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OFFICE OF THE CITY CLERK
OAKLAND

2019 JUN -6 PM 5:27

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William A. Gilchrist
Director, PBD

SUBJECT: 10-10th St ("Kaiser Auditorium")
Appeal

DATE: May 23, 2019

City Administrator Approval

Date:

6/5/19

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt A Resolution Upholding The Planning Commission's Approval And Denying The Appeal By A Coalition Led By Ayodele Nzinga of 1) A Major Conditional Use Permit For The Reuse, Rehabilitation, And Alterations Of The Oakland "Kaiser Auditorium", 2) Regular Design Review For Building Alterations, And 3) Adoption Of Related California Environmental Quality Act (CEQA) Findings For The Proposed Project Located At 10-10TH Street, Oakland CA (Project Case No.PLN17101).

EXECUTIVE SUMMARY

On April 3, 2019, the Oakland Planning Commission approved case number PLN17101, a Conditional Use Permit application (CUP) by Orton Development Inc ("ODI") to rehabilitate and make alterations to the existing historic facility referred to as the "Oakland Civic Auditorium," (OCA) and construct a raised terrace and podium, and reconfigure the 164 space parking lot. The proposal would also reuse the Calvin E. Simmons Theater within OCA and introduce new commercial uses such as a restaurant, retail and/or office on the ground floor and basement. As proposed, the foregoing changes are referred to as the "Project."

The application was heard and approved at the Planning Commission meeting on April 3, 2019. The associated staff report is attached (**Attachment A**). Following Planning Commission action, an appeal was filed challenging approval of the Project by a coalition led by Ayodele Nzinga, which lists a number of claims and is summarized as follows: 1) the Planning Commission abused its discretion in granting a Conditional Use Permit, 2) violations of requirements stipulated in the request for proposals and the exclusive negotiating agreements 3) the applicant's failure to consider recommendations, guidelines and goals set in different City documents, the Lake Merritt Specific Area Plan ("LMSAP"), the Strategies for Protecting Arts and Culture Space from the Mayor's Artist's Housing and Workspace Task Force, the Cultural Plan, the Department of Race and Equity mandate, the Black Arts Movement Business District resolution, and the draft Downtown Oakland Specific Plan, 4) the City revoke the entitlements granted to the applicant, cease negotiations, and direct the applicant to conduct a public input process. Furthermore, the appellant claims and lists events and violations such as 5) the Request for Proposals (RFP) has a requirement for public access, 6) the RFP calls for the

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Calvin Simmons Theater to be brought online first, 7) the applicant did not comply with the directive for interim use, 8) the Project ignores the recommendation to consider community-based financing models, 9) ODI failed to conduct an appropriate and thorough public input process, 10) this Project lacks sufficient community benefits, and 11) ODI violates the discrimination clause in the RFP (**Attachment B**).

Based on findings made by the Planning Commission as part of their decision to approve the application, staff recommends that the City Council adopt a resolution denying the appeal and uphold the Planning Commission's approval of the Project.

BACKGROUND / LEGISLATIVE HISTORY

On September 22, 2014, the City released a RFP to adaptively reuse, rehabilitate and operate the OCA under a long-term lease with the City. The desired Project identified in the RFP aimed to implement the vision for the building articulated in the LMSAP. There were only two responses to the RFP, and after a full review and public presentation of alternatives, staff recommended pursuing exclusive negotiations with ODI.

On July 21, 2015, the City Council, pursuant to Resolution No. 85728 C.M.S., authorized an Exclusive Negotiation Agreement ("ENA") with ODI. Although the ENA expired in January of 2017, ODI has been continuously evaluating the feasibility of this complex Project, negotiating the terms of a Lease Disposition Development Agreement (LDDA) and 99-year Lease with City staff, and seeking approvals and redesigning the interior of the building in response to comments from the California State Historic Preservation Office ("SHPO") and the National Park Service ("NPS") without extending the term of the ENA. City Council has given direction in multiple closed sessions regarding the terms for continued negotiations with ODI.

On April 4, 2017, ODI filed an application with the Bureau of Planning to rehabilitate and make site and building alterations to the approximately 215,000 square foot vacant OCA. The City-owned property is deteriorating and has been vacant for at least 25 years. The east side of the 164 stall surface parking lot is being used temporarily as a homeless shelter. The property is located near the south end of Lake Merritt, and is next to the Oakland Museum of California and Laney College.

On January 30, 2019 the proposal was presented to the Planning Commission's Design Review Committee (DRC) meeting, and the committee continued the application and recommended design improvements to the terrace, pedestrian pathways, and outreach and discussion of the Project with the community. At the March 6, 2019 DRC meeting, the committee supported the design and new uses, and recommended the applicant continue discussion with community members. Furthermore, in the 2018 and 2019 Landmarks Preservation Advisory Board (LPAB) meetings, the LPAB expressed concerns about the raised terrace, parking configuration and landscaping, but after reviewing the Project at the last meeting, the LPAB supported the Project for Planning Commission review.

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On April 3, 2019, the Project was presented to the Planning Commission, incorporating changes in response to the Design Review Committee comments and other public comments. At that meeting, the Planning Commission also received written and oral public comments, and these were made available to the public. The written public comments are attached in this staff report (**Attachment E**). The majority of the public comments related to the lack of communication between the applicant and neighborhood groups regarding accessibility and affordability of the Oakland Civic Auditorium to community-based artists.

After the public hearing, and deliberation on the record, the Planning Commission approved the Project (by a 4-2 vote). See **Attachment C** for a copy of the decision letter, which contains the findings and conditions of approval, and an excerpt from the Planning Commission minutes of April 3, 2019.

On April 15, 2019, the coalition led by Ayodele Nzinga filed an appeal (PLN17101-A01) of the Planning Commission approval of the Project.

ANALYSIS AND POLICY ALTERNATIVES

The appellant raises a number of issues that are identified and included in **Attachment B** of this report. In the appellant's submitted arguments letter, staff identified each argument raised by the appellant concerning the Conditional Use Permit. The following discussion outlines and responds to each of the appellant's arguments (note, each number below corresponds to the marked numbers made by staff and in Attachment B):

1. *"We respectfully request you address the Planning Commission's abuse of discretion in granting a Major Conditional Use Permit to ODI".*

Staff Response: The Planning Commission specifically complied with Planning Code Section 17.134.050 in granting the Major Conditional Use Permit to ODI. The Planning Code stipulates that the Planning Commission may only grant a conditional use permit if a proposed Project conforms to the criteria set forth in Attachment C. After deliberations at the public hearing, considering the applicant's presentation, taking public testimony, reviewing the staff report with findings and recommendations, the Planning Commission appropriately made the requisite findings to approve the Major Condition Use Permit Application.

2. *"...We ask that you address ODI's failure to consider recommendations, guidelines and goals...including the Lake Merritt Area Specific Plan...and the Downtown Oakland Specific Plan Preliminary Draft".*

Staff Response: The Lake Merritt Area Specific Plan expressly intended for the Henry J. Kaiser Convention Center (HJK) to be rehabilitated similar to the proposed Project. In fact, as we articulated in detail in the staff report to the Planning Commission, the Project addresses the goals and vision of the Lake Merritt Area Specific Plan by rehabilitating the existing theater, reusing the Oakland Civic Auditorium with new commercial uses, creating new job opportunities, and activating the area as a lively and vibrant district. It

should be noted that the City of Oakland has not yet adopted the Draft Downtown Oakland Specific Plan and, as such, Projects cannot be required to comply with this draft plan.

3. *"Public Land as a culture asset should be leveraged to maximize cultural equity in the neighborhoods..."*

Staff Response: The Planning Commission does not have authority over the disposition or use of public land; this is the purview of the City Council solely in a separate legislative action involving the LDDA. The Planning Commission's authority is to administer the City's General Plan and the Planning Code requirements in Project approvals. The Planning Commission appropriately considered General Plan and Planning Code policies and made required findings when approving the application.

4. *"We request the City revoke the entitlements granted ODI by the Planning Commission ...cease negotiations with ODI regarding lease pricing, and direct ODI to conduct a more comprehensive public input process..."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. While the applicant and public speakers raised concerns about the lease pricing at the Planning Commission hearing, these concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

"The project has been granted a Major Conditional Use Permit without appropriate community involvement as stated in the Planning Department's Official Goals".

Staff Response: As noted above, Section 17.134.050 of the Planning Code sets forth the criteria that must be met prior to the granting of a Conditional Use Permit. There are no express requirements for community involvement in these criteria, so this cannot be a valid grounds for appeal. Notwithstanding that fact, ODI had various community meetings and also complied with the additional public meeting set forth in Section 17.134.040. Per this section the following meetings were held: Landmark Preservation Advisory Committee (LPAB), Design Review Committee (DRC) and Planning Commission hearings - six public hearings in total and all were duly noticed allowing appropriate opportunity for public input

5. *"This project proposes to grant an unprecedented 99-year lease of city-owned property...to a private entity, without due consideration being given to the negative impact likely to be suffered by... communities and organizations."*

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Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. While the applicant and public speakers raised concerns about the lease term at the Planning Commission hearing, these concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

6. *"This site represents an opportunity not only to address historic inequalities but also to mitigate current conditions which have resulted in the loss of cultural diversity..."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. While the applicant and public speakers raised concerns about inequities at the Planning Commission hearing, these concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

7. *"As public land is a finite resource; any proposed development of this space much achieve the highest levels of community benefit possible..."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

8. *"The RFP has a requirement for public access. These requirements have not been sufficiently addressed...nor has a competitive rate schedule has been finalized for community input..."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land, only the City Council does. These concerns can only be addressed though separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

9. *"ODI's proposal effectively under-interpreted the intent of the RFPs stipulations, and the LMASP's directive to "look to current Community Benefits Agreement (CBAs)" to establish a baseline for the appropriate level of community benefits..."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City

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Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

However, staff notes that in the LMASP, there is no directive to look for Community Benefit Agreements. In the LMASP, the Project site is considered an Opportunity Site for Adaptive Reuse (Figure A1), and there is no requirement for an applicant, absent a subsidy or other financial concession, to enter into any community agreements.

10. *"Per the RFP, the Calvin Simmons Theater was to be brought online first...no progress has been made in bringing this cultural asset online..."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

11. *"ODI did not comply with the directive for interim use". The RFP states clearly the developer shall be responsible for periodically activating the grounds or the building...with interim uses for a minimum of two public events a year..."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

12. *"This project ignores the recommendation to consider community-based financing models. The RFP states respondents should consider using community-based financing tools such as community development IPOs...and platforms". These considerations if applied will lead to community investment...with strategies and recommendations outlined in the ...DOSP and the LMASP".*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal. Staff further notes that the appellant also describes the use of strategies outlined in City reports such as the Draft Downtown Specific Plan (DOSP), and the Lake Merritt Area Specific Plan (LMASP). The DOSP does not apply to this Project because the property is not within the boundary of this specific area and the DOSP has not yet been adopted. Also, the referenced strategy models for this Project do not apply because the

LMASP does not require community-based financing tools such as Community Development Initial Public Offerings (IPOs) or financial platforms.

13. *“ODI has failed to conduct an appropriate and thorough Public Input Process. The RFP states clearly the selected developer in consultation with the City, shall design a public input process to solicit feedback on its proposal for the building from local stakeholders.... In addition, the LMASP directs new development projects to work closely with the community...to develop the desired program of uses....”*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

Staff further notes that the Planning Commission considered General Plan and Planning Code policies, and made required findings when approving the application.

Also, the appellant references the LMASP and indicates that new development Projects work closely with community to develop desired program of uses. Staff finds that this statement does not apply because the referenced policy only applies in the Lake Merritt BART block area.

14. *“ODI held a visioning session early in the process with Laney College, BART and OMCA-none of which are community-based organizations, but failed to do outreach with neighborhood stakeholders such as Chinatown Coalition, Black Arts Movement District (BAMBD) and Eastside Arts Alliance, until after a Laney College forum. ODI received many critical comments...while failing to sufficiently address community concerns. Letters were sent...at the 04/03/2019 Planning Commission meeting, yet the Planning Commission, in an abuse of discretion, failed to address the exclusion of these stakeholders...and other RFP violations. The Planning Commission should not have approved a Major Conditional Use Permit when the RFPs provisions and LMASP guidelines for public input process were clearly insufficiently addressed....Over the past five years, market conditions in Oakland have changed...as evidenced by...city reports and statistics...including...the existing conditions analysis in the DOSP”.*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

The appellant also states that the Planning Commission should not have approved the Project when the LMASP guidelines for public input were not addressed. Staff disagrees

with this statement because the Commission took action relying on staff analysis of compliance with the LMASP, and made the required findings for approving the Project.

The appellant also raises issue about the applicant's lack of a current feasibility study and recent changes in market conditions in Oakland, and cites among other city reports, the existing conditions analysis in the DOSP. Staff believes that this does not apply because the Project is not part of the DOSP and the DOSP has not been adopted.

15. *"Without a current feasibility study, how can ODI hope to meet the criteria for affordability and community benefit...."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds of appeal.

16. *"ODI has had four years...since the ENA expired to conduct community engagement, but only had superficial discussions with key stakeholders...."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

17. *"Rather than providing the necessary details, which are conditions of the RFP and LMASP, before gaining Planning Commission approval, ODI deferred committing in writing, and still received approval, despite repeatedly violating the RFP conditions. This constitutes abuse of discretion by the Planning Commission."*

Staff Response:

The record shows that the LPAB, DRC and Planning Commission held six public hearings and used their discretion during the public review process, and made the required findings.

18. *"ODI's public input process has been exclusionary and discriminatory to communities of color...neighborhood-based arts organizations. This undermines the City's directive...for Cultural Equity in the Cultural Plan, and in the strategies for cultural protection in the Mayor's Task Force report"*.

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City

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Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

It should be noted that the City's directive for creating neighborhood hub is mainly for new buildings and areas in the Lake Merritt BART block, Chinatown, 14th St and Eastlake Gateway.

19. *"This project lacks sufficient Community Benefits....ODI offers no clearly defined pathway to job training and mentoring...there has been no substantial Community Benefit negotiations..."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed in any separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

20. *"ODI did incomplete/exclusionary community input, has made no agreements with community groups...no commitment to employing local artists.... The LMASP calls for the incentivization of community benefits...and directs projects to base their community benefits packages around prior CBAs".*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed in any separate legislative action that may be taken by the City

Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

The appellant also states that the LMASP calls for incentivization of community benefits prior to Community Benefits Agreements. Staff disagrees with this statement because the LMASP does not reference policy or recommends Projects incentivize community agreements, specifically with regards to the rehabilitation of the HJK.

21. *"In the case of HJK, a public land parcel, community input should be maximized... or excluded. ODI's failure to negotiate a community benefits agreement does not serve Oakland's most at-risk communities and misinterprets city guidelines and recommendations...."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

22. *"ODI violates the discrimination clause in the RFP. All respondents must agree not to discriminate on the basis of race, color...."*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed in any separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

23. *"This project as proposed will have an irreparable negative impact on communities excluded from community input....Stakeholders in BAMBD, Chinatown, East Lake...have been excluded from the input process...and will suffer disproportionately from the project's lack of equity".*

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

24. *The DOSP Preliminary Draft addresses affordability as it relates to Culture-Keeping. Racial and ethnic groups have had a significant impact on the culture of downtown-Chinatown and BAMBD".*

Staff Response:

The DOSP has not been adopted and therefore does not establish policy for this application. In addition, the comment is not applicable because the Project is not within the DOSP area.

25. *"The exclusion from the public input process of communities of color who represent key stakeholders, neighborhood associations, and arts practitioners is tantamount to discrimination on the basis of race. The lack of affordability and tangible community benefits to community of color is also discriminatory in intent and practice...."*

Staff Response: The six public hearings related to the application were duly noticed meetings with extensive outreach. In addition, the applicant held numerous community meetings. Further, staff disagrees with the specified Disparity Data report because this

report is related to the draft DOSP, which is not an adopted plan. This Project is also not located in the DOSP, therefore this comment does not apply.

26. *"The survey in the Cultural Plan finds that 49% of Oakland artists have faced displacement from their home or workplace, while the Racial Equity Impact Assessment in the DOSP Preliminary Draft further recommends CBA agreements as a mitigating strategy. The Department of Race and Equity's mandate refers specifically to past City*

policies as a cause of racial, social, and economic inequality. ODI's neglect to address these realities in any way violates the discrimination clause in the RFP".

Staff Response:

As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

Furthermore, the appellant's argument is based on a draft assessment of the DOSP. Staff notes that the Project is not within the boundaries of the DOSP, and this draft DOSP has not been adopted by the City.

27. *"Equity is a mandate in Oakland. This project reinforces inequity and squanders the last substantial site to implement strategies called for in multiple city policies, studies, and guidelines.... The Mayor's Task Force report clearly states: Affordable art working spaces are essential to keeping artistic innovation. This topic is also addressed in a 2017 white paper prepared by Strategic Economics, which notes: workspace and housing costs present the biggest challenges to being an artist in Oakland..."*

Staff Response:

The Planning Commission approval was based on the General Plan policies and guidelines as listed in the April 3, 2019 Staff report. The appellant cites reports that are not under the purview of Land-Use regulations, or the Planning Code, are therefore not applicable as such.

28. *"Equity and affordability are also mentioned in the Cultural Plan, which strongly advocates for a Cultural Equity framework and recommends the City work with community partners to develop policy changes to mitigate displacement and to enable local cultural assets to thrive... ODI's proposal disregards cultural imperatives established for the protection of at-risk residents, specifically small arts organizations and nonprofits that make up the majority of Oakland's art ecosystem... ODI's proposal and process are a contradiction of the City Policies that call for the City to leverage existing cultural assets, such as public land for public benefit...In addition, the Vision and Goals section of the LMASP calls for: Community development that is equitable, sustainable, and healthy... Finally, the BAMBD resolution specifically names the Calvin Simmons Theater as part of a historical legacy and establishes a City mandate to*

support a healthy and flourishing arts community which (serves) as a driver of greater civic engagement and community involvement..."

Staff Response: As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

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In addition, the Planning Commission based its decision on the applicable General Plan Policies and Planning Code and used discretion by applying the required findings, and believed the Project was reasonable for rehabilitating and reusing a City Landmark building, and reestablishing historic and new commercial uses.

29. *"The nonprofit model proposed does not align with best practices based on expert recommendations and statistical data: The Mayor's Artist Housing and Workspace Task Force recommends the Lease (of) City or other publicly-owned property for arts uses at affordable rates....What we know of ODI's operational model is that it proposes to create a non-profit to manage the asset.... Further, ODI has furnished no information regarding its operational model...its relationship or duty to the arts community...or to what degree it will subsidize tenancies and provide low-income or free access as required by the RFP. If ODI's proposal is allowed to move forward, it will not result in increased affordability...ODI's proposal will reinforce inequity rather than mitigating historic and existing barriers to equity. The Planning Commission's failure to recognize negative impacts on at-risk populations and impose the mitigating conditions set forth by City equity strategies constitutes abuse of discretion".*

Staff Response: As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

30. *"ODI has been granted extraordinary latitude in exchange for very little for the City or Community.... There is no other opportunity site of this nature and scale....The City does not have the resources to acquire more public land".*

Staff Response: As noted above, the Planning Commission does not have authority to legislate the terms of disposition or use of public land – only the City Council does. These concerns can only be addressed through separate legislative action that may be taken by the City Council regarding the LDDA. As such, the appellant does not raise a viable grounds for appeal.

Policy Alternatives

The following options are available to the City Council:

1. Deny the appeal, uphold the Planning Commission's decision, and allow the Project to proceed as approved by the Planning Commission;
2. Deny the appeal, and apply additional Conditions of Approval solely related to the appellant issues;
3. Grant the appeal, reverse the Planning Commission's decision, and thereby deny the Project. Under this option, the matter would return to the City Council at a future meeting

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for adoption of appropriate findings. The applicant would have the option of not pursuing the Project or of submitting a new application to the Bureau of Planning;

4. Continue the item to a future meeting for further information or clarification, solely related to the appellant issues; or
5. Refer the matter back to the Planning Commission for further consideration on specific issues/concerns of the City Council, solely related to the appellant issues. Under this option, the appeal would be forwarded back to the City Council for final decision.

In selecting an option, the City Council should be mindful that it is acting as an appellate body to determine if the Planning Commission exercised an "abuse of discretion" in approving the Project. As articulated above, most of the appellant's claims are not valid grounds for appealing the Planning Commission approval. In addition, the Planning Commission considered and made findings to support the criteria for granting a conditional use permit set forth in Section 17.134.050 of the Planning Code.

FISCAL IMPACT

The Project is expected to have a positive fiscal impact for the City of Oakland, through private investment and rehabilitation of a deteriorating City-owned facility.

PUBLIC OUTREACH / INTEREST

The Project proposal was publicly noticed for a Planning Commission meeting on April 3, 2019. Public Notices were sent to all property owners within a 300-foot radius from the property and to interested parties. The five additional public hearings were noticed similarly, and public notice signs were posted on the site at least 17-days prior to each meeting. This appeal was duly noticed by the City Clerk's Office 10-days prior to the City Council meeting, and the Bureau of Planning mailed and emailed public notices from the Project site to the appellant, applicant and interested parties at least 17-days prior to this meeting. The associated public notice is attached (**Attachment D**).

ODI (Applicant) & Community Meeting Held at Laney College

On March 27, 2019 ODI, the project applicant, held a community meeting at Laney College to discuss the Project, and concerns raised by residents, arts stakeholders, and neighborhood advocates. Subsequently, on March 29, 2019 ODI provided Planning staff with a written summary of the community's comments, questions, clarification, details and inclusion of the interested parties in ODI's project proceedings. ODI listed the following topics discussed at the community meeting:

- Affordability

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- Transparency, Public Participation & Community Oversight
- Infrastructure & Project Design
- Accessibility & Community Benefits
- Green/Environmental Standards
- Labor & Hiring
- Housing

COORDINATION

This Staff report was reviewed by different City Departments including the Planning & Building Department's Bureau of Planning, the City Attorney's Office, and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: The development of the Project would use private investment to revitalize a deteriorating public facility.

Environmental: Renovating and reusing facilities in already urbanized environments reduces pressure to build on agricultural and other undeveloped land. Sites near mass transit enable residents to reduce dependency on automobiles and further reduce adverse environmental impacts.

Social Equity: The Project benefits the community by adding increased commercial opportunities in the City of Oakland, and renovating and reusing a cherished public facility.

CEQA

The California Environmental Quality Act (CEQA) of 1970, as prescribed by the City of Oakland's environmental review requirements, has been satisfied. The CEQA analysis used CEQA Guidelines Sections (A) 15164 - Addendum to EIRs; (B) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; and (C) 15168- Prior EIRs and Redevelopment Projects.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt A Resolution Upholding The Planning Commission's Approval And Denying The Appeal By A Coalition Led By Ayodele Nzinga of 1) A Major Conditional Use Permit For The Reuse, Rehabilitation, And Alterations Of The Oakland "Kaiser Auditorium", 2) Regular Design Review For Building Alterations, And 3) Adoption Of Related California Environmental Quality Act (CEQA) Findings For The Proposed Project Located At 10-10TH Street, Oakland CA (Project Case No. PLN17101).

For questions regarding this report, please contact Mike Rivera, Project case Planner at (510) 238-6417.

Respectfully submitted,



William A. Gilchrist
Director, Department of Planning and Building

Reviewed by:
Ed Manasse, Deputy Director
Bureau of Planning

Prepared by:
Mike Rivera, Planner II
Bureau of Planning/Major Projects

Attachments (5):

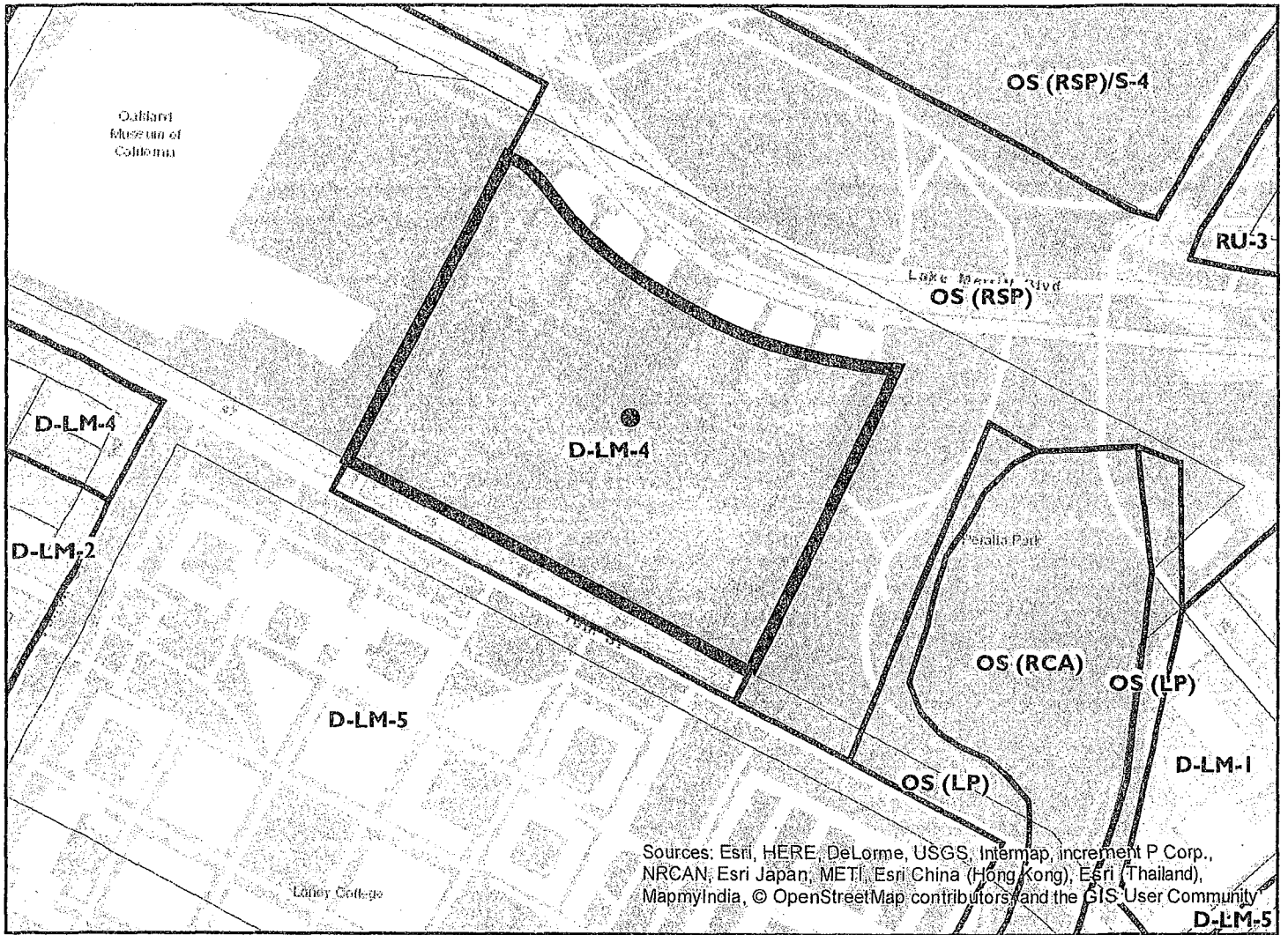
- A: *April 3, 2019 Planning Commission Staff Report*
- B: *April 15, 2019 Appeal by a coalition led by Ayodele Nzinga (Marked R-1 to R-30 by Staff)*
- C: *Decision Letter*
- D: *Public Notice*
- E: *Public Comments Submitted to Planning Commission*

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Project Location:	10-10 th Street (Oakland Civic Auditorium)
Assessor's Parcel Number:	018 045000500
Proposal:	Rehabilitation of the vacant Oakland Civic Auditorium, consisting of interior and exterior building alterations, and site modifications to the walkways, landscaping, parking lot and driveway to improve the historic entertainment venue and facilitate new commercial uses.
Project Applicant/ Telephone:	Orton Development, Inc. / (510) 428-0800
Property Owner:	City of Oakland
Case File Number:	PLN17101
Planning Permits Required:	Major Conditional Use Permit for Extensive Civic Impact Uses; and Regular Design Review for site and building alterations.
General Plan: Specific Plan:	Central Business District Lake Merritt Station Area District
Zoning:	D-LM-4 Lake Merritt Station Area District Mixed Commercial
Environmental Determination:	A detailed CEQA (California Environmental Quality Act) Analysis was prepared for this project which concludes that the development proposal satisfies each of the following CEQA Guidelines: (A) 15164 - Addendum to EIRs; (B) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; and (C) 15168- Prior EIRs and Redevelopment Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online at the following link: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 (<i>The Oakland Civic Auditorium CEQA Analysis / Item # 83</i>). The LUTE (Land Use Transportation Element) EIR which can also be viewed at the following link: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158 (<i>LUTE / Item #1</i>)
Property Historic Status:	OCHS A1+, Designated Historic Property; and API, Area of Primary Importance (Lake Merritt)
City Council District:	3
Action to be Taken:	Project Decision based on recommendation of this staff report
Staff Recommendation:	Approve subject to the attached conditions
For Further Information:	Contact Case Planner, Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com

#4

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN17101
Applicant: Orton Development, Inc.
Address: 10 10th Street
Zone: D-LM-4

SUMMARY

The project applicant, Orton Development, Inc. proposes to rehabilitate the Oakland Civic Auditorium (OCA) which has been vacant for approximately 25 years. The proposal consists of interior and exterior building alterations, site modifications to the surrounding walkways, landscaping and parking lot to improve the existing Calvin Simmons Theater, and former Coliseum Arena, and facilitate new commercial uses.

The City-owned property is accessible from Lake Merritt Boulevard and 10th Street. The site is located to the south of Lake Merritt and the Lake Merritt Amphitheater. The OCA is currently surrounded by a chain-link fence and is not accessible to the public, except for the surface parking lot which temporarily provides Tuff shelters to house the homeless.

The OCA was built in 1915 and is located in a civic node, next to the Oakland Museum of California and Laney College. The project is also across from Lake Merritt and adjacent to the west side of Lake Merritt Channel. Lake Merritt is listed in the National Register of Historic Places; and the Lake Merritt Wild Duck Refuge is a National Historic Landmark. The property is a City Landmark with an OCHS Rating of A1+.

The proposal requires a Major Conditional Use Permit for auditorium activities, and Regular Design Review for building alterations. A California Environmental Quality Act (CEQA) analysis was prepared for the project and concluded that the proposal qualifies for an addendum and community plan exemption under the CEQA Guidelines. A copy of this document was made available to the Planning Commission and public, and is also available on the City's website at the following link:

<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157> (*The Oakland Civic Auditorium CEQA Analysis / Item # 83*).

For the reasons set forth in this report, staff recommends that the Planning Commission (1) affirm staff's Environmental Determination and adopt the attached CEQA Findings; and (2) approve the project, including Major Conditional Use Permit, and Regular Design Review, subject to the attached findings and conditions (including the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program / SCAMMRP) contained in this report and related project documents.

PROJECT SITE AND SURROUNDINGS

The Oakland Civic Auditorium (OCA) is located to the south of Lake Merritt at 10-10th Street. The OCA is three stories tall and sits on a 4.80-acre parcel. The main entries to the building are on the north, west and east sides. There are also secondary and loading entries on the south side of the building on 10th Street. A parking lot with approximately 164 parking spaces is located on the north and east sides of the building, and is accessed from Lake Merritt Boulevard and 10th Street (via two driveways). The site is mostly paved, but contains a mix of landscaping and trees around the property and in the parking lot. The project site is surrounded by the Oakland Museum of California to the west, Laney College to the south, Peralta Park/ Lake Merritt Channel to the east and Lake Merritt Amphitheater to the north. The OCA is served by a number of AC Transit bus lines, bicycle lanes, and the Lake Merritt Bay Area Rapid Transit (BART) Station which is located approximately three blocks southwest.

The OCA is considered a City Landmark because of its historical, cultural and architectural value. The OCA is a rectangular-shape building with a steel frame gable roof and reinforced concrete, and is visible from around Lake Merritt, and is considered a historic resource within the Area of Primary Importance

(API). The building has strong architectural themes such as articulated niches with relief sculptures, arched windows, steel awnings, large light fixtures and concrete stairways that reflect the Beaux-Arts style of that time.

PROJECT PROPOSAL

The applicant proposes to make alterations to the interior and exterior of the approximately 215,000 square foot building. The alterations would allow new commercial uses such as restaurant, retail and/or offices on the ground floor and basement. The proposal includes the construction of a raised terrace, rehabilitation of the existing Calvin E. Simmons Theater that holds approximately 1,500 seats; and limited improvements to the central Arena space and seating. The project includes site modifications to the parking lot, driveways, walkways and landscaping. Other improvements to the OCA involve the installation of new skylights, and two new illuminated marquee signs on the building roof.

BUILDING INTERIOR ALTERATIONS

Basement

The alterations of the 76,800 square foot basement would replace the access stairway, elevator, stage lift and include the installation of new skywells to the first floor, construction of new storage, utility rooms and disposable/recycle loading areas. Approximately 27,522 square foot of the improved basement would be used for related commercial tenant uses and would be internally connected to the upper-floor level. A portion of the basement would also be used for theater storage and other miscellaneous uses. The alterations to the basement would not increase new building footprint or floor area or change the exterior of the building.

First Floor

The alterations of the 76,900 square foot 1st floor level would remove the restroom and partition walls to reopen/regain the signature niches and restore the windows. The building alteration includes the removal of partition walls to restore the historic arena foyer and concourse, development of a new restaurant with outdoor seating and new bar concessions. The alterations would include a new entry lobby on the south of the arena, the addition of two new light-wells in the center of the arena floor to provide natural light to the basement, and replacement of the stage lift and alterations to the theater seating. The proposal also notes that all of the significant architectural elements such as columns, coffered ceiling, and floor details would remain, and if needed these would be repaired to match to the original design. The existing south freight/loading entry would be improved.

Second Floor

The alterations to the approximately 17,000 square foot 2nd floor level would rehabilitate the stairways, remove partition walls from some of the niches, uncover the west side five windows along the theater corridor, and rearrange the theater seating for better circulation. The project would include the construction of three new separate loge box areas, and the addition of new dressing rooms. No changes would be made to the existing historic corridor/vaulted ceiling and arena bleachers. The project would also make improvements to the restrooms, and restoration to the theater seating if needed to comply with building codes.

Third Floor

The proposal would not include any significant building alterations to the approximately 29,000 square foot 3rd floor level. The 3rd floor contains theater seating, ballrooms and foyers.

BUILDING EXTERIOR ALTERATIONS

Building North Elevation

The proposal does not involve any structural changes to the north facade of the building. All of the existing historic elements such as the niches, masonry walls, cornices, awnings, lighting and wall signage would remain and, if necessary be restored. The proposal includes the replacement and repairs, if needed, of the arched wood and glass windows located on the niches in order to support the historic character of the property. There are, however, two significant changes to the building facade. One is the replacement of all seven main double-door entries; and the other is the capping of the seven entry concrete stairs with a new raised sandblasted concrete finished terrace.

A proposed Lake View raised terrace is proposed that is approximately seven foot tall and 9,000 square feet, and located in front of the building and used as an outdoor public seating area and for social events. The concrete terrace would include a 3.5 foot tall glass with steel frame guardrail. The proposed new 120-foot wide concrete grand stairway with steel hand railings would be located in the center of the terrace. The proposal also includes two new concrete access ramps with glass railings, each located at the corners of the terrace. The face of the raised terrace would be made of a sandblasted concrete wall and would include low recessed light fixtures, landscaping and a row of bollards located in between the improved front pedestrian pathway and surface parking lot.

The proposal includes a new illuminated marquee sign located on the rooftop of the building. The individual channel letter and board signs would be mounted on a 63-foot wide by 12-foot high steel support truss frame. The signs would be set back at least two feet from the building parapet. The channel letter sign would be placed in the center, and the board signs would be located on the sides. The channel letter sign and arrow signs would be white acrylic and backlit. The two slim board signs would contain a programmable LED marquee sign with lights around the border of the boards. The applicant notes that the sign proposal is based on a 1949 marquee sign that once existed on the building. The existing "*Auditorium of the City of Oakland Dedicated by the Citizens to the Intellectual and Industrial Progress of the People*···and the date, 1914" will remain.

Building South Elevation

There are no significant alterations to the south building facade other than repairing, if needed, the existing windows, entry doors, wall light fixtures and wall sign (Henry J. Kaiser Convention Center). The proposal, however, includes the new construction of an entry lobby with an ADA access ramp, lamp poles and a new awning. The new access ramp would be concrete with glass and steel frame guardrails. The two proposed new round-glass light and steel pole fixtures would match the original ones. The project also includes a new illuminated marquee sign similar to the one proposed on the north side, and new landscaping along the building and within the new sidewalk.

Building East Elevation

Similar to the south building facade, the proposal does not include significant alterations to the east building facade. The applicant proposes to maintain and repair all of the historic design features such as the cornices, mullions, light fixtures, steel entry awning and doors. However, the most significant change is the removal of the cement wall to uncover and restore the five historic square-shape windows, located on the second floor. The concrete access ramp will be replaced with a new ramp with glass and steel frame guardrail.

Building West Elevation

The proposal does not include any significant alterations on the west side of the building facade. The project notes that all of the historic design features are to remain such as entry awnings, doors, wall lanterns and lantern poles. The project also notes that all of these design elements would be repaired, if necessary. The one building alteration proposed is the removal and replacement of the concrete ramp with a new concrete ramp that would contain a glass and steel frame guardrail. Other improvements include new landscaping along the building facade.

Rooftop

The project would make alterations to restore the skylights to their original locations. The skylights are located on the north and south bays of the rooftop and extend to the east and west. The existing two flagpoles located near the east and west building parapet would remain. The project would include the new installation of solar panels along the south bay of the building rooftop. The approximately 58,000 square foot solar panel area would be placed on the downslope rooftop. The rooftop would also include the installation of two illuminated marquee signs that are discussed in this report.

SITE ALTERATIONS- HARDSCAPE AND LANDSCAPING

Sidewalk / Pathway

The pedestrian sidewalk around the OCA would be replaced with new porous cast-in-place concrete sidewalk. The sidewalk contains a diamond-shape pattern to create contrast with the east driveway and north parking lot. The south sidewalk includes two new bulb-outs at the corners including one to the west across the driveway, and two pull-in loading and drop-off zone areas along 10th Street. Approximately 15 Green-Ash and Honey Locust trees would be planted in the front side of the sidewalk along the south and west sides of the building. A mix of 26 creeping Jasmine and Fig vines would also be planted in the back side of the sidewalk along the south building facade, and the north face of the raised Lake View terrace. The proposal includes new bio-treatment planters and hydro-zone landscape areas within sections of the sidewalk to manage stormwater runoff within the property. Other improvements within the sidewalk include the installation of concrete benches, light poles and bollard lights.

Lake Merritt Way Promenade

The proposal includes the removal of the two-way driveway and landscape median located on the west side of the building. A new, raised concrete promenade would be constructed on this pedestrian, vehicular and utility easement. The 60-foot wide and 270-foot long Lake Merritt promenade will be raised to level with the new sidewalk, and would serve as a public access pathway from 10th Street to Lake Merritt Boulevard, as well as a gathering area for the Calvin Simmons Theater. The surface of the promenade would contain hexagonal concrete pavers, colored concrete diamond-shape pattern, concrete benches and aluminum light poles. Removable decorative bollards will be placed along 10th Street and the main parking lot.

Parking Lot and Driveway

The property contains a parking lot with approximately 164 parking stalls, located to the north and east of the building. The proposal would remove trees, planting areas and replace the parking paving area. The larger parking lot to the north would maintain the six double-head light poles, located in the center of the parking lot. The parking lot area would be resurfaced with new asphalt concrete, provide six new ADA parking spaces, and contain decorative diamond-shape patterns. The surface of the smaller parking lot to the east of the building would have a new pervious concrete area, and the driveway would be asphalt concrete with decorative diamond-shape patterns. The parking lots would include two new ingress and egress parking barriers at the Lake Merritt and 10th Street driveways. The plan would include a cluster of six new Evergreen trees at the northwest and northeast corner of the parking lot. A row of eight Green-Ash trees would be planted along the eastside of the parking lot/driveway.

