in poor condition.
- Colorado spruce #23 was semi-mature in development and in excellent condition.

- Hollywood juniper #24 was located at the base of the foundation of the building on 18th Street. Tree condition was fair due to a history of topping and one-sided form.
- Siberian elm #28 was located off-site but the canopy extended into the project area. Several stems formed a dense canopy.
- Southern magnolia #53 was located in an island area. It was semi-mature in development, 11" in diameter and in excellent condition.
- Japanese loquat #69 had two trunks (10", 6") and was in fair condition.

Suitability for Preservation

Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape. Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. Evaluation of suitability for preservation considers several factors:

- **Tree health**
Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees.
- **Structural integrity**
Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely.
- **Species response**
There is a wide variation in the response of individual species to construction impacts and changes in the environment. For example, coast redwood and London plane is relatively tolerant of construction impacts.
- **Tree age and longevity**
Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.
- **Species invasiveness**
Species which spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database (<http://www.cal-ipc.org/paf/>) lists species identified as being invasive. Oakland is part of the Central West Floristic Province. In this region, Mexican fan palm has moderate invasive potential while Canary Island date palm, Calif. pepper and purpleleaf plum have limited potential.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (Table 2).

Table 2. Tree suitability for preservation. Mercy Care and Retirement Center. 3431 Foothill Blvd. Oakland CA.

High	Trees with good health and structural stability that have the potential for longevity at the site. Thirty-one (31) were rated as having high suitability for preservation: Canary Island date palm #10, 11, 12; 63, 64, 65, 66, 67, 68, 70; coast redwood #29, 30, 72, 73, 74, 75; Mexican fan palm #20, 21, 22, 25, 26, 27; Canary Island pine #31, 35, 40; London plane #107, 108; Colorado spruce #23; European birch #76; S. magnolia #53; and tristania #90.
Moderate	Trees in fair health and/or possessing structural defects that may be abated with treatment. Trees in this category require more intense management and monitoring, and may have shorter life-spans than those in the "good" category. Thirty-eight (38) trees were rated as having moderate suitability for preservation: Canary Island pine #33, 36, 37, 38, 79; London plane #101, 102, 103, 104; sweetgum #97, 98, 99; Calif. pepper #7, 71; evergreen pear #1, 2; avocado #109; European birch #78; Raywood ash #100; Siberian elm #28; and tristania #86.
Low	Trees in poor health or possessing significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. Forty-two (42) trees were rated as having low suitability for preservation: evergreen pear #3, 4, 5, 6, 92, 95; purpleleaf plum #15, 16, 17, 18; river birch #34, 38, 41, 42, 43; tristania #84, 85, 93, 94; European birch #44, 77, 82, 83; Canary Island pine #32, 80, 81; bronze loquat #8, 9, 13, 87, 91; Callery pear #88, 89; London plane #105, 106, 110; avocado #19; Calif. pepper #62; Hollywood juniper #24; Raywood ash #111, and Japanese loquat #69.

We consider trees with high suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with low suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

Appraisal of Value

To establish the value of the surveyed trees, I employed the standard methods found in **Guide for Plant Appraisal**, 9th edition (published in 2000 by the International Society of Arboriculture, Savoy IL). In addition, I referred to **Species Classification and Group Assignment** (2004), a publication of the Western Chapter of the International Society of Arboriculture. These two documents outline the methods employed in tree appraisal.

The value of landscape trees is based upon four factors: size, species, condition and location. Size is measured as trunk diameter, normally 54" above grade. The species factor considers the adaptability and appropriateness of the plant in the East Bay area. The ***Species Classification and Group Assignment*** lists recommended species ratings and evaluations. Condition reflects the health and structural integrity of the individual tree. The location factor considers the site, placement and contribution of the tree in its surrounding landscape.

The appraised value of the 103 Protected trees is \$238,150 while that of the 8 non-Protected trees is \$2,800.

Evaluation of Impacts and Recommendations for Action

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The results of the general and individual tree surveys were the reference points for tree condition and quality. Impacts from the proposed project were assessed using the Site Concept Plan prepared by Perkins Eastman.

The proposed project would re-develop most of the site. Existing parking, driveways and some structures would be demolished. A new access point would be installed on 35th Avenue.

Impacts to trees could occur in a variety of ways. Demolition of the existing structure and associated infrastructure may directly damage tree roots and crowns. Grading and other construction activities may also damage trees, through both direct mechanical injury and indirectly by altering drainage. New structures will be constructed in areas currently occupied by trees.