STATE OFFICE OF HISTORIC PRESERVATION (SHPO)

Federal regulations governing this project require evaluations of all building alterations. The project applicant applied for Federal Rehabilitation Tax Credits to partially fund the project. The applicant also consulted with and submitted applications and design concept plans to the State Historic Preservation Office (SHPO), and the National Park Service (NPS). To qualify for Federal Rehabilitation Tax Credits, a project needs to conform with the Secretary of the Interior Standards (SOIS) for rehabilitation.

In 2017 and 2018, the applicant submitted to the Office of Historic Preservation (OHP) Part 1 and Part 2 of the required Applications for review of the project. OHP is supportive of the project if the recommended conditions are included on a more developed set of plans and submitted for further review. The following are conditions for the project by OHP:

- Omit the glass pavilions along the south building elevation (these are no longer proposed).
- Alterations or replacement of historic features should be guided by historic documentation or be simplified to be compatible with the historic building features.
- The proposed south lobby should not extend into the existing Arena.
- The proposed lodge box openings should be equal in width to the existing openings.
- The proposed site work around the building should be redesigned to be more compatible with the historic character of the building, its setting and environment.

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES- STANDARDS FOR REHABILITATION

The following Standards for Rehabilitation are the criteria to determine if the proposal qualifies in a reasonable manner to the rehabilitation standards. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. The rehabilitation of the project must be determined by the Secretary to be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The proposal would reestablish the Calvin Simmons Theater for the operation of cultural and entertainment venues. The existing arena and bleachers would remain and serve new commercial uses such as an office, retail and/or restaurant businesses. Building and site alterations include interior and exterior rehabilitation of the historic building, and improvements to the pathways, landscaping and parking lots. The proposal includes an approximately 120-foot wide grand entry stairway at the center of the raised terrace that would not significantly undermine the features of the niches and façade.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The proposal would retain, restore and reconstruct architectural components within the interior and exterior of the building. Required conditions would apply to assure the replacement of building materials and/or fixtures to reflect the character of the historic property. The addition of the raised terrace has a grand entry stairway that is in proportion and scale with the building façade. The 120-foot wide stairway and glass railing help to provide transparency to the niches. The terrace design would be compatible to the building character, and future outdoor uses.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The OCA is located to the south of Lake Merritt and is adjacent to the Oakland Museum of California. The proposal would reuse the building as a performance arts center as it was constructed and operated in the early 20th century. The proposal introduces a new raised concrete terrace along the façade of the historic building that is in scale, and contains design elements to compliment future commercial uses.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The OCA maintains its original Beaux-Arts architecture since it was built in 1915. Overtime, the east side lower windows were covered with a wall, and partition walls were constructed inside the niches, arena concourse and foyer. In 1979, the City adopted an Ordinance and considered

the OCA a Class 1 Landmark with a Historic Rating A. The OCA was also eligible for the National Register of Historic Places. The rehabilitation includes the removal of the wall to uncover and restore the east side windows, and the partition walls inside the historic arena.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

The rehabilitation of the OCA would maintain and enhance the architectural details and finishes of the building. The addition of the raised concrete terrace with a sandblasted face finish would create a design contrast with the original masonry of the historic building. It is recommended that similar masonry materials and finishes are used on the face of the terrace.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

The rehabilitation of the OCA would repair, restore and replace design features and fixtures to maintain the distinctive architectural elements that provide unique style and character to the historic building. Through the use of conditions, the project would be required to retain a historic preservation architect to document the existing conditions on the property.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

The proposal would be restricted and conditioned to use techniques that reduce physical impacts to the building historic design components.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

The proposal would rehabilitate the building and make improvements to the site. Most of the paving areas around the property will be replaced or resurfaced, and grading will be minimal.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The proposal for a raised terrace would not visually undermine the lower facade of the three-story tall masonry building, or each of the separate entry stairways. The approximately seven-foot-tall concrete terrace would be structurally tied to the main building (and could be removed in the future without structurally altering or damaging the existing building). The terrace would be added along the building facade, and contain a 120-foot wide grand entry stairway with its bottom steps stretching to the sides to provide a more inviting experience.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The proposal would add a contemporary style raised concrete terrace along the frontage of the OCA. The new terrace would have its own foundation and be tied to the structure of the building. The terrace would not reuse the existing concrete stairway, located on the bottom portion of the niches. The new addition would not conflict with the style of the historic building, and if removed, would not compromise the lower building façade.

BACKGROUND

The proposal was considered by the Design Review Committee (DRC) at the January 30, 2019 meeting. The DRC expressed concerns regarding the views of the niches, size of the raised terrace and pedestrian pathways. The Committee also recommended the applicant to hold a community meeting to discuss the project, and continued the application to the March 6, 2019 DRC meeting.

The application was also last reviewed by the Landmarks Preservation Advisory Board (LPAB) at its February 4, 2019 meeting. The LPAB had also reviewed the application at its February 5 and March 12, 2018 meetings. At that time, the plans were not fully developed and the LPAB expressed concerns about the raised terrace, parking configuration, landscaping, and also wanted to know comments from SHPO (State Office of Historic Preservation).

At the March 6, 2019 Design Review Committee meeting, the DRC reviewed a more developed plan that included a new entry stairway for the raised terrace. In general, the DRC supported the new commercial uses, the reuse of the theater and arena, and the crested grand stairway. The DRC also recommended the terrace glass railing is transparent, keep the larger trees in the center of the parking lot, and continue discussions with the community members. The DRC then forwarded the application to the Planning Commission.

GENERAL PLAN POLICIES/ GOALS

The project is located in the Lake Merritt Station Area Plan which seeks to achieve the many diverse goals of the community, including well-connected, economically diverse, and vibrant neighborhood and regional destination. The Plan links the existing unique assets located within the Plan Area in a series of distinct hubs of activity: the Chinatown hub, the entertainment, educational and cultural hub including Laney College, the Oakland Museum of California, the Oakland Civic Auditorium, and the Lake Merritt BART Station, and the Eastlake Gateway hub.

In particular, the Plan notes that the OCA could provide an opportunity to activate the southern edge of the new Lake Merritt Boulevard and to contribute to an entertainment, educational and cultural node. Preliminary ideas for reuse of the OCA include uses as a community center or a performance arts center as it has been in the past, and it is a great potential resource for civic and commercial uses.

The proposed project is consistent with the Plan as follows:

Lake Merritt Station Area Plan Vision

Create a more active, vibrant and safe district to serve and attract residents, businesses, students and visitors.

The proposal would attract new commercial uses, rehabilitate the Calvin Simmons Theater and develop a new terrace and pedestrian promenade. The project would be a good reuse of the OCA because it would activate and energize the property with new commercial services and entertainment venues. The new terrace would provide additional outdoor amenities, thus making the property more attractive. The new promenade would also attract more foot traffic, and provide a better pedestrian connection to Lake Merritt.

Increase jobs and improve access to jobs along the transit corridor.

The proposal to rehabilitate the existing theater and arena would reestablish the entertainment venues, and create new commercial uses such as offices and/or retail and a restaurant. These new civic and commercial facilities would provide new job opportunities to local residents, and support the corridor link between downtown and the Eastlake and Chinatown neighborhoods.

Provide services and retail options in the Station Area.

The proposal would reestablish cultural and entertainment services in the rehabilitated civic auditorium, and possibly provide retail uses. This would support and supplement future retail uses in the area.

Maximize the land use and development opportunities created through preservation and restoration of historic buildings.

The rehabilitation of the historic Oakland Civic Auditorium would reestablish the entertainment uses of the three-level theater, and reuse the arena with new commercial uses such as offices and/or retail and restaurant.

Lake Merritt Station Area Plan Goals

Establish a sense of place and clear identity for the area as a cultural and community anchor and a regional destination, building on existing assets such as Chinatown, the Oakland Museum of California, Laney College, the Kaiser Convention Center, Jack London Square, Lake Merritt and the Lake Merritt Channel.

The Oakland Civic Auditorium, also known as the Kaiser Convention Center, is a historic property and a prominent feature of the City landscape. The proposal would reuse and activate the historic property that is within an active hub with different type of community activities. The mix of new civic and commercial uses, and "Lake View" promenade would make the OCA property more usable and attractive. The proposal would also be inviting to the public because the promenade will provide a link between 10th Street, Lake Merritt and Lake Merritt Channel.

Promote a more diverse mix of uses near the Lake Merritt BART Station, such as cafes, restaurants, music venues, retail stores, nightlife, etc., that activate the area as a lively and vibrant district.

The proposal would rehabilitate the multi-purpose theater and introduce new uses such as retail and restaurants with outdoor seating. This combination of activities with the nearby museum, college and Lake Merritt would contribute to the social ambience, thus making the 14th Street Corridor District Plan more active.

ZONING ANALYSIS

The requirements of the D-LM Lake Merritt Station Area District Zones Regulations is to implement the Lake Merritt Station Area Plan. The development in this zoning district shall be consistent with the Lake Merritt Station Area Plan, of a high quality design, and include active ground floor uses where appropriate and feasible.

The project site is specifically located in the D-LM-4 Lake Merritt Station Area District Mixed-4 Commercial Zone. The intent of the D-LM-4 Zone is to designate areas of the Lake Merritt Station Area Plan District appropriate for a wide range of Residential, Commercial, and compatible Light Industrial Activities.

The following are the objectives of the D-LM Lake Merritt Station Area District Zones. Staff is also responding how the project complies with the objectives in *italics*.

Create a more active and vibrant Lake Merritt Station Area District to serve and attract residents, businesses, students, and visitors;

The proposal combines civic and commercial uses that would provide a mix of entertainment, service and/or retail activities that would attract public and business interest, thus generating active uses and supporting existing businesses around the Station Area.

Increase activity and vibrancy in the area by encouraging vital retail nodes that provide services, restaurants, and shopping opportunities;

The proposal would include restaurant and/or retail services on the ground floor of the building. The project also includes a pedestrian promenade located at the entry of the Calvin Simmons Theater. The promenade that will link 10th Street to Lake Merritt would create a more active and vibrant site, thus making the Oakland Civic Auditorium more attractive to the public.

Improve safety and pedestrian-orientation;

The proposal would include street improvements such as new bulb-outs at the intersection of 10th Street and driveways including one on the southeast corner of the Oakland Museum of California. The project also would include the removal of the west side driveway, and installation of a new promenade, which would improve pedestrian access and connection from the Lake Merritt BART Station /Chinatown to Lake Merritt.

Increase the number of jobs and improve the local economy;

The project would generate employment opportunities related to the entertainment venue, office/retail and restaurant activities including special/social community events. Encourage and enhance a pedestrian-oriented streetscape.

The proposal includes a new landscape promenade on the west, and improved streetscape around the building. The project also includes new landscaping around the modified parking lot.

Zoning Development Standards

The proposal is generally in compliance with applicable zoning regulations.

Development Regulations	Requirements	Existing	Proposed	Comments
Minimum Lot Area	7,500 sq. ft.	208,842 sf.	208,842 sf.	Meets Code
Minimum Lot Width / Frontage	50 ft.	560 ft.	560 ft.	Meets Code
Minimum Front Setback	0 ft.	158 ft.	135ft. (terrace)	Meets Code
Minimum Side Setbacks	0 ft.	90 ft. / 34 ft.	90 ft. / 34 ft.	Meets Code
Minimum Rear Setback	0 ft.	8 ft.	8 ft.	Meets Code
Average minimum setback from the Lake Merritt Estuary Channel	60 ft.	200 ft.	200 ft.	Meets Code
Maximum Nonresidential Floor Area Ratio (FAR)	5	1.20	1.65	Meets Code
Minimum Off-Street Parking (Civic & Commercial)	None Required	164 spaces	164 spaces	Meets Code
Maximum Off-Street Parking (Civic & Commercial)	83 spaces	164 spaces	83 spaces	Meets Code
Off-Street Loading-Commercial	None Required	1 berth	0 berth	Meets Code
Off-Street-Loading-Extensive Impact	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040	1 berth	0 berth	1 additional berth is recommended on 10 th St, near the existing loading berth inside the building. Applicant to apply for a permit with Public Works. Meets Code.
Bicycle Parking-Restaurant Long Term	2 spaces	0 spaces	2 spaces	Meets Code
Bicycle Parking- Restaurant Short Term	2 spaces	0 spaces	2 spaces	
Bicycle Parking-Office Long Term	3 spaces	0 spaces	3 spaces	Meets Code
Bicycle Parking-Office Short Term	2 spaces	0 spaces	4 spaces	Meets Code
Bicycle Parking-Retail Long Term	2 spaces	0 spaces	2 spaces	Meets Code
Bicycle Parking-Retail Short Term	3 spaces	0 spaces	4 spaces	Meets Code
Extensive Assembly/Theater Uses	A number of bicycle parking spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.110			
Bicycle Parking Spaces-Long Term		0 spaces	5 bike spaces	Meets Code
Bicycle Parking Spaces- Short Term	0 spaces	120 bike spaces	Meets Code	

LAKE MERRITT STATION AREA-DESIGN GUIDELINES

The Intent of the Lake Merritt Station Planning Area Design Guidelines is to complement the city-wide design guidelines, and to provide certainty through the design review process when making decision for projects in the Plan Area. The Oakland Civic Auditorium (OCA) is a City landmark, and is one of the civic buildings within the Lake Merritt Specific Plan Area. The building has distinctive formal architectural character that reflects to the civic importance of that time, and identifies as a focal point of the community. The civic building has a large building footprint that covers the entire city block, contains monumental entrances with classical architectural themes, symmetrical window and continuous facade details. Historic preservation and adaptive re-use are encouraged in the Planning Area.

The following Guidelines are applicable to the OCA project:

Historic Resources

Adaptive Reuse. Retain and integrate historic and architecturally significant structures into larger projects with adaptive reuse. When adapting or altering historic resources, consider the following in the outline below. Staff also provides a summary response for each in *italics*.

- Work within the existing building envelope is recommended; where additions are desired, they should generally be located on a secondary or rear façade.

The proposal makes interior building alterations to rehabilitate the theater, arena and basement to accommodate new commercial uses. The proposal includes the addition of a raised terrace (plinth) along the principal facade of the building that also faces the parking lot and Lake Merritt. The addition would not significantly obstruct the prominent façade of the OCA because the size of the grand entry stairway and glass railing would frame and provide views of the niches.

- Retain and repair historic materials and architectural details, and avoid covering these with cladding, awnings, or signage.

The proposal would retain, repair and restore all historic materials and details within the interior and exterior of the building. The alterations would also remove materials to uncover the historic windows on the east façade of the second floor that were covered in the past.

- Identify historic materials and features, using historic photos when available, in order to preserve and rehabilitate historic character.

The proposal shows on plans historic design elements that would be kept and restored if needed. Project documents also show photos of the building when it was built in 1910 and other photos of the building in the late 1950s, including one of a marquee sign mounted on the building rooftop.

- Use materials and colors that complement the historic character of the property.

The proposal would restore some of the historic building features such as entry doors, canopies and light fixtures. The addition of a raised front terrace with a glass and steel frame rail, and

installation of two illuminated marquee signs on the building rooftop need material samples to evaluate and determine the material quality that would keep in with the building character. Staff believes that the face of the terrace walls use similar masonry materials to keep with the historic character of the building.

- Consider consultation with a preservation architect to ensure renovations are compatible. Consult with City’s historic preservation staff.

The proposal was reviewed by the project preservation architect, and the City’s Historic Preservation Planner. Based on conceptual design plans, they understand that the project proposal meets the Secretary of the Interior Standards for Rehabilitation. However, they also agree that a conditional approval is not a final approval as more developed plans are required to be submitted for further review by the National Park Service, and State Historic Preservation Office before development commences.

KEY DESIGN ISSUES

Based on design plans provided, staff has reviewed the project and has the following comments for consideration by the Planning Commission:

Building Design

Raised Terrace (Plinth)

The Oakland Civic Auditorium is considered a City Landmark because of its significant historical, architectural and cultural value. The proposal would replace the north concrete entries of the OCA with a raised terrace that extends approximately 390 feet along façade of the building. The seven-foot tall concrete terrace with a three and one-half foot tall glass guardrail, and 120 foot wide entry grand stairway is in scale and would not significantly obstruct the prominent arched niches when viewed from Lake Merritt Boulevard and the Lake Merritt shore. To keep with the character of the historic building and create a distinguish terrace, staff recommends the following:

- Use quality masonry, texture, and colors on the face of terrace to relate to the building;
- Use a slim decorative design for the steel railings (apply skateboard deterrents);
- Use durable (anti-scratch/graffiti) clear glass railing;
- Use high quality stonework materials for the grand stairway and terrace floor;
- Plant small size vines to sparingly climb over, but not cover the entire wall.

Parking Lot Modification

The proposal would modify the 164 stalls parking lot located to the north and east sides of the building by removing trees and raised landscape planters, reconfiguring the parking layout, replacing the asphalt-concrete, and maintaining the six double-head light poles located in the center of the parking lot. The parking lot includes new large and medium size diamond-shaped

patterns to create contrast with the building geometry and provide visual interest. Staff supports the design creativity, but believes that the parking lot surface should have a simple design, one that does not contrast with the OCA. Staff notes that the OCA is divided by the 100 foot depth parking lot from Lake Merritt Boulevard, and access to the principal front of the building is by an 8 foot wide pathway that traverses the parking lot. To improve pedestrian access within the parking lot, staff recommends the following:

- Widen the size of the pedestrian access to be more inviting, visually attractive and prominent from public view;
- Use subtle surface materials, landscaping and safety lighting to emphasize the entry from the parking lot;
- Create a pedestrian pattern that is clear and distinctive around the parking lot;
- Open up the pedestrian pathway to the northwest and east of the property to create a better connection with the Lake and the east Channel.

New Pedestrian Promenade

The removal of the two-way driveway and landscape median would allow the construction of a new pedestrian promenade. The new landscape promenade would provide additional public open space for outdoor events, and connect 10th Street with Lake Merritt Boulevard. The surface of the new promenade would be level with the new modified sidewalk on the west side of the OCA to create, a more unified, and improved pathway to compliment the rehabilitation of the OCA. The new pedestrian promenade would also make the main entry lobby of the Calvin Simmons Theater more spacious and attractive during concerts or performances, and overall provide a much better experience to the general public. Staff also notes that the pedestrian promenade extends through the side of the main parking lot, and into Lake Merritt Boulevard. Staff is unclear how the promenade would transition through the parking lot because the diamond-shaped patterns on the ground may suggest to the public to walk within the parking lot. Furthermore, staff notes on the plans the installation of removable bollards at both ends of the promenade. The applicant states that the promenade can be used as a driveway for special events, and for passenger loading. Overall, staff believes that the promenade is a great addition to the site as it would create a more attractive setting, and make this section of the property more pedestrian-friendly and safe.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- I. Introduction: These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; “CEQA Guidelines”) by the Planning Commission in connection with the environmental analysis of the effects of implementation of the Oakland Civic Auditorium Rehabilitation project, as more fully described elsewhere in this Staff Report and in the City of Oakland (“City”) CEQA Analysis document entitled “The Oakland Civic Auditorium Rehabilitation-CEQA Analysis” dated February 2019 (“CEQA Analysis”) (the “Project”). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.

II. Applicability/Adoption of Previous CEQA Documents

- A. Adoption of General Plan Land Use and Transportation Element (LUTE) and Certification of 1998 LUTE EIR: The City finds and determines that (a) the Oakland City Council on March 24, 1998 adopted Resolution No. 74129 C.M.S. which adopted the General Plan Land Use and Transportation Element, made appropriate CEQA findings, including certification of the 1998 LUTE Environmental Impact Report (“EIR”); and (b) the LUTE satisfies the description of “Community Plan” set out in Public Resources Code section 21083.3(e) and in CEQA Guidelines section 15183, as well the description of “Planning Level Document” set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the LUTE following a public hearing, approved applicable mitigation measures which are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or as a part of newer Standard Conditions of Approval (“SCAs”) which constitute uniformly applied development policies or standards (together with other City development regulations) and determined that the mitigation measures set out in the 1998 LUTE EIR, would substantially mitigate the impacts of the LUTE and future projects thereunder. While approved after certification of the 1998 LUTE EIR, growth and potential effects of the development of the Project would have been considered in the cumulative growth projections factored into the LUTE EIR analysis.

- III. CEQA Analysis Document: The CEQA Analysis and all of its findings, determinations and information is hereby incorporated by reference as if fully set forth herein. The CEQA Analysis concluded that the Project satisfies each of the following CEQA provisions, qualifying the Project for three separate CEQA statutory exemptions as summarized below and provides substantial evidence to support the following findings.

The City hereby finds that, as set forth below and as part of the CEQA Analysis, the Project is exempt from any additional CEQA Analysis under the “Community Plan Exemption” of Public Resources Code section 21083.3 (CEQA Guidelines §15183), thus no additional environmental analysis beyond the CEQA Analysis is necessary. The specific statutory exemptions and the categorical exemption are discussed below in more detail.

- B. Community Plan Exemption; Public Resources Code Section 21083.3 (CEQA Guidelines §15183): The City finds and determines that, for the reasons set out below and in the CEQA Analysis, the Community Plan Exemption applies to the Project. Therefore, no further environmental analysis is required because all of the Project’s effects on the environment were adequately analyzed and mitigation measures provided in the 1998 LUTE EIR for the overall project (collectively called “Previous CEQA Documents”); there are no significant effects on the environment which are peculiar to the Project or to the parcel upon which it is located not addressed and mitigated in the Previous CEQA Documents; and there is no new information showing that any of the effects shall be more significant than described in the Previous CEQA Documents.

As set out in detail in the attached CEQA Analysis, the City finds that, pursuant to CEQA Guidelines section 15183 and Public Resources Code section 21083.3, the Project is consistent with the development density analyzed in the Previous CEQA Documents and that there are no environmental effects of the Project peculiar to the Project or the Project Site which were not analyzed as significant effects in the Previous CEQA Documents, nor are there potentially significant off-site impacts and cumulative impacts not discussed in the Previous CEQA

Documents; nor are any of the previously identified significant effects which, as a result of substantial information not known at the time of certification of the Previous CEQA Documents, are now determined to present a more severe adverse impact than discussed in the Previous CEQA Documents. As such, no further analysis of the environmental effects of the Project is required.

- C. CEQA Analysis-Addendum; Public Resources Code Section 21166 (CEQA Guideline §15164): The City finds and determines that the CEQA Analysis constitutes an Addendum to the 2014 LMSAP (Lake Merritt Specific Area Plan) EIR and that no additional environmental analysis of the Project beyond that contained in the 2014 EIR is necessary. The City further finds that no substantial changes are proposed in the Project that would require major revisions to the 2014 EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes occur with respect to the circumstances under which the Project will be undertaken which will require major revisions of the 2014 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance not known and which could not have been known with the exercise of reasonable diligence as of the time of certification of the 2014 EIR showing that the Project will have one or more significant effects not discussed in the 2014 EIR; significant effects previously examined will be substantially more severe than shown in the 2014 EIR, mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or mitigation measures or alternatives which are considerably different from those analyzed in the 2014 EIR would substantially reduce one or more significant effects on the environment.

Based on these findings and determinations, the City further finds that no Subsequent or Supplemental EIR or additional environmental analysis shall be required because of the Project. The City has considered the CEQA Analysis along with the 2014 EIR prior to making its decision on the Project and a discussion is set out in the CEQA Analysis explaining the City's decision not to prepare a Subsequent or Supplemental EIR pursuant to Guidelines sections 15162 and/or 15163.

- D. Program EIR (CEQA Guideline §15168): The City finds and determines that for the reasons set forth below and in the CEQA Analysis, that the 1998 LUTE EIR and 2014 Lake Merritt Specific Area Plan (LMSAP) EIRs apply to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and covered and mitigation measures provided in the 2014 LMSAP EIR; the Project will cause no new specific effects not addressed in the 2014 LMSAP EIR that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the 2014 LMSAP EIR. Therefore, no further review or analysis under CEQA is required.
- IV. Severability: The City finds that all four CEQA provisions discussed and determined to be applicable in Section III above are separately and independently applicable to the consideration of the Project and should any of the four be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.

- V. Incorporation by Reference of Statement of Overriding Considerations: Each of the Previous CEQA Documents identified significant and unavoidable impacts.¹ The 1998 LUTE EIR identified six areas of environmental effects of the LUTE that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the Previous CEQA Documents identified above, but a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15168, 15180, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Consideration for the 1998 LUTE EIR, adopted by the City Council on March 24, 1998, via Resolution No. 74129 C.M.S via Resolution No. 2003-69 C.M.S are all hereby incorporated by reference as if fully set forth herein.

CONCLUSION

The rehabilitation of the historic building, and site improvements to the property would preserve the existing building and allow new commercial activities to create a more active and vibrant area along the south side of Lake Merritt. Staff has provided comments to improve the raised terrace and the parking lot reconfiguration, and believes that these can be addressed through conditions of approval. Overall, staff finds that the project proposal can meet the required Design Guidelines, Goal and Vision of the Lake Merritt Plan Area, and the Secretary of the Interior Standards.

RECOMMENDATIONS

1. Affirm staff's Environmental Determination and adopt the attached CEQA Findings; and
2. Approve the Project, including Conditional Use Permit and Regular Design Review, subject to the attached findings and conditions (including the SCAMMRP).

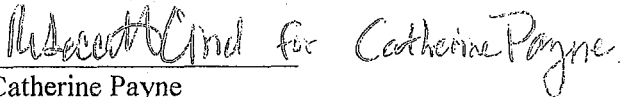
Prepared by:



Mike Rivera
Planner II, Development Planning
Bureau of Planning

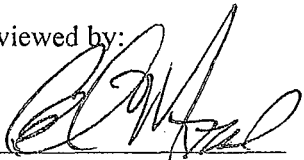
¹ If these or any other findings inaccurately identify or fail to list a significant and unavoidable impact identified in the analysis, findings and conclusions of the 1988 LUTE EIR or the Redevelopment Plan Amendments EIR or their administrative records as a whole, the identification of that impact and any mitigation measure or SCA required to be implemented as part of the Project is not affected.

Reviewed by:



Catherine Payne
Acting Development Planning Manager
Bureau of Planning

Reviewed by:



Ed Manasse, Interim Deputy Director
Bureau of Planning

ATTACHMENTS

- A. Project Findings and CEQA Findings
- B. Conditions of Approval
- C. Standard Conditions of Approval Mitigation Monitoring & Reporting Program (SCAMMRP)
- D. Revised Design Plans, dated March 12, 2019

The CEQA document is provided under a separate cover, and at or online at
<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157>
(The Oakland Civic Auditorium/ CEQA Analysis / Item # 83)

ATTACHMENT A

Findings for Approval

The findings required for granting approval for this application for Conditional Use Permit and Regular Design Review are shown in normal type, and the reasons for satisfying these findings are shown in **bold**. (Note: The Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record):

SECTION 17.134.050- GENERAL CONDITIONAL USE PERMIT (CUP)

Major CUP for Extensive Civic Impact Uses in the D-LM-4 zone.

- 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 rehabilitation of the Oakland Civic Auditorium would allow the reuse and rehabilitation of the Calvin Simmons Theater and Henry J. Kaiser Arena. The project would facilitate concerts and performances, and include new commercial uses in a prominent location that is surrounded by other civic uses such as the Oakland Museum of California and Laney College. The project would also combine a mix of services such as restaurants to attract public and business interest, thus generating active uses and supporting existing businesses around the Station Area.

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

The rehabilitation of the Oakland Civic Auditorium (OCA) would reuse and activate the historic property that is within an active hub with different type of community activities. The project would provide a convenient and functional civic environment, thus giving a sense of place and clear identity for the area as a cultural and community anchor and a regional destination. The addition of a promenade and a raised terrace would make the OCA more usable and attractive.

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

The proposal would reestablish cultural and entertainment services in the rehabilitated civic auditorium, create a more active and vibrant district to provide essential services to the community and region.

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

The proposal for site and building alterations for the civic and commercial development meets the Design Review Findings listed below in this report.

- 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 proposal is consistent with the General Plan and with the guidelines of the Lake Merritt Specific Plan because the reuse of the OCA would activate the southern edge of the Lake Merritt with entertainment and performance arts center as it has been used in the past. The project is also a great potential resource for civic and commercial uses because it is located in an important hub, near Chinatown, Downtown, Lake Merritt BART Station and the Eastlake neighborhood.

SECTION 17.136.050 (B) - DESIGN REVIEW CRITERIA / Non-Residential Facilities

- 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 proposal would retain, restore and reconstruct architectural components within the interior and exterior of the building. The addition of the raised terrace with glass and steel railing and wide entry stairway would be compatible and allow views of the niches. As stated in this staff report, a condition to require the use of similar masonry and colors on the terrace walls would result in a well composed design. *See Condition of Approval #15 (a).* The proposal makes alterations to improve the site landscaping and parking lot. To improve pedestrian circulation, staff recommends that the pedestrian pathway from Lake Merritt Boulevard, the east Channel/Peralta Park and northwest side of the new promenade is more prominent and distinctive from the parking lot. *See Condition of Approval # 15 (b).*

- 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 proposal would maintain the original design of the Beaux-Arts building. The rehabilitation and alterations of the OCA would enhance the historic property, be compatible to the new uses and protect the value of private and public investments in the area. Through conditions of approval, the use of high quality materials and finishes would protect the defining characteristics of the historic building.

- 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 project design conforms to the General Plan and Lake Merritt Specific Plan Area as set forth above if modifications are made to meet the design criteria.

CEQA COMPLIANCE FINDINGS

- II. Introduction: These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; “CEQA Guidelines”) by the Planning Commission in connection with the environmental analysis of the effects of implementation of the Oakland Civic Auditorium Rehabilitation project, as more fully described elsewhere in this Staff Report and in the City of Oakland (“City”) CEQA Analysis document entitled “The Oakland Civic Auditorium Rehabilitation-CEQA Analysis” dated February 2019 (“CEQA Analysis”) (the “Project”). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.

- II. Applicability/Adoption of Previous CEQA Documents
 - B. Adoption of General Plan Land Use and Transportation Element (LUTE) and Certification of 1998 LUTE EIR: The City finds and determines that (a) the Oakland City Council on March 24, 1998 adopted Resolution No. 74129 C.M.S. which adopted the General Plan Land Use and Transportation Element, made appropriate CEQA findings, including certification of the 1998 LUTE Environmental Impact Report (“EIR”); and (b) the LUTE satisfies the description of “Community Plan” set out in Public Resources Code section 21083.3(e) and in CEQA Guidelines section 15183, as well the description of “Planning Level Document” set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the LUTE following a public hearing, approved applicable mitigation measures which are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or as a part of newer Standard Conditions of Approval (“SCAs”) which constitute uniformly applied development policies or standards (together with other City development regulations) and determined that the mitigation measures set out in the 1998 LUTE EIR, would substantially mitigate the impacts of the LUTE and future projects thereunder. While approved after certification of the 1998 LUTE EIR, growth and potential effects of the development of the Project would have been considered in the cumulative growth projections factored into the LUTE EIR analysis.

- III. CEQA Analysis Document: The CEQA Analysis and all of its findings, determinations and information is hereby incorporated by reference as if fully set forth herein. The CEQA Analysis concluded that the Project satisfies each of the following CEQA provisions, qualifying the Project for three separate CEQA statutory exemptions as summarized below and provides substantial evidence to support the following findings.

The City hereby finds that, as set forth below and as part of the CEQA Analysis, the Project is exempt from any additional CEQA Analysis under the “Community Plan Exemption” of Public Resources Code section 21083.3 (CEQA Guidelines §15183), thus no additional environmental analysis beyond the CEQA Analysis is necessary. The specific statutory exemptions and the categorical exemption are discussed below in more detail.

- A. Community Plan Exemption; Public Resources Code Section 21083.3 (CEQA Guidelines §15183): The City finds and determines that, for the reasons set out below and in the CEQA Analysis, the Community Plan Exemption applies to the Project. Therefore, no further environmental analysis is required because all of the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 1998 LUTE EIR for the overall project (collectively called "Previous CEQA Documents"); there are no significant effects on the environment which are peculiar to the Project or to the parcel upon which it is located not addressed and mitigated in the Previous CEQA Documents; and there is no new information showing that any of the effects shall be more significant than described in the Previous CEQA Documents.

As set out in detail in the attached CEQA Analysis, the City finds that, pursuant to CEQA Guidelines section 15183 and Public Resources Code section 21083.3, the Project is consistent with the development density analyzed in the Previous CEQA Documents and that there are no environmental effects of the Project peculiar to the Project or the Project Site which were not analyzed as significant effects in the Previous CEQA Documents, nor are there potentially significant off-site impacts and cumulative impacts not discussed in the Previous CEQA Documents; nor are any of the previously identified significant effects which, as a result of substantial information not known at the time of certification of the Previous CEQA Documents, are now determined to present a more severe adverse impact than discussed in the Previous CEQA Documents. As such, no further analysis of the environmental effects of the Project is required.

- B. CEQA Analysis-Addendum; Public Resources Code Section 21166 (CEQA Guideline §15164): The City finds and determines that the CEQA Analysis constitutes an Addendum to the 2014 LMSAP (Lake Merritt Specific Area Plan) EIR and that no additional environmental analysis of the Project beyond that contained in the 2014 EIR is necessary. The City further finds that no substantial changes are proposed in the Project that would require major revisions to the 2014 EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes occur with respect to the circumstances under which the Project will be undertaken which will require major revisions of the 2014 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance not known and which could not have been known with the exercise of reasonable diligence as of the time of certification of the 2014 EIR showing that the Project will have one or more significant effects not discussed in the 2014 EIR; significant effects previously examined will be substantially more severe than shown in the 2014 EIR, mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or mitigation measures or alternatives which are considerably different from those analyzed in the 2014 EIR would substantially reduce one or more significant effects on the environment.

Based on these findings and determinations, the City further finds that no Subsequent or Supplemental EIR or additional environmental analysis shall be required because of the Project. The City has considered the CEQA Analysis along with the 2014 EIR prior to making its decision on the Project and a discussion is set out in the CEQA Analysis explaining the City's decision not to prepare a Subsequent or Supplemental EIR pursuant to Guidelines sections 15162 and/or 15163.

- C. Program EIR (CEQA Guideline §15168): The City finds and determines that for the reasons set forth below and in the CEQA Analysis, that the 1998 LUTE EIR and 2014 Lake Merritt Specific Area Plan (LMSAP) EIRs apply to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and covered and mitigation measures provided in the 2014 LMSAP EIR; the Project will cause no new specific effects not addressed in the 2014 LMSAP EIR that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the 2014 LMSAP EIR. Therefore, no further review or analysis under CEQA is required.
- IV. Severability: The City finds that all four CEQA provisions discussed and determined to be applicable in Section III above are separately and independently applicable to the consideration of the Project and should any of the four be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.
- V. Incorporation by Reference of Statement of Overriding Considerations: Each of the Previous CEQA Documents identified significant and unavoidable impacts.² The 1998 LUTE EIR identified six areas of environmental effects of the LUTE that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the Previous CEQA Documents identified above, but a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15168, 15180, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Consideration for the 1998 LUTE EIR, adopted by the City Council on March 24, 1998, via Resolution No. 74129 C.M.S via Resolution No. 2003-69 C.M.S are all hereby incorporated by reference as if fully set forth herein.

² If these or any other findings inaccurately identify or fail to list a significant and unavoidable impact identified in the analysis, findings and conclusions of the 1988 LUTE EIR or the Redevelopment Plan Amendments EIR or their administrative records as a whole, the identification of that impact and any mitigation measure or SCA required to be implemented as part of the Project is not affected.

ATTACHMENT B

CONDITIONS OF APPROVAL

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and staff report dated, March 20, 2019, and the approved revised plans, dated received March 11, 2019, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two years from the approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, 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 Approval, 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 or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, Department of Transportation, and Public Works Department. 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 #4.

4. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval 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 Approval 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 Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within sixty (60) days of approval, unless an earlier date is specified elsewhere.

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (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 this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project 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 project applicant shall execute a Joint Defense Letter of Agreement with the City,

acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

The Approval 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. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. Public Improvements

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement (“p-job”) permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, Engineering Services, Department of Transportation, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and

approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

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

- a. All mitigation measures identified in the 10-10th Street CEQA Analysis are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 10-10th Street CEQA Analysis document are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 10-10th Street CEQA Analysis document has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 10-10th Street CEQA Analysis document into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Unless otherwise specified, monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.
- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

PROJECT SPECIFIC CONDITIONS

15. Raised Terrace and Pedestrian Circulation

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

The applicant shall submit for staff review, and subject to SHPO and NPS approval revised plans that show the following:

- a) The raised terrace walls shall use and incorporate similar masonry materials, finishes and color to the main building.
- b) The new pedestrian pathways within the project site shall be more prominent and distinctive from the parking lot.

16. Building Interior and Exterior Rehabilitation/ Alterations – Restoration Letter

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

The applicant shall retain a historic preservation architect to identify and photograph and prepare an inventory letter that describes the building features, fixtures, and finishes associated with the Oakland Civic Auditorium building that might be damaged during project construction. The applicant shall submit a letter to the City confirming that all significant historic elements were rehabilitated and/or restored.

17. Maintenance of the Oakland Civic Auditorium Building

Ongoing

The applicant, tenant(s), and/or other parties responsible for maintaining the designated landmark Oakland Civic Auditorium building shall keep maintain, restore, and/or repair all of the historic interior and exterior building/structure design elements when necessary to prevent deterioration and decay.

18. New Street Trees and Trees within the Property

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

Subject to City review and approval, the applicant shall install at least 36-inch box size trees and include tree metal grates where appropriate. Said trees shall also meet the City's standard specifications for tree planting of the Public Works/Tree Division.

19. Further Development of the Landscaping Design within the Property

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

The applicant shall revise the plans to improve the ground plane design the project as follows:

- a) Directly connect to offsite public facilities such Laney College, Lake Merritt Bart Station and Oakland Museum of California;
- b) Improve the connection of the project pathway to the Lake Merritt Channel pathway on the east side of the site, and to Lake Merritt Boulevard on the north side of the site;
- c) Generally, integrate the graphic diamond theme of the ground plane design to make connections to the surrounding area, relate to the OCA building, and generally communicate with the setting in an intentional manner.

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

ATTACHMENT C

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

This standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA/MMRP) is based on CEQA Checklist Analysis prepared for the property located at 10-10th Street-The Oakland Civic Auditorium Rehabilitation Project.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists mitigation measures recommended in the 2014 LMSAP EIR that apply to the Project. The SCAMMRP also lists other SCAs that apply to the Project, most of which were identified in the 2014 LMSAP EIR and some of which have been subsequently updated or otherwise modified by the City.

Specifically, on November 5, 2018, the City of Oakland released a revised set of all City of Oakland SCAs, which largely still include SCAs adopted by the City in 2008, along with supplemental, modified, and new SCAs. SCAs are measures that would minimize potential adverse effects that could result from implementation of the Project, to ensure the conditions are implemented and monitored. The revised set of the City of Oakland SCAs includes new, modified, and reorganized SCAs; however, none of the revisions diminish or negate the ability of the SCAs considered “environmental protection measures” to minimize potential adverse environmental effects. As such, the SCAs identified in the SCAMMRP reflect the current SCAs only. Although the SCA numbers listed below may not correspond to the SCA numbers in the 2014 LMSAP EIR, all of the environmental topics and potential effects addressed by the SCAs in the 2014 LMSAP EIR are included in this SCAMMRP (as applicable to the Project). This SCAMMRP also identifies the mitigation monitoring requirements for each mitigation measure and SCA.

This CEQA Checklist is also based on the analysis in the following Prior EIRs that apply to the Project: Oakland’s 1998 General Plan Land Use and Transportation Element EIR (1998 LUTE EIR), and the 2011 Central District Urban Renewal Plan Amendments EIR (2011 Renewal Plan Amendments EIR). None of the mitigation measures or SCAs from these EIRs are included in this SCAMMRP because they, or an updated or equally effective mitigation measure or SCA, is identified in the 2014 LMSAP EIR, its addenda, or in this CEQA Checklist for the Project.