Based on my assessment of the Site Concept Plan, there is little opportunity for preservation within and immediately adjacent to the proposed project area. I recommend preservation of 22 trees (Table 3, following page), relocation of 30, and removal of 59. Among trees recommended for preservation are 20 located within 10' of areas proposed for construction activity (Table 3). Among trees recommended for removal are 52 Protected trees and 7 that are not Protected

Table 3. Proposed Action and Appraisal of Value. Mercy Care and Retirement Center. 3431 Foothill Blvd. Oakland CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree ?	Condition 1=poor 5=excell.	Proposed Action	Notes	Appraised Value
1	Evergreen pear	12	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$1,350
2	Evergreen pear	14	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$1,800
3	Evergreen pear	14	Yes	3	Remove	Within development area	\$1,300
4	Evergreen pear	14	Yes	2	Remove	Within development area; poor condition	\$800
5	Evergreen pear	13	Yes	2	Remove	Within development area; poor condition	\$450
6	Evergreen pear	11	Yes	2	Remove	Within development area; poor condition	\$300
7	Calif. pepper	12	Yes	4	Preserve; 10' of construction activity	Within development area	\$1,300
8	Bronze loquat	6,5,3,2	Yes	3	Remove	Within development area	\$850
9	Bronze loquat	4,4,3	Yes	2	Remove	Within development area; poor condition	\$200
10	Canary Island date palm	28	Yes	5	Relocate	Within development area	\$1,750
11	Canary Island date palm	24	Yes	5	Relocate	Within development area	\$2,900
12	Canary Island date palm	28	Yes	5	Relocate	Within development area	\$2,300
13	Bronze loquat	6,6,5,5,3	Yes	1	Remove	Within development area; poor condition	\$250
14	Purpleleaf plum	6,6,6,5,4,3	Yes	2	Remove	Within development area; poor condition	\$400
15	Purpleleaf plum	8,5,5,4,3,3	Yes	3	Remove	Within development area	\$600
16	Purpleleaf plum	7,6,5,4	Yes	2	Remove	Within development area; poor condition	\$350

Mercy Care and Retirement Center, 3431 Foothill Blvd., Oakland CA

Table 3, continued. Proposed Action and Appraisal of Value. Mercy Care and Retirement Center. 3431 Foothill Blvd. Oakland CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree ?	Condition 1=poor 5=excell.	Proposed Action	Notes	Appraised Value
17	Purpleleaf plum	5,4,4	Yes	2	Remove	Within development area; poor condition	\$100
18	Purpleleaf plum	6,6,5,4	Yes	2	Remove	Within development area; poor condition	\$300
19	Avocado	11,10,8	Yes	3	Remove	Within development area	\$600
20	Mexican fan palm	19	Yes	5	Preserve; 10' of construction activity	Edge of development area?	\$450
21	Mexican fan palm	15	Yes	5	Relocate	Within development area	\$350
22	Mexican fan palm	16	Yes	5	Relocate	Within development area	\$300
23	Colorado spruce	10	Yes	5	Remove	Within development area	\$1,000
24	Hollywood juniper	8,7,6,6,5,4	Yes	3	Remove	Within development area	\$650
25	Mexican fan palm	17	Yes	5	Relocate	Within development area	\$350
26	Mexican fan palm	17	Yes	5	Relocate	Within development area	\$350
27	Mexican fan palm	13	Yes	5	Preserve; 10' of construction activity	Edge of development area?	\$350
28	Siberian elm	10,8,7,6,5	Yes	4	Preserve; 10' of construction activity	Off-site	\$500
29	Coast redwood	32	Yes	5	Remove	Within development area	\$10,400
30	Coast redwood	30	Yes	5	Remove	Within development area	\$9,400
31	Canary Island pine	19	Yes	5	Remove	Within development area	\$4,600
32	Canary Island pine	18	Yes	3	Remove	Within development area	\$1,850
33	Canary Island pine	14	Yes	4	Remove	Within development area	\$1,950
34	River birch	8	No	2	Remove	Within development area; poor condition	\$100
35	Canary Island pine	21	Yes	5	Remove	Within development area	\$5,600

Table 3, continued. Proposed Action and Appraisal of Value. Mercy Care and Retirement Center. 3431 Foothill Blvd. Oakland CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree ?	Condition 1=poor 5=excell.	Proposed Action	Notes	Appraised Value
36	Canary Island pine	15	Yes	4	Remove	Within development area	\$2,250
37	Canary Island pine	17	Yes	4	Remove	Within development area	\$2,850
38	River birch	4	No	2	Remove	Within development area; poor condition	\$50
39	Canary Island pine	19	Yes	4	Remove	Within development area	\$3,550
40	Canary Island pine	23	Yes	5	Remove	Within development area	\$6,700
41	River birch	8	No	2	Remove	Within development area; poor condition	\$100
42	River birch	7	No	2	Remove	Within development area; poor condition	\$100
43	River birch	9	Yes	2	Remove	Within development area; poor condition	\$150
44	European birch	9	Yes	3	Remove	Within development area	\$400
45	Canary Island date palm	23	Yes	4	Relocate	Within development area	\$2,850
46	Canary Island date palm	27	Yes	4	Relocate	Within development area	\$2,850
47	Canary Island date palm	31	Yes	4	Relocate	Within development area	\$3,800
48	Canary Island date palm	28	Yes	4	Relocate	Within development area	\$3,300
49	Canary Island date palm	31	Yes	4	Relocate	Within development area	\$3,800
50	Canary Island date palm	31	Yes	4	Relocate	Within development area	\$4,350
51	Canary Island date palm	29	Yes	4	Relocate	Within development area	\$3,800
52	Canary Island date palm	30	Yes	4	Relocate	Within development area	\$3,800
53	S. magnolia	11	Yes	5	Remove	Within development area	\$2,300
54	Canary Island date palm	30	Yes	4	Relocate	Within development area	\$3,300
55	Canary Island date palm	33	Yes	4	Relocate	Within development area	\$3,800
56	Canary Island date palm	31	Yes	4	Relocate	Within development area	\$3,800

Table 3, continued. Proposed Action and Appraisal of Value. Mercy Care and Retirement Center. 3431 Foothill Blvd. Oakland CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree ?	Condition 1=poor 5=excell.	Proposed Action	Notes	Appraised Value
57	Canary Island date palm	31	Yes	4	Relocate	Within development area	\$3,800
58	Canary Island date palm	33	Yes	4	Relocate	Within development area	\$750
59	Canary Island date palm	33	Yes	4	Relocate	Within development area	\$3,800
60	Canary Island date palm	27	Yes	4	Relocate	Within development area	\$3,800
61	Canary Island date palm	27	Yes	3	Relocate	Within development area	\$1,600
62	Calif. pepper	16,13	Yes	3	Remove	Within development area	\$2,350
63	Canary Island date palm	38	Yes	5	Relocate	Within development area	\$450
64	Canary Island date palm	43	Yes	5	Relocate	Within development area	\$600
65	Canary Island date palm	40	Yes	5	Relocate	Within development area	\$600
66	Canary Island date palm	35	Yes	5	Relocate	Within development area	\$450
67	Canary Island date palm	33	Yes	5	Relocate	Within development area	\$1,000
68	Canary Island date palm	50	Yes	5	Relocate	Within development area	\$850
69	Japanese loquat	10,6	Yes	3	Remove	Within development area	\$1,150
70	Canary Island date palm	28	Yes	5	Preserve; 10' of construction activity	Within development area	\$2,600
71	Calif. pepper	25	Yes	4	Remove	Within development area	\$4,700
72	Coast redwood	37	Yes	5	Remove	Within development area	\$16,750
73	Coast redwood	31	Yes	4	Remove	Within development area	\$9,450
74	Coast redwood	24	Yes	4	Remove	Within development area	\$5,800
75	Coast redwood	24	Yes	4	Remove	Within development area	\$5,800
76	European birch	11	Yes	4	Remove	Within development area	\$800
77	European birch	11	Yes	3	Remove	Within development area	\$450
78	European birch	12	Yes	4	Remove	Within development area	\$800
79	Canary Island pine	21	Yes	4	Preserve; 10' of construction activity	Edge of development area?	\$5,000

Table 3, continued. Proposed Action and Appraisal of Value. Mercy Care and Retirement Center. 3431 Foothill Blvd. Oakland CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree ?	Condition 1=poor 5=excell.	Proposed Action	Notes	Appraised Value
80	Canary Island pine	25	Yes	3	Remove	Edge of development area?	\$5,050
81	Canary Island pine	16	Yes	3	Remove	Edge of development area?	\$2,350
82	European birch	12	Yes	3	Remove	Within development area	\$600
83	European birch	9	Yes	3	Remove	Within development area	\$450
84	Tristania	8	No	3	Remove	Within development area	\$900
85	Tristania	7	No	3	Remove	Within development area	\$700
86	Tristania	10	Yes	4	Preserve; 10' of construction activity	Edge of development area?	\$2,000
87	Bronze loquat	8,5,3	Yes	3	Remove	Within development area	\$950
88	Callery pear	9	Yes	3	Remove	Within development area	\$700
89	Callery pear	11	Yes	3	Remove	Within development area	\$1,050
90	Tristania	10	Yes	5	Remove	Within development area	\$2,750
91	Bronze loquat	5,5,4,4	Yes	3	Remove	Within development area	\$850
92	Evergreen pear	12	Yes	3	Remove	Within development area	\$1,000
93	Tristania	7	No	3	Remove	Within development area	\$600
94	Tristania	9	Yes	3	Remove	Within development area	\$1,250
95	Evergreen pear	13	Yes	2	Remove	Within development area; poor condition	\$500
96	Canary Island date palm	36	Yes	4	Relocate	Within development area	\$2,050
97	Sweetgum	13	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$1,750
98	Sweetgum	12	Yes	4	Remove	Within development area	\$1,500
99	Sweetgum	13	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$2,050