To the extent that there is any inconsistency between any mitigation measures and/or SCAs, the more restrictive conditions shall govern; to the extent any mitigation measure and/or SCA identified in the CEQA Checklist were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column of the SCAMMRP table identifies the mitigation measure or SCA applicable to that topic in the CEQA Checklist. While a mitigation measure or SCA can apply to more than one topic, it is listed in its entirety only under its primary topic (as indicated in the mitigation or SCA designator). The SCAs are numbered to specifically apply to the Project and this CEQA Checklist; however, the SCAs as presented in the City's *Standard Conditions of Approval and Uniformly Applied Development Standards* document¹ are included in parenthesis for cross-reference purposes.
- The second column identifies the monitoring schedule or timing applicable to the Project.
- The third column names the party responsible for monitoring the required action for the Project.

The Project Applicant is responsible for compliance with any recommendations identified in City-approved technical reports, all applicable mitigation measures adopted, and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Bureau of Planning, and Zoning Inspections Division. Prior to the issuance of a demolition, grading, and/or construction permit, the Project Applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., SCA-AIR-1, SCA-AIR-2, etc. The SCA title and the SCA number that corresponds to the City's master SCA list are also provided - i.e., **SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions) (#21)**.

¹ Dated May 1, 2018, as amended.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
General		
<p>SCA GEN-1 (Standard Condition Approval 15) Regulatory Permits and Authorizations from Other Agencies</p> <p><u>Requirement:</u> The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.</p>	Prior to activity requiring permit/authorization from regulatory agency.	City of Oakland Bureau of Planning and applicable regulatory agency with jurisdiction
Aesthetics, Shadow, and Wind		
<p>SCA AES-1 (Standard Condition of Approval 16) Trash and Blight Removal</p> <p>The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.</p>	Ongoing.	City of Oakland Bureau of Building
<p>SCA AES-2 (Standard Condition of Approval 17) Graffiti Control</p> <p>a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:</p> <ol style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:</p> <ol style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. 	Ongoing.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
iii. Replacing with new surfacing (with City permits if required).		
Aesthetics, Shadow, and Wind (cont.)		
<p>SCA AES-3 (Standard Condition of Approval 18) <i>Landscape Plan</i></p> <p>a. <i>Landscape Plan Required</i></p> <p>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf respectively), and with any applicable streetscape plan.</p> <p>b. <i>Landscape Installation</i></p> <p>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p>c. <i>Landscape Maintenance</i></p> <p>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. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to building permit final.</p> <p>c. Ongoing</p>	<p>a. City of Oakland Bureau of Planning</p> <p>b. City of Oakland Bureau of Building</p> <p>c. City of Oakland Bureau of Building</p>
<p>SCA AES-4 (Standard Condition of Approval 19): <i>Lighting</i></p> <p>Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final.	City of Oakland Bureau of Building
<p>SCA AES-5 (Standard Condition of Approval 20) <i>Public Art for Private Development</i></p> <p>Requirement: The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.</p> <p>The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu</p>	<p>Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit</p> <p>Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.</p>	City of Oakland Bureau of Planning and Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.</p> <p>Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.</p>		
<p>Also SCA UTIL-2, Underground Utilities. See <i>Utilities and Service Systems</i>, below.</p>		
Air Quality		
<p>SCA AIR-1 (Standard Condition of Approval 21) Dust Controls – Construction-Related</p> <p>The Project applicant shall implement all of the following applicable dust control measures during construction of the Project:</p> <ol style="list-style-type: none"> a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible. 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. Limit vehicle speeds on unpaved roads to 15 miles per hour. e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. f. All trucks and equipment, including tires, shall be washed off prior to leaving the site. g. 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. h. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). i. 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. j. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity. k. Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours. 	<p>During construction.</p>	<p>City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>1. 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.</p>		
<p>SCA AIR-2 (Standard Condition of Approval 22) Criteria Air Pollutant Controls – Construction Related <u>Requirement:</u> The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:</p> <p>a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two 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.</p>	During construction.	City of Oakland Bureau of Building
Air Quality (cont.)		
<p>b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).</p> <p>c. 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. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.</p> <p>d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and use propane or natural gas generators cannot meet the electrical demand.</p> <p>e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</p> <p>f. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.</p>		
<p>SCA AIR-3 (Standard Condition of Approval 23) Diesel Particulate Matter Controls-Construction Related</p> <p>a. Diesel Particulate Matter Reduction Measures <u>Requirement:</u> The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose one of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to</p>	<p>a. Prior to issuance of a construction related permit (i), during construction (ii).</p> <p>b. Prior to issuance of a construction related permit.</p>	<p>a. City of Oakland Bureau of Planning and Bureau of Building.</p> <p>b. City of Oakland Bureau of Planning and Bureau of Building.</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.</p> <p>- or -</p> <p>ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.</p>		
Air Quality (cont.)		
<p>b. <i>Construction Emissions Minimization Plan (if required by a above)</i></p> <p><u>Requirement:</u> The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <p>i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p>		
<p>SCA AIR-4 (Standard Condition of Approval 27) Asbestos in Structures</p> <p><u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Biological Resources		
<p>SCA BIO-1 (Standard Condition of Approval 29): Bird Collision Reduction Measures</p> <p>The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include <u>all</u> of the following:</p> <ol style="list-style-type: none"> i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights. ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. iii. Monopole structures or antennas shall not include guy wires. iv. Avoid the use of mirrors in landscape design. v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below. vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following: 	Prior to approval of construction-related permit	City of Oakland Bureau of <u>Planning and Planning</u> and Bureau of <u>Building</u>
Biological Resources (cont.)		
<ul style="list-style-type: none"> • Use opaque glass in window panes instead of reflective glass. • Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. • Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans. • Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides. 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> • Install opaque window film or window film with a pattern/design which also adheres to the "two-by-four" rule for coverage. <p>vii. Reduce light pollution. Examples include the following:</p> <ul style="list-style-type: none"> • Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30). • Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise. • Reduce perimeter lighting whenever possible. • Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass. • Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration. <p>viii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:</p> <ul style="list-style-type: none"> • Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws. • Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials. • Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day. • Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs. • Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible. 		
Biological Resources (cont.)		
<p>SCA BIO-2 (Standard Condition of Approval 30): Tree Removal During Bird Nesting Season</p> <p>To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed 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 the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence 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 California Department of Fish and Wildlife, 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</p>	Prior to removal of trees.	City of Oakland Bureau of Planning and Bureau of Building

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	Schedule	Responsibility
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.		
<p>SCA BIO-3 (Standard Condition of Approval 27): Tree Permit</p> <p><i>a. Tree Permit Required</i></p> <p>Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.</p> <p><i>b. Tree Protection During Construction</i></p> <p><u>Requirement:</u> 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:</p> <p>i. 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 project's consulting arborist. 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.</p> <p>ii. 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, filling, 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 project's consulting arborist 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.</p> <p>iii. 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 project's consulting arborist 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 project's consulting arborist. 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.</p>	<p>a. Prior to approval of construction-related permit</p> <p>b. During construction.</p>	<p>a. City of Oakland Public Works Department, Tree Division, and Bureau of Building</p> <p>b. City of Oakland Public Works Department, Tree Division, and Bureau of Building</p>
Biological Resources (cont.)		
<p>iv. 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.</p> <p>v. 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 Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the</p>		

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<p>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.</p> <p>vi. 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.</p>		
Also SCA HYD-1, Erosion and Sedimentation Control Plan for Construction. See <i>Hydrology and Water Quality</i> , below.		
Also SCA HYD-2, State Construction General Permit. See <i>Hydrology and Water Quality</i> , below.		
Also SCA HYD-3 NPDES C.3 Stormwater Requirements for Regulated Projects. See <i>Hydrology and Water Quality</i> , below.		
Cultural Resources		
<p>Mitigation Measure CUL-1: Mitigation Measure CUL-1 involving (a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures; (b) Future Site-specific Surveys and Evaluations; (c) Recordation and Public Interpretation; or (d) Financial Contributions., would not reduce the impact to a less than significant level.</p> <p><i>a. Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.</i></p> <ul style="list-style-type: none"> - <i>Avoidance.</i> The City shall ensure that all future redevelopment activities allowable under the Proposed Amendments, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers). - <i>Adaptive Reuse.</i> If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the <i>Secretary of Interior's Standards for the Treatment of Historic Properties</i>. - <i>Appropriate Relocation.</i> If avoidance or adaptive reuse <i>in situ</i> is not feasible, pursuant to SCA CUL-4: Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition), redevelopment projects able to relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact less than significant (Historic Preservation Element Action 3.8.1), unless the property's location is an integral part of its significance, e.g., a contributor to a historic district. <p><i>b. Future Site-specific Surveys and Evaluations.</i></p> <p>Although most of the Project Area has been surveyed by the City of Oakland's OCHS, evaluations and ratings may change with time and other conditions. As such, there may be numerous other previously unidentified historical resources which would be affected by future redevelopment activities, including demolition, alteration, and new construction. For any future redevelopment project that would occur on or immediately adjacent to buildings 50 years old or older, and would occur between 2012 and 2023 (i.e., buildings constructed prior to 1973), the City shall require specific surveys and evaluations of</p>	<p>Prior to issuance of building permit (or other construction- related permit)</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

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Cultural Resources (cont.)		
<p>such properties to determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualified architectural historian who meets the <i>Secretary of the Interior's Standards</i> for architectural history. For all historical resources identified as a result of site-specific surveys and evaluations, the City shall ensure that future redevelopment activities, including demolition, alteration, and new construction, would avoid, adaptively reuse, and/or appropriately relocate such historical resources in accordance with measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), above.</p> <p>c. Recordation and Public Interpretation.</p> <p>If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically significant Structures) is determined infeasible as part of any future redevelopment scenarios, the City shall evaluate the feasibility of recordation and public interpretation of such resources prior to any construction activities which would directly affect them. Should City staff decide recordation and or public interpretation is required, the following activities would be performed:</p> <ul style="list-style-type: none"> - <i>Recordation.</i> Recordation shall follow the standards provided in the National Park Service's Historic American Building Survey (HABS) program, which requires large-format photo-documentation of historic structures, a written report, and measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at local repositories, such as public libraries, historical societies, and the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Project Area, including those that are relocated pursuant to measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically-significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource. - <i>Public Interpretation.</i> A public interpretation program would be developed by a qualified historic consultant in consultation with the Landmarks Preservation Advisory Board and City staff, based on a City-approved scope of work and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays which explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed, and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Project Area. - Photographic recordation and public interpretation of historically significant properties prior to their demolition or alteration does not typically mitigate the loss of potentially historic resources to a less than significant level [CEQA Section 15126.4(b)(2)]. <p>d. Financial Contributions.</p> <p>If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically significant Structures) and measure "b" (Future Site-specific Surveys and Evaluations) are not satisfied, the project applicants of specific projects facilitated by the Proposed Amendments shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Project Area or in the</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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<p>immediate vicinity. Such programs include, without limitation, a Façade Improvement Program, or the Property Relocation Assistance Program.</p> <p>This mitigation would conform to Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan. Contributions to the fund(s) shall be determined by staff at the time of approval of site-specific project plans based on a formula to be determined by the Landmarks Preservation Advisory Board. However, such financial contribution, even in conjunction with measure "c" (Recordation and Public Interpretation), would not reduce the impacts to less than significant levels.</p>		
Cultural Resources (cont.)		
<p>SCA CUL-1 (Standard Condition of Approval 33): Archaeological and Paleontological Resources – Discovery During Construction</p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration 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, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the Project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The Project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the Project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the Project applicant.</p>	<p>During construction.</p>	<p>City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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<p>SCA CUL-2 (Standard Condition of Approval 34): Archaeologically Sensitive Areas – Pre-Construction Measures</p> <p>Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p>Provision A: Intensive Pre-Construction Study.</p> <p>The Project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. 	<p>Prior to approval of construction-related permit; during construction.</p>	<p>City of Oakland Bureau of Planning and Bureau of Building</p>
Cultural Resources (cont.)		
<p>c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</p> <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p>Provision B: Construction ALERT Sheet.</p> <p>The Project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the Project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits,</p>		

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privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.		
<p>SCA CUL-3 (Standard Condition of Approval SCA 35): Human Remains – Discovery During Construction</p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the Project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event 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 California Health and Safety Code. 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 and at the expense of the Project applicant.</p>	During construction.	City of Oakland Bureau of Building
See SCA NOI-6, Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities. See Noise, below.		
Geology, Soils, and Geohazards		
<p>SCA GEO-1 (Standard Condition of Approval 37): Construction-Related Permit(s)</p> <p><u>Requirement:</u> The Project applicant shall obtain all required construction-related permits/approvals from the City. The Project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA GEO-2 (Standard Condition of Approval 40): Seismic Hazards Zone (Landslide/Liquefaction)</p> <p><u>Requirement:</u> The Project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The Project applicant shall implement the recommendations contained in the approved report during Project design and construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
See SCA HYD-1, Erosion and Sedimentation Control Plan for Construction. See Hydrology and Water Quality, below.		

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Greenhouse Gases and Climate Change		
<p>SCA GHG-1 (Standard Condition of Approval 42): Greenhouse Gas (GHG) Reduction Plan</p> <p>Requirement: The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan.</p> <p>The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below <u>at least one</u> of the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO_{2e} per year or 4.6 metric tons of CO_{2e} per year per service population). The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), and additional GHG reduction measures available to further reduce GHG emissions, and (c) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.</p> <p>Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.</p> <p>The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning
Greenhouse Gases and Climate Change (cont.)		
<p>The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.</p> <p>As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.</p> <p>For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.</p>		

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See SCA AES-3, Landscape Plan. See <i>Aesthetics, Wind, and Shadow</i> , above.		
See SCAs AIR-2, Criteria Air Pollutant Controls - Construction Related. See <i>Air Quality</i> , above.		
See SCAs AIR-3, Diesel Particulate Matter Controls - Construction Related. See <i>Air Quality</i> , above.		
See SCA TRA-2, Bicycle Parking. See <i>Transportation and Circulation</i> , below.		
See SCA TRA-4, Transportation and Parking Demand Management. See <i>Transportation and Circulation</i> , below.		
See SCA TRA-6, Plug-In Electric Vehicle (PEV) Charging Infrastructure. See <i>Transportation and Circulation</i> , below.		
See SCA UTIL-1, Construction and Demolition Waste Reduction and Recycling. See <i>Utilities and Service Systems</i> , below.		
See SCA UTIL-4, Green Building Requirements. See <i>Utilities and Service Systems</i> , below.		
Hazards and Hazardous Materials		
<p>SCA HAZ-1 (Standard Condition of Approval 43): <i>Hazards Materials Related to Construction</i></p> <p>Requirement: The Project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> a. Follow manufacture’s recommendations for 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; 	During construction.	City of Oakland Bureau of Building
Hazards and Hazardous Materials (cont.)		
<ul style="list-style-type: none"> e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and 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 project 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 notifying the City and applicable 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. 		

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<p>SCA HAZ-2 (Standard Condition of Approval 44): Hazardous Building Materials and Site Contamination</p> <p>a. Hazardous Building Materials and Site Contamination <u>Requirement:</u> The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>b. Environmental Site Assessment Required <u>Requirement:</u> The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>c. Health and Safety Plan Required <u>Requirement:</u> The Project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan.</p> <p>d. Best Management Practices (BMPs) Required for Contaminated Sites <u>Requirement:</u> The Project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p>	<p>a. Prior to approval of demolition, grading, or building permits</p> <p>b. Prior to approval of construction-related permit</p> <p>c. Prior to approval of construction-related permit</p> <p>d. During Construction</p>	<p>a. City of Oakland Bureau of Building</p> <p>b. Applicable regulatory agency with jurisdiction</p> <p>c. City of Oakland Bureau of Building</p> <p>d. City of Oakland Bureau of Building</p>
<p>Hazards and Hazardous Materials (cont.)</p>		
<p>i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.</p> <p>ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.</p>		

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<p>SCA HAZ-3 (Standard Condition of Approval 45): Hazardous Materials Business Plan</p> <p>The Project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ul style="list-style-type: none"> a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b. The location of such hazardous materials. c. An emergency response plan including employee training information. d. A plan that describes the manner in which these materials are handled, transported, and disposed. 	Prior to building permit final	Oakland Fire Department
See SCA TRA-1, Construction Activity in the Public Right-of-Way. See <i>Transportation and Traffic</i> , below.		
Hydrology and Water Quality		
<p>SCA HYD-1 (Standard Condition of Approval 49): Erosion and Sedimentation Control Plan for Construction</p> <p>a. Erosion and Sedimentation Control Plan Required</p> <p><u>Requirement:</u> The Project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. 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 and/or construction 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 City. 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.</p>	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit. b. During construction. 	City of Oakland Bureau of Building
Hydrology and Water Quality (cont.)		
<p>b. Erosion and Sedimentation Control During Construction</p> <p><u>Requirement:</u> The Project applicant shall implement the approved Erosion and Sedimentation Control 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.</p>		

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<p>SCA HYD-2 (Standard Condition of Approval 50): State Construction General Permit</p> <p>a. <u>Requirement:</u> The Project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The Project applicant shall submit evidence of compliance with Permit requirements to the City.</p>	<p>Prior to approval of construction-related permit.</p>	<p>State Water Resources Control Board; evidence of compliance submitted to Bureau of Building</p>
<p>SCA HYD-3 (Standard Condition of Approval 54): NPDES C.3 Stormwater Requirements for Regulated Projects</p> <p>a. <i>Post-Construction Stormwater Management Plan Required</i></p> <p><u>Requirement:</u> The Project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <ul style="list-style-type: none"> i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-Project stormwater runoff flow and duration match pre-Project runoff. <p>b. <i>Maintenance Agreement Required</i></p> <p><u>Requirement:</u> The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ul style="list-style-type: none"> i. The Project 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 	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit. b. Prior to building permit final. 	<ul style="list-style-type: none"> a. City of Oakland Bureau of Building b. City of Oakland Bureau of Building
Hydrology and Water Quality (cont.)		
<ul style="list-style-type: none"> 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 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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<p>purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.</p> <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>		
<p>Also SCA GEO-1, Construction-Related Permit(s). See <i>Geology, Soils, and Geohazards</i>, above.</p>		
<p>Also SCA UTIL-6, Storm Drain System. See <i>Utilities and Service Systems</i>, below.</p>		
<p>Noise</p>		
<p>SCA NOI-1 (Standard Condition of Approval 62) Construction Days/Hours</p> <p><u>Requirement:</u> The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ol style="list-style-type: none"> Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling 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. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. No construction is allowed on Sunday or federal holidays. <p>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.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p>	<p>During construction.</p>	<p>City of Oakland Bureau of Building</p>
<p>SCA NOI-2: (Standard Condition of Approval 63) Construction Noise</p> <p><u>Requirement:</u> The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 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. 	<p>During construction.</p>	<p>City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>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.</p> <p>c. Applicant shall use temporary power poles instead of generators where feasible.</p> <p>d. Stationary noise sources shall be located as far from adjacent properties 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.</p> <p>e. 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.</p>		
<p>SCA NOI-3 (Standard Condition of Approval 64) <i>Extreme Construction Noise</i></p> <p>a. <i>Construction Noise Management Plan Required</i></p> <p><u>Requirement:</u> Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures <u>include, but are not limited to, the following:</u></p> <p>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</p> <p>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example <u>and implement such measure if such measures are feasible and would noticeably reduce noise impacts;</u> and</p> <p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p>b. <i>Public Notification Required</i></p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p>	<p>City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p><u>Requirement:</u> The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>		
Noise (cont.)		
<p>SCA NOI-4 (Standard Condition of Approval 66) Construction Noise Complaints</p> <p><u>Requirement:</u> The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> a. Designation of an on-site construction complaint and enforcement manager for the project; b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; c. Protocols for receiving, responding to, and tracking received complaints; and d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. 	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA NOI-5 (Standard Condition of Approval 68) Operational Noise</p> <p><u>Requirement:</u> Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 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 City.</p>	Ongoing.	City of Oakland Bureau of Building
<p>SCA NOI-6 (Standard Condition of Approval 70) Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities</p> <p><u>Requirement:</u> The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at the Project site and the Oakland Museum of California (1000 Oak Street). The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.</p>	Prior to construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Population and Housing		
<p>SCA POP-1 (Standard Condition of Approval 71) Jobs/Housing Impact Fee</p> <p><u>Requirement:</u> The Project applicant shall submit payment to the City in accordance with the requirements of the City of Oakland Jobs/Housing Impact Fee Program (chapter 15.68 of the Oakland Municipal Code).</p>	Prior to construction.	City of Oakland Bureau of Building
Public Services, Parks, and Recreation Facilities		
<p>SCA PUB-1 (Standard Condition of Approval 74) Capital Improvements Impact Fee</p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit	City of Oakland Bureau of Building
Public Services, Parks, and Recreation Facilities (cont.)		
<p>SCA REC-1 (Standard Condition of Approval 75) Access to Parks and Open Space</p> <p><u>Requirement:</u> The project applicant shall submit a plan for City review and approval to enhance bicycle and pedestrian access from the project site and adjacent areas to Lake Merritt and Peralta Park. Examples of enhancements may include, but are not limited to, new or improved bikeways, bike parking, traffic control devices, sidewalks, pathways, bulb-outs, and signage. The project sponsor shall install the approved enhancements during construction and prior to completion of the project.</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Planning and City of Oakland Department of Transportation
Transportation and Circulation		
<p>SCA TRA-1 (Standard Condition of Approval 76) Construction Activity in the Public Right-of-Way</p> <p><i>a. Obstruction Permit Required</i></p> <p><u>Requirement:</u> The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.</p> <p><i>b. Traffic Control Plan Required</i></p> <p><u>Requirement:</u> In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or Detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.</p> <p><i>c. Repair of City Streets</i></p> <p><u>Requirement:</u> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to approval of construction-related permit.</p> <p>c. Prior to building permit final.</p>	City of Oakland Department of Transportation

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
(or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.		
<p>SCA TRA-2 (Standard Condition of Approval 77) <i>Bicycle Parking</i></p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA TRA-3 (Standard Condition of Approval 78): <i>Transportation Improvements</i></p> <p>The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To</p>	Prior to building permit final or as otherwise specified	City of Oakland Bureau of Building and City of Oakland Department of Transportation
Transportation and Circulation (cont.)		
<p>implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ol style="list-style-type: none"> a. 2070L Type Controller with cabinet accessory b. GPS communication (clock) c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required) g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor p. Signal timing plans for the signals in the coordination group q. Bi-directional curb ramps (where feasible, and if project is on a street corner) r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)		
SCA TRA-4 (Standard Condition of Approval 79) Transportation and Parking Demand Management a. Transportation and Parking Demand Management (TDM) Plan Required <u>Requirement:</u> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City. i. The goals of the TDM Plan shall be the following: <ul style="list-style-type: none"> o Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. 	a. Prior to approval of planning application. b. Prior to building permit final c. Ongoing	a. City of Oakland Bureau of Planning b. City of Oakland Bureau of Building c. City of Oakland Department of Transportation
Transportation and Circulation (cont.)		
<ul style="list-style-type: none"> o Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> - Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR - Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR o Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. o Enhance the City's transportation system, consistent with City policies and programs. ii. The TDM Plan should include the following: <ul style="list-style-type: none"> o Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. o Proposed TDM strategies to achieve VTR goals (see below). iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.		

Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/ Monitoring	
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iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.			
Improvement	Required by code or when...		
Bus boarding bulbs or islands	<ul style="list-style-type: none"> A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb 		
Bus shelter	<ul style="list-style-type: none"> A stop with no shelter is located within the project frontage, or The project is located within 0.10 miles of a flag stop with 25 or more boardings per day 		
Concrete bus pad	<ul style="list-style-type: none"> A bus stop is located along the project frontage and a concrete bus pad does not already exist 		
Curb extensions or bulb-outs	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and The project would generate 500 or more daily bicycle trips 		
Transportation and Circulation (cont.)			
Improvement	Required by code or when...		
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and The project would generate 400 or more peak period transit trips 		
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian	<ul style="list-style-type: none"> Always required 		

Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/ Monitoring	
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Master Plan and any applicable streetscape plan.			
In-street bicycle corral	<ul style="list-style-type: none"> A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages. 		
Intersection improvements ²	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> Always required 		
No monthly permits and establish minimum price floor for public parking ³	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1000 sf. (commercial) 		
Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial) 		
Parking space reserved for car share	<ul style="list-style-type: none"> If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units. 		
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Typically required 		
Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
Pedestrian-supportive signal changes ⁴	<ul style="list-style-type: none"> Identified as an improvement within operations analysis 		
Transportation and Circulation (cont.)			
Improvement	Required by code or when...		
Real-time transit information system	<ul style="list-style-type: none"> A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or 		

² Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

³ May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

⁴ Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate.

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	more routes or peak period frequency of 15 minutes or better		
Relocating bus stops to far side	<ul style="list-style-type: none"> • A project is located within 0.10 mile of any active bus stop that is currently near-side 		
Signal upgrades ⁵	<ul style="list-style-type: none"> • Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage abuts an intersection with signal infrastructure older than 15 years 		
Transit queue jumps	<ul style="list-style-type: none"> • Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 		
Trenching and placement of conduit for providing traffic signal interconnect	<ul style="list-style-type: none"> • Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and • A major transit improvement is identified within operations analysis requiring traffic signal interconnect 		
Unbundled parking	<ul style="list-style-type: none"> • If proposed parking ratio exceeds 1:1.25 (residential) 		
<p>v. Other TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. • Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. 			

⁵ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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Transportation and Circulation (cont.)		

- Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List, Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/form/oak025595.pdf>, respectively), and any applicable streetscape plan.
- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
- Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).
- Guaranteed ride home program for employees, either through 511.org or through separate program.
- Pre-tax commuter benefits (commuter checks) for employees.
- Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.		
Transportation and Circulation (cont.)		
<p><i>b. TDM Implementation – Physical Improvements</i></p> <p><u>Requirement:</u> For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p><i>c. TDM Implementation – Operational Strategies</i></p> <p><u>Requirement:</u> For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p>		
<p>SCA TRA-5 (Standard Condition of Approval 80) <i>Transportation Impact Fee</i></p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit.	City of Oakland Bureau of Building
<p>SCA TRA-6 (Standard Condition of Approval 83) <i>Plug-In Electric Vehicle (PEV) Charging Infrastructure</i></p> <p><i>a. PEV-Ready Parking Spaces</i></p> <p><u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready") per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.</p> <p><i>b. PEV-Capable Parking Spaces</i></p> <p><u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.</p> <p><i>c. ADA-Accessible Spaces</i></p> <p><u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and</p>	Prior to Issuance of Building Permit	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).		
<p>LMSAP TRA Mitigation Measures</p> <p>All the mitigation measures identified in the LMSAP EIR are included in the citywide Transportation Impact Fee (TIF). Therefore, the project applicant shall mitigate the project impacts by paying the required TIF.</p>		
Utilities and Service Systems		
<p>SCA UTIL-1 (Standard Condition of Approval 84) Construction and Demolition Waste Reduction and Recycling</p> <p><u>Requirement:</u> The Project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the Project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>	Prior to approval of construction-related permit	City of Oakland Public Works Department, Environmental Services Division
<p>SCA UTIL-2 (Standard Condition of Approval 85) Underground Utilities</p> <p><u>Requirement:</u> The Project applicant shall place underground all new utilities serving the Project and under the control of the Project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the Project's street frontage and from the Project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During construction.	City of Oakland Bureau of Building
<p>SCA UTIL-3 (Standard Condition of Approval 86) Recycling Collection and Storage Space</p> <p><u>Requirement:</u> The Project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA UTIL-4 (Standard Condition of Approval 87) Green Building Requirements</p> <p>a. <i>Compliance with Green Building Requirements During Plan-Check</i></p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p>	<p>a. City of Oakland Bureau of Building</p> <p>b. City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>Requirement: The Project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. 	c. Prior to Final Approval.	c. City of Oakland Bureau of Planning and Bureau of Building
Utilities and Service Systems (cont.)		
<ul style="list-style-type: none"> • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> • CALGreen mandatory measures. • Compliance with the appropriate and applicable checklist approved during the Planning entitlement process. • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories. <p>b. Compliance with Green Building Requirements During Construction</p> <p>Requirement: The Project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the Project.</p> <p>The following information shall be submitted to the City for review and approval:</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>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.</p> <p>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.</p> <p>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</p> <p>c. <i>Compliance with Green Building Requirements After Construction</i> <u>Requirement:</u> Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p>		
<p>SCA UTIL-5 (Standard Condition of Approval 89) <i>Sanitary Sewer System</i> <u>Requirement:</u> The Project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-Project and post-Project wastewater flow from the Project site. In the event that the Impact Analysis indicates that the net increase in Project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the Project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to approval of construction-related permit.	City of Oakland Public Works Department, Department of Engineering and Construction
Utilities and Service Systems (cont.)		
<p>SCA UTIL-6 (Standard Condition of Approval 90) <i>Storm Drain System</i> <u>Requirement:</u> The Project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-Project condition.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA UTIL-7 (Standard Condition of Approval 92) <i>Water Efficient Landscape Ordinance (WELO)</i> <u>Requirement:</u> The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO. <i>Prescriptive Measures:</i> Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23): http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf <i>Performance Measures:</i> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:</p> <p>a. Project Information:</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> i. Date, ii. Applicant and property owner name, iii. Project address, iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or home owner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package." <ul style="list-style-type: none"> b. Water Efficient Landscape Worksheet <ul style="list-style-type: none"> i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use c. Soil Management Report d. Landscape Design Plan 		
Utilities and Service Systems (cont.)		
<ul style="list-style-type: none"> e. Irrigation Design Plan, and f. Grading Plan <p>Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p> <ul style="list-style-type: none"> i. For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below. Effective May 1, 2018 Page 77 http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extract%20-%20Official%20CCR%20pages.pdf 		
Also SCA HYD-1, Erosion and Sedimentation Control Plan for Construction. See <i>Hydrology and Water Quality</i> , above.		
Also SCA HYD-2, State Construction General Permit. See <i>Hydrology and Water Quality</i> , above.		
Also SCA HYD-3 NPDES C.3 Stormwater Requirements for Regulated Projects. See <i>Hydrology and Water Quality</i> , above.		



OAKLAND CIVIC
AUDITORIUM (HJK)

PLANNING APPLICATION SUBMITAL
03.12.2019

10 - 10th STREET, OAKLAND CA 94607

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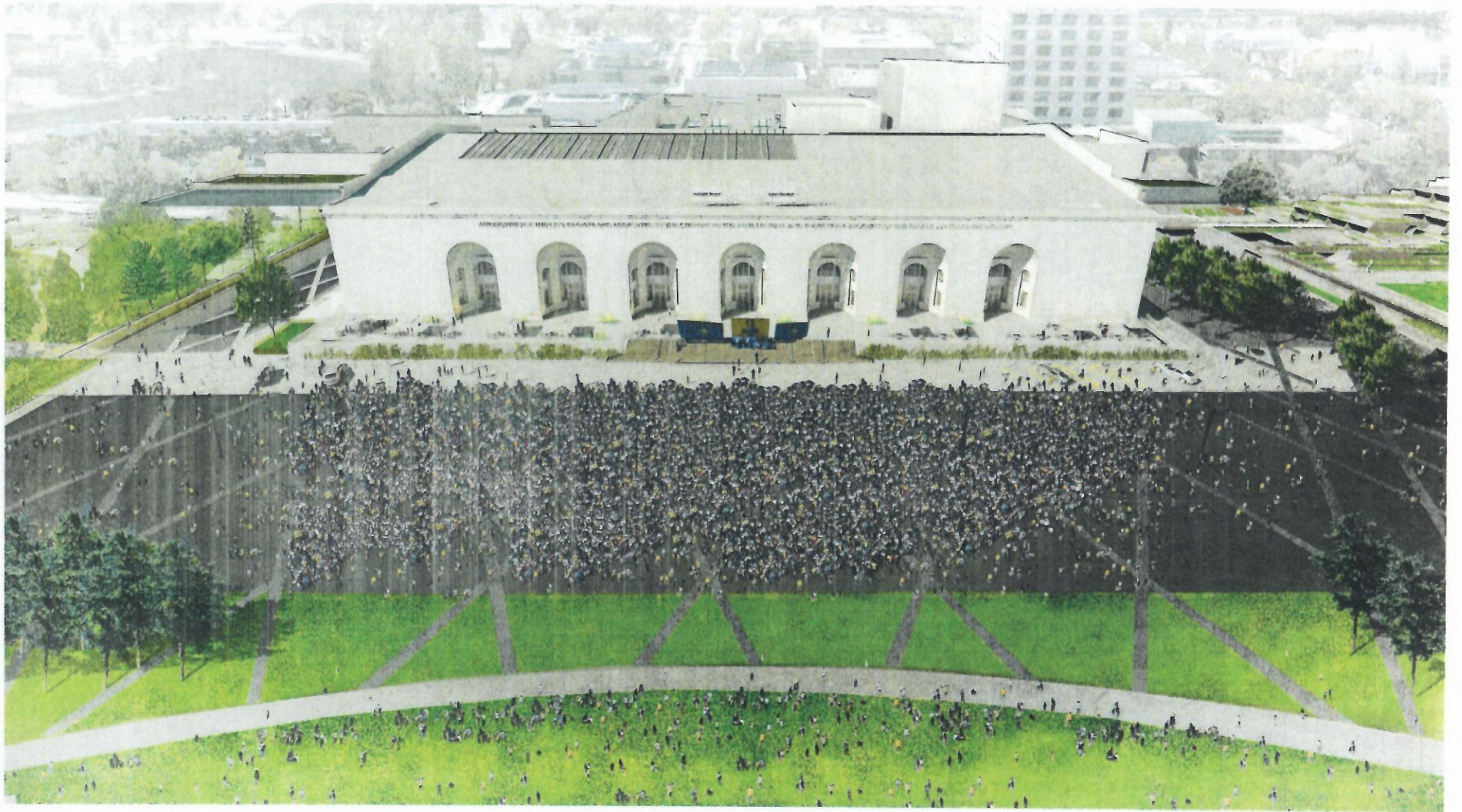
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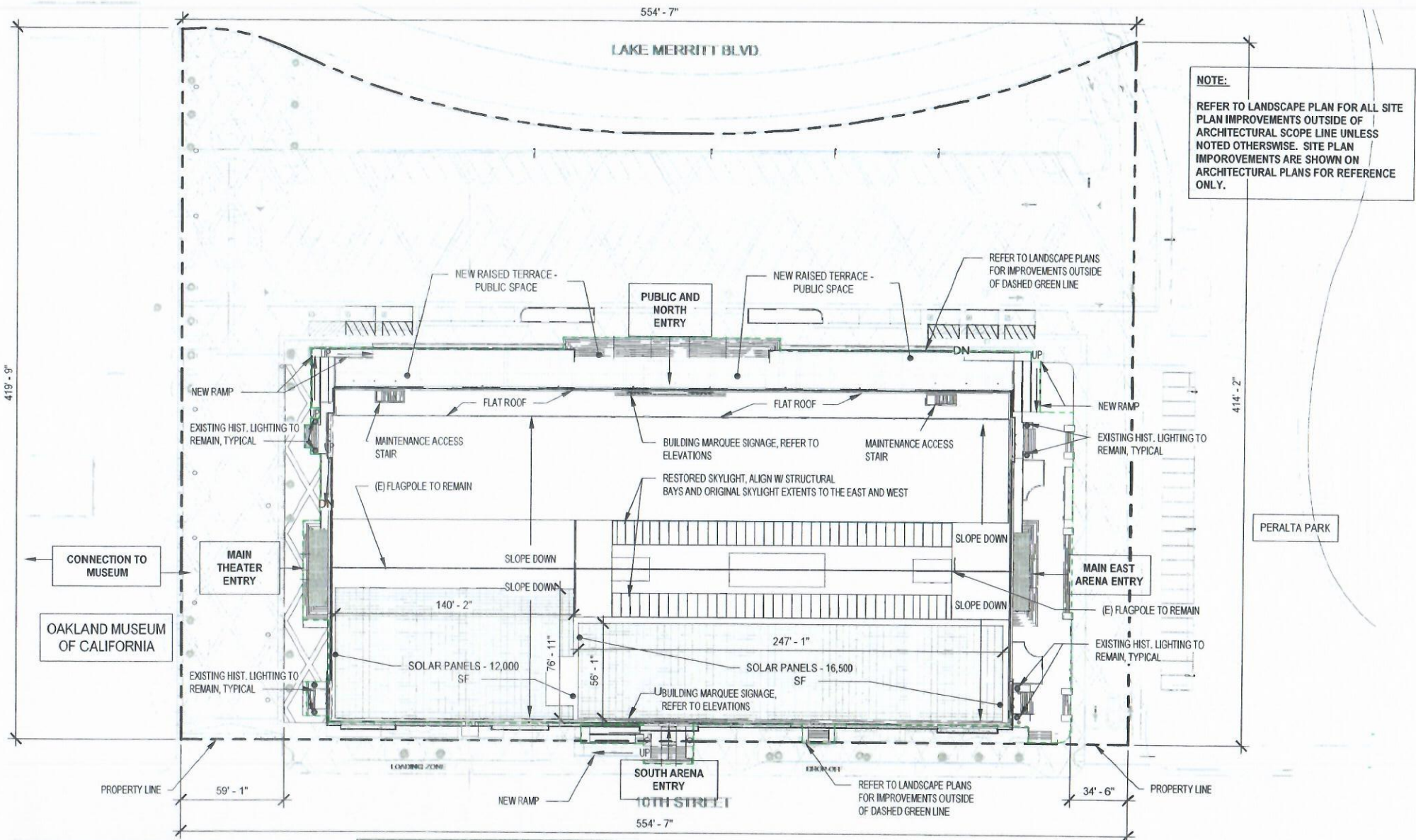












NOTE:
 REFER TO LANDSCAPE PLAN FOR ALL SITE PLAN IMPROVEMENTS OUTSIDE OF ARCHITECTURAL SCOPE LINE UNLESS NOTED OTHERWISE. SITE PLAN IMPROVEMENTS ARE SHOWN ON ARCHITECTURAL PLANS FOR REFERENCE ONLY.



OAKLAND CIVIC AUDITORIUM (HJK)
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SITE PLAN
 1" = 50'-0"
 Page 9



Henry J. Kaiser Convention Center

10 10th Street
Oakland, CA

Planning & Zoning Summary

Construction Date: 1913-15

Parcel: 18-450-5
Lot Area: 208,842.5 sf

Zoning District: D-LM-4
(Zoning Map) Central Business District

Historic Resources: Area of Primary Importance (Lake Merritt)
OCHS Rating: A1+
Local Landmark: Oakland Municipal Auditorium
National Historic Landmark: No
Heritage Property: No
Designated Historic District: No
Mills Act: No

Permitted Uses:
(Sec. 17.101G.030) Retail, office, full service restaurants, limited service restaurants, community assembly, community education, recreational assembly, limited child-care activities

Height & Bulk District: LM-85
(Zoning Map)

Height Limits: 85' Maximum
(Zoning Map)

Hazard Zone: Liquefaction Severity 5

Off-Street Parking:
(17.116.080) **Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities.**
The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date; provided, however, that for an activity occupying a facility existing on said effective date, new parking shall be required for said increase to the extent that the total of such existing facility and the added facilities exceeds any minimum size hereafter prescribed for which any parking is required for such activity.

Existing Parking and Loading to Be Maintained.

No existing parking or loading serving any activity shall be reduced in amount or changed in design, location, or maintenance below, or if already less than shall not be reduced further below, the requirements prescribed hereafter for such activity unless equivalent substitute facilities are provided.