Table 3, continued. Proposed Action and Appraisal of Value. Mercy Care and Retirement Center. 3431 Foothill Blvd. Oakland CA.

Tree No.	Species	Trunk Diameter (in.)	Protected Tree ?	Condition 1=poor 5=excell.	Proposed Action	Notes	Appraised Value
100	Raywood ash	15	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$2,750
101	London plane	17	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$3,350
102	London plane	16	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$2,950
103	London plane	14	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$2,300
104	London plane	14	Yes	4	Preserve; 10' of construction activity	Edge of development area	\$2,300
105	London plane	13	Yes	3	Preserve; 10' of construction activity	Edge of development area	\$1,150
106	London plane	11	Yes	2	Preserve; 10' of construction activity	Edge of development area	\$400
107	London plane	14	Yes	5	Preserve; 10' of construction activity	Edge of development area	\$2,950
108	London plane	20	Yes	5	Preserve	Edge of development area	\$5,900
109	Avocado	8	No	4	Preserve; 10' of construction activity	Edge of development area	\$250
110	London plane	4	Yes	3	Preserve; 10' of construction activity	Edge of development area	\$200
111	Raywood ash	4	Yes	1	Remove	Edge of development area; poor condition	\$50



September 8, 2014

Project Name: Mercy Retirement and Care Center

This memo addresses three items:

- Our rationale for the building design (affordability is key);
- Our rationale for the proposed landscaping plan (as revised); and
- The proposed changes to our site plan from our original submission (retention of the Priest House on 18th Street).

The project, as proposed, will support our major goals to improve the quality of life for our residents, upgrade operational efficiencies, and insure that Mercy will be sustainable well into the future. This is a major investment into the Fruitvale Neighborhood that will bring more employment and allow a strong partnership with the surrounding community to continue.

1. Building Rationale

We understand that it would be helpful for the Planning Commissioners to better understand the rationale of our building design, especially in lieu of one suggestion that the building be located along 35th Avenue to reinforce the street edge and have a reduced footprint by creating a higher building structure (see enclosed test diagram, which identifies the issues related to a periphery location). To summarize:

- Rationale for two story building:
 - To be cost effective, the building is proposed to be wood frame, which, here, must be limited to two stories, in part because any building for this occupancy type (Residential Care Facility for the Elderly) above two stories requires Type 1 (steel and concrete) construction which is much more expensive and would be cost prohibitive for the project.
 - The two story layout most effectively supports our simultaneous programming for all three stages of dementia and creates easily accessible, secured outdoor space.
 - The Mercy campus is subject to a 30 foot height restriction under current zoning controls. The high ceilings proposed maximize daylight for therapeutic reasons. Taking that into consideration, two stories are what fit in the zoning envelope.
 - The two story building is also consistent with General Plan policies regarding respecting neighborhood character by staying within the height limit, remaining comparable in height to neighboring structures, and providing setbacks from nearby homes.
- Rationale for building at the center of the campus:
 - Maximize operational efficiencies through basement connection to existing shared facilities such as dining, laundry, and supply delivery.

an Elder Care Alliance community

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ATTACHMENT E

- Keep travel distances less than 150 feet for residents from all care settings to the multi-purpose / chapel space (see enclosed diagram).
- Ease travel for residents in all care settings by reducing elevation changes.
- Increase security by keeping buildings in the interior and adding parking.

Please see **Project Objectives** below for a more detailed discussion of the basic project objectives and how the proposed building design would meet those objectives.

2. Landscaping Plan and Rationale:

The landscape plan was designed to preserve to the degree possible the lush nature of the current campus while offering privacy and screening for our residents with dementia and our surrounding neighbors. We carefully considered trees in the site design and are preserving as many trees as possible. There are 111 trees in the area of construction, and there will be 111 trees once the project is constructed.

All of the trees on the site were analyzed for suitability and health. The plan calls for the removal of 56 trees, 38 of which were deemed by an arborist to be unhealthy and are being replaced on the site with 56 new trees. In addition 55 trees are being preserved on site either in the same location or relocated elsewhere on site. Amongst the 55 preserved, all 30 striking palm trees are being saved and relocated. 18 trees must be taken down due to the location of the building, and each is being replaced with a new tree on the site. It is not possible to relocate the 18 trees on the campus because the arborist has determined that they are unlikely to survive replanting and/or are impractical to relocate.

No additional trees other the ones listed in the tree removal permit will be removed. Trees number 23 Colorado Spruce, number 24 Hollywood Juniper and number 98 Sweetgum previously deemed for removal near the priests house will now remain in its place. Tree number 70, Canary Island Date palm, previously preserved in place will be relocated on site to accommodate parking. A line of 11 Redwood trees has been added along the west property boundary of the site providing a continuum to some of the existing landscape character as well as a screen between the residents at Mercy and the neighbors west of the property. A landscaped area has also been added at the center of the main drop off with two Southern Magnolia trees that provides more shade and reduces the amount of paved area in this space.

3. Revised Site Plan

It was brought to our attention that there was some concern about the removal of the Priest House along 18th Street and how that might change the character of the street. We were able to develop an alternative that allows us to retain the Priest House, save some additional trees, and redistribute parking on the site. That change is reflected in this submission. As an overview, the changes indicated in our new set are as follows:

1. Maintain the current Priest House on 18th Street
2. Maintain the backyard along with associated trees

3. Delete parking lot lighting adjacent to neighbors where previous parking lot was shown
4. Add parking in various locations around the site including at the new building entry and rear service area
5. Delete the second floor independent living units from the north side of the new building which were going to be the replacement priest housing, resulting in elevation/massing changes.

Project Objectives:

OPERATIONAL EFFICIENCY

This is a critical objective for the project as it is imperative the new project result in sustainable operations well into the future. A great deal of consideration went into staffing and operational analysis to optimize the ratio of caregiver to resident over a 24 hour time period. Currently the 30 rooms on the ground floor and 20 rooms of higher acuity on the second floor allow for a good balance of caregivers assisting residents with the activities of daily living and running programs that give meaning to the residents' daily lives. The proposed layout maintains this by creating optimal groupings of apartments (which we call neighborhoods) for staffing efficiency and programming. Locating residents on additional floors with smaller floor plates would compromise this by building in staffing inefficiencies and impede the ability to offer both appropriate care and three tracks of programming based on the disease progression.

Appropriately placed connections with the existing assisted living tower are also critical. The current design provides a direct link through a basement connector and service elevator which allows efficiency in delivering meals from the central kitchen, maintains the quality of food through a shorter delivery path, transport of laundry service, and supply delivery. A new memory care building on the periphery of the campus would be extremely inefficient and costly.

Placement was also key for the new reception and multi-purpose/chapel space. The multi-purpose room is used by residents from all of Mercy's care settings, so its proximity and ease of transport was factored into its placement near the existing skilled nursing, assisted living, and memory care uses. Its current location and the plan to reduce elevation changes between the buildings allows residents to more freely travel to this multi-purpose space while also reducing caregiver time for those residents who require escort. A new memory care building on the periphery of the campus would make it challenging and in some cases impracticable for memory care residents to access the new multipurpose/chapel space.

AFFORDABILITY

The primary objective of the Mercy Project is to ensure its sustainability well into the future with a product and service offering that is marketable balanced up against an affordable construction budget. To be cost effective, the building is wood frame, Type V 1 hour construction. RCFE (Residential Care Facility for the Elderly) licensing R2.1, does not allow non-ambulatory residents above the 2nd floor, and in addition, any building for this occupancy type above two stories would require Type 1 construction. An increase in number of stories with smaller floor

plates would substantially increase costs and would raise operational and other major issues as summarized above. The proposed two-story building also meets the 30 foot height limit, while also protecting resident views in the assisted living tower.

ACCESSIBILITY

The Mercy campus is currently built on multiple levels connected by ramps which are difficult for seniors to negotiate and for staff to assist. The project is set at the topographic elevation to reduce the number of levels and ramps. The new building aligns with the main level of the assisted living tower for ease of entry access, and it also aligns with the basement level for continuity of service spaces to move food and supplies without crossing resident spaces.

BEST PRACTICES FOR DESIGN FOR DEMENTIA

Mercy employs a transformative and non-pharmacologic approach to programming for residents with dementia based on the book by Dr. John Zeisel titled "I'm Still Here". The building was designed in consultation with Dr. Zeisel to ensure the building design served as an optimal platform for delivering programming and care to our residents with dementia.