General Retail Sales

Off-Street Loading: (17.116.140)	Offices:	
	0-10,000 GFA	0 space
	10,001- 24,999 GFA	1 space
	25,000- 49,999 GFA	2 spaces
	50,000- 99,999 GFA	3 spaces
	over 100,000 GFA	3 plus 1 for each additional 120,000 sf
	Civic:	
	0-50,000 GFA	0 space
	50,001- 149,999 GFA	1 space
	150,000- 299,999 GFA	2 spaces
	over 300,000 GFA	2 plus 1 for each additional 100,000 sf

Minimum size for first required space:

Length:	25'	(35' typical)
Width:	10'	(12' typical)
Height:	12'	(14' typical)

Bicycle Parking: (17.1117)

<u>BUILDING USE</u>	<u>LONG TERM SPACES</u>	<u>SHORT TERM SPACES</u>
Commercial Activities	11	6
Civic Activities	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	
Restaurant	1	1



Henry J. Kaiser Convention Center

10 10th Street
Oakland, CA

Building Code Summary

Summary: The structure is a single existing building with three stories and one basement level. The primary uses are Theater (Assembly Group A-1) and an Indoor Sports Arena Existing (Assembly Group A-4). Surface parking is located on the north side of the site

Construction Type: Existing: Type I-B

Number of Floors: 3

Occupancy: Existing: A-1 / A-4
Proposed: A-1 / B / M / S

Sprinkler: Proposed: Fully sprinklered per NFPA 13

Gross Area: 210,000 GSF

Ch 6 – Types of Construction:

TABLE 601
FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (HOURS)

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV HT	TYPE V	
	A	B	A ⁴	B	A ⁴	B		A ⁴	B
Primary structural frame ^a (see Section 202)	3 ^a	2 ^a	1	0	1	0	HT	1	0
Bearing walls									
Exterior ^{4, 6}	3	2	1	0	2	2	2	1	0
Interior	3 ^a	2 ^a	1	0	1	0	1/HT	1	0
Nonbearing walls and partitions									
Exterior	See Table 602								
Nonbearing walls and partitions									
Interior ⁷	0	0	0	0	0	0	See Section 602.4.6	0	0
Floor construction and associated secondary members (see Section 202)	2	2	1	0	1	0	HT	1	0
Roof construction and associated secondary members (see Section 202)	1 ^{1/2}	1 ^{3/4}	1 ^{3/4}	0 ⁸	1 ^{3/4}	0	HT	1 ^{3/4}	0

10 - 10th STREET, OAKLAND CA 94607



LOCATION MAP



VICINITY MAP





Building Address:
10 10th Street | Oakland | CA | 95607

Assessor's Parcel Number (APN):
Book 318 | Page 91 - 93
018 - 0450 - 005



LEED v4 for BD+C: New Construction and Major Renovation
Project Checklist

Project Name: Henry J. Kaiser Center
Date: 4/16/2017

Y ? N

Y	?	N	Credit	Integrative Process	1
---	---	---	--------	---------------------	---

11	5	0	Location and Transportation			16
Y			Credit	LEED for Neighborhood Development Location	16	
	1		Credit	Sensitive Land Protection	1	
	2		Credit	High Priority Site	2	
5			Credit	Surrounding Density and Diverse Uses	5	
5			Credit	Access to Quality Transit	5	
1			Credit	Bicycle Facilities	1	
1			Credit	Reduced Parking Footprint	1	
1			Credit	Green Vehicles	1	

9	1	0	Sustainable Sites			10
Y			Prereq	Construction Activity Pollution Prevention	Required	
	1		Credit	Site Assessment	1	
2			Credit	Site Development - Protect or Restore Habitat	2	
1			Credit	Open Space	1	
3			Credit	Rainwater Management	3	
2			Credit	Heat Island Reduction	2	
1			Credit	Light Pollution Reduction	1	

8	1	1	Water Efficiency			11
Y			Prereq	Outdoor Water Use Reduction	Required	
Y			Prereq	Indoor Water Use Reduction	Required	
Y			Prereq	Building-Level Water Metering	Required	
	2		Credit	Outdoor Water Use Reduction	2	
	6		Credit	Indoor Water Use Reduction	6	
		1	Credit	Cooling Tower Water Use	2	
	1		Credit	Water Metering	1	

12	12	0	Energy and Atmosphere			33
Y			Prereq	Fundamental Commissioning and Verification	Required	
Y			Prereq	Minimum Energy Performance	Required	
Y			Prereq	Building-Level Energy Metering	Required	
Y			Prereq	Fundamental Refrigerant Management	Required	
	6		Credit	Enhanced Commissioning	6	
	9		Credit	Optimize Energy Performance	18	
	1		Credit	Advanced Energy Metering	1	
	2		Credit	Demand Response	2	
	3		Credit	Renewable Energy Production	3	
	1		Credit	Enhanced Refrigerant Management	1	
	2		Credit	Green Power and Carbon Offsets	2	

5	8	0	Materials and Resources			13
Y			Prereq	Storage and Collection of Recyclables	Required	
Y			Prereq	Construction and Demolition Waste Management Planning	Required	
	5		Credit	Building Life-Cycle Impact Reduction	5	
	2		Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2	
	2		Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2	
	2		Credit	Building Product Disclosure and Optimization - Material Ingredients	2	
	2		Credit	Construction and Demolition Waste Management	2	

5	11	0	Indoor Environmental Quality			16
Y			Prereq	Minimum Indoor Air Quality Performance	Required	
Y			Prereq	Environmental Tobacco Smoke Control	Required	
			Credit	Enhanced Indoor Air Quality Strategies	2	
	3		Credit	Low-Emitting Materials	3	
	1		Credit	Construction Indoor Air Quality Management Plan	1	
	2		Credit	Indoor Air Quality Assessment	2	
	1		Credit	Thermal Comfort	1	
	2	2	Credit	Interior Lighting	2	
	3		Credit	Daylight	3	
	1		Credit	Quality Views	1	
	1		Credit	Acoustic Performance	1	

1	5	0	Innovation			6
	5		Credit	Innovation	5	
	1		Credit	LEED Accredited Professional	1	

0	0	0	Regional Priority			4
			Credit	Regional Priority - Specific Credit	1	
			Credit	Regional Priority - Specific Credit	1	
			Credit	Regional Priority - Specific Credit	1	
			Credit	Regional Priority - Specific Credit	1	

51	43	1	TOTALS			Possible Points 110
Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110						





HJK CIVIC CENTER

Legend
• Feature 1

OAKLAND MUSEUM OF CALIFORNIA

AMPHITHEATER

LAKE MERRITT BLVD.

10TH STREET

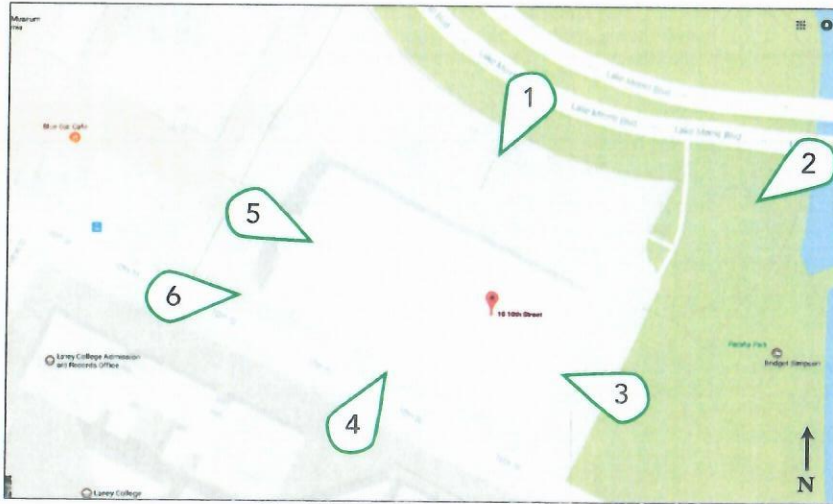
LANEY COLLEGE

Google earth
Aerial Imagery © 2019
© 2019 Google
Data SLMC/Satellite/Mapbox

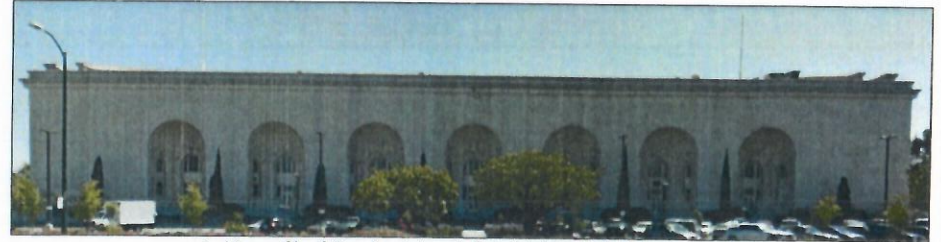


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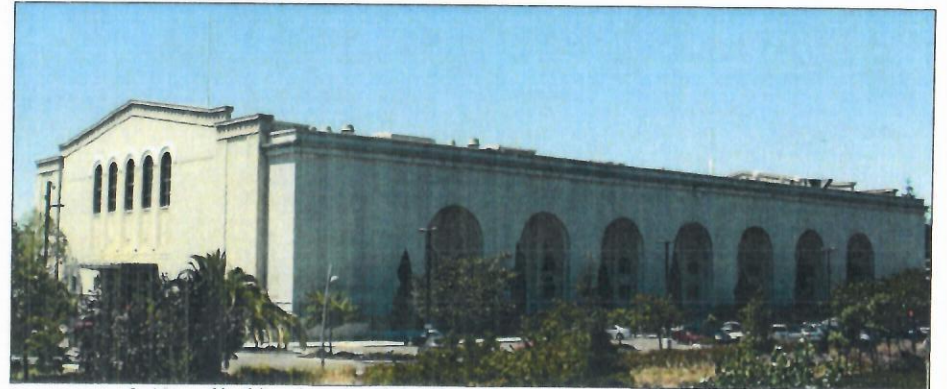
ARIAL VICINITY MAP
EXISTING CONDITIONS
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The Oakland Civic exterior photo key.



1: View of building front (north facade) from Lake Merritt Blvd.



2: View of building front (north facade) and former Arena entrance (east facade) from Lake Merritt Blvd/ Estuary.



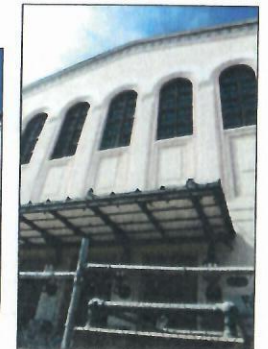
6: View of building rear (south facade) and Calvin Simmons Theatre entrance (west facade) from 10th Street.



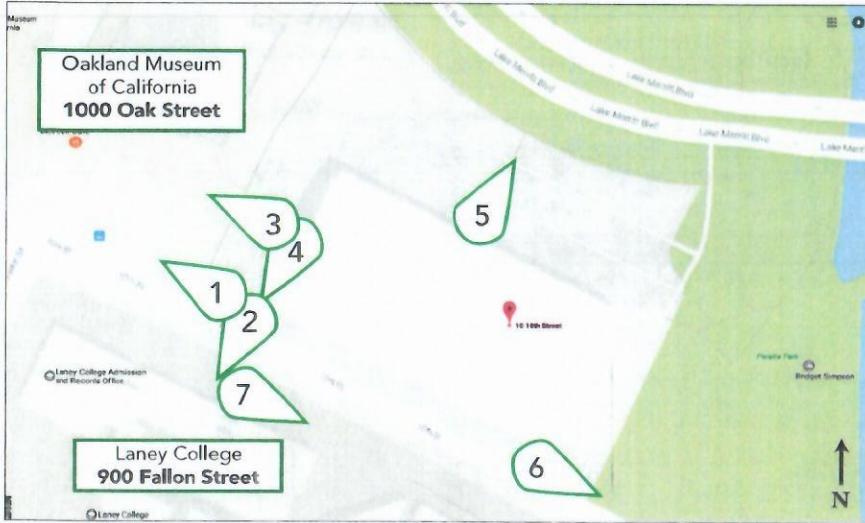
5: View of Calvin Simmons Theatre entrance (west facade).



4: View of building rear (south facade) from 10th Street.



3: View of former Arena entrance (east facade).



The Oakland Civic neighborhood photo key.



1: Calvin Simmons Theatre entrance (west facade) neighbor, OMCA, from the southwest corner of the building.



2: Rear (south facade) neighbor, Laney College, from the southwest corner of the building.



3: Calvin Simmons Theatre entrance (west facade) neighbor, OMCA, from the Calvin Simmons Theatre entrance.



4: Rear (south facade) neighbor, Laney College, from the Calvin Simmons Theatre entrance (west facade).



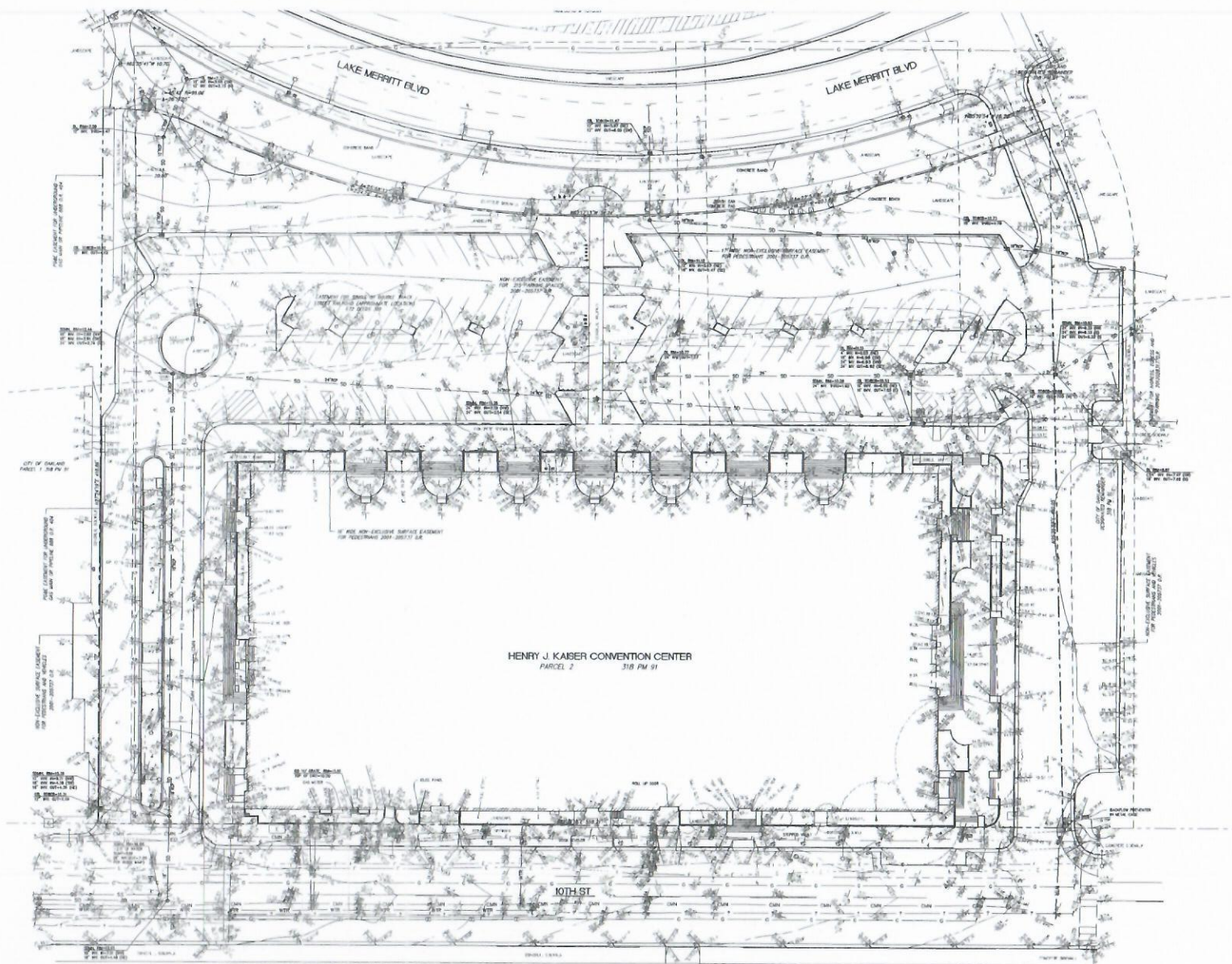
7: Rear (south facade) neighbor, Laney College, from the Laney College sidewalk..

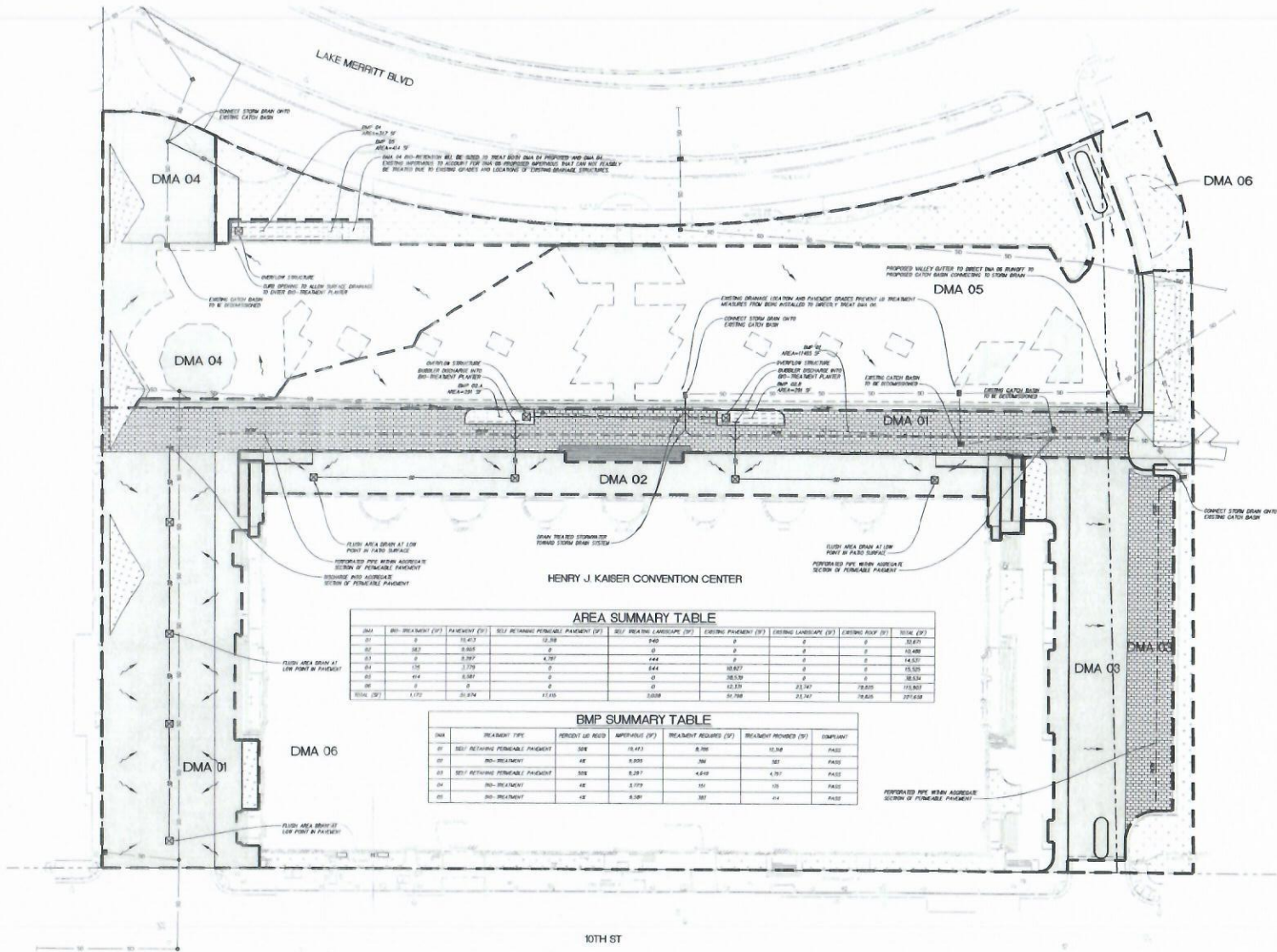


6: Photo of the former Arena entry (east facade) neighbors, estuary and 10th St. Bridge, from the former Arena entrance (east facade).



5: Photo of north facade neighbors, Lake Merritt Blvd and Lake Merritt Amphitheater, from the front of the building (north facade).





- LEGEND**
- EXISTING APPROPRIATE SURFACE TO RETAIN
 - EXISTING PERMEABLE LANDSCAPE TO RETAIN
 - PROPOSED APPROPRIATE PAVEMENT
 - SELF-TREATING PERMEABLE PAVEMENT
 - BIO-TREATMENT AREA
 - SELF-TREATING LANDSCAPE
 - DRAINAGE AREA BOUNDARY
 - VALLEY OUTFALL FLOW LINE
 - FLOW DIRECTION

SITE TREATMENT AREA NOTE:
 THIS PROJECT IS NOT RETAINING MORE THAN 50% OF THE EXISTING APPROPRIATE AREA AND PERFORMING MORE THAN 50% OF THE AREA THAT IS RETAINED.
 TOTAL AREA WITHIN SITE: 271,574 SF
 TOTAL EXISTING APPROPRIATE AREA: 134,787 SF
 PERCENT APPROPRIATE MAINTAINED: 49.6% (134,787 / 271,574)

- STORMWATER MANAGEMENT NOTES:**
- THIS PLAN PRESENTS AN INITIAL ANALYSIS AND CALCULATIONS FOR COMPLIANCE WITH THE REQUIREMENTS OF PROVISION 4.3 OF THE SANITATION DISTRICT'S STORMWATER PERMIT AS APPLICABLE WITH THE ALAMEDA COUNTY PROGRAM AND THE CITY OF OAKLAND'S REQUIREMENTS.
 - THE FOLLOWING TREATMENT MEASURES ARE PROPOSED TO MAINTAIN THE QUALITY OF STORM WATER LEAVING THE SITE:
 - SELF-TREATING AREA - RUNOFF IN THIS AREA GENERATED BY AND CLUMPED PERVIOUS PAVING SHALL BE TREATED BY THIS PROJECT SITE AND TREATMENT IS REQUIRED.
 - BIO-TREATMENT AREA - RUNOFF IN THIS AREA IS DIRECTED TO A BIO-TREATMENT PLANTER FOR 15 MINUTES AND TREATMENT AND CUMULATIVE STORAGE PRIOR TO EXITS THE SITE.
 - PERMEABLE PAVEMENTS - RUNOFF IN THIS AREA EITHER THROUGH OR IS DIRECTED TO PERMEABLE PAVEMENT MATERIALS FOR STORAGE AND INFILTRATION PRIOR TO EXITS THE SITE.
 - DRAINAGE MANAGEMENT AREA (DMA) IS NOT USED TO STORE OR LEAD TREATMENT MEASURES AND TO EXISTING PERVIOUS PAVING AND DRAINAGE STRUCTURE LOCATIONS THEREFORE, THE LIP TO THE RIGHT ACCORDING TO THIS PLAN SHALL BE MAINTAINED IN USE TO TREAT EXISTING PERVIOUS PAVING WITHIN DMA OR EQUIVALENT TO THE MAINTAINED APPROPRIATE AREA WITHIN DMA.
 - PROPOSED STORM DRAINAGE PIPING AND STRUCTURES SHOWN ON THIS SHEET ARE CHARACTERIZED BY AND FOR PERVIOUS PAVING ONLY. PERVIOUS PAVING FOR CONSTRUCTION OF PERVIOUS PAVING AND TO BE USED.
 - DRAINAGE MANAGEMENT AREA (DMA) IS COMPOSED OF EXISTING SURFACES TO RETAIN. THESE SURFACES INCLUDE PERVIOUS PAVING, LANDSCAPE AND THE OTHER DRAINAGE AREAS WITHIN DMA ARE NOT REQUIRED TO BE TREATED UNLESS THEY ARE EXISTING TO RETAIN AND THE PROJECT DOES NOT EXCEED THE SUB AREA.

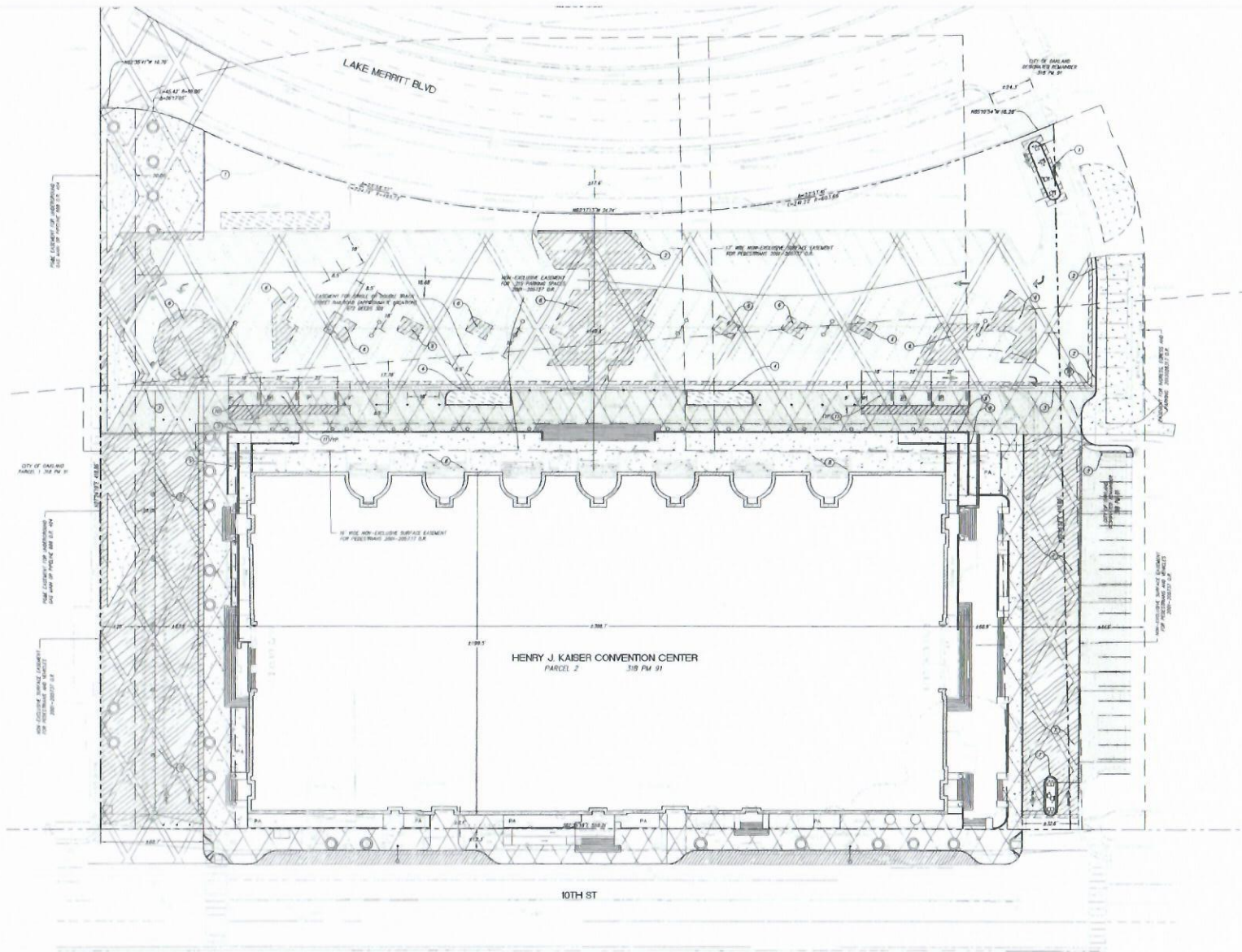
AREA SUMMARY TABLE

DMA	BIO-TREATMENT (SQ FT)	PERVIOUS (SQ FT)	SELF-TREATING PERMEABLE PAVEMENT (SQ FT)	SELF-TREATING LANDSCAPE (SQ FT)	EXISTING PAVEMENT (SQ FT)	EXISTING LANDSCAPE (SQ FT)	EXISTING ROOF (SQ FT)	TOTAL (SQ FT)
01	0	10,417	12,719	0	0	0	0	23,136
02	0	0	0	0	0	0	0	0
03	0	0	4,397	0	444	0	0	4,841
04	0	0	0	0	0	0	0	0
05	0	0	0	0	0	0	0	0
06	0	0	0	0	0	0	0	0
TOTAL	0	10,417	17,116	0	444	0	0	27,987

BMP SUMMARY TABLE

DMA	TREATMENT TYPE	PERCENT OF ROOF	APPROVED (SQ FT)	TREATMENT REQUIRED (SQ FT)	TREATMENT PROVIDED (SQ FT)	COMPLIANT
01	SELF-TREATING PERMEABLE PAVEMENT	50%	10,417	0	10,417	PASS
02	BIO-TREATMENT	4%	0	0	0	PASS
03	SELF-TREATING PERMEABLE PAVEMENT	50%	0	4,397	4,397	PASS
04	BIO-TREATMENT	4%	0	0	0	PASS
05	BIO-TREATMENT	4%	0	0	0	PASS





GENERAL NOTES

A. THESE DRAWINGS SHALL BE CONSIDERED VALID AND CORRECT FOR REFERENCE AT THE TIME DEVELOPER AND CITY TO REVIEW AND CONSIDER SCOPE OF WORK WITH PUBLIC NOTICE OF 30 DAYS TO BE HELD TO THE CITY AND CITY ENGINEER SHALL BE HELD AS WELL AS SCOPE OF WORK WITH CITY ENGINEER'S PROVISION TO THE AGREEMENT.

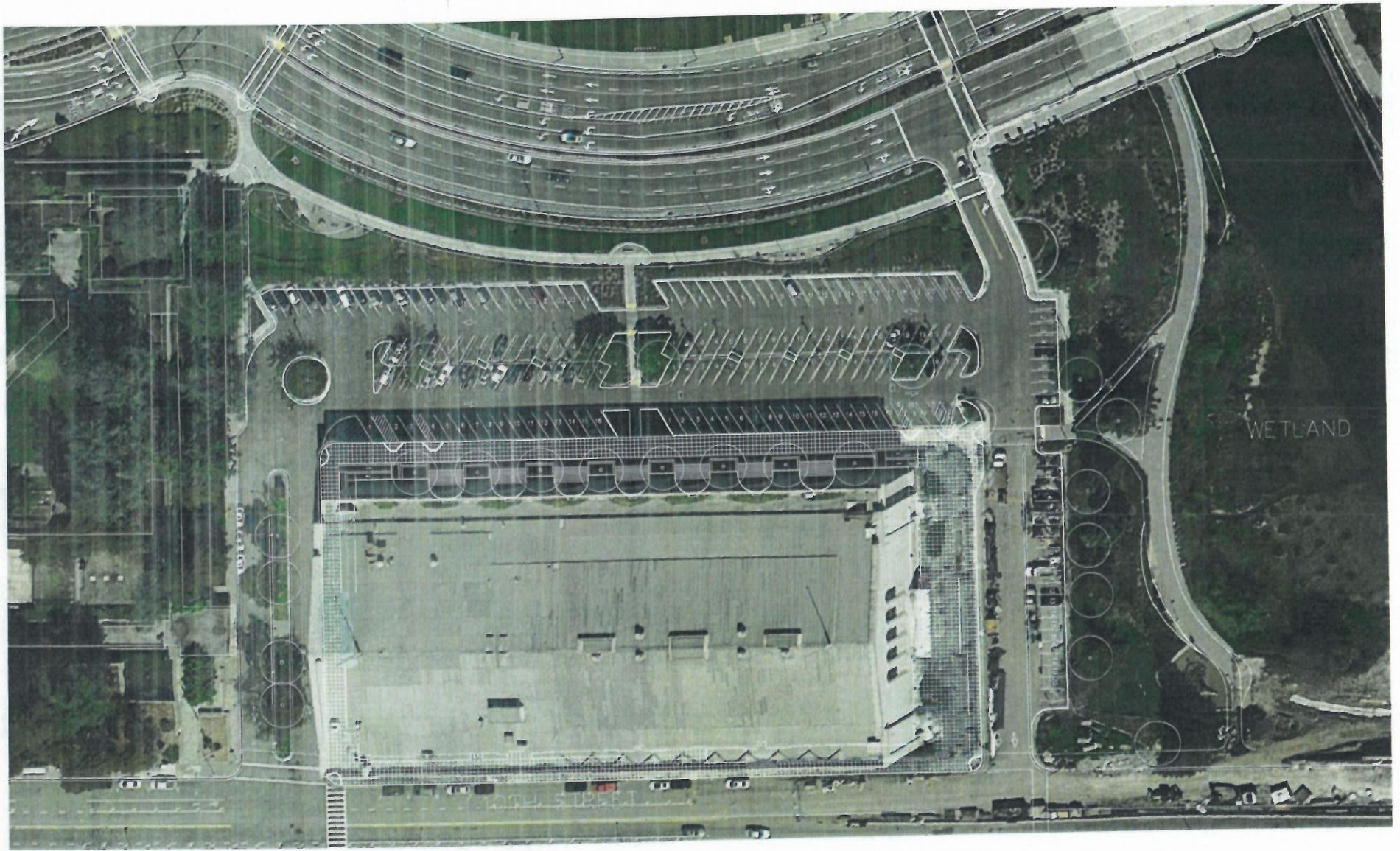
- SHEET NOTES:**
- 1) CONCRETE VERTICAL CURB, 6-INCH TALL
 - 2) CONCRETE CURB AND GUTTER, 6-INCH TALL
 - 3) CONCRETE VALLEY GUTTER, 3-INCH WIDE
 - 4) 8-IN-REINFORCED PAVEMENT
 - 5) CONCRETE RETAINING WALL SUPPORTING ABOVE GRADE PARK SPACE
 - 6) REMOVE EXISTING TREE/LANDSCAPE TREES AND REPLACE WITH ASPHALT PAVING
 - 7) RAISED CONCRETE PAVING TO BE ALIGNED WITH PAVED SIDEWALK ADJACENT TO SIDEWALK
 - 8) ABOVE GRADE PARK SPACE
 - 9) ACCESSIBLE RAMP TO ABOVE GRADE PARK SPACE
 - 10) VAN ACCESSIBLE PARKING STALL
 - 11) ACCESSIBLE PARKING STALL
 - 12) GATED BAY

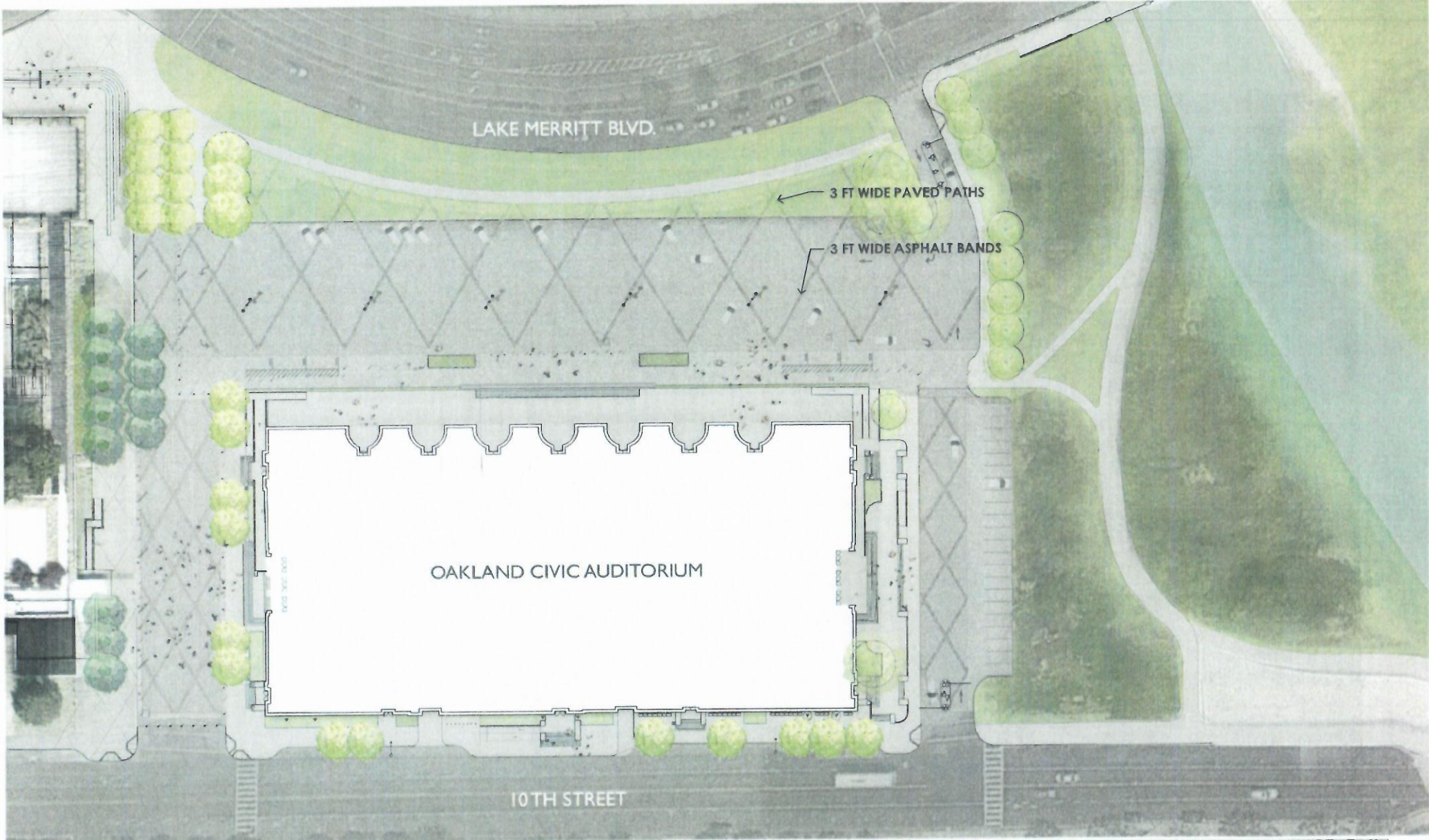
LEGEND

	BOUNDARY LINE
	AS DRIVEWAY
	AS PARKING
	PERESTRADE CONCRETE
	VEHICULAR CONCRETE
	PERMEABLE CONCRETE
	PAVING
	8-IN-REINFORCED AREA









LAKE MERRITT BLVD.