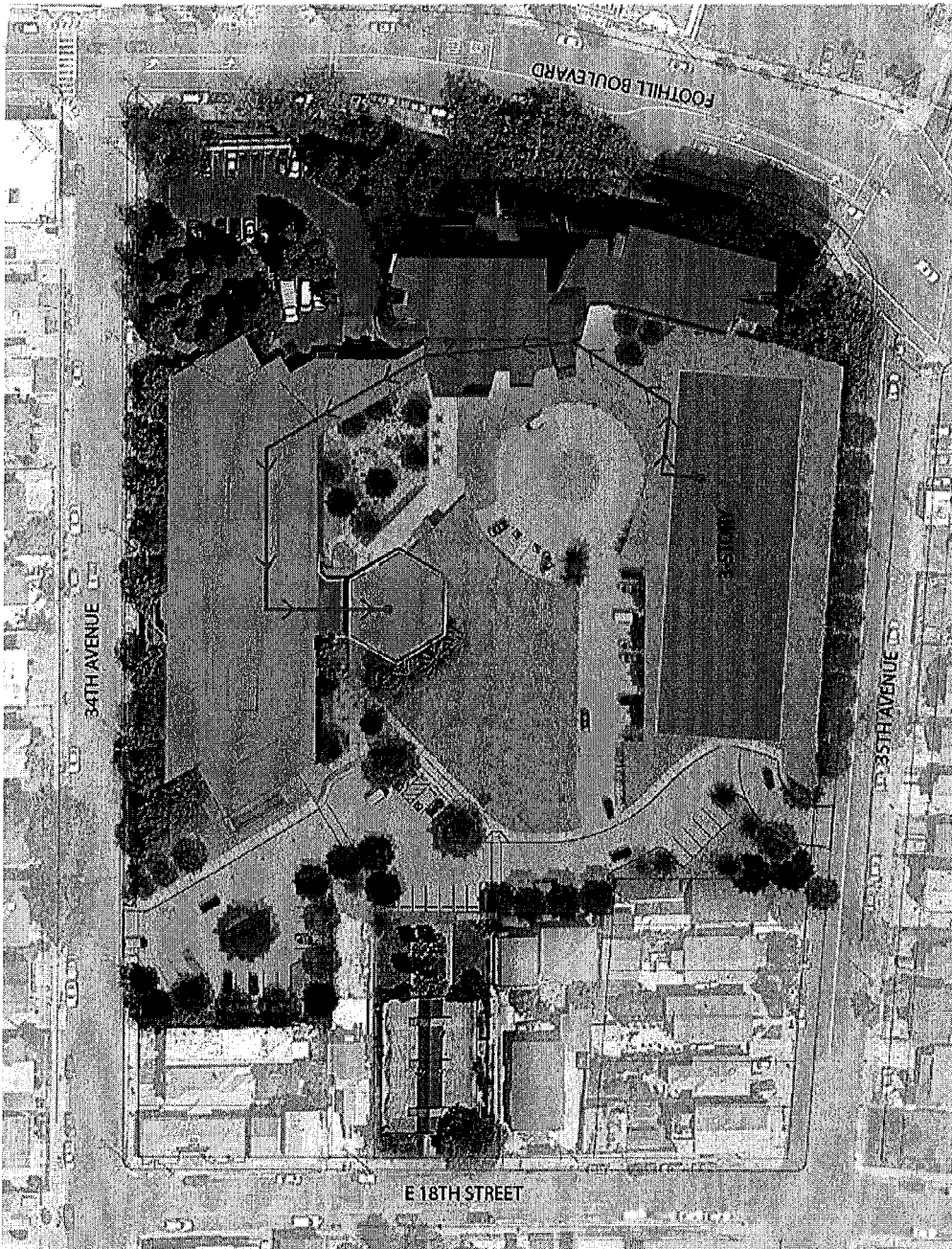
We also recognize the importance of providing secure outdoor spaces adjacent to resident spaces where our residents with dementia can move freely. Unrestricted access to secure outdoor spaces is vital as it can reduce agitation and frustration, relieve stress, and improve physical fitness. The shape of our proposed building surrounding a courtyard and creating a community courtyard along with rooftop gardens, addresses the critical importance of the indoor-outdoor relationship of the building program to the site (see enclosed diagram). This could not be achieved with perimeter open space.

SECURITY

We have worked hard to provide a design that is welcoming, and that also acknowledges the reality of crime in the neighborhood, including several incidents of gunfire, some of which hit the assisted living tower. Key considerations are providing as much parking as possible on-site so that staff, leaving their assigned jobs on night shifts, can be assured to be safe within the boundaries of the site, and providing a safe perimeter around the site, including locating units in the interior. This is a particularly vulnerable population, and safety and security are paramount.