3 FT WIDE PAVED PATHS

3 FT WIDE ASPHALT BANDS

OAKLAND CIVIC AUDITORIUM

10TH STREET



OAKLAND CIVIC AUDITORIUM (HJK)
PLANNING APPLICATION SUBMITTAL

ILLUSTRATIVE PLAN

MATERIALS SCHEDULE									
PAVING (P)									
KEY	SYMBOL	DESCRIPTION	QTY. PER SQ. YD.	MATERIAL / SPEC.	MANUFACTURER / SUPPLIER	COLOR / FINISH	DEPTH	SPALL SECTION	COMMENTS
1		1/2\"/>	1	C.P. CONCRETE 20' TYPICAL JOINTS PER 100' LINE	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE
2		1/4\"/>	1	C.P. CONCRETE 10' TYPICAL JOINTS PER 100' LINE	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE
3		1/8\"/>	1	C.P. CONCRETE 5' TYPICAL JOINTS PER 100' LINE	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE
4		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE
5		1/4\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE
6		1/8\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE
7		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE
8		1/4\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE
9		1/8\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE
10		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE

DRAINAGE AND TREE GRATE(D)									
KEY	SYMBOL	DESCRIPTION	QTY. PER SQ. YD.	MATERIAL / SPEC.	MANUFACTURER / SUPPLIER	COLOR / FINISH	DEPTH	SPALL SECTION	COMMENTS
1		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE
2		1/4\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE
3		1/8\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE

SITE FURNISHING AND LIGHTING FIXTURES(S)									
KEY	SYMBOL	DESCRIPTION	QTY. PER SQ. YD.	MATERIAL / SPEC.	MANUFACTURER / SUPPLIER	COLOR / FINISH	DEPTH	SPALL SECTION	COMMENTS
1		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE
2		1/4\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE
3		1/8\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE
4		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE
5		1/4\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE
6		1/8\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE
7		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE
8		1/4\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE
9		1/8\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE
10		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE

OTHER LANDSCAPE ELEMENTS									
KEY	SYMBOL	DESCRIPTION	QTY. PER SQ. YD.	MATERIAL / SPEC.	MANUFACTURER / SUPPLIER	COLOR / FINISH	DEPTH	SPALL SECTION	COMMENTS
1		1/2\"/>	1	4\"/>	DAVE CONCRETE, INC. SPEC.	CONCRETE ON 4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE

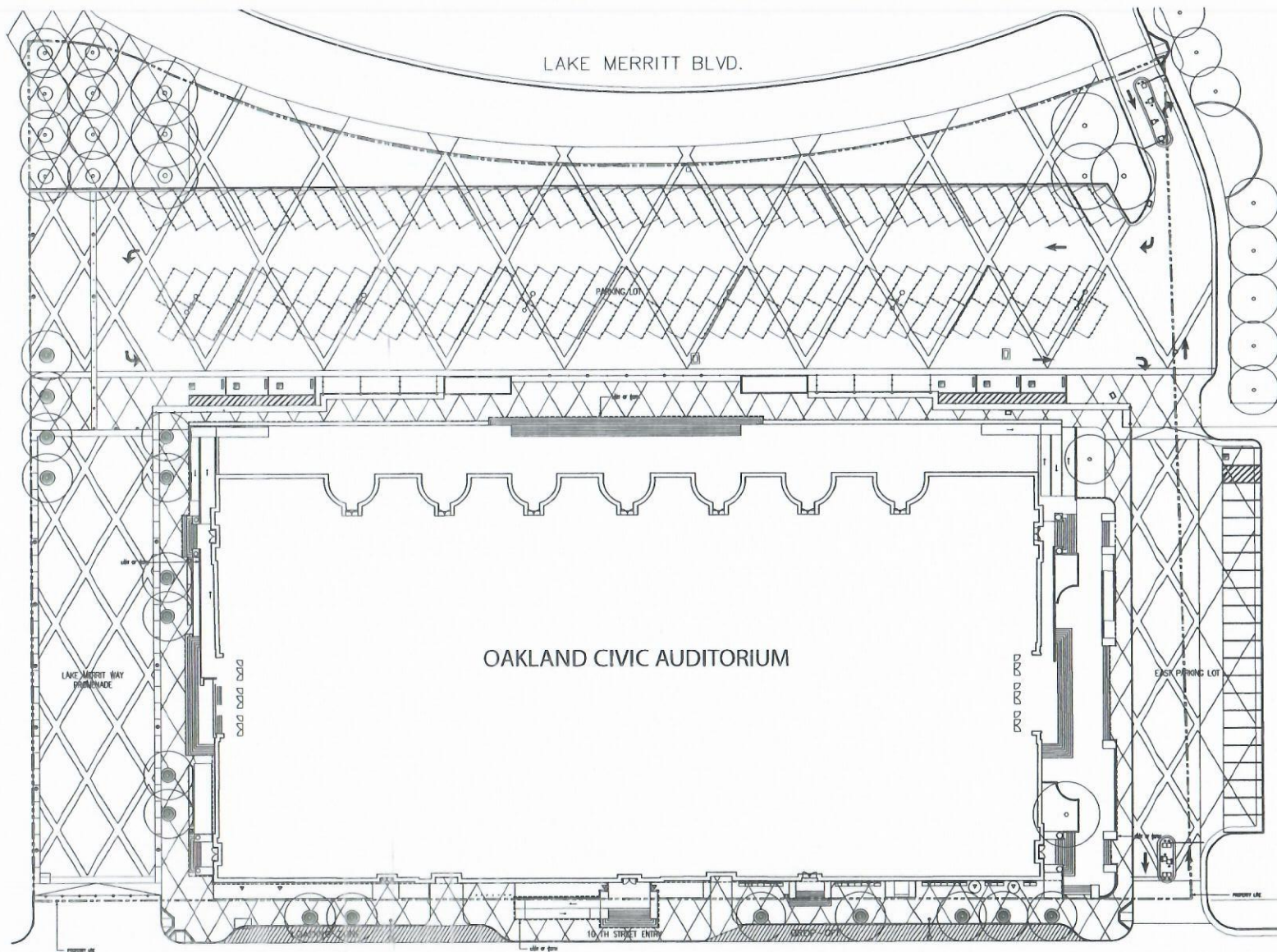
PLANTING SCHEDULE									
TREES									
#	QTY.	KEY	SYMBOL	DESCRIPTION	HEIGHT	SPREAD	DEPTH	SPALL SECTION	COMMENTS
1	1		1/2\"/>	4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE		
2	1		1/4\"/>	4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE		
3	1		1/8\"/>	4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE		
4	1		1/2\"/>	4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE		

VINES									
KEY	SYMBOL	DESCRIPTION	HEIGHT	SPREAD	DEPTH	SPALL SECTION	COMMENTS		
1		1/2\"/>	4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE			
2		1/4\"/>	4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE			
3		1/8\"/>	4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE			

STREETSCAPE MIX									
KEY	SYMBOL	DESCRIPTION	HEIGHT	SPREAD	DEPTH	SPALL SECTION	COMMENTS		
1		1/2\"/>	4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE			
2		1/4\"/>	4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE			
3		1/8\"/>	4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE			

STORMWATER MIX									
KEY	SYMBOL	DESCRIPTION	HEIGHT	SPREAD	DEPTH	SPALL SECTION	COMMENTS		
1		1/2\"/>	4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE			
2		1/4\"/>	4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE			
3		1/8\"/>	4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE			

MEADOW MIX									
KEY	SYMBOL	DESCRIPTION	HEIGHT	SPREAD	DEPTH	SPALL SECTION	COMMENTS		
1		1/2\"/>	4\"/>	1.500\"/>	12 14 16	PERFORMANCE GRADE			
2		1/4\"/>	4\"/>	1.275\"/>	12 14 16	PERFORMANCE GRADE			
3		1/8\"/>	4\"/>	1.050\"/>	12 14 16	PERFORMANCE GRADE			



LAKE MERRITT BLVD.

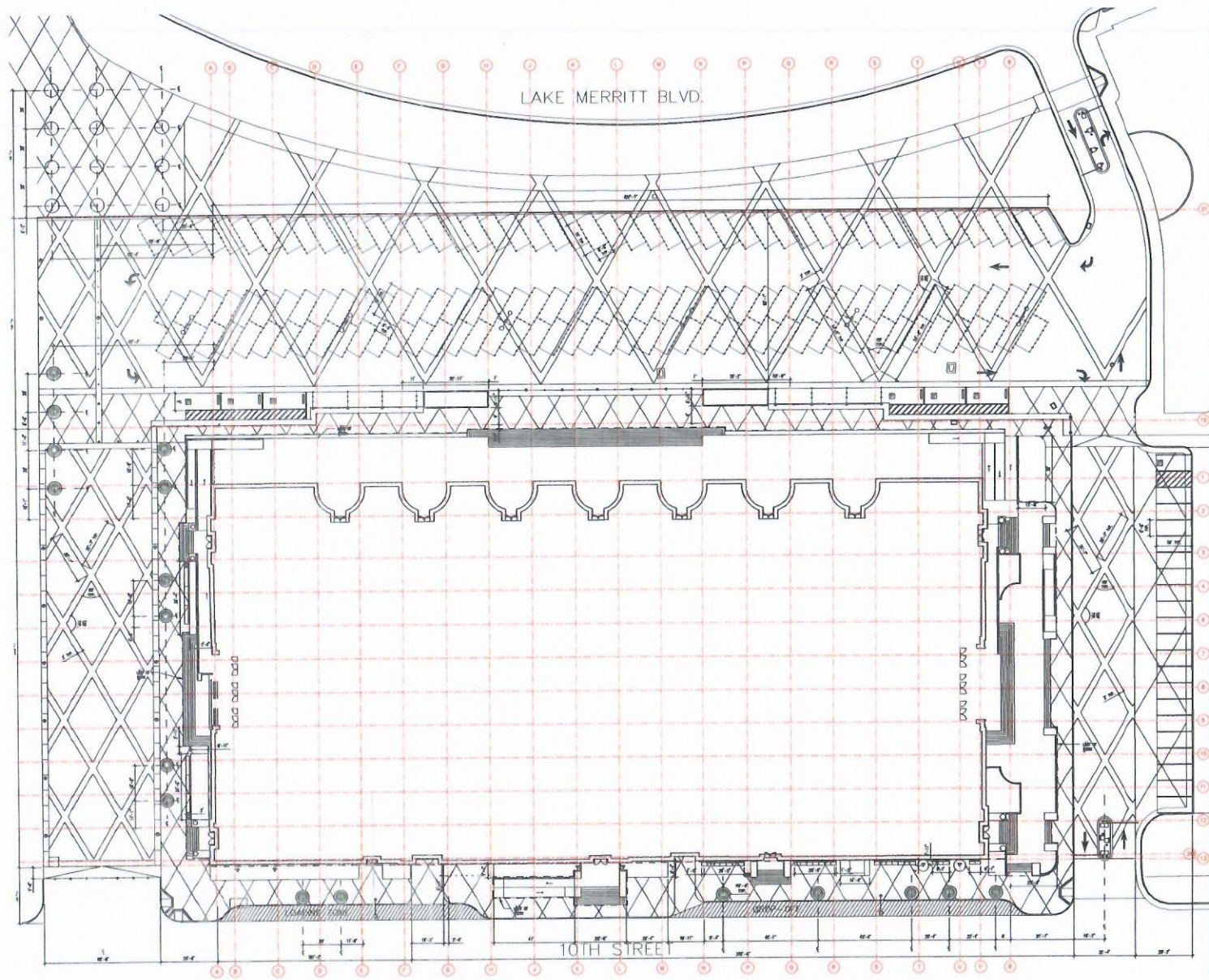
OAKLAND CIVIC AUDITORIUM

10TH STREET



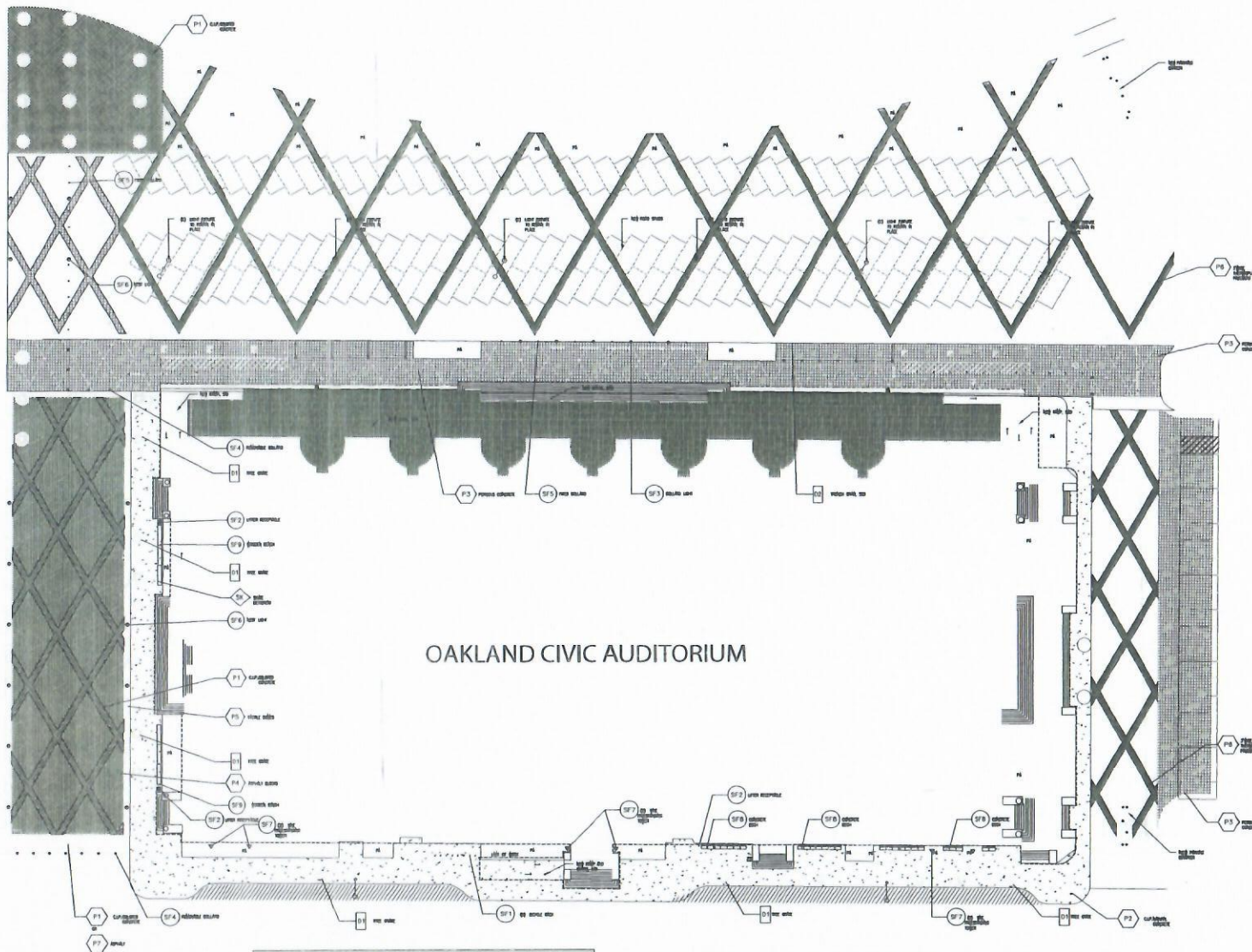
OAKLAND CIVIC AUDITORIUM (HJK)
PLANNING APPLICATION SUBMITAL

OVERALL SITE PLAN



LAKE MERRITT BLVD.

10TH STREET



PAVING (P)

SYMBOL	DESCRIPTION	DETAIL / SPEC
(P1)	ASPHALT DRIVE	SEE SPECIFICATION
(P2)	CONCRETE DRIVE	SEE SPECIFICATION
(P3)	GRAVEL DRIVE	SEE SPECIFICATION
(P4)	GRAVEL DRIVE	SEE SPECIFICATION
(P5)	GRAVEL DRIVE	SEE SPECIFICATION
(P6)	GRAVEL DRIVE	SEE SPECIFICATION
(P7)	GRAVEL DRIVE	SEE SPECIFICATION
(P8)	GRAVEL DRIVE	SEE SPECIFICATION
(P9)	GRAVEL DRIVE	SEE SPECIFICATION
(P10)	GRAVEL DRIVE	SEE SPECIFICATION

DRAINAGE AND TREE GRATE(S)

SYMBOL	DESCRIPTION	DETAIL / SPEC
(D1)	DRAINAGE	SEE SPECIFICATION
(D2)	DRAINAGE	SEE SPECIFICATION
(D3)	DRAINAGE	SEE SPECIFICATION
(D4)	DRAINAGE	SEE SPECIFICATION
(D5)	DRAINAGE	SEE SPECIFICATION
(D6)	DRAINAGE	SEE SPECIFICATION
(D7)	DRAINAGE	SEE SPECIFICATION
(D8)	DRAINAGE	SEE SPECIFICATION
(D9)	DRAINAGE	SEE SPECIFICATION
(D10)	DRAINAGE	SEE SPECIFICATION

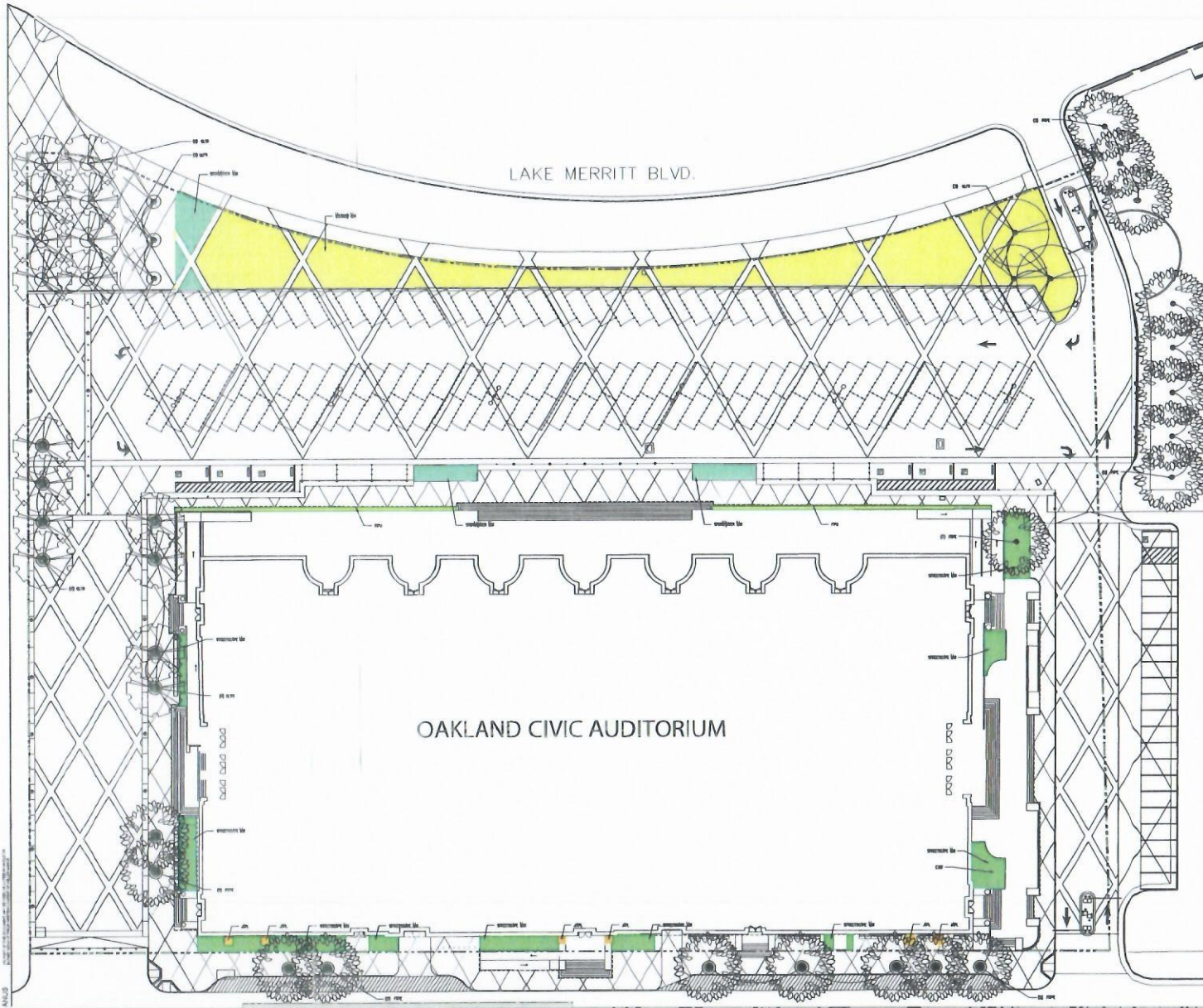
SITE FURNISHING AND LIGHTING FIXTURES

SYMBOL	DESCRIPTION	DETAIL / SPEC
(S1)	SEAT	SEE SPECIFICATION
(S2)	SEAT	SEE SPECIFICATION
(S3)	SEAT	SEE SPECIFICATION
(S4)	SEAT	SEE SPECIFICATION
(S5)	SEAT	SEE SPECIFICATION
(S6)	SEAT	SEE SPECIFICATION
(S7)	SEAT	SEE SPECIFICATION
(S8)	SEAT	SEE SPECIFICATION
(S9)	SEAT	SEE SPECIFICATION
(S10)	SEAT	SEE SPECIFICATION
(S11)	SEAT	SEE SPECIFICATION
(S12)	SEAT	SEE SPECIFICATION
(S13)	SEAT	SEE SPECIFICATION
(S14)	SEAT	SEE SPECIFICATION
(S15)	SEAT	SEE SPECIFICATION
(S16)	SEAT	SEE SPECIFICATION
(S17)	SEAT	SEE SPECIFICATION
(S18)	SEAT	SEE SPECIFICATION
(S19)	SEAT	SEE SPECIFICATION
(S20)	SEAT	SEE SPECIFICATION
(S21)	SEAT	SEE SPECIFICATION
(S22)	SEAT	SEE SPECIFICATION
(S23)	SEAT	SEE SPECIFICATION
(S24)	SEAT	SEE SPECIFICATION
(S25)	SEAT	SEE SPECIFICATION
(S26)	SEAT	SEE SPECIFICATION
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(S28)	SEAT	SEE SPECIFICATION
(S29)	SEAT	SEE SPECIFICATION
(S30)	SEAT	SEE SPECIFICATION
(S31)	SEAT	SEE SPECIFICATION
(S32)	SEAT	SEE SPECIFICATION
(S33)	SEAT	SEE SPECIFICATION
(S34)	SEAT	SEE SPECIFICATION
(S35)	SEAT	SEE SPECIFICATION
(S36)	SEAT	SEE SPECIFICATION
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(S38)	SEAT	SEE SPECIFICATION
(S39)	SEAT	SEE SPECIFICATION
(S40)	SEAT	SEE SPECIFICATION
(S41)	SEAT	SEE SPECIFICATION
(S42)	SEAT	SEE SPECIFICATION
(S43)	SEAT	SEE SPECIFICATION
(S44)	SEAT	SEE SPECIFICATION
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(S46)	SEAT	SEE SPECIFICATION
(S47)	SEAT	SEE SPECIFICATION
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(S74)	SEAT	SEE SPECIFICATION
(S75)	SEAT	SEE SPECIFICATION
(S76)	SEAT	SEE SPECIFICATION
(S77)	SEAT	SEE SPECIFICATION
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(S79)	SEAT	SEE SPECIFICATION
(S80)	SEAT	SEE SPECIFICATION
(S81)	SEAT	SEE SPECIFICATION
(S82)	SEAT	SEE SPECIFICATION
(S83)	SEAT	SEE SPECIFICATION
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(S87)	SEAT	SEE SPECIFICATION
(S88)	SEAT	SEE SPECIFICATION
(S89)	SEAT	SEE SPECIFICATION
(S90)	SEAT	SEE SPECIFICATION
(S91)	SEAT	SEE SPECIFICATION
(S92)	SEAT	SEE SPECIFICATION
(S93)	SEAT	SEE SPECIFICATION
(S94)	SEAT	SEE SPECIFICATION
(S95)	SEAT	SEE SPECIFICATION
(S96)	SEAT	SEE SPECIFICATION
(S97)	SEAT	SEE SPECIFICATION
(S98)	SEAT	SEE SPECIFICATION
(S99)	SEAT	SEE SPECIFICATION
(S100)	SEAT	SEE SPECIFICATION

OTHER LANDSCAPE ELEMENTS

SYMBOL	DESCRIPTION	DETAIL / SPEC
(L1)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L2)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L3)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L4)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L5)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L6)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L7)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L8)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L9)	LANDSCAPE ELEMENT	SEE SPECIFICATION
(L10)	LANDSCAPE ELEMENT	SEE SPECIFICATION

OAKLAND CIVIC AUDITORIUM



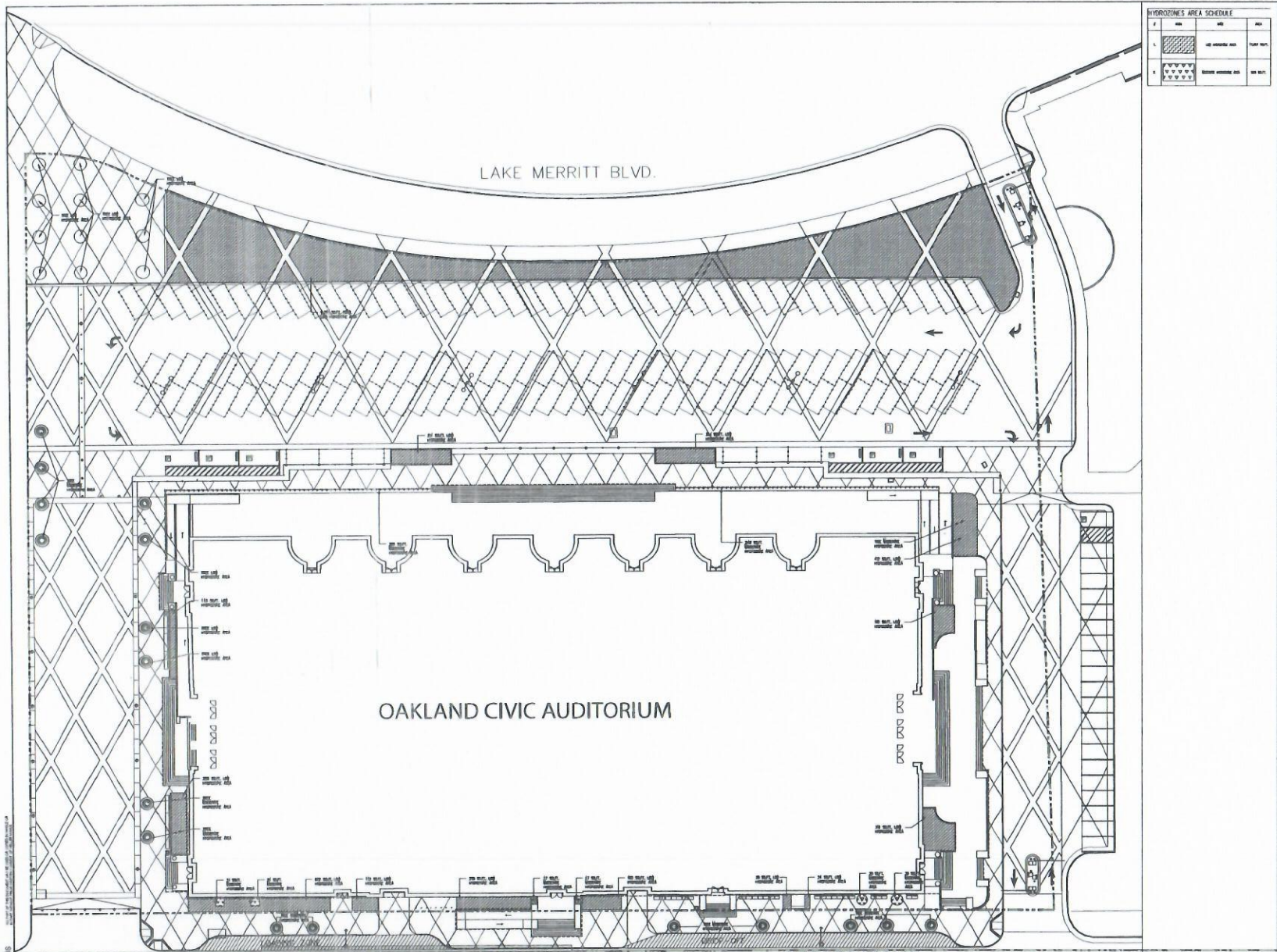
TREES			
#	SYMBOL	HT	SPACING
1	[Symbol]	10'	10' x 10'
2	[Symbol]	15'	15' x 15'
3	[Symbol]	20'	20' x 20'
4	[Symbol]	25'	25' x 25'
5	[Symbol]	30'	30' x 30'

VINES			
#	SYMBOL	HT	SPACING
1	[Symbol]	10'	10' x 10'
2	[Symbol]	15'	15' x 15'
3	[Symbol]	20'	20' x 20'

STREETSCAPE MIX			
#	SYMBOL	HT	SPACING
1	[Symbol]	10'	10' x 10'
2	[Symbol]	15'	15' x 15'
3	[Symbol]	20'	20' x 20'
4	[Symbol]	25'	25' x 25'

STORMWATER MIX			
#	SYMBOL	HT	SPACING
1	[Symbol]	10'	10' x 10'
2	[Symbol]	15'	15' x 15'
3	[Symbol]	20'	20' x 20'

MEADOW MIX			
#	SYMBOL	HT	SPACING
1	[Symbol]	10'	10' x 10'
2	[Symbol]	15'	15' x 15'
3	[Symbol]	20'	20' x 20'



HYDROZONES AREA SCHEDULE			
#	AREA	NOTE	REF.
1	[Diagonal Hatching]	SEE HYDROZONES PLAN	PLAN 101
2	[Cross-hatching]	SEE HYDROZONES PLAN	PLAN 101
3	[Stippled]	SEE HYDROZONES PLAN	PLAN 101

CITY OF
OAKLAND
LANDSCAPE WATER USE STATEMENT

PROJECT NAME: OAKLAND CIVIC ARENA
PROJECT ADDRESS: OAKLAND CA

PREPARED BY: JANEY LURHOE (EIR), OLA BAESEN
BROOKHURST INC., IRRIGATION CONSULTANTS
480 SAINT JOHN STREET, SUITE 239
PLEASANTON, CA 94588
925-8514147
jbaesen@brookhurst.com (EIR)

"I have complied with the criteria of the Water Efficient Landscapes Ordinance and applied them accordingly for the efficient use of water in the irrigation design plan."

Signed: *Janey Lurhoe*

PART ONE MATHEMATICALLY APPLIED WATER ALLOWANCE (MAWA)

$MAWA = ET_0 \times K_e \times K_c \times [ET_{SP} \times FA + (E \times ET_{SP}) \times SLA]$

YEARLY ET ₀	41.9
CONVERSION FACTOR	0.82
ETAF	0.65
TOTAL IRRIGATED LANDSCAPE AREA (FA)	20,377 SQUARE FEET
SPECIAL LANDSCAPE AREA (SLA)	0 SQUARE FEET
LANDSCAPE WATER ALLOWANCE	237,641 GALLONS PER YEAR
TOTAL ACRES FEET	0.27 ACRES FEET

PART TWO ESTIMATED TOTAL WATER USE (ETWU)

$AVERAGE\ ETAF\ (ETAF\ (ETWU\ FROM\ WATER\ EFFICIENT\ LANDSCAPE\ WORKSHEET))$

AVERAGE ETAF FOR REGULAR LANDSCAPE AREAS	0.41
(TOTAL ETAF x AREA / TOTAL AREA)	
ETWU FOR REGULAR LANDSCAPE AREAS	216,613 GALLONS PER YEAR
SITE WIDE ETAF	0.41
ETWU FOR ALL LANDSCAPE AREAS	216,613 GALLONS PER YEAR
TOTAL ACRES FEET	0.67 ACRES FEET

**OAKLAND CIVIC ARENA
WATER EFFICIENT LANDSCAPE WORKSHEET**

Reference Evapotranspiration (ET₀) **41.9**

ZONE NO.	PLANT TYPE	HYDRICZONE*	PLANT FACTOR (PF)	IRRIGATION METHOD**	IRRIGATION EFFICIENCY (IE)	ETAF (PFIE)	HYDRICZONE AREA (HA) (SQ FT)	ETAF x HA	ESTIMATED TOTAL WATER USE (ETWU)	% LANDSCAPE AREA
REGULAR LANDSCAPE AREA										
1	SPRUB	LW	0.50	O	0.81	0.37	16,488	6,109	136,824	67.6%
2	SPRUB	MW	0.50	O	0.81	0.37	2,488	7,103	58,789	17.1%
3	TREE	LW	0.50	B	0.81	0.37	131	58	1,449	0.7%
4	TREE	MW	0.50	B	0.81	0.37	52	31	800	0.4%
5	SPRUB	MW	0.50	B	0.81	0.37	65	37	985	0.5%
TOTALS (REGULAR LANDSCAPE AREAS)							30,377	4,438	216,613	100.0%
SPECIAL LANDSCAPE AREA										
TOTALS (SPECIAL LANDSCAPE AREAS)							0	0	0	0.0%
TOTALS FOR ALL AREAS							30,377	4,438	216,613	100%

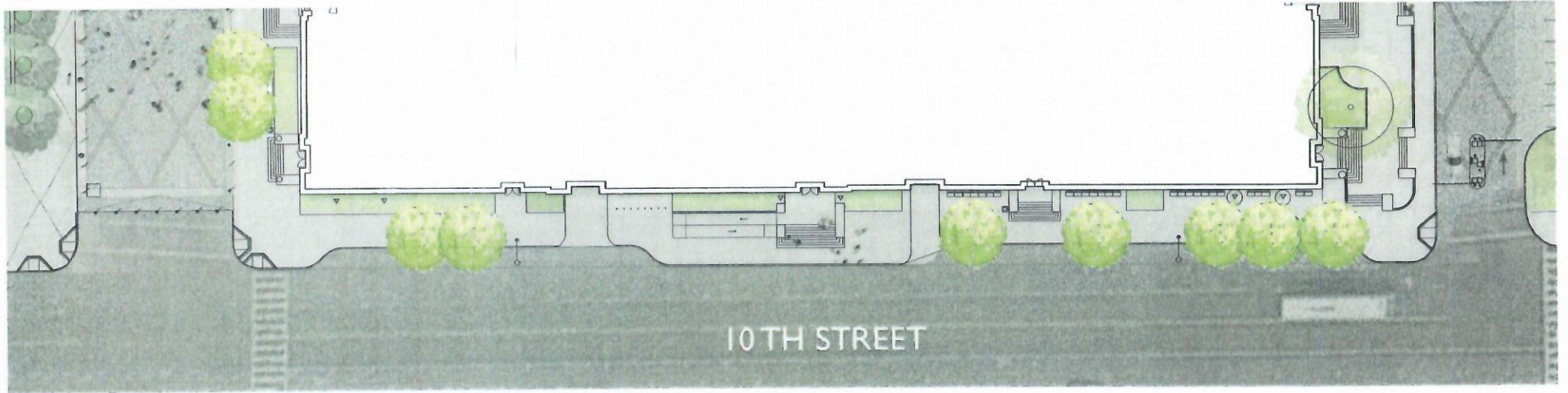
HYDRICZONE SUMMARY		
Hydrizone Description	Total Sq. Ft.	% of Landscape
Cool Season Turf (CST)	0	0.0%
Warm Season Turf (WST)	0	0.0%
High Water Use Plants (HW)	0	0.0%
Bioerodent Plants (BP)	0	0.0%
Medium Water Use Plants (MW)	3,988	17.7%
Low Water Use Plants (LW)	38,719	82.3%
Very Low Water Use Plants (VLM)	0	0.0%
Water Feature	0	0.0%
Special Landscape Area (SLA)	0	0.0%
TOTAL	30,377	100.0%

**Irrigation Method		
Irrigation Method	Total Sq. Ft.	% of Landscape
Rotor (FC, RC, PC, R)	0	0.0%
Multi-Spray Rotor (MR)	0	0.0%
Spray (S)	0	0.0%
Bubbler (B)	261	1.3%
Chop (C)	0	0.0%
In-Line Drop (IX)	20,116	89.7%
Micro Spray (MS)	0	0.0%
Other (O)	0	0.0%

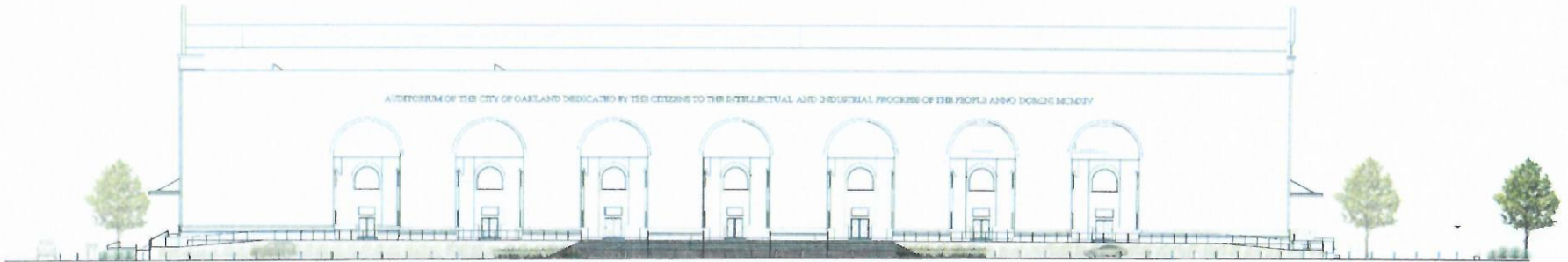


1 (N) VINES FREESTANDING TOWERS

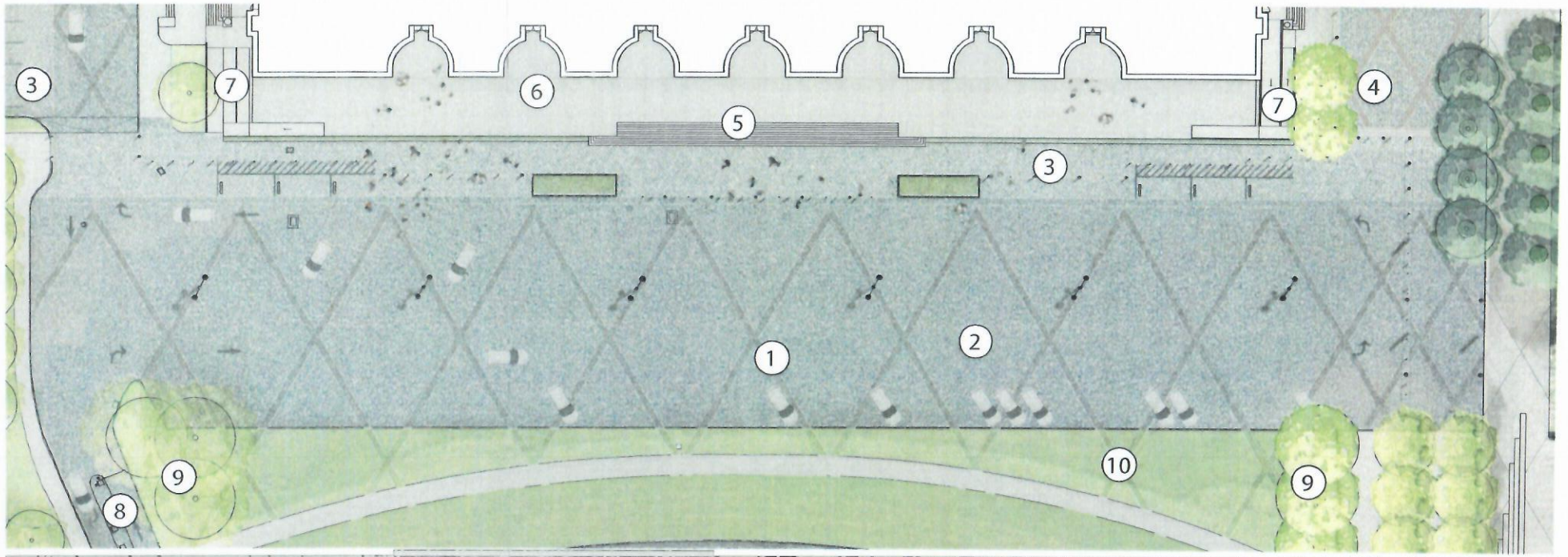
2 (N) PRECAST CONCRETE BENCH



10 TH STREET

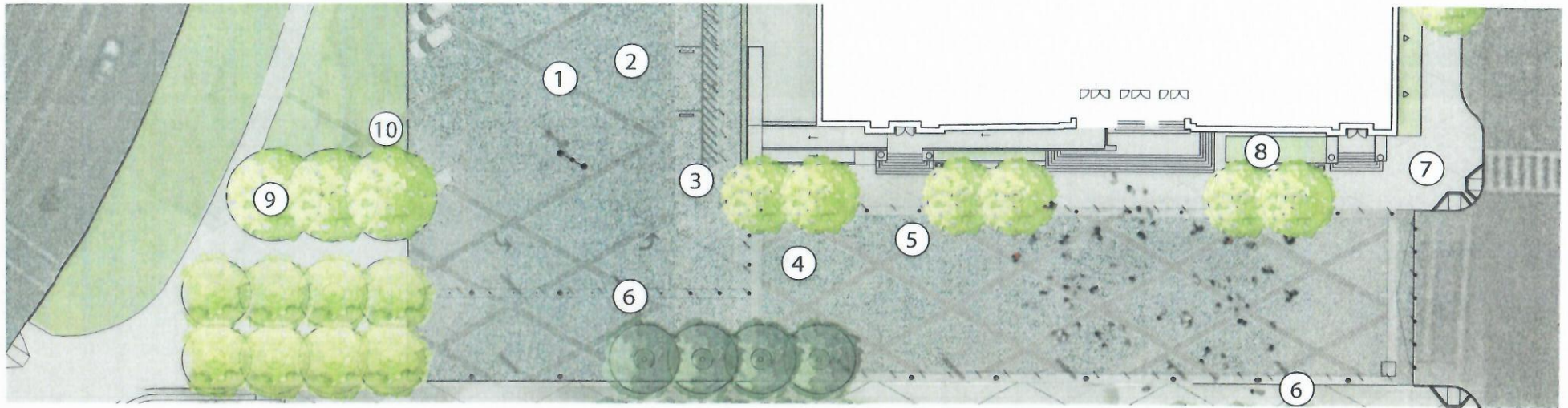


- ① (N) ASPHALT BAND
- ③ (N) POROUS CONCRETE
- ⑤ (N) GRAND STAIRCASE
- ⑦ (N) ADA RAMP
- ⑨ (N) TREES
- ② (N) ASPHALT PAVEMENT
- ④ (N) ASPHALT PAVERS
- ⑥ (N) DECK
- ⑧ (N) PARKING ACCESS CONTROL
- ⑩ (N) PAVED PATHS



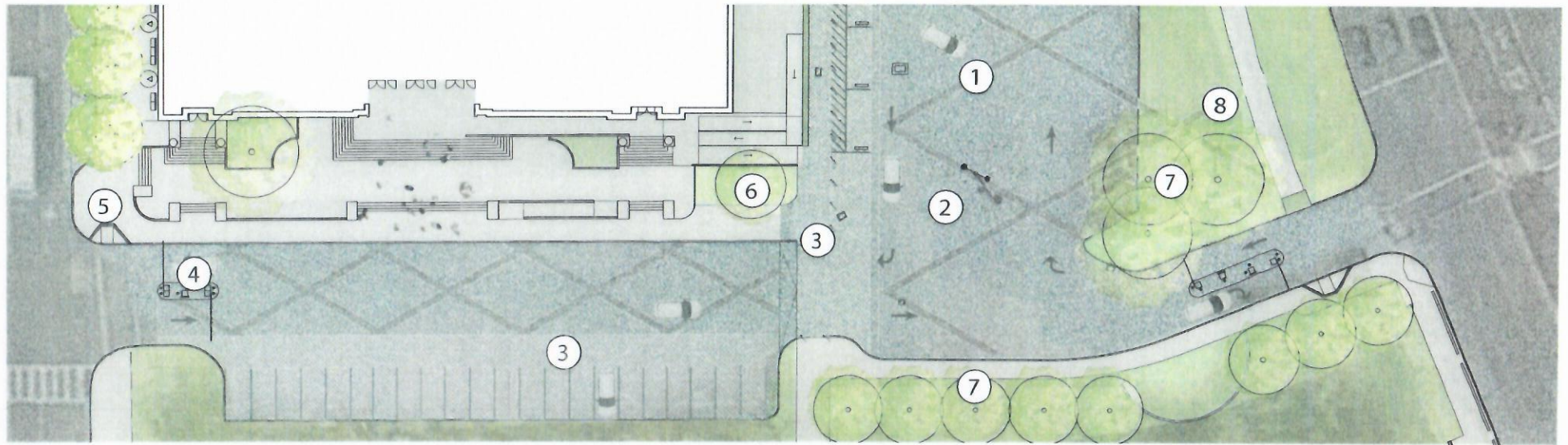


- | | | | | |
|------------------------|-----------------------|------------------------|---------------------|-------------------|
| ① (N) ASPHALT BAND | ③ (N) POROUS CONCRETE | ⑤ (N) COLORED CONCRETE | ⑦ (N) CONCRETE | ⑨ (N) TREES |
| ② (N) ASPHALT PAVEMENT | ④ (N) ASPHALT PAVERS | ⑥ (N) LIGHT FIXTURE | ⑧ (N) PLANTING AREA | ⑩ (N) PAVED PATHS |





- ① (N) ASPHALT BAND
- ② (N) ASPHALT PAVEMENT
- ③ (N) POROUS CONCRETE
- ④ (N) PARKING ACCESS CONTROL
- ⑤ (N) CONCRETE
- ⑥ (N) PLANTING AREA
- ⑦ (N) TREES
- ⑧ (N) PAVED PATHS

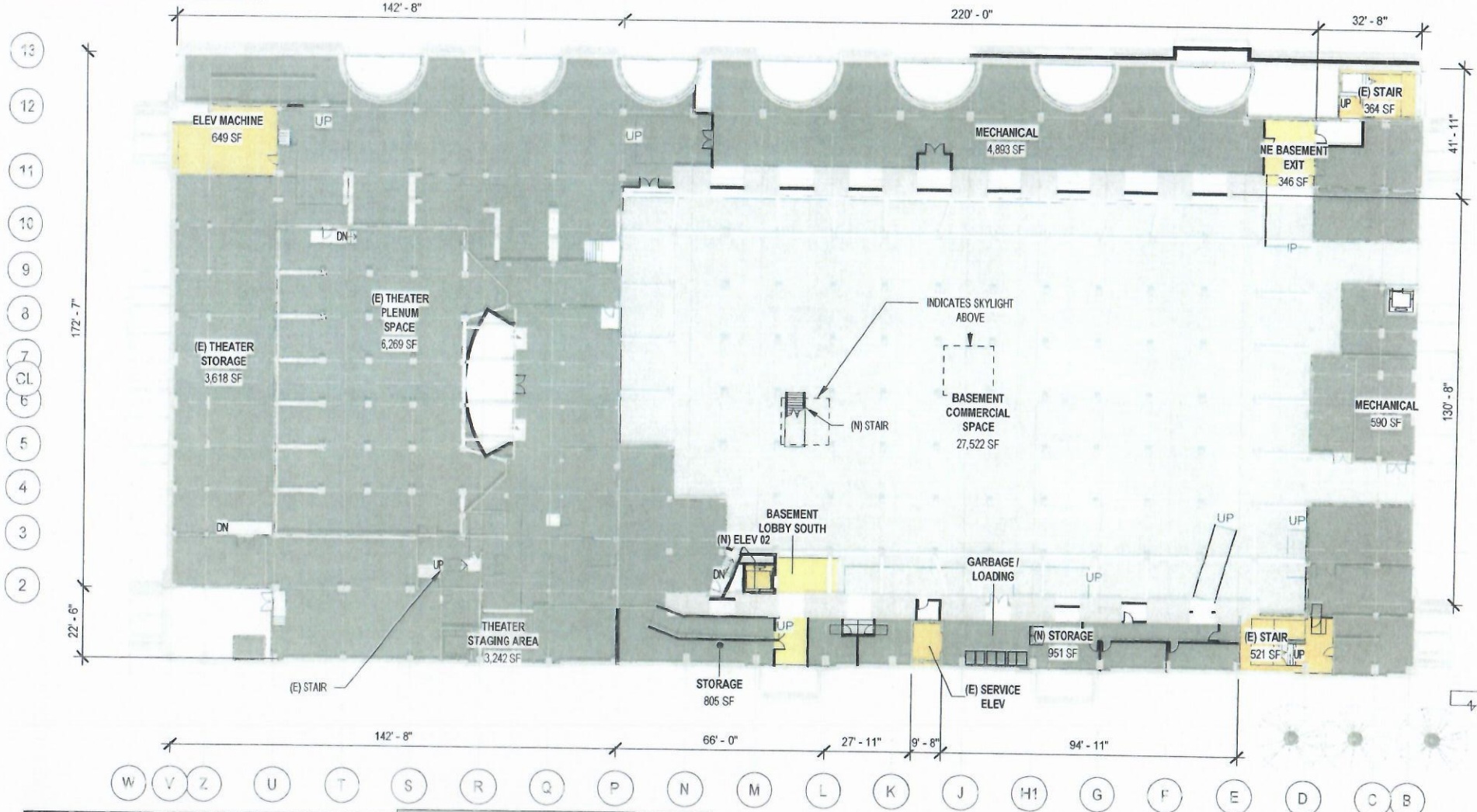






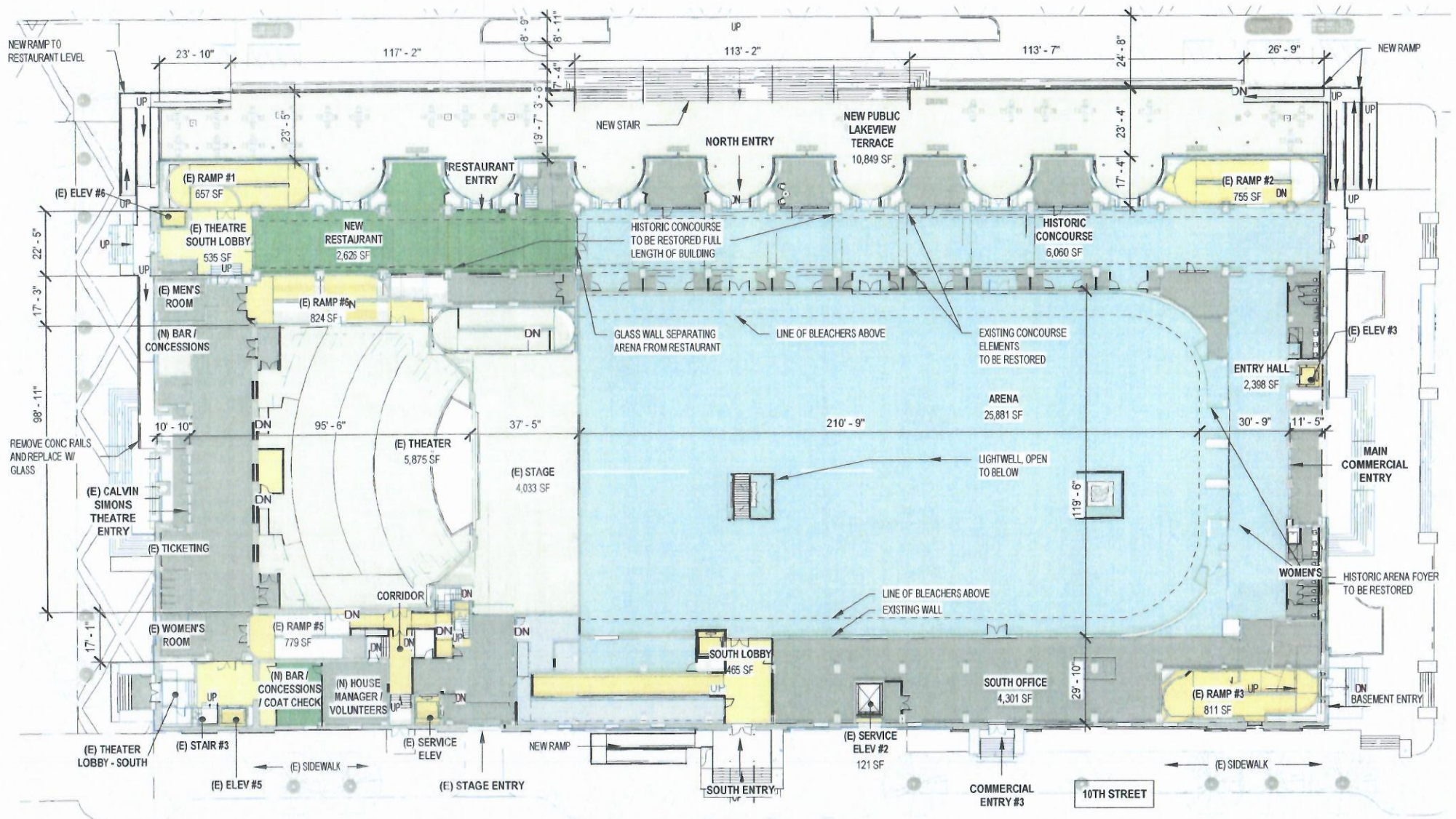
PLAN LEGEND

- EXISTING WALL TO REMAIN
- NEW WALL
- POSSIBLE FUTURE T.I.



OAKLAND CIVIC AUDITORIUM (HJK)
 PLANNING APPLICATION SUBMITTAL
 03.12.2019

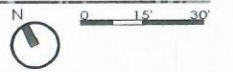
BASEMENT PLAN - PROPOSED



OAKLAND CIVIC AUDITORIUM (HJK)
 PLANNING APPLICATION SUBMITAL
 03.12.2019

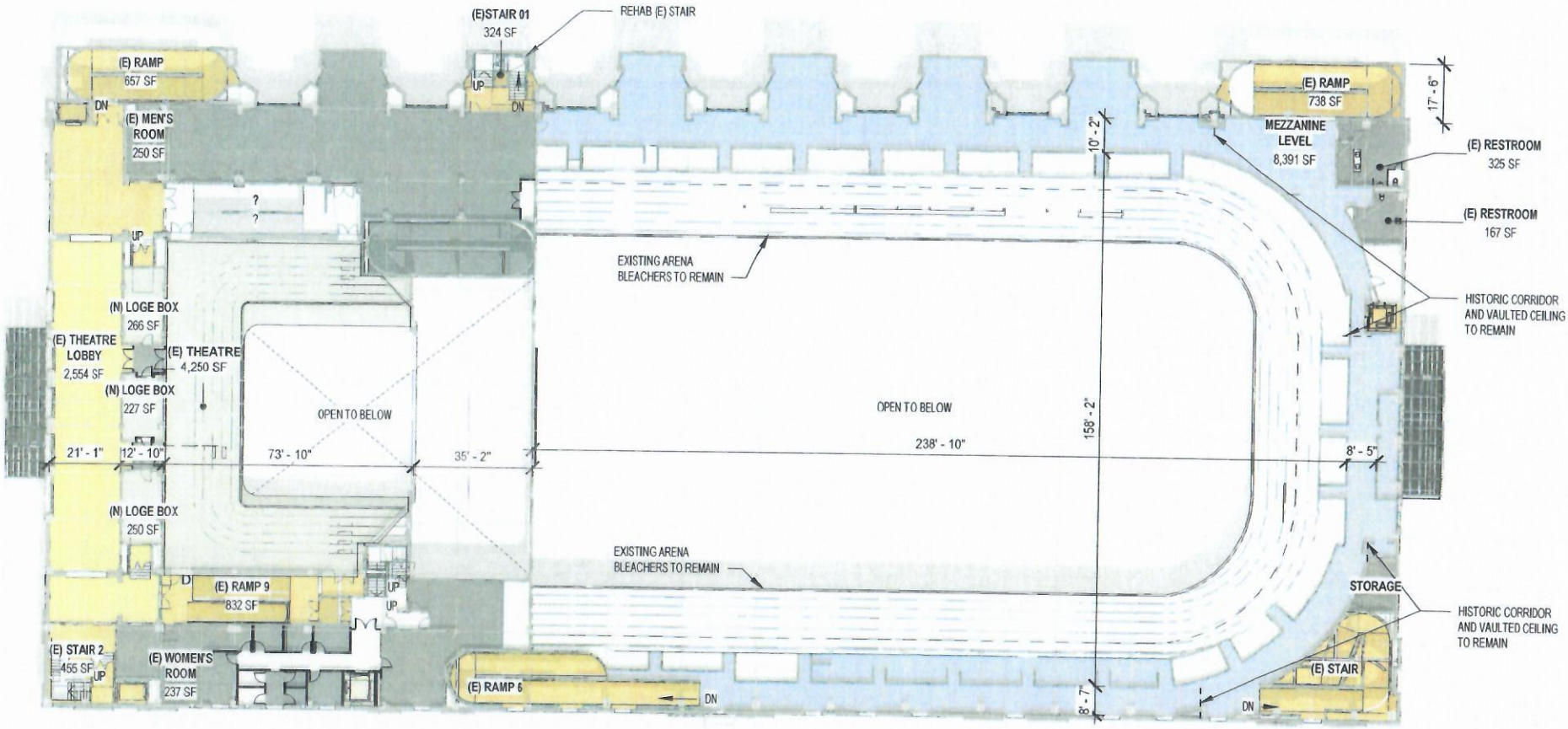
FIRST FLOOR PLAN - PROPOSED

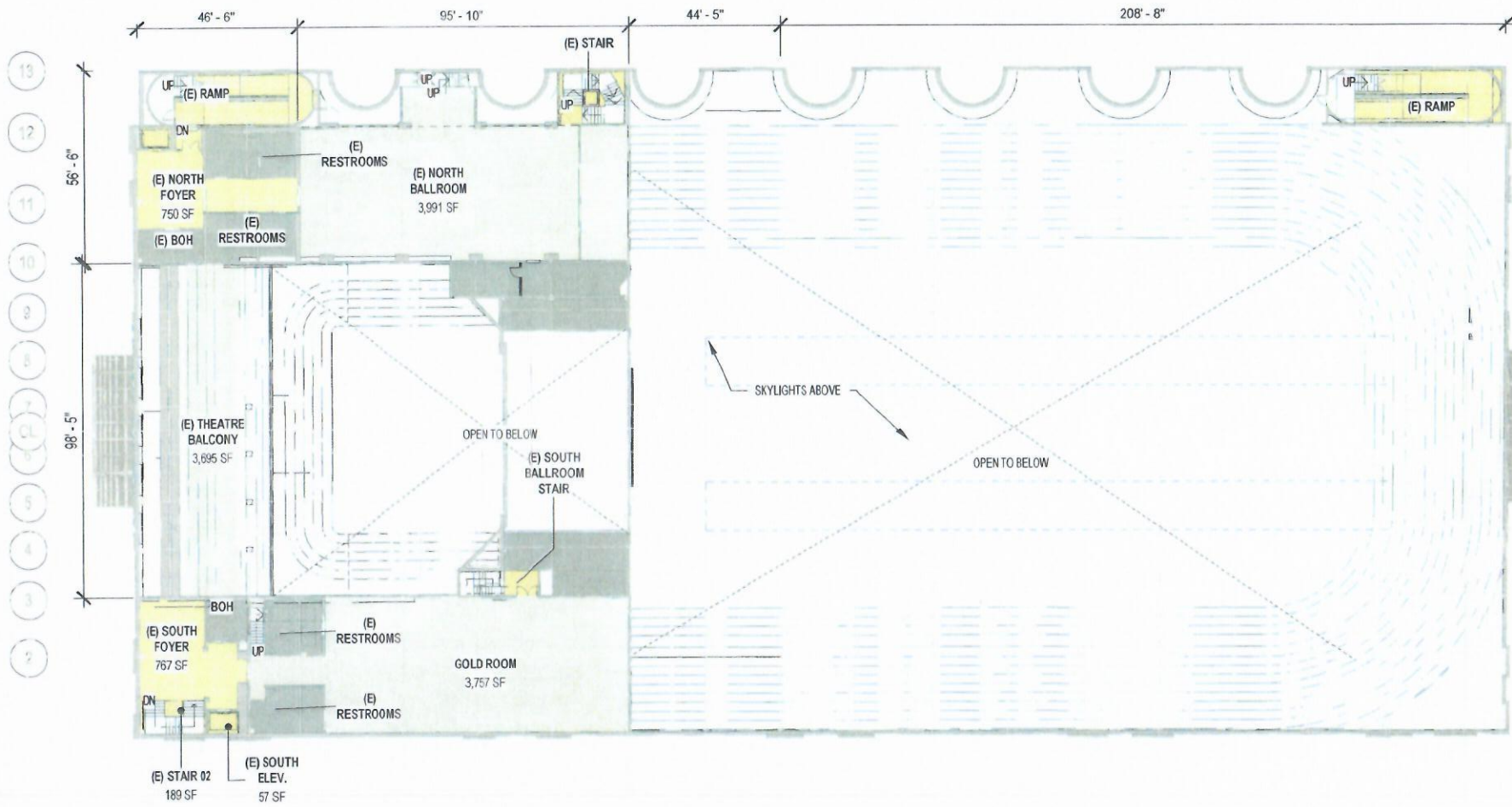
Page 40



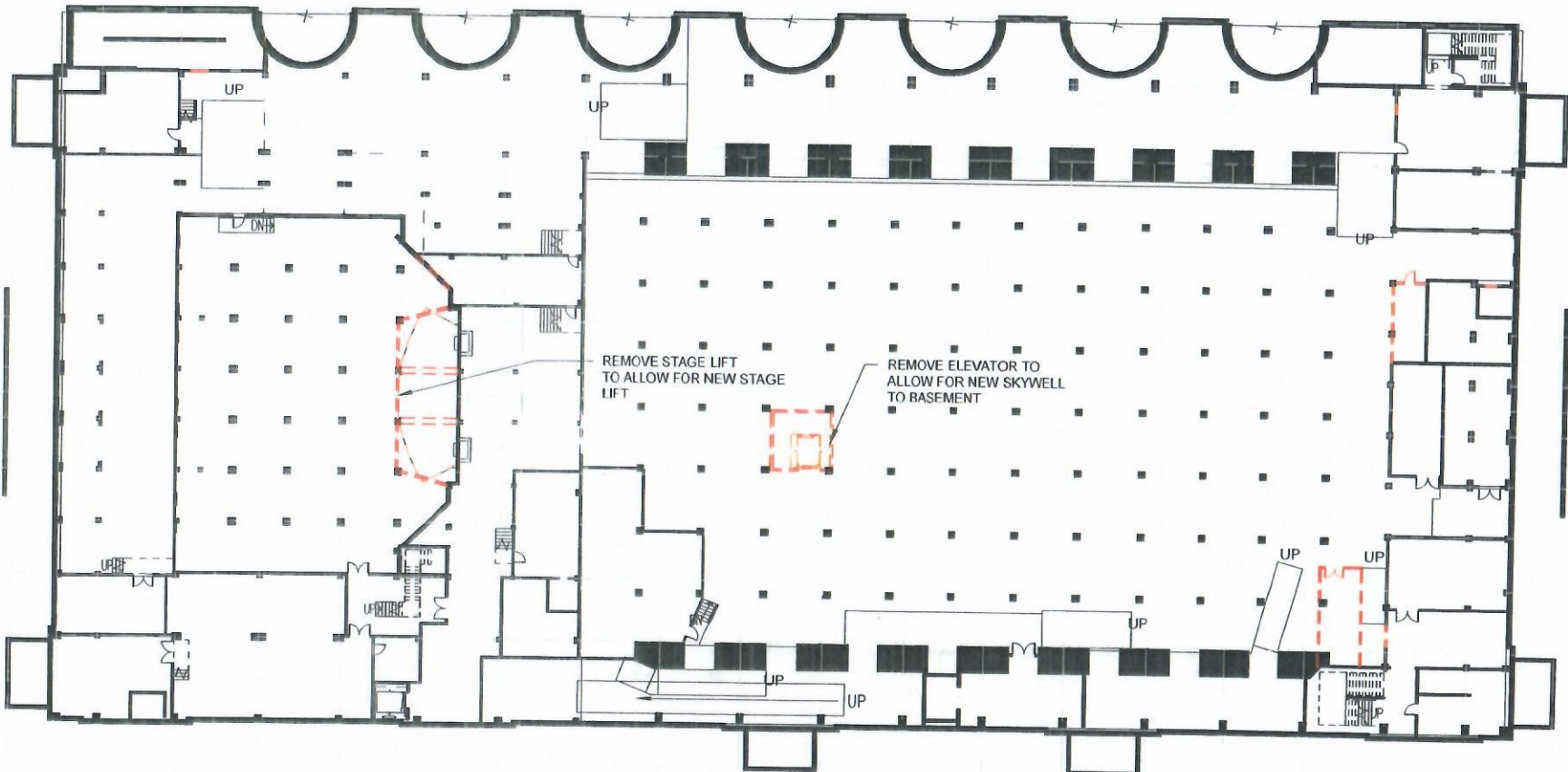
W Z U T S R Q P N M L K J H1 G F E D C B

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OAKLAND CIVIC AUDITORIUM (HJK)
PLANNING APPLICATION SUBMITTAL
03.12.2019

DEMO PLAN - BASEMENT LEVEL

Page 43



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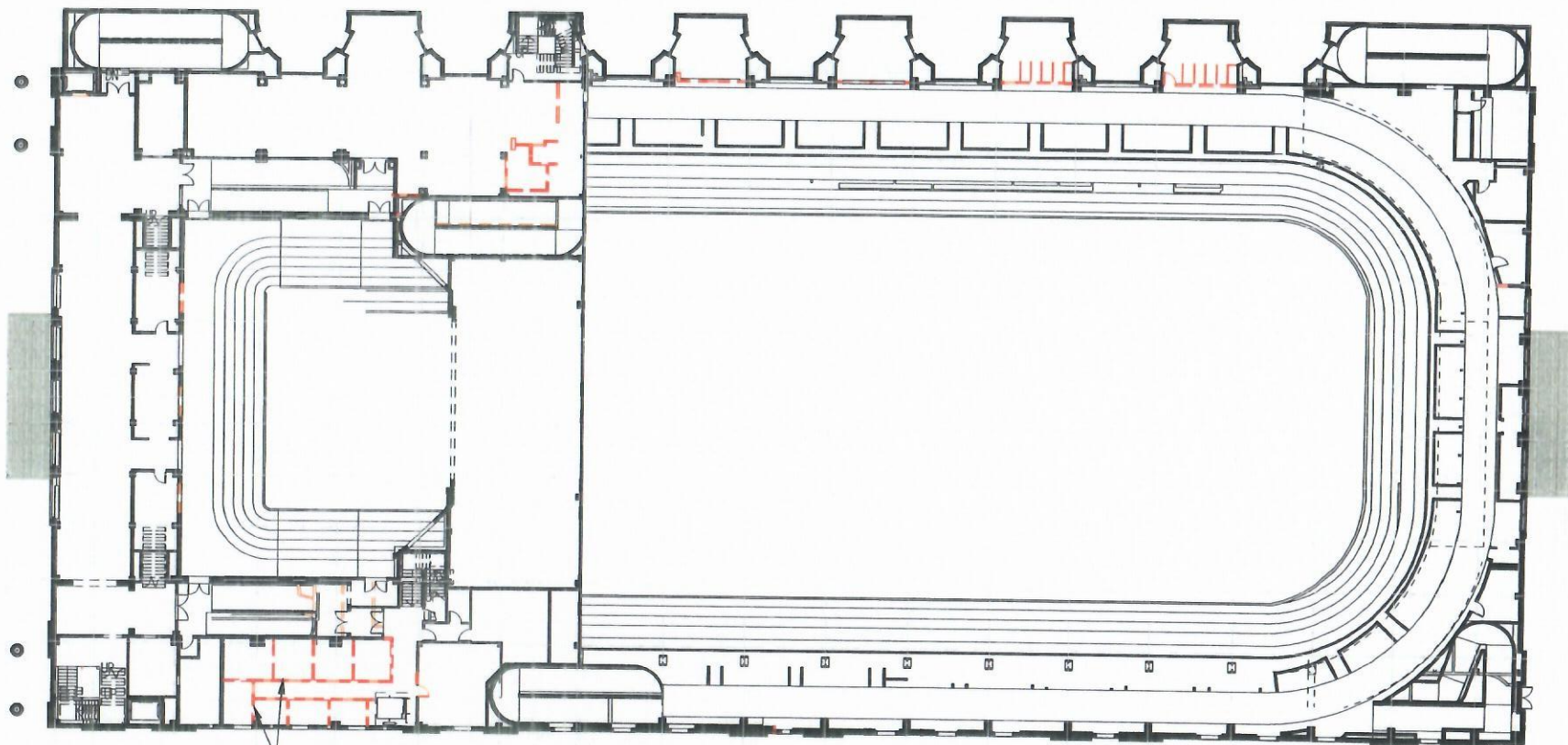
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REMOVE PARTITION WALLS TO
ALLOW FOR NEW DRESSING ROOMS

W V Z U T S R Q P.S N M L K J H1 G F E D C B A



OAKLAND CIVIC AUDITORIUM (HJK)
PLANNING APPLICATION SUBMITTAL
03.12.2019

DEMO PLAN - SECOND LEVEL

Page 45



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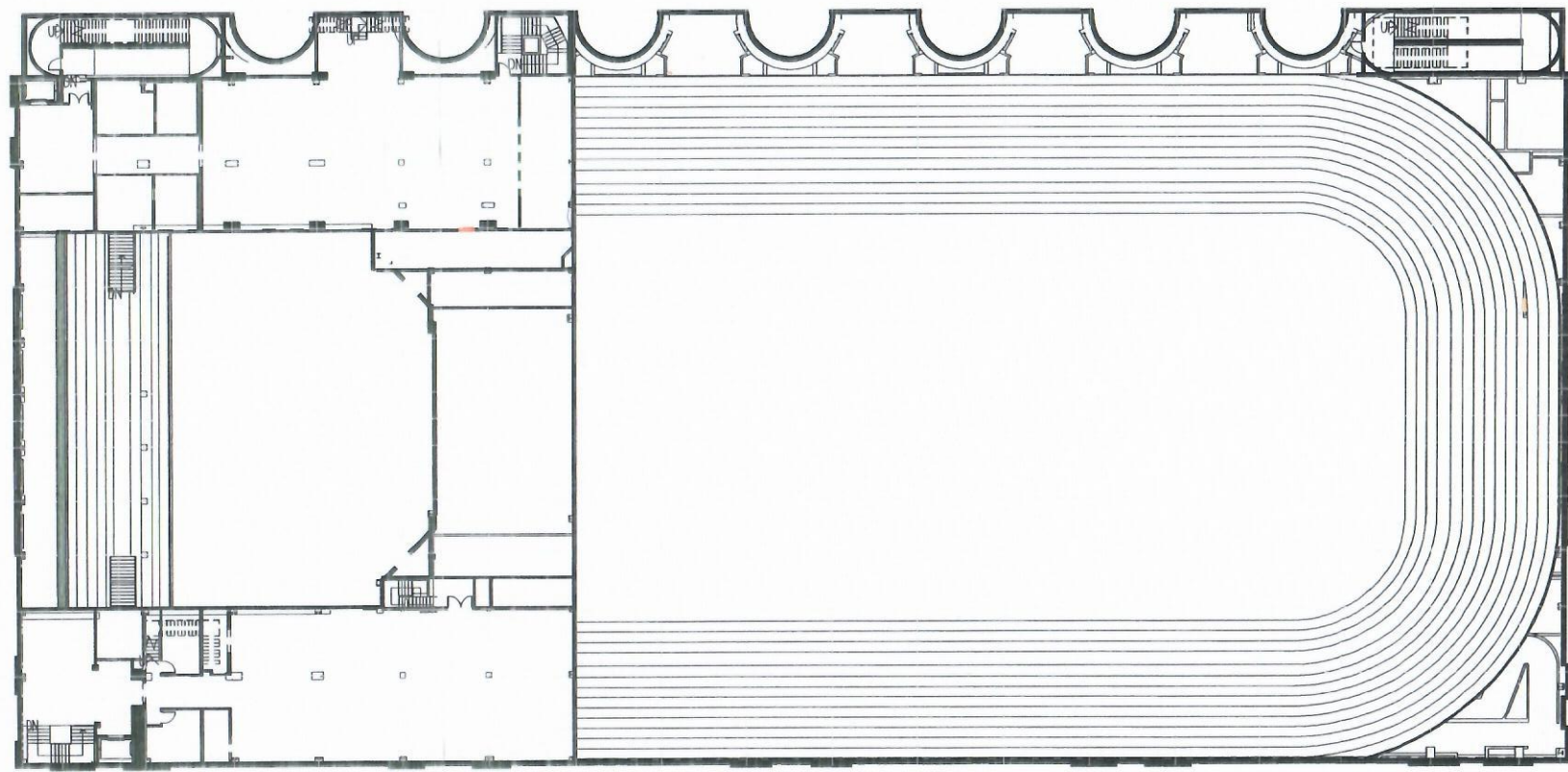
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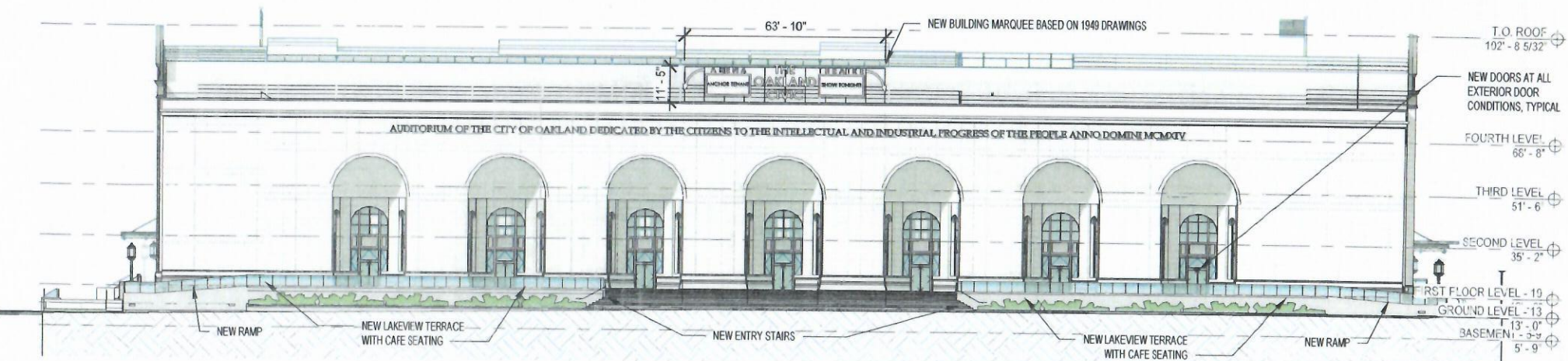


OAKLAND CIVIC AUDITORIUM (HJK)
 PLANNING APPLICATION SUBMITTAL
 03.12.2019

DEMO PLAN - THIRD LEVEL

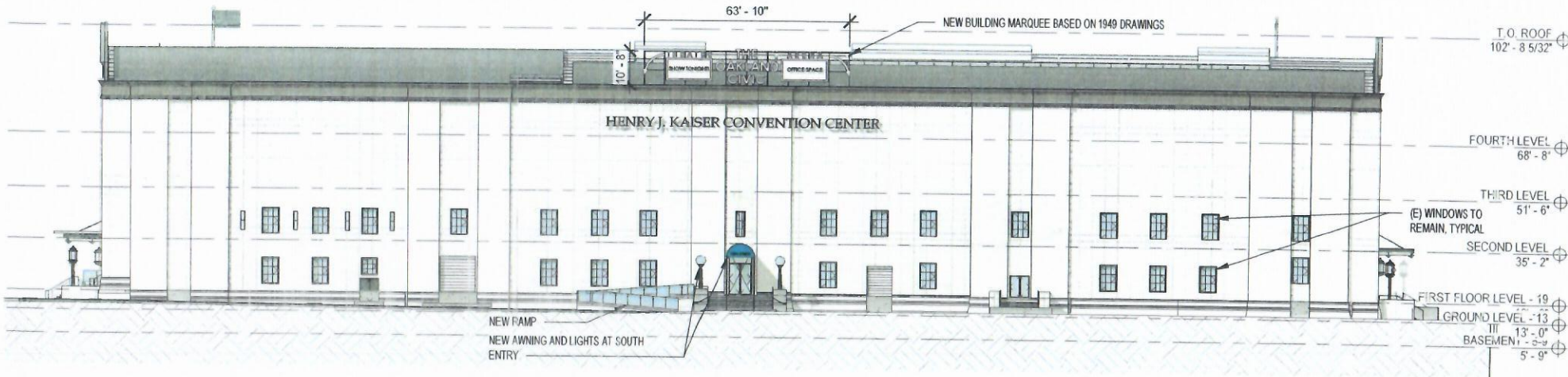
Page 46





② NORTH ELEVATION - PROPOSED
1" = 30'-0"

NOTE: BUILDING FACADES SHOWN ARE EXISTING AND ARE TO REMAIN UNLESS NOTED OTHERWISE, RESTORE, PATCH AND REPAIR AS NEEDED. ALL HISTORIC BUILDING FACADE ELEMENTS TO REMAIN.



① SOUTH ELEVATION - PROPOSED
1" = 30'-0"

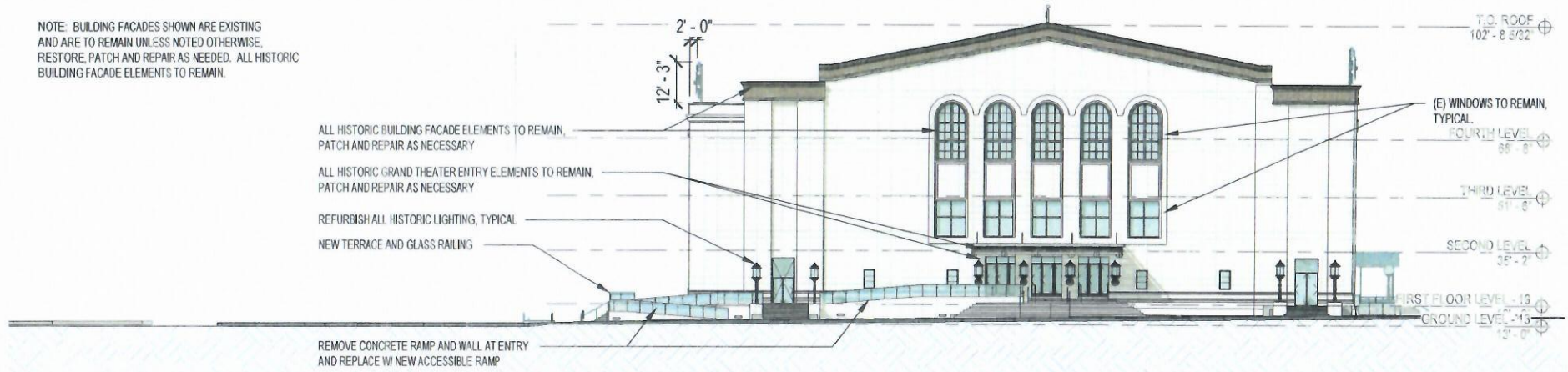


OAKLAND CIVIC AUDITORIUM (HJK)
PLANNING APPLICATION SUBMITTAL
03.12.2019

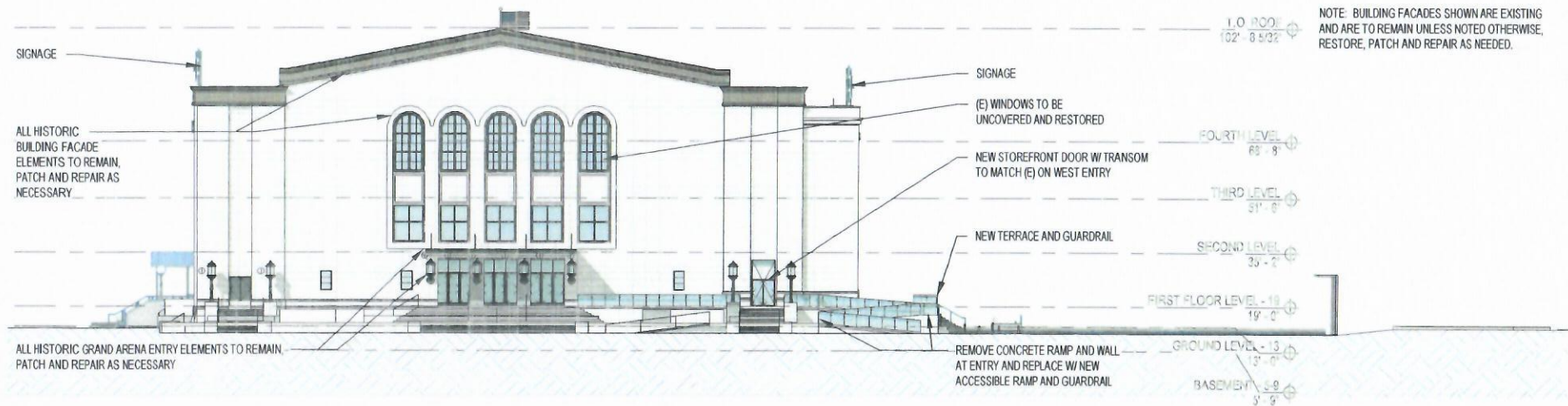
NORTH + SOUTH ELEV'S - PROPOSED



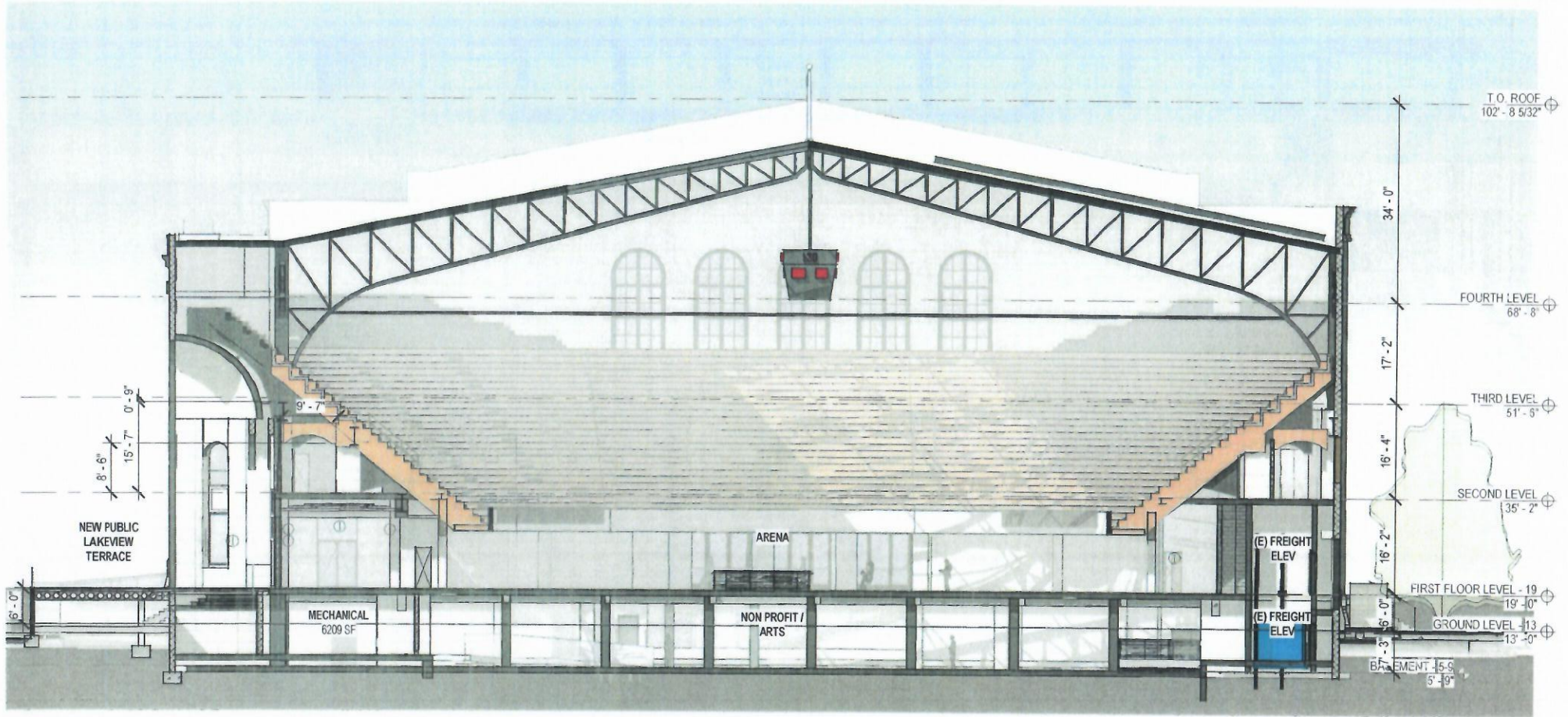
NOTE: BUILDING FACADES SHOWN ARE EXISTING AND ARE TO REMAIN UNLESS NOTED OTHERWISE. RESTORE, PATCH AND REPAIR AS NEEDED. ALL HISTORIC BUILDING FACADE ELEMENTS TO REMAIN.