IMPROVED CAMPUS ENTRY

The new campus entry off of 35th Avenue will create a safer environment for our residents. Currently the main entry to the campus is off busy Foothill Blvd without a formal pull-over, and the drop-off interior to the campus is at basement level. The Foothill entry has a set of stairs along with a ramp. This project creates a new entry with ample room for cars to pull off the street away from traffic, allowing seniors to get out of the vehicles under cover and at their own pace, entering the building without stairs or ramps directly onto the first floor.



TESTED LOCATION

Pros:

- Building reinforces street edge

Cons:

- Parking and drop-off in center of site
- No secure garden
- Operations will not work in a 3-story structure
- Need to re-grade site and lose trees
- Walking distance is 551 feet
- 3 Stories R2.1 does not allow non-ambulatory on 3rd Floor
- Tall building closer to adjacent neighbor
- 3-Story building blocks views of residents in tower



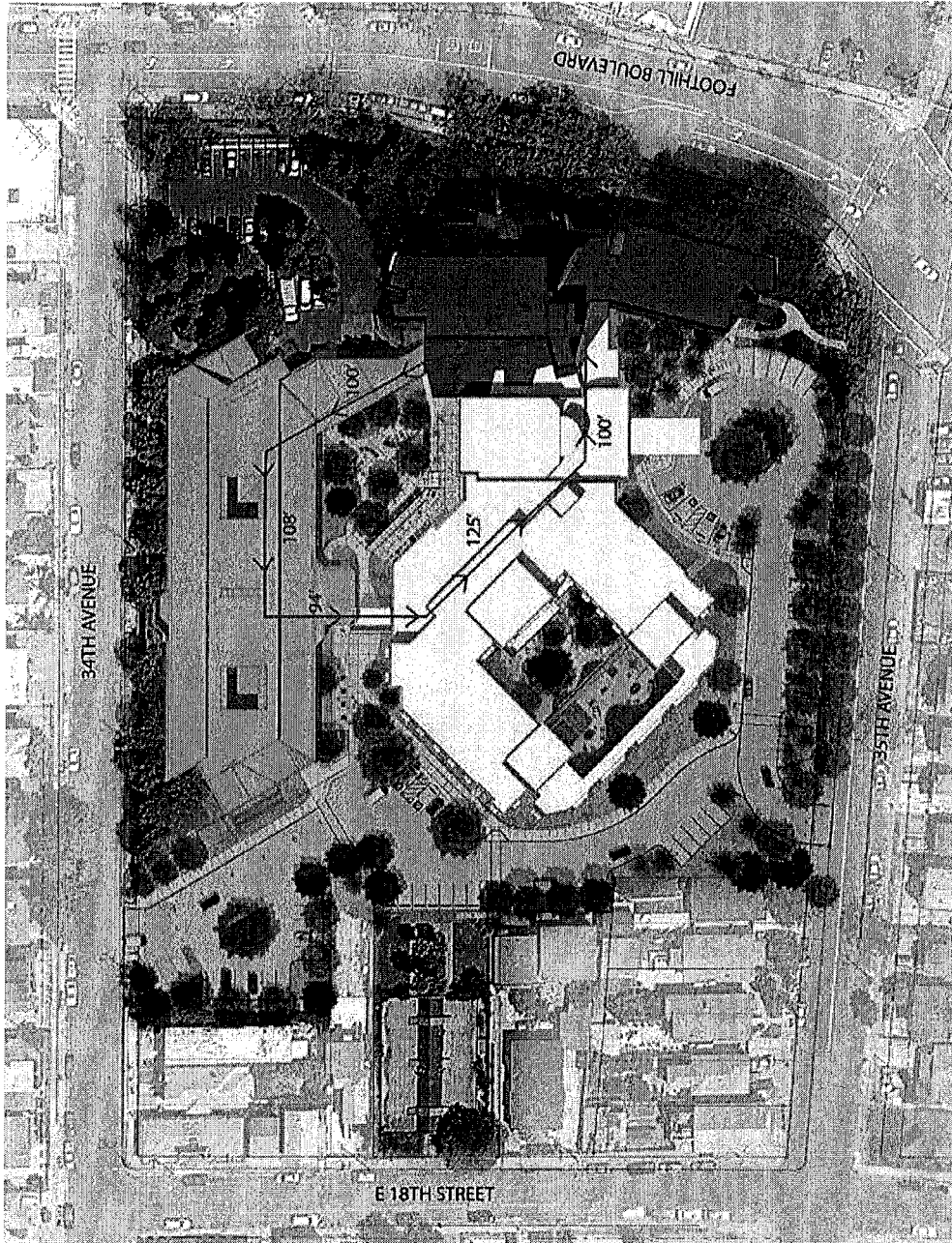
MERCY RETIREMENT
& CARE CENTER

TESTED LOCATION
Perkins Eastman

Diagram A

DESIGN BEST PRACTICES

- Keep walking distances
Below 150 feet



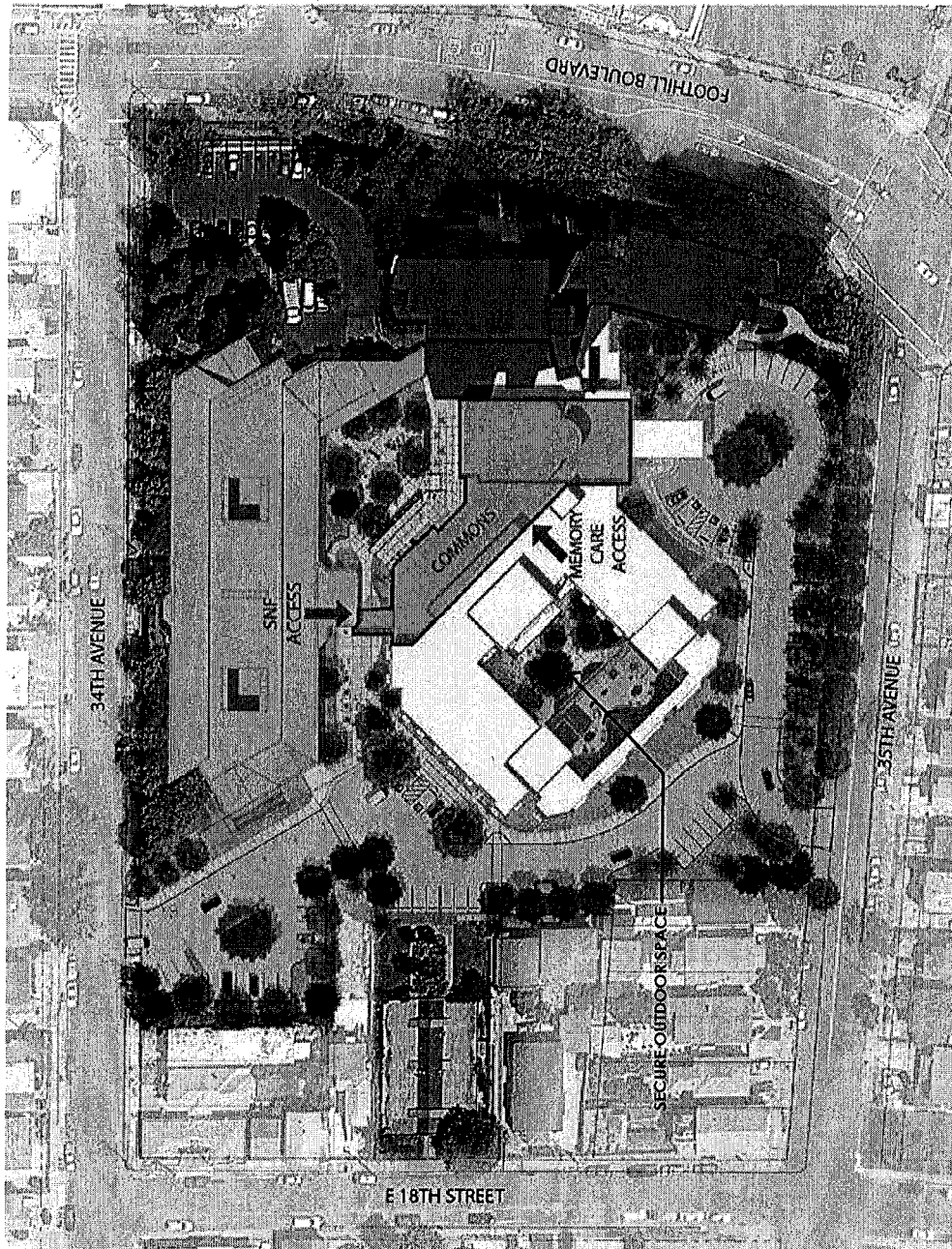
MERCY RETIREMENT
& CARE CENTER

DESIGN BEST PRACTICES
Perkins Eastman

Diagram B

DESIGN BEST PRACTICES

- Accessible centralized common areas
- Secure outdoor space for memory care residents



MERCY RETIREMENT
& CARE CENTER

DESIGN BEST PRACTICES
Perkins Eastman

Diagram C