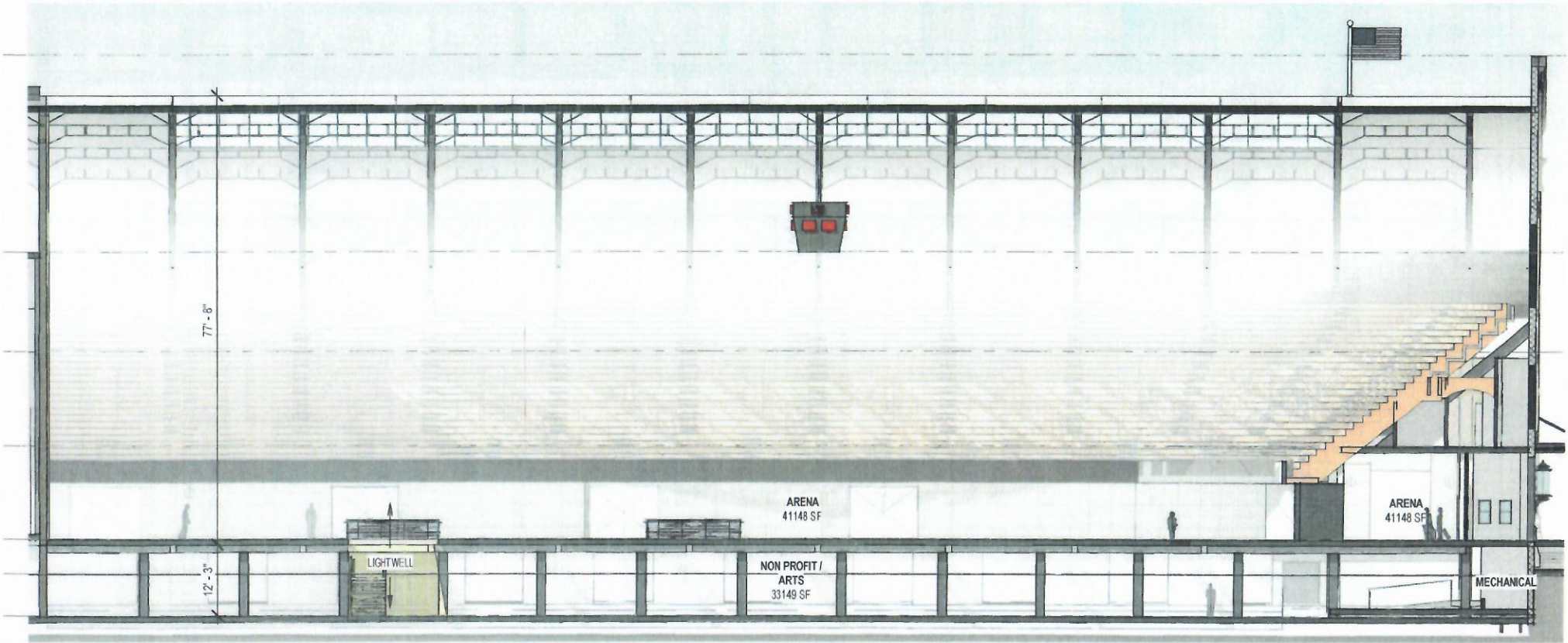


② WEST ELEVATION - PROPOSED
1" = 30'-0"

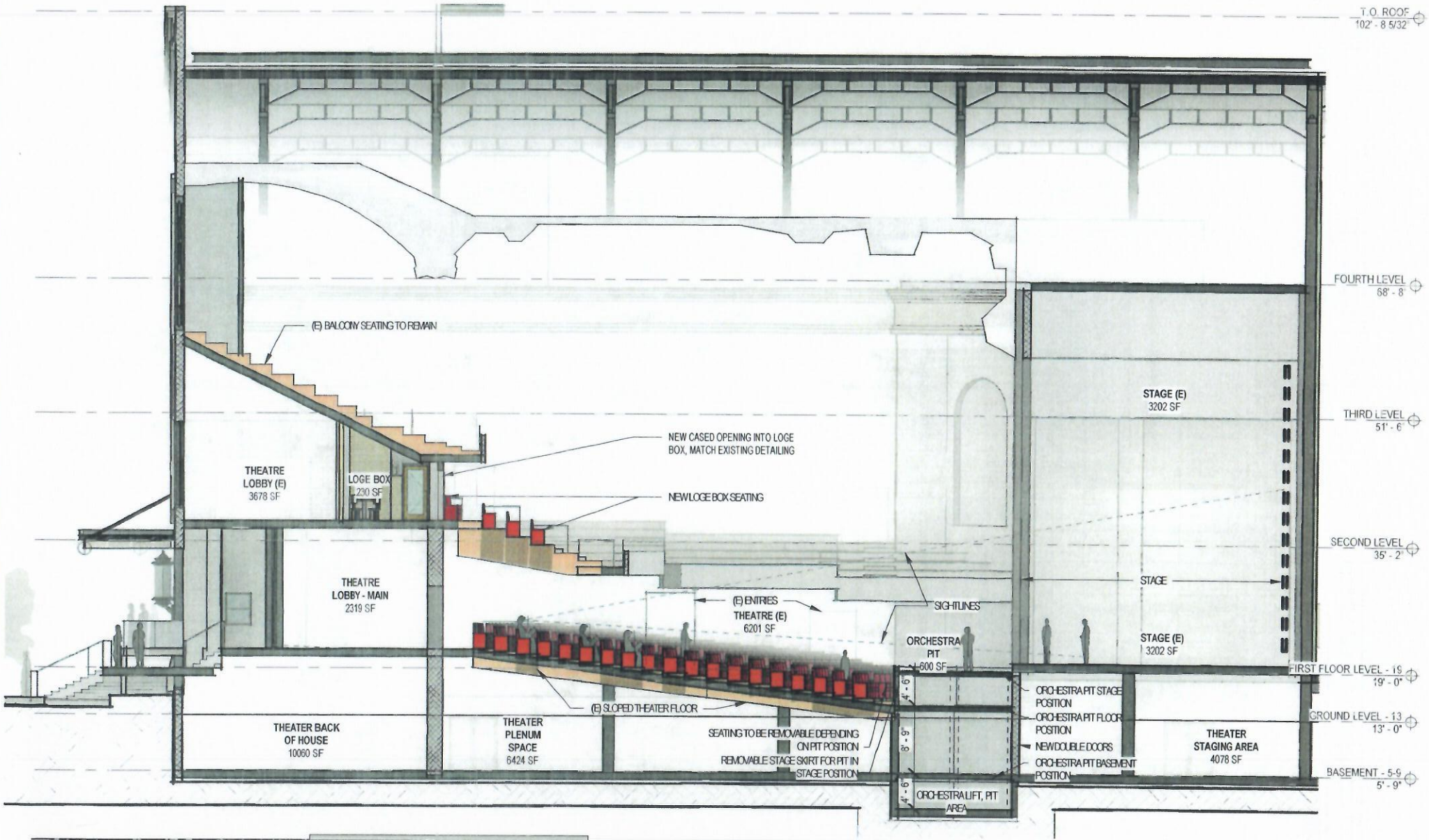


① EAST ELEVATION - PROPOSED
1" = 30'-0"





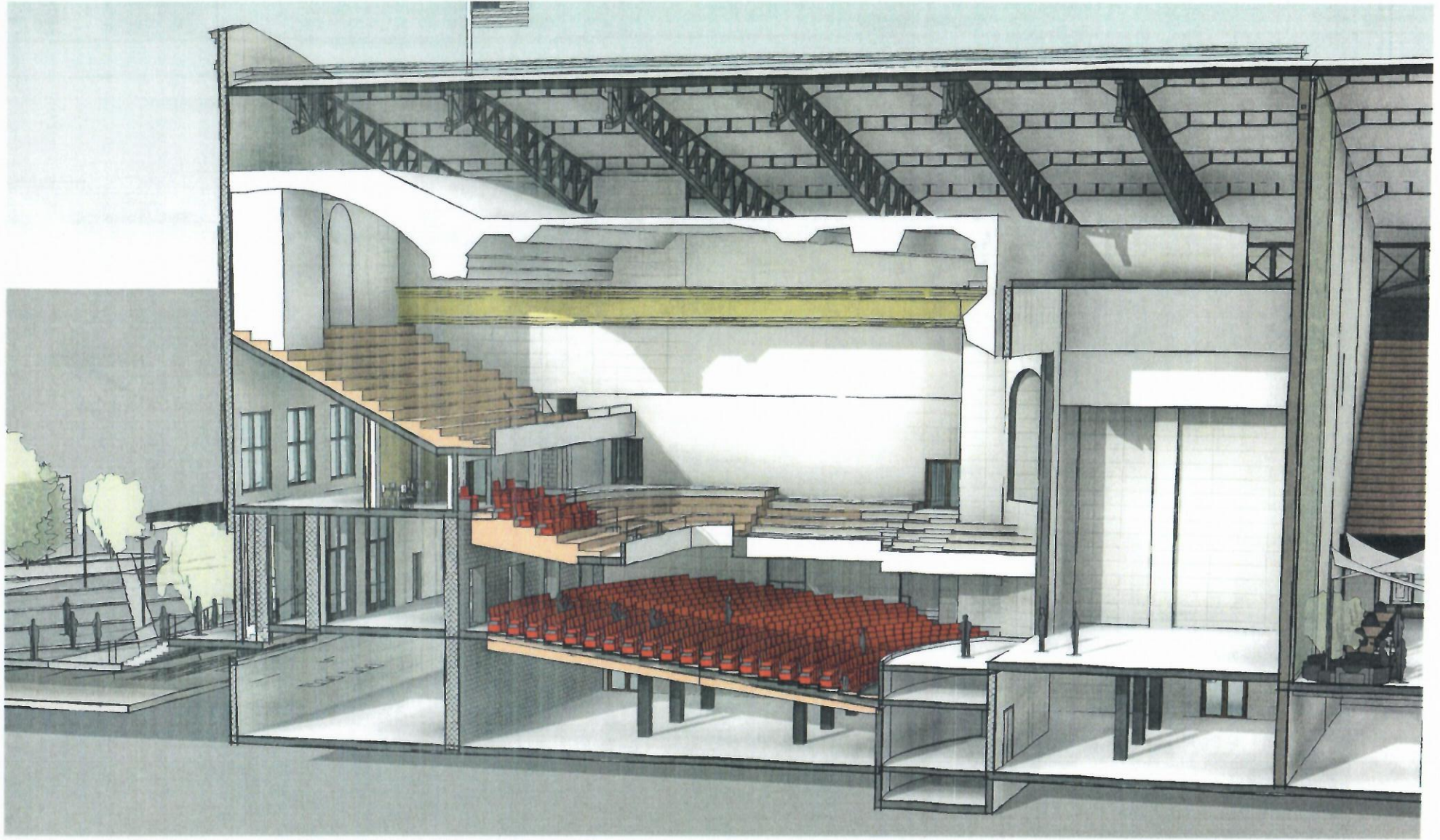
T.O. ROOF
102' - 8 5/32"



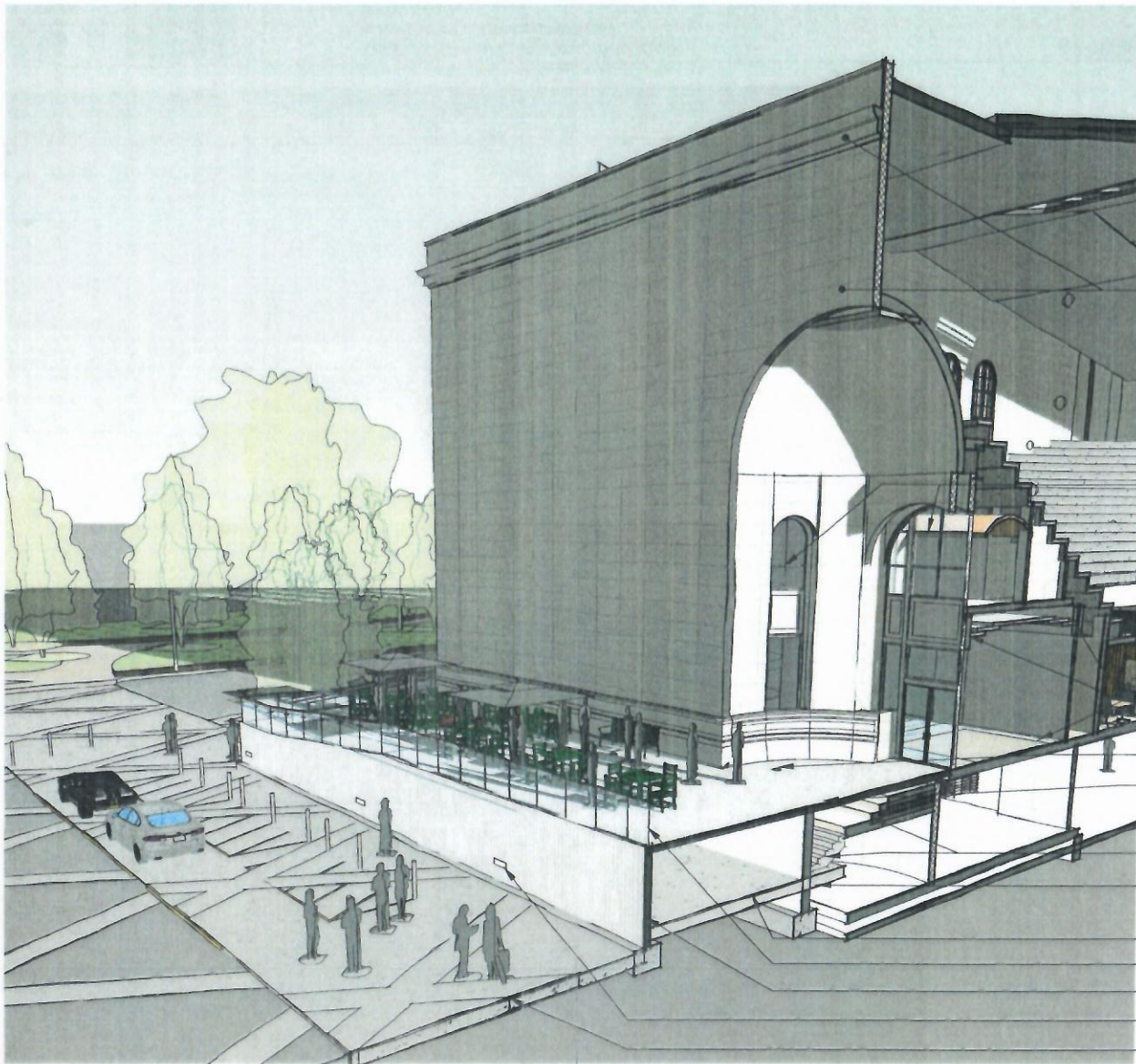
OAKLAND CIVIC AUDITORIUM (HJK)
PLANNING APPLICATION SUBMITAL
03.12.2019

THEATRE SECTION

0 15' 30'







HISTORIC FACADE TO REMAIN, PATCH AND REPAIR AS NECESSARY

HISTORIC WINDOWS TO BE REPAIRED AND RESTORED

HISTORIC CONCOURSE TO BE RESTORED

NEW RECESSED UPLIGHTING IN NICHES

NEW PLINTH: 3" CONC OVER STEEL DECK SUPPORTED BY LIGHTWEIGHT STEEL FRAMING, NEW PLINTH BE BUILT INDEPENDENTLY OF, AND BE NON-DESTRUCTIVE TO, HISTORIC FACADE

EXISTING EXTERIOR STAIRS TO REMAIN UNDER NEW PLINTH

NEW CONC. STRUCTURAL WALL AND FOOTING TO SUPPORT PLINTH AND PAVILION'S

EXISTING EXTERIOR CONCRETE

NEW GLASS GUARDRAIL WITH RECESSED SST SHOE AND SST CAP

NEW SANDBLASTED CONCRETE WALL

NEW RECESSED EXTERIOR LIGHTING

NEW PLAZA WALKWAY, SEE LANDSCAPE DRAWINGS



APPEAL FORM

FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

PROJECT INFORMATION

Case No. of Appealed Project: PLN17101
Project Address of Appealed Project: 10 10th St., Oakland CA, 94607
Assigned Case Planner/City Staff: Mike Rivera

RECEIVED

APR 15 2019

CITY OF OAKLAND BUREAU OF PLANNING

APPELLANT INFORMATION:

Printed Name: Ayodele Nzinga Phone Number: 510-457-8999
Mailing Address: 1791 11th St Alternate Contact Number: 510-681-8213
City/Zip Code Oakland 94607 Representing: Community Coalition for Equitable Development, A Coalition of Neighborhood Stakeholders
Email: wordslanger@gmail.com

An appeal is hereby submitted on:

- AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application on an Administrative Decision
Denying an application for an Administrative Decision
Administrative Determination or Interpretation by the Zoning Administrator
Other (please specify)

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
Determination of General Plan Conformity (OPC Sec. 17.01.080)
Design Review (OPC Sec. 17.136.080)
Small Project Design Review (OPC Sec. 17.136.130)
Minor Conditional Use Permit (OPC Sec. 17.134.060)
Minor Variance (OPC Sec. 17.148.060)
Tentative Parcel Map (OMC Section 16.304.100)
Certain Environmental Determinations (OPC Sec. 17.158.220)
Creek Protection Permit (OMC Sec. 13.16.450)
Creek Determination (OMC Sec. 13.16.460)
City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
Other (please specify)

(Continued on reverse)

(Continued)

- A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)** Granting an application to: OR Denying an application to:

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below: **RECEIVED**

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) _____

APR 15 2019

CITY OF OAKLAND
BUREAU OF PLANNING

FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

The appeal is based on the following: (Attach additional sheets as needed.)

Abuse of discretion by the Planning Commission in granting a Major Conditional Use Permit and Regular Design Review to Orton Development, Incorporated

without requiring the required stakeholder input and with numerous violations to the ENA and RFP

by failing to consider the impact on underserved communities of color the Planning Commission abused its discretion in granting approval to a project that is exclusionary and discriminatory in its disregard of cultural imperatives established for the protection of at-risk residents.

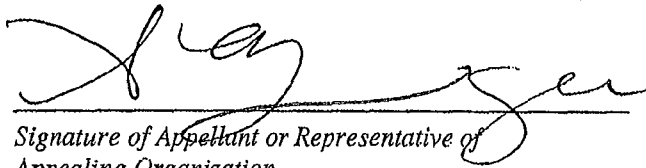
The project is out of ENA

See attached.

Supporting Evidence or Documents Attached. (The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

(Continued on reverse)

(Continued)


Signature of Appellant or Representative of
Appealing Organization

4/15/2019
Date

TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE

APPEAL FEE: \$ _____

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

.....

Date/Time Received Stamp Below: Below For Staff Use Only Cashier's Receipt Stamp Below:

RECEIVED
APR 15 2019
CITY OF OAKLAND
BUREAU OF PLANNING

Community Coalition For Equitable Development Appeal to the Oakland City Council

Project Address: Henry J. Kaiser Auditorium, 10 10th St., Oakland CA, 94607
Case File Number: PLN17101

Appealed and prepared by: A coalition of neighborhood and community stakeholders from the Community Coalition for Equitable Development, Black Arts Movement Business District Community Development Corporation, Asian Pacific-Islander Environmental Network, East Side Arts Alliance, The East Oakland Collective, Malonga Arts Residents Association, Betti Ono Gallery, Oakland Creative Neighborhoods Coalition, Arts and Garage District, Urban Releaf, Oakland Neighborhoods for Equity, Diamano Coura West African Dance Company, Peacock Rebellion, Calling Up Justice, Alena Museum, RBA Creative, The Cannery, Eastlake United for Justice, The Lower Bottom Playaz, and the Bay Area Organization of Black-Owned Businesses -- representing small businesses, non-profits, arts organizations, individual artists, and neighborhood residents.

Date: April 15, 2019

Dear Oakland City Council,

On behalf of community organizations and hundreds of residents of Oakland concerned about Orton Development Incorporated's proposed development of the Henry J Kaiser Auditorium, we respectfully request that you address the Planning Commission's abuse of discretion in granting a Major Conditional Use Permit to ODI. We also request you address the violations to requirements stipulated in the Request For Proposals and the Exclusive Negotiating Agreement, issued to ODI. In addition, we ask that you address ODI's failure to sufficiently consider recommendations, guidelines, and goals set forth in multiple City documents, including the Lake Merritt Area Specific Plan, The Strategies for Protecting Arts & Culture Space in Oakland from the Mayor's Artist Housing and Workspace Task Force, the Cultural Plan, the Department of Race & Equity mandate, the Black Arts Movement Business District resolution, and the Downtown Oakland Specific Plan Preliminary Draft. The site is both a historic and a cultural landmark and serves as a connector to Lake Merritt, Eastlake, and Chinatown, and as a gateway to downtown and BAMBD. Therefore, its importance cannot be underestimated and takes on an even greater significance because the parcel sits on publicly-owned land. Public land, as a cultural asset, should be leveraged to maximize cultural equity in the neighborhoods closest to this opportunity site, specifically the BAMBD/14th St. corridor, Chinatown, and Eastlake with regards to communities of color who represent the diversity which is Oakland's greatest civic value. The appropriate public process is required to ensure that sufficient community needs are met for the long-term health of the neighborhood, the Black Arts Movement Business District, Chinatown, East Lake, and our city. We request the City revoke the entitlements granted ODI by the Planning Commission on 4/03/2019, cease negotiation with ODI regarding lease pricing, and direct ODI to conduct a more thorough and comprehensive public input process that arrives at a concretized community benefit agreement, or reissue the RFP allowing ODI and all others to restart the process with a project that is respectful to and inclusive of at-risk populations, offers up the greatest degree of public, city, and community benefit, and implements the cities policies around equity.

R-1

R-2

R-3

R-4

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APR 15 2019

CITY OF OAKLAND
BUREAU OF PLANNING

Brief Summary

This project, has been granted a Major Conditional Use Permit without "appropriate community involvement" as stated in the Planning Department's Official Goals, and in fact failed to engage and therefore excluded communities of color, and if allowed to continue unaddressed will create inequitable outcomes for communities of color, small arts organizations and nonprofits; with a direct impact on Chinatown, the Black Arts Movement Business District - the City's only formally declared arts district -- and East Lake, all of which have suffered measurably and disproportionately from the negative impacts of development, documented historical inequities, and live with the threat of imminent displacement. This project proposes to grant an unprecedented 99-year lease of City-owned property, the Henry J Kaiser Auditorium and Calvin Simmons Theater, to ODI, a private entity, without due consideration being given to the negative impact likely to be suffered by the aforementioned communities and organizations. This site represents an opportunity not only to address historic inequities but also to mitigate current conditions which have resulted in the loss of cultural diversity amidst widespread displacement and gentrification while cultivating and protecting Oakland's arts and culture sector, particularly artists and culture-keepers of color. More equitable use of this site would concretize City policy which clearly acknowledges past inequity and gives considerable attention to offering redress to those impacted by past practices which created inequitable outcomes and contributed significantly to the current state of the fragility of the communities mentioned herein. As public land is a finite resource; any proposed development of this space must achieve the highest levels of community benefit possible. This project fails in that respect; it has been conducted without appropriate community involvement, has been out of ENA for over two years, excludes a significant segment of stakeholders, is by outcome discriminatory, lacks specific details in key places, proposes a vague and undefined operational model, and is misaligned with both pre-existing and current City policy. The above facts clearly establish abuse of discretion by the Planning Commission.

R-4

R-5

R-6

R-7

Events and Violations

ODI's proposal has failed to meet the conditions set forth in the RFP and is misaligned with City policy and guidelines:

1. The RFP has a requirement for public access. As the RFP explicitly states:

"The theater must be made available a certain number of times per year... rent-free or at discounted rates to local, non-profit performing arts groups."

These requirements have not been sufficiently addressed. There has been no significant discussion about the quality and quantity of access, nor has a competitive rate schedule been finalized for community input. The proposed rates do not conform to what is affordable for small to midsize arts and nonprofits -- which make up the majority of such entities in the city-- and are higher than the rates negotiated in recent Community Benefit Agreements. ODI's neglect of current CBAs and its failure to receive community input around proposed rates ignored the developer's obligation to provide "rent free or discounted rates to local non-profit

R-8

performing arts groups." ODI's proposal effectively under-interpreted the intent of the RFP's stipulations, and the LMASP's directive to "look to current CBAs" to establish a baseline for the appropriate level of community benefit. ODI's response to community questions about access for low-income residents and educational or other community institutions suggest that it has determined that the tenants will be responsible for subsidizing public access--which is not what the RFP explicitly calls for.

R-9

2. Per the RFP, the Calvin Simmons Theater was to be brought online first.

To date, four years after the RFP, and two years after the expiration of the ENA, no progress has been made in bringing this cultural asset online. ODI has provided insufficient details around proposed use, operational model, tenant rents, and public access for this asset.

R-10

3. ODI did not comply with the directive for interim use. The RFP states clearly:

"Developer *shall* be responsible for periodically activating the grounds or the building ... with interim uses... **The developer will be responsible for a minimum of two public events a year on the property following approval of the ENA.**" However, the project has been out of ENA for two years, although city staff has continued to work with ODI, which has not had a single event of any kind.

R-11

4. This project ignores the recommendation to consider community-based financing models. The RFP states:

"Respondents should consider using community-based financing tools such as community development IPOs or other innovative community financing tools and platforms."

R-12

These considerations, if applied, could lead to community investment and measurable equity in alignment with strategies and recommendations outlined in the Mayor's Task Force Report, the Cultural Plan, the DOSP and the LMASP. As per the City's own language, failure to apply these strategies will reinforce historical inequities and misses an opportunity to mitigate racial and economic disparities.

5. ODI has failed to conduct an appropriate and thorough Public Input Process. The RFP states clearly:

"The selected developer, in consultation with the City, shall design a public input process to solicit feedback on its proposal for the building from local stakeholders (such as residents, potential users, and local organizations... and other interested parties."

R-13

In addition, the LMASP directs new development projects to **"Work closely with the community... to develop the desired program of uses... and ensure the provision of an appropriate range of community services, public uses... that acts as a catalyst project that creates an active neighborhood hub."**

ODI held a visioning session early in their process with Laney College, BART, and OMCA -- none of which are community-based organizations-- but failed to do outreach to neighborhood stakeholders such as Chinatown Coalition, BAMBD CDC, and Eastside Arts Alliance, until *after*

R-14

a Laney College forum. At this forum, ODI received many critical comments and considerable negative feedback while failing to sufficiently address community concerns. Letters were sent to the City and a number of stakeholders voiced concern at the 4/03/2019 Planning Commission meeting, yet the Planning Commission, in an abuse of discretion, failed to address the exclusion of these stakeholders in the public input process and other RFP violations.

The Planning Commission should not have approved a Major Conditional Use Permit when the RFP's provisions and LMASP guidelines for public input process were clearly insufficiently addressed, resulting in the exclusion of key stakeholders, representing communities of color. It should be noted there is precedent for the Planning Commission to delay granting permits until such conditions are achieved.

ODI's self-commissioned feasibility study occurred in 2014 and draws conclusions based on obsolete conditions. Over the past five years, market conditions in Oakland have changed considerably, as evidenced by the most recent city reports and statistics, including the City's 2018 Disparity Data report and the existing Conditions analysis in the DOSP. Another factor has been Measure DD - funded landscape improvements to Lake Merritt and Lake Merritt Blvd., as well as media reports highlighting Oakland's increased desirability as a destination, yet ODI's outdated feasibility study considers none of this. Without a current feasibility study, how can ODI hope to meet the criteria for affordability and community benefit that a project of this nature and scale calls for? In its response to community concerns, ODI left many unanswered questions and provided vague and/or non-specific answers to others. Furthermore, at the Planning Commission meeting on 4/03/2019, ODI professed ignorance of any recent City policy regarding equity or cultural protection strategies -- which suggests that neither concern was considered in ODI's proposal.

ODI has had four years--two years since the ENA expired--to conduct community engagement, but only had superficial discussions with key stakeholders. In its written response to significant community concerns arising from the Laney Forum discussion, ODI only provided vague and cursory details and deflected many of the community's questions. Rather than providing the necessary details, which are conditions of the RFP and LMASP, before gaining Planning Commission approval, ODI deferred committing in writing -- and *still* received approval, despite repeatedly violating the RFP conditions. This constitutes abuse of discretion by the Planning Commission.

Moreover, ODI's public input process has been exclusionary and discriminatory to communities of color and key neighborhood stakeholders, including neighborhood-based arts organizations. This undermines the City directive to create a neighborhood hub, as well as recommendations for Cultural Equity in the Cultural Plan and the strategies for cultural protection in the Mayor's Task Force report.

6. This project lacks sufficient Community Benefit. The RFP states:

"...the City is eager to see as many community benefits as possible derived from the project. Examples of encouraged community benefits include, but are not limited to, Oakland Certified local and small local business participation, commitment to prevailing and living wages, commitment to labor peace and opportunities for job training and mentoring, a high number of jobs created for a range of training and education levels..."

ODI offers no clearly defined pathway to "job training and mentoring," or "a high number of jobs created for a range of training and education levels." There has been no substantive Community Benefit negotiation. Many of ODI's claimed community benefits, such as renovation, are lease conditions. Tenancy is not a community benefit; it's a developer benefit. It's unclear how many permanent jobs will be created, and unclear what level of public

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access the local community will have to the renovated space. ODI did incomplete/exclusionary community input, has made no agreements with community groups around the public art ordinance, and has made no commitment to employing local artists, nor has ODI considered successful CBAs as a model for how to engage the community. The LMASP calls for the incentivization of community benefits with **"clear measurable criteria"** and directs projects to base their community benefits packages around prior CBAs. Successful community benefit agreements, such as those negotiated by CCED, have set a baseline for community engagement, developer contributions and rental lease rates. In the case of HJK, a public land parcel, community input should be maximized, not minimized, or excluded. ODI's failure to negotiate a community benefits agreement does not serve Oakland's most at-risk communities and misinterprets City guidelines and recommendations. ODI has failed to produce a single Memorandum of Understanding with any non-profit, cultural institution, educational institution, arts organization, retail business, or culinary provider; all promises of collaboration are framed in the future tense and are thus non-binding. Ideally, after the ENA expired in 2017, ODI would have taken that opportunity to redesign its proposal, invite community to the table to determine the appropriate community level of community benefit and the proposed use space.

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7. ODI violates the discrimination clause in the RFP. As stated in the RFP:

"All respondents must agree not to discriminate on the basis of race, color, ancestry, national origin, religion, sex, sexual preference, age, marital status, family status, source of income, physical or mental disability, Acquired Immune Deficiency Syndrome (AIDS) or AIDS-related conditions (ARC), or any other arbitrary basis."

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This project as proposed will have an irreparable negative impact on communities excluded from community input. As offered, it will bar access of "interested parties" from participation for a period of 99 years, contributing to their eventual displacement. Impacted stakeholders in BAMBD, Chinatown, and East Lake-- communities of color, have been excluded from the input process, are barred by affordability from participation in any eventually realized project, and will suffer disproportionately from the project's lack of equity.

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The DOSP Preliminary Draft addresses affordability as it relates to Culture-Keeping. "Racial and ethnic groups have had a significant impact on the culture of downtown," it states, citing Chinatown and BAMBD. It also states, "However, changes in the racial, cultural, educational and income makeup of downtown have raised **concerns about cultural displacement**, and initiated discussions about equity." In particular, the Plan notes, "Black artists are among the highest at-risk population, with **artists of color generally more vulnerable to displacement than White artists.**" The Mayor's Task Force report establishes a framework of **"Permanency," "Equity," and "Cultural Preservation"**; specifically calls for "Solutions that assist a **diverse and broad group** of artists and arts organizations"; and recommends **"Priority should be given to those neighborhoods and communities that are currently underserved** and would benefit most from the preservation/development of arts and cultural spaces and activities."

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The exclusion from the public input process of communities of color who represent key stakeholders, neighborhood organizations, and arts practitioners is tantamount to discrimination on the basis of race. The lack of affordability and tangible community benefits to communities of color is also discriminatory in intent and practice. This project does not align

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with the statistical information in the Disparity Data report which clearly indicates that African Americans face the highest barriers to income equality and are at the highest risk of displacement, and that Asian and Latinx populations also face disproportionate risks of displacement and income inequality. The survey in the Cultural Plan finds that 49% of Oakland artists have faced displacement from their home or workplace, while the Racial Equity Impact Assessment in the DOSP Preliminary Draft further recommends CBA agreements as a mitigating strategy. Additionally, the Department of Race and Equity's mandate refers specifically to past City policies as a cause of racial, social, and economic inequality. ODI's neglect to address these realities in any way violates the discrimination clause in the RFP.

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8. Equity is a mandate in Oakland. This project reinforces inequity and squanders the last substantial site to implement strategies called for in multiple city policies, studies, and guidelines. As pointed out in the DRE proclamation:

“Oakland has been shaped by institutional and structural racism. Past government policies and practices have contributed to the creation of significant racial disparities... The initiating ordinance directs staff to implement practices that will allow the City to make progress in the elimination of inequities and mitigate unavoidable negative community impacts to fairness and opportunity. ... It is imperative that the City works side by side with the community, other city departments and government institutions, businesses, artists and other stakeholders to undo the legacy of racism and to create an Oakland where equity is realized.”

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The Mayor's Task Force report clearly states, **“Affordable art working spaces are essential to keeping artistic innovation.”** This topic is also addressed in a 2017 white paper prepared by Strategic Economics, which notes, **“workspace and housing costs present the biggest challenges to being an artist in Oakland.”** adding, **“arts organizations serving communities of color tend to have smaller budgets and staffing compared to similar organizations in white communities.”**

Equity and affordability are also mentioned in the Cultural Plan, which strongly advocates for a “Cultural Equity” framework and recommends the City **“Work ... with community partners to develop policy changes to mitigate displacement and to enable local cultural assets to thrive”; Leverage existing assets; and “Analyze where and what kinds of disparities in cultural investment exist ... through conferring with community organizations/coalitions and data analysis.”**

ODI's proposal disregards cultural imperatives established for the protection of at-risk residents, specifically small arts organizations and nonprofits that make up the majority of Oakland's art ecosystem. It fails to consider data on disparity and guidelines for public assets. City policy, when viewed as a cumulative directive upholds standards for establishing “equity,” maintaining “diversity,” and creating “affordability” and provides a clear path to these goals. ODI's proposal and process are a contradiction of City policies that call for the City to leverage existing cultural assets, such as public land for public benefit, community cultivation, and cultural protection while prioritizing communities and artists of color. These policies also clearly call on private developers (as well as City departments) to work with community groups and a broad cross-section of key stakeholders--not just a selected few representing elite or well-funded institutions. In addition, the “Vision and Goals” section of the LMASP calls for: **“Community development that is equitable, sustainable, and healthy”;** and **“Prevent(ing) involuntary displacement.”** Finally, the BAMBD resolution specifically

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names the Calvin Simmons Theater as part of a historical legacy and establishes a City mandate to "support a healthy and flourishing arts community which (serves) as a driver of greater civic engagement and community involvement which are in turn determinants of improved public health." As this project presents an "opportunity site" to enact cultural redress that intends to "mitigate displacement", for the City to "implement practices that allow...progress in the elimination of inequities", to begin the process of "undoing the legacy of racism" it's implicit that the BAMBD, Chinatown and East Lake represent the "interested parties" thus referred to.

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9. The Nonprofit model proposed does not align with best practice based on expert recommendations and statistical data:

The Mayor's Artist Housing and Workspace Task Force recommends the "Lease (of) City or other publicly-owned property for arts uses **at affordable rates**... Spaces that might be appropriate for art space should be leased (long-term) to a **nonprofit, with expertise in the arts.**" What we know of ODI's operational model is that it proposes to create a non-profit to manage the asset. As this non-profit does not exist, it has no expertise in the arts and no existing relationships with any of the myriad of unengaged stakeholders in the Oakland arts community. Further ODI has furnished no information regarding its operational model, the intended make up of its board, its relationship or duty to the arts community, and its tenants, or to what degree it will subsidize tenancies and provide low-income or free access, as required by the RFP. If ODI's proposal is allowed to move forward, it will not result in increased affordability, and the barrier of the cost will circumvent the use by small and mid-size organizations who serve communities of color. ODI's proposal will reinforce inequity rather than mitigating historic and existing barriers to equity. The Planning Commission's failure to recognize negative impacts on at-risk populations and impose the mitigating conditions set forth by City equity strategies constitutes abuse of discretion.

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Conclusion

Oakland has an unfortunate history of making ill-conceived decisions around public assets, and this proposal would continue that pattern and lock in inequity for 99 years. The City must learn from mistakes it has made in the past, and not repeat them. The Fox Theater renovation cost the city upwards of \$100 million, yet community access to that venue is limited to less than seven days out of a year and is cost-prohibitive to local artists. Were it not for a whistleblower, the Council was set to give away the East 12th St. parcel for several million dollars below its market value, with no provision for affordable housing. ODI has been granted extraordinary latitude in exchange for very little for the City or the community. With the HJK site, Oakland has an opportunity to leverage one of its last remaining public assets for a comprehensive community benefits package which can operationalize its aspirational equity language. There is no other opportunity site of this nature and scale which the City already owns. The City does not have the resources to acquire more public land. It would be backward thinking and fiscally-irresponsible for the city to accept less than what is possible to leverage for this public asset and miss the opportunity to redress historical inequities, as City policy dictates. Oakland cannot continue to accelerate displacement of communities of color and claim to be mitigating it at the same time. The question must be asked: if not now, when, and if not here, where? We respectfully request the City enact its own policy and extract the highest amount of public good possible from this site.

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In closing, we strenuously object to the filing fee as unconscionably high and designed to deny everyone, except the rich, an opportunity to have their matters heard by the City Council.

Contact: Dr. Ayodele Nzinga,

wordslanger@gmail.com

510-457-8999

1791 11th St.

Oakland, CA 94607

(Not for Publication)

In community,

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Lower Bottom Playaz/BAMBD CDC/CCED

Eric Arnold
BAMBD CDC/CCED/CRP Bay Area

Elena Serrano
ESAA

Randolph Belle
RBA Creative Agency

Alvina Wong
APEN/CCED

Anyka Barber
Betti Ono Gallery/OCNC

Alistair Monroe
FESTAC/The Cannery

Aries Jordan
BAMBD CDC

Kenitra Love
BAMBD CDC

Melanie Wofford
Malonga Arts Residents Association

Hiroko Kurihawa
Arts and Garage District

Rashida Chase
BAMBD CDC, Oakland resident (D3)

Julia Franques
Oakland resident (D3)

Shaka Jamal
BAMBD CDC

Anna Schneiderman
Theater Maker

Kemba Shakur
Urban Releaf

Marvin X
Black Arts Movement co-founder

Adimu Madyun
393 Films

Cathy Leonard
Oakland neighborhoods for Equity/BAMBD CDC

Kaya Whig
Mack to Africa

Seven Asefaha
Alena Museum

Naomi Diouf
Diamano Coura West African Dance Company/Malonga Artists Collective

Cat Brooks
Lower Bottom Playaz/ BAMBD, CDC/ APTP

Devi Peacock
Peacock Rebellion

Gene Hazzard
Oakland Resident

Candice Elder
The East Oakland Collective

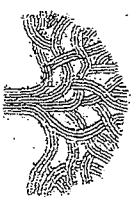
Claudia Alick
Calling Up Justice

Venus Morris
Melanated A.C.T.

Yvette Holt
BAOBOB,
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CITY OF OAKLAND



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Department of Planning and Building
Zoning Division

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PLANNING COMMISSION DECISION LETTER

Sent via U.S. Mail and Electronic Mail

April 1, 2019

Orton Development, Inc
Attn: Nick Orton
1475 Powell Street, Suite 101
Emeryville, CA 94608

RE: Application Number: PLN17101; Property Location: 10-10th Street; APN: 018 045000500

Dear Mr. Orton:

The above application was **APPROVED** at the City Planning Commission meeting (by a (4-2) vote) on April 3, 2019. The Commission's action is indicated below. This action becomes final ten (10) days after the date of the announcement of the decision unless an appeal to the City Council is filed by 4:00 p.m. on Monday, April 15, 2019.

1. Adoption/Approval of the CEQA Findings.
2. Approval of the project including Major Conditional Use Permit and Regular Design Review, subject to the attached Findings, Conditions of Approval, Mitigation Monitoring and Reporting Program.

If you, or any interested party, seeks to challenge this decision, an appeal must be filed by no later than ten (10) calendar days from the announcement of the decision (by 4:00 p.m. on Monday, April 15, 2019). An appeal shall be on a form provided by the Bureau of Planning and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of Mike Rivera, Project Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of \$1,891.08 in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal, failure to do so may preclude you from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter. Project conditions of approval, are set forth in Attachments A and B.

Findings for Approval

The findings required for granting approval for this application for Conditional Use Permit and Regular Design Review are shown in normal type, and the reasons for satisfying these findings are shown in **bold**. (Note: The Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record):

SECTION 17.134.050- GENERAL CONDITIONAL USE PERMIT (GUP)

Major CUP for Extensive Civic Impact Uses in the D-LM-4 zone.

- 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 rehabilitation of the Oakland Civic Auditorium would allow the reuse and rehabilitation of the Calvin Simmons Theater and Henry J. Kaiser Arena. The project would facilitate concerts and performances, and include new commercial uses in a prominent location that is surrounded by other civic uses such as the Oakland Museum of California and Laney College. The project would also combine a mix of services such as restaurants to attract public and business interest, thus generating active uses and supporting existing businesses around the Station Area.

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

The rehabilitation of the Oakland Civic Auditorium (OCA) would reuse and activate the historic property that is within an active hub with different type of community activities. The project would provide a convenient and functional civic environment, thus giving a sense of place and clear identity for the area as a cultural and community anchor and a regional destination. The addition of a promenade and a raised terrace would make the OCA more usable and attractive.

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

The proposal would reestablish cultural and entertainment services in the rehabilitated civic auditorium, create a more active and vibrant district to provide essential services to the community and region.

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

The proposal for site and building alterations for the civic and commercial development meets the Design Review Findings listed below in this report.

CEQA COMPLIANCE FINDINGS

I. Introduction: These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; "CEQA Guidelines") by the Planning Commission in connection with the environmental analysis of the effects of implementation of the Oakland Civic Auditorium Rehabilitation project, as more fully described elsewhere in this Staff Report and in the City of Oakland ("City") CEQA Analysis document entitled "The Oakland Civic Auditorium Rehabilitation-CEQA Analysis" dated February 2019 ("CEQA Analysis") (the "Project"). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.

II. Applicability/Adoption of Previous CEQA Documents

A. Adoption of General Plan Land Use and Transportation Element (LUTE) and Certification of 1998

LUTE EIR: The City finds and determines that (a) the Oakland City Council on March 24, 1998 adopted Resolution No. 74129 C.M.S. which adopted the General Plan Land Use and Transportation Element, made appropriate CEQA findings, including certification of the 1998 LUTE Environmental Impact Report ("EIR"); and (b) the LUTE satisfies the description of "Community Plan" set out in Public Resources Code section 21083.3(e) and in CEQA Guidelines section 15183, as well the description of "Planning Level Document" set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the LUTE following a public hearing, approved applicable mitigation measures which are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or as a part of newer Standard Conditions of Approval ("SCAs") which constitute uniformly applied development policies or standards (together with other City development regulations) and determined that the mitigation measures set out in the 1998 LUTE EIR, would substantially mitigate the impacts of the LUTE and future projects thereunder. While approved after certification of the 1998 LUTE EIR, growth and potential effects of the development of the Project would have been considered in the cumulative growth projections factored into the LUTE EIR analysis.

III. CEQA Analysis Document: The CEQA Analysis and all of its findings, determinations and information is hereby incorporated by reference as if fully set forth herein. The CEQA Analysis concluded that the Project satisfies each of the following CEQA provisions, qualifying the Project for three separate CEQA statutory exemptions as summarized below and provides substantial evidence to support the following findings.

The City hereby finds that, as set forth below and as part of the CEQA Analysis, the Project is exempt from any additional CEQA Analysis under the "Community Plan Exemption" of Public Resources Code section 21083.3 (CEQA Guidelines §15183), thus no additional environmental analysis beyond the CEQA Analysis is necessary. The specific statutory exemptions and the categorical exemption are discussed below in more detail.

A. Community Plan Exemption: Public Resources Code Section 21083.3 (CEQA Guidelines §15183): The City finds and determines that, for the reasons set out below and in the CEQA Analysis, the Community Plan Exemption applies to the Project. Therefore, no further environmental analysis is required because all of the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 1998 LUTE EIR for the overall project (collectively called "Previous CEQA Documents"); there are no significant effects on the

Project are more significant than described in the 2014 LMSAP EIR. Therefore, no further review or analysis under CEQA is required.

IV. Severability: The City finds that all four CEQA provisions discussed and determined to be applicable in Section III above are separately and independently applicable to the consideration of the Project and should any of the four be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.

V. Incorporation by Reference of Statement of Overriding Considerations: ~~Each of the Previous~~ CEQA Documents identified significant and unavoidable impacts.¹ The 1998 LUTE EIR identified six areas of environmental effects of the LUTE that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the Previous CEQA Documents identified above, but a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15168, 15180, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Consideration for the 1998 LUTE EIR, adopted by the City Council on March 24, 1998, via Resolution No. 74129 C.M.S via Resolution No. 2003-69 C.M.S are all hereby incorporated by reference as if fully set forth herein.

¹ If these or any other findings inaccurately identify or fail to list a significant and unavoidable impact identified in the analysis, findings and conclusions of the 1988 LUTE EIR or the Redevelopment Plan Amendments EIR or their administrative records as a whole, the identification of that impact and any mitigation measure or SCA required to be implemented as part of the Project is not affected.

ATTACHMENT A

CONDITIONS OF APPROVAL

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and staff report dated, April 3, 2019, and the approved revised plans, dated received March 12, 2019, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two years from the approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, 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 Approval, 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 or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, Department of Transportation, and Public Works Department. 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 #4.

4. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all

the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval 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 Approval 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 Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within sixty (60) days of approval, unless an earlier date is specified elsewhere.

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (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 this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project 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 project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

The Approval 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. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. Public Improvements

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, Engineering Services, Department of Transportation, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource

management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

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

- a. All mitigation measures identified in the ~~10-10th~~ Street CEQA Analysis are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C as Conditions of Approval of the project. The Standard Conditions of Approval identified in the ~~10-10th~~ Street CEQA Analysis document are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the ~~10-10th~~ Street CEQA Analysis document has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the ~~10-10th~~ Street CEQA Analysis document into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Unless otherwise specified, monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.
- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

PROJECT SPECIFIC CONDITIONS

15. Raised Terrace and Pedestrian Circulation

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

The applicant shall submit for staff review, and subject to SHPO and NPS approval revised plans that show the following:

- a) The raised terrace walls shall use and incorporate similar masonry materials, finishes and color to the main building.
- b) The new pedestrian pathways within the project site shall be more prominent and distinctive from the parking lot.

16. Building Interior and Exterior Rehabilitation/ Alterations – Restoration Letter

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

The applicant shall retain a historic preservation architect to identify and photograph and prepare an inventory letter that describes the building features, fixtures, and finishes associated with the Oakland Civic Auditorium building that might be damaged during project construction. The applicant shall submit a letter to the City confirming that all significant historic elements were rehabilitated and/or restored.

17. Maintenance of the Oakland Civic Auditorium Building

Ongoing

The applicant, tenant(s), and/or other parties responsible for maintaining the designated landmark Oakland Civic Auditorium building shall keep maintain, restore, and/or repair all of the historic interior and exterior building/structure design elements when necessary to prevent deterioration and decay.

18. New Street Trees and Trees within the Property

Prior to Issuance of a demolition, grading, or building permit to construct / Ongoing

Subject to City review and approval, the applicant shall install at least 36-inch box size trees and include tree metal grates where appropriate. Said trees shall also meet the City's standard specifications for tree planting of the Public Works/Tree Division.

19. Further Development of the Landscaping Design within the Property

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

The applicant shall revise the plans to improve the ground plane design the project as follows:

- a) Directly connect to offsite public facilities such Laney College, Lake Merritt Bart Station and Oakland Museum of California;
- b) Improve the connection of the project pathway to the Lake Merritt Channel pathway on the east side of the site, and to Lake Merritt Boulevard on the north side of the site;
- c) Generally, integrate the graphic diamond theme of the ground plane design to make connections to the surrounding area, relate to the OCA building, and generally communicate with the setting in an intentional manner.

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project: PLN17101.

Name of Project Applicant

ATTACHMENT B

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)

This standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA/MMRP) is based on CEQA Checklist Analysis prepared for the property located at 10-10th Street-The Oakland Civic Auditorium Rehabilitation Project.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The SCAMMRP lists mitigation measures recommended in the 2014 LMSAP EIR that apply to the Project. The SCAMMRP also lists other SCAs that apply to the Project, most of which were identified in the 2014 LMSAP EIR and some of which have been subsequently updated or otherwise modified by the City.

Specifically, on November 5, 2018, the City of Oakland released a revised set of all City of Oakland SCAs, which largely still include SCAs adopted by the City in 2008, along with supplemental, modified, and new SCAs. SCAs are measures that would minimize potential adverse effects that could result from implementation of the Project, to ensure the conditions are implemented and monitored. The revised set of the City of Oakland SCAs includes new, modified, and reorganized SCAs; however, none of the revisions diminish or negate the ability of the SCAs considered "environmental protection measures" to minimize potential adverse environmental effects. As such, the SCAs identified in the SCAMMRP reflect the current SCAs only. Although the SCA numbers listed below may not correspond to the SCA numbers in the 2014 LMSAP EIR, all of the environmental topics and potential effects addressed by the SCAs in the 2014 LMSAP EIR are included in this SCAMMRP (as applicable to the Project). This SCAMMRP also identifies the mitigation monitoring requirements for each mitigation measure and SCA.

This CEQA Checklist is also based on the analysis in the following Prior EIRs that apply to the Project: Oakland's 1998 General Plan Land Use and Transportation Element EIR (1998 LUTE EIR), and the 2011 Central District Urban Renewal Plan Amendments EIR (2011 Renewal Plan Amendments EIR). None of the mitigation measures or SCAs from these EIRs are included in this SCAMMRP because they, or an updated or equally effective mitigation measure or SCA, is identified in the 2014 LMSAP EIR, its addenda, or in this CEQA Checklist for the Project.

To the extent that there is any inconsistency between any mitigation measures and/or SCAs, the more restrictive conditions shall govern; to the extent any mitigation measure and/or SCA identified in the CEQA Checklist were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column of the SCAMMRP table identifies the mitigation measure or SCA applicable to that topic in the CEQA Checklist. While a mitigation measure or SCA can apply to more than one topic, it is listed in its entirety only under its primary topic (as indicated in the

mitigation or SCA designator). The SCAs are numbered to specifically apply to the Project and this CEQA Checklist; however, the SCAs as presented in the City's *Standard Conditions of Approval and Uniformly Applied Development Standards* document¹ are included in parenthesis for cross-reference purposes.

- The second column identifies the monitoring schedule or timing applicable to the Project.
- The third column names the party responsible for monitoring the required action for the Project.

The Project Applicant is responsible for compliance with any recommendations identified in City-approved technical reports, all applicable mitigation measures adopted, and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Bureau of Planning, and Zoning Inspections Division. Prior to the issuance of a demolition, grading, and/or construction permit, the Project Applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., SCA-AIR-1, SCA-AIR-2, etc. The SCA title and the SCA number that corresponds to the City's master SCA list are also provided - i.e., SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions) (#21).

¹ Dated May 1, 2018, as amended.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
General		
<p>SCA GEN-1 (Standard Condition Approval 15) <i>Regulatory Permits and Authorizations from Other Agencies</i></p> <p>Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.</p>	Prior to activity requiring permit/authorization from regulatory agency.	City of Oakland Bureau of Planning and applicable regulatory agency with jurisdiction
Aesthetics, Shadow, and Wind		
<p>SCA AES-1 (Standard Condition of Approval 16) <i>Trash and Blight Removal</i></p> <p>The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.</p>	Ongoing.	City of Oakland Bureau of Building
<p>SCA AES-2 (Standard Condition of Approval 17) <i>Graffiti Control</i></p> <p>a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:</p> <ul style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:</p> <ul style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. 	Ongoing.	City of Oakland Bureau of Building
<p>City Project No. PLN17-101 ESA Project No. 160282</p>	<p>February 2019 Oakland Civic Auditorium</p>	

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
iii. Replacing with new surfacing (with City permits if required).		
Aesthetics, Shadow, and Wind (cont.)		
<p>SCA AES-3 (Standard Condition of Approval 18) <i>Landscape Plan</i></p> <p>a. <i>Landscape Plan Required</i></p> <p>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf respectively), and with any applicable streetscape plan.</p> <p>b. <i>Landscape Installation</i></p> <p>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p>c. <i>Landscape Maintenance</i></p> <p>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. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to building permit final.</p> <p>c. Ongoing</p>	<p>a. City of Oakland Bureau of Planning</p> <p>b. City of Oakland Bureau of Building</p> <p>c. City of Oakland Bureau of Building</p>
<p>SCA AES-4 (Standard Condition of Approval 19): <i>Lighting</i></p> <p>Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final.	City of Oakland Bureau of Building
<p>SCA AES-5 (Standard Condition of Approval 20) <i>Public Art for Private Development</i></p> <p><u>Requirement:</u> The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.</p> <p>The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu</p>	<p>Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit</p> <p>Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.</p>	City of Oakland Bureau of Planning and Bureau of Building
<p>City Project No. PLN17-103 ESA Project No. 160282</p>		<p>February 2019 Oakland Civic Auditorium</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.</p> <p>Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.</p>		
<p>Also SCA UTIL-2, Underground Utilities. See <i>Utilities and Service Systems</i>, below.</p>		
Air Quality		
<p>SCA AIR-1 (Standard Condition of Approval 21) <i>Dust Controls – Construction-Related</i></p> <p>The Project applicant shall implement all of the following applicable dust control measures during construction of the Project:</p> <ol style="list-style-type: none"> a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible. 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. Limit vehicle speeds on unpaved roads to 15 miles per hour. e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. f. All trucks and equipment, including tires, shall be washed off prior to leaving the site. g. 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. h. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). i. 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. j. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity. k. Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours. 	<p>During construction.</p>	<p>City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>l. 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.</p>		
<p>SCA AIR-2 (Standard Condition of Approval 22) <i>Criteria Air Pollutant Controls -- Construction Related</i></p> <p>Requirement: The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:</p> <p>a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two 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.</p>	During construction.	City of Oakland Bureau of Building
Air Quality (cont.)		
<p>b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").</p> <p>c. 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. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.</p> <p>d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and use propane or natural gas generators cannot meet the electrical demand.</p> <p>e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</p> <p>f. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.</p>		
<p>SCA AIR-3 (Standard Condition of Approval 23) <i>Diesel Particulate Matter Controls-Construction Related</i></p> <p>a. <i>Diesel Particulate Matter Reduction Measures</i></p> <p>Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose one of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to</p>	<p>a. Prior to issuance of a construction related permit (i), during construction (ii).</p> <p>b. Prior to issuance of a construction related permit.</p>	<p>a. City of Oakland Bureau of Planning and Bureau of Building.</p> <p>b. City of Oakland Bureau of Planning and Bureau of Building.</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.</p> <p>or -</p> <p>ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.</p>		
Air Quality (cont.)		
<p>b. <i>Construction Emissions Minimization Plan (if required by a above)</i></p> <p><u>Requirement:</u> The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <p>i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p>		
<p>SCA AIR-4 (Standard Condition of Approval 27) <i>Asbestos in Structures</i></p> <p><u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Biological Resources		
<p>SCA BIO-1 (Standard Condition of Approval 29): <i>Bird Collision Reduction Measures</i></p> <p>The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include <u>all</u> of the following:</p> <ol style="list-style-type: none"> i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights. ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. iii. Monopole structures or antennas shall not include guy wires. iv. Avoid the use of mirrors in landscape design. v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below. vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following: 	<p>Prior to approval of construction-related permit</p>	<p>City of Oakland Bureau of Planning and Planning and Bureau of Building</p>
Biological Resources (cont)		
<ul style="list-style-type: none"> • Use opaque glass in window panes instead of reflective glass. • Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. • Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans. • Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides. 		
<p>City Project No. PLN17-101 ESA Project No. 160282</p>	<p>February 2019 Oakland Civic Auditorium</p>	

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> • Install opaque window film or window film with a pattern/design which also adheres to the "two-by-four" rule for coverage. <p>vii. Reduce light pollution. Examples include the following:</p> <ul style="list-style-type: none"> • Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30). • Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise. • Reduce perimeter lighting whenever possible. • Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass. • Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration. <p>viii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:</p> <ul style="list-style-type: none"> • Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws. • Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials. • Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day. • Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs. • Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible. 		
Biological Resources (cont.)		
<p>SCA BIO-2 (Standard Condition of Approval 30): <i>Tree Removal During Bird Nesting Season</i></p> <p>To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed 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 the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence 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 California Department of Fish and Wildlife, 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</p>	Prior to removal of trees.	City of Oakland Bureau of Planning and Bureau of Building
<p>City Project No. PLN17-101 ESA Project No. 160282</p>		February 2019 Oakland Civic Auditorium

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
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.		
<p>SCA BIO-3 (Standard Condition of Approval 27): <i>Tree Permit</i></p> <p>a. <i>Tree Permit Required</i> Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.</p> <p>b. <i>Tree Protection During Construction</i> Requirement: 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:</p> <ol style="list-style-type: none"> i. 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 project's consulting arborist. 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. ii. 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, filling, 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 project's consulting arborist 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. iii. 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 project's consulting arborist 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 project's consulting arborist. 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. 	<ol style="list-style-type: none"> a. Prior to approval of construction-related permit b. During construction. 	<ol style="list-style-type: none"> a. City of Oakland Public Works Department, Tree Division, and Bureau of Building b. City of Oakland Public Works Department, Tree Division, and Bureau of Building
Biological Resources (cont.)		
<ol style="list-style-type: none"> iv. 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. v. 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 Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the 		

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<p>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.</p> <p>vi. 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.</p>		
Also SCA HYD-1, Erosion and Sedimentation Control Plan for Construction. See <i>Hydrology and Water Quality</i> , below.		
Also SCA HYD-2, State Construction General Permit. See <i>Hydrology and Water Quality</i> , below.		
Also SCA HYD-3 NPDES C.3 Stormwater Requirements for Regulated Projects. See <i>Hydrology and Water Quality</i> , below.		
Cultural Resources		
<p>Mitigation Measure CUL-1: Mitigation Measure CUL-1 involving (a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures; (b) Future Site-specific Surveys and Evaluations; (c) Recordation and Public Interpretation, or (d) Financial Contributions, would not reduce the impact to a less than significant level.</p> <p>a. <i>Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.</i></p> <ul style="list-style-type: none"> - <i>Avoidance.</i> The City shall ensure that all future redevelopment activities allowable under the Proposed Amendments, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers). - <i>Adaptive Reuse.</i> If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the <i>Secretary of Interior's Standards for the Treatment of Historic Properties</i>. - <i>Appropriate Relocation.</i> If avoidance or adaptive reuse <i>in situ</i> is not feasible, pursuant to SCA CUL-4: Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition), redevelopment projects able to relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact less than significant (Historic Preservation Element Action 3.8.1), unless the property's location is an integral part of its significance, e.g., a contributor to a historic district. <p>b. <i>Future Site-specific Surveys and Evaluations.</i></p> <p>Although most of the Project Area has been surveyed by the City of Oakland's OCHS, evaluations and ratings may change with time and other conditions. As such, there may be numerous other previously unidentified historical resources which would be affected by future redevelopment activities, including demolition, alteration, and new construction. For any future redevelopment project that would occur on or immediately adjacent to buildings 50 years old or older, and would occur between 2012 and 2023 (i.e., buildings constructed prior to 1973), the City shall require specific surveys and evaluations of</p>	<p>Prior to issuance of building permit (or other construction-related permit)</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
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Cultural Resources (cont.)		
<p>such properties to determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualified architectural historian who meets the Secretary of the Interior's Standards for architectural history. For all historical resources identified as a result of site-specific surveys and evaluations, the City shall ensure that future redevelopment activities, including demolition, alteration, and new construction, would avoid, adaptively reuse, and/or appropriately relocate such historical resources in accordance with measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), above.</p> <p>c. <i>Recordation and Public Interpretation.</i></p> <p>If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically significant Structures) is determined infeasible as part of any future redevelopment scenarios, the City shall evaluate the feasibility of recordation and public interpretation of such resources prior to any construction activities which would directly affect them. Should City staff decide recordation and or public interpretation is required, the following activities would be performed:</p> <ul style="list-style-type: none"> - <i>Recordation.</i> Recordation shall follow the standards provided in the National Park Service's Historic American Building Survey (HABS) program, which requires large-format photo-documentation of historic structures, a written report, and measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at local repositories, such as public libraries, historical societies, and the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Project Area, including those that are relocated pursuant to measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically-significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource. - <i>Public Interpretation.</i> A public interpretation program would be developed by a qualified historic consultant in consultation with the Landmarks Preservation Advisory Board and City staff, based on a City-approved scope of work and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays which explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed, and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Project Area. - Photographic recordation and public interpretation of historically significant properties prior to their demolition or alteration does not typically mitigate the loss of potentially historic resources to a less than significant level [CEQA Section 15126.4(b)(2)]. <p>d. <i>Financial Contributions.</i></p> <p>If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically significant Structures) and measure "b" (Future Site-specific Surveys and Evaluations) are not satisfied, the project applicants of specific projects facilitated by the Proposed Amendments shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Project Area or in the</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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<p>(immediate vicinity. Such programs include, without limitation, a Façade Improvement Program, or the Property Relocation Assistance Program.</p> <p>This mitigation would conform to Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan. Contributions to the fund(s) shall be determined by staff at the time of approval of site-specific project plans based on a formula to be determined by the Landmarks Preservation Advisory Board. However, such financial contribution, even in conjunction with measure "c" (Recordation and Public Interpretation), would not reduce the impacts to less than significant levels.</p>		
Cultural Resources (Cont.)		
<p>SCA CUL-1 (Standard Condition of Approval 33): <i>Archaeological and Paleontological Resources – Discovery During Construction</i></p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration 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, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the Project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The Project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the Project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the Project applicant.</p>	<p>During construction.</p>	<p>City of Oakland Bureau of Building</p>
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<p>SCA CUL-2 (Standard Condition of Approval 34): <i>Archaeologically Sensitive Areas - Pre-Construction Measures</i></p> <p>Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p><i>Provision A: Intensive Pre-Construction Study:</i></p> <p>The Project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. A report disseminating the results of this research. 	<p>Prior to approval of construction-related permits during construction.</p>	<p>City of Oakland Bureau of Planning and Bureau of Building</p>
Cultural Resources (cont.)		
<ol style="list-style-type: none"> Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p><i>Provision B: Construction ALERT Sheet.</i></p> <p>The Project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the Project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits,</p>		
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privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, and animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.		
<p>SCA CUJ-3 (Standard Condition of Approval SCA 35): <i>Human Remains – Discovery During Construction</i></p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the Project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. 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 and at the expense of the Project applicant.</p>	During construction.	City of Oakland Bureau of Building
See SCA NOI-6, Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities. See <i>Noise</i> , below.		
Geology, Soils, and Geohazards		
<p>SCA GEO-1 (Standard Condition of Approval 37): <i>Construction-Related Permit(s)</i></p> <p><u>Requirement:</u> The Project applicant shall obtain all required construction-related permits/approvals from the City. The Project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA GEO-2 (Standard Condition of Approval 40): <i>Seismic Hazards Zone (Landslide/Liquefaction)</i>.</p> <p><u>Requirement:</u> The Project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The Project applicant shall implement the recommendations contained in the approved report during Project design and construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
See SCA HYD-J, Erosion and Sedimentation Control Plan for Construction. See <i>Hydrology and Water Quality</i> , below.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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Greenhouse Gases and Climate Change		
<p>SCA GHG-1 (Standard Condition of Approval 42): <i>Greenhouse Gas (GHG) Reduction Plan</i></p> <p>Requirement: The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan.</p> <p>The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below at least one of the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population). The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), and additional GHG reduction measures available to further reduce GHG emissions, and (c) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.</p> <p>Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.</p> <p>The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits") as explained below.</p>	<p>Prior to approval of construction-related permit.</p>	<p>City of Oakland Bureau of Planning</p>
Greenhouse Gases and Climate Change (cont.)		
<p>The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.</p> <p>As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.</p> <p>For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.</p>		
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See SCA AES-3, Landscape Plan. See <i>Aesthetics, Wind, and Shadow</i> , above.		
See SCAs AIR-2, Criteria Air Pollutant Controls - Construction Related. See <i>Air Quality</i> , above.		
See SCAs AIR-3, Diesel Particulate Matter Controls - Construction Related. See <i>Air Quality</i> , above.		
See SCA TRA-2, Bicycle Parking. See <i>Transportation and Circulation</i> , below.		
See SCA TRA-4, Transportation and Parking Demand Management. See <i>Transportation and Circulation</i> , below.		
See SCA TRA-6, Plug-In Electric Vehicle (PEV) Charging Infrastructure. See <i>Transportation and Circulation</i> , below.		
See SCA UTIL-1, Construction and Demolition Waste Reduction and Recycling. See <i>Utilities and Service Systems</i> , below.		
See SCA UTIL-4, Green Building Requirements. See <i>Utilities and Service Systems</i> , below.		
Hazards and Hazardous Materials		
<p>SCA HAZ-1 (Standard Condition of Approval 43): <i>Hazards Materials Related to Construction</i></p> <p><u>Requirement:</u> The Project applicant shall ensure that Best Management Practices (BMP's) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overlapping 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; 	During construction.	City of Oakland Bureau of Building
Hazards and Hazardous Materials (cont.)		
<ul style="list-style-type: none"> e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and 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 project 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 notifying the City and applicable 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. 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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<p>SCA HAZ-2 (Standard Condition of Approval 44): <i>Hazardous Building Materials and Site Contamination</i></p> <p>a. <i>Hazardous Building Materials and Site Contamination</i></p> <p><u>Requirement:</u> The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>b. <i>Environmental Site Assessment Required</i></p> <p><u>Requirement:</u> The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>c. <i>Health and Safety Plan Required</i></p> <p><u>Requirement:</u> The Project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The Project applicant shall implement the approved Plan.</p> <p>d. <i>Best Management Practices (BMPs) Required for Contaminated Sites</i></p> <p><u>Requirement:</u> The Project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p>	<p>a. Prior to approval of demolition, grading, or building permits</p> <p>b. Prior to approval of construction-related permit</p> <p>c. Prior to approval of construction-related permit</p> <p>d. During Construction</p>	<p>a. City of Oakland Bureau of Building</p> <p>b. Applicable regulatory agency with jurisdiction</p> <p>c. City of Oakland Bureau of Building</p> <p>d. City of Oakland Bureau of Building</p>
<p>Hazards and Hazardous Materials (cont.)</p>		
<p>i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.</p> <p>ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.</p>		
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<p>SCA HAZ-3 (Standard Condition of Approval 45): <i>Hazardous Materials Business Plan</i></p> <p>The Project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. The location of such hazardous materials. An emergency response plan including employee training information. A plan that describes the manner in which these materials are handled, transported, and disposed. 	Prior to building permit final	Oakland Fire Department
See SCA TRA-1, Construction Activity in the Public Right-of-Way. See <i>Transportation and Traffic</i> , below.		
Hydrology and Water Quality		
<p>SCA HYD-1 (Standard Condition of Approval 49): <i>Erosion and Sedimentation Control Plan for Construction</i></p> <ol style="list-style-type: none"> <i>Erosion and Sedimentation Control Plan Required</i> <p>Requirement: The Project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. 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 and/or construction 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 City. 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.</p>	<ol style="list-style-type: none"> Prior to approval of construction-related permit. During construction. 	City of Oakland Bureau of Building
Hydrology and Water Quality (cont.)		
<ol style="list-style-type: none"> <i>Erosion and Sedimentation Control During Construction</i> <p>Requirement: The Project applicant shall implement the approved Erosion and Sedimentation Control 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.</p>		
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<p>SCA HYD-2 (Standard Condition of Approval 50): <i>State Construction General Permit</i></p> <p>a. <u>Requirement:</u> The Project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The Project applicant shall submit evidence of compliance with Permit requirements to the City.</p>	Prior to approval of construction-related permit.	State Water Resources Control Board; evidence of compliance submitted to Bureau of Building
<p>SCA HYD-3 (Standard Condition of Approval 54): <i>NPDES C.3 Stormwater Requirements for Regulated Projects</i></p> <p>a. <i>Post-Construction Stormwater Management Plan Required</i></p> <p><u>Requirement:</u> The Project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <ol style="list-style-type: none"> i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-Project stormwater runoff flow and duration match pre-Project runoff. <p>b. <i>Maintenance Agreement Required</i></p> <p><u>Requirement:</u> The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ol style="list-style-type: none"> i. The Project 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 	<ol style="list-style-type: none"> a. Prior to approval of construction-related permit. b. Prior to building permit final. 	<ol style="list-style-type: none"> a. City of Oakland Bureau of Building b. City of Oakland Bureau of Building
Hydrology and Water Quality (cont.)		
<ol style="list-style-type: none"> 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 		

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<p>purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.</p> <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p> <p>Also SCA GEO-1, Construction-Related Permit(s). See <i>Geology, Soils, and Geohazards</i>, above.</p> <p>Also SCA UTF-6, Storm Drain System. See <i>Utilities and Service Systems</i>, below.</p>		
Noise		
<p>SCA NOI-1 (Standard Condition of Approval 62) <i>Construction Days/Hours</i></p> <p><u>Requirement:</u> The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ul style="list-style-type: none"> a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling 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. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. <p>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.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p>	During construction.	City of Oakland Bureau of Building
<p>SCA NOI-2: (Standard Condition of Approval 63) <i>Construction Noise</i></p> <p><u>Requirement:</u> The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> 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. 	During construction.	City of Oakland Bureau of Building
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Noise (cont.)		
<p>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.</p> <p>c. Applicant shall use temporary power poles instead of generators where feasible.</p> <p>d. Stationary noise sources shall be located as far from adjacent properties 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.</p> <p>e. 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.</p>		
<p>SCA NOI-3 (Standard Condition of Approval 64) <i>Extreme Construction Noise</i></p> <p>a. <i>Construction Noise Management Plan Required</i></p> <p><u>Requirement:</u> Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures <u>include, but are not limited to, the following:</u></p> <ul style="list-style-type: none"> i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example <u>and implement such measure if such measures are feasible and would noticeably reduce noise impacts;</u> and v. Monitor the effectiveness of noise attenuation measures by taking noise measurements. <p>b. <i>Public Notification Required</i></p>	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit. b. During construction. 	<p>City of Oakland Bureau of Building</p>
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	Schedule	Responsibility
<p><u>Requirement:</u> The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>		
Noise (cont.)		
<p>SCA NOI-4 (Standard Condition of Approval 66) <i>Construction Noise Complaints</i></p> <p><u>Requirement:</u> The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> a. Designation of an on-site construction complaint and enforcement manager for the project; b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; c. Protocols for receiving, responding to, and tracking received complaints; and d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. 	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA NOI-5 (Standard Condition of Approval 68) <i>Operational Noise</i></p> <p><u>Requirement:</u> Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 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 City.</p>	Ongoing.	City of Oakland Bureau of Building
<p>SCA NOI-6 (Standard Condition of Approval 70) <i>Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities</i></p> <p><u>Requirement:</u> The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at the Project site and the Oakland Museum of California (1000 Oak Street). The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.</p>	Prior to construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Population and Housing		
<p>SCA POP-1 (Standard Condition of Approval 71) <i>Jobs/Housing Impact Fee</i></p> <p><u>Requirement:</u> The Project applicant shall submit payment to the City in accordance with the requirements of the City of Oakland Jobs/Housing Impact Fee Program (chapter 15.68 of the Oakland Municipal Code).</p>	Prior to construction.	City of Oakland Bureau of Building
Public Services, Parks, and Recreation Facilities		
<p>SCA PUB-1 (Standard Condition of Approval 74) <i>Capital Improvements Impact Fee</i></p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit	City of Oakland Bureau of Building
Public Services, Parks, and Recreation Facilities (cont.)		
<p>SCA REC-1 (Standard Condition of Approval 75) <i>Access to Parks and Open Space</i></p> <p><u>Requirement:</u> The project applicant shall submit a plan for City review and approval to enhance bicycle and pedestrian access from the project site and adjacent areas to Lake Merritt and Peralta Park. Examples of enhancements may include, but are not limited to, new or improved bikeways, bike parking, traffic control devices, sidewalks, pathways, bulb-outs, and signage. The project sponsor shall install the approved enhancements during construction and prior to completion of the project.</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Planning and City of Oakland Department of Transportation
Transportation and Circulation		
<p>SCA TRA-1 (Standard Condition of Approval 76) <i>Construction Activity in the Public Right-of-Way</i></p> <p>a. <i>Obstruction Permit Required</i></p> <p><u>Requirement:</u> The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.</p> <p>b. <i>Traffic Control Plan Required</i></p> <p><u>Requirement:</u> In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or Detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.</p> <p>c. <i>Repair of City Streets</i></p> <p><u>Requirement:</u> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to approval of construction-related permit.</p> <p>c. Prior to building permit final.</p>	City of Oakland Department of Transportation

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
(or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.		
<p>SCA TRA-2 (Standard Condition of Approval 77) <i>Bicycle Parking</i></p> <p>Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA TRA-3 (Standard Condition of Approval 78): <i>Transportation Improvements.</i></p> <p>The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To</p>	Prior to building permit final or as otherwise specified	City of Oakland Bureau of Building and City of Oakland Department of Transportation
Transportation and Circulation (cont.)		
<p>implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ol style="list-style-type: none"> a. 2070L Type Controller with cabinet accessory b. GPS communication (clock) c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required) g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes 		
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k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor p. Signal timing plans for the signals in the coordination group q. Bi-directional curb ramps (where feasible, and if project is on a street corner) r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)		
SCA TRA-4 (Standard Condition of Approval 79) <i>Transportation and Parking Demand Management</i> a. <i>Transportation and Parking Demand Management (TDM) Plan Required</i> Requirement: The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City. i. The goals of the TDM Plan shall be the following: <ul style="list-style-type: none"> Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. 	a. Prior to approval of planning application. b. Prior to building permit final c. Ongoing	a. City of Oakland Bureau of Planning b. City of Oakland Bureau of Building c. City of Oakland Department of Transportation
Transportation and Circulation (cont.)		
<ul style="list-style-type: none"> Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. Enhance the City's transportation system, consistent with City policies and programs. ii. The TDM Plan should include the following: <ul style="list-style-type: none"> Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. Proposed TDM strategies to achieve VTR goals (see below). iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program		

Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/ Monitoring	
		Schedule	Responsibility
iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VLR.			
Improvement	Required by code or when...		
Bus boarding bulbs or islands	<ul style="list-style-type: none"> A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb 		
Bus shelter	<ul style="list-style-type: none"> A stop with no shelter is located within the project frontage, or The project is located within 0.10 miles of a flag stop with 25 or more boardings per day 		
Concrete bus pad	<ul style="list-style-type: none"> A bus stop is located along the project frontage and a concrete bus pad does not already exist 		
Curb extensions or bulb-outs	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and The project would generate 500 or more daily bicycle trips 		

Transportation and Circulation (cont.)

Improvement	Required by code or when...		
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and The project would generate 400 or more peak period transit trips 		
Installation of amenities such as lighting, pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian	<ul style="list-style-type: none"> Always required 		

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Master Plan and any applicable streetscape plan.			
In-street bicycle corral	<ul style="list-style-type: none"> A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages. 		
Intersection improvements ²	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> Always required 		
No monthly permits and establish minimum price floor for public parking ³	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1000 sf. (commercial) 		
Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial) 		
Parking space reserved for car share	<ul style="list-style-type: none"> If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units. 		
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Typically required 		
Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
Pedestrian-supportive signal changes ⁴	<ul style="list-style-type: none"> Identified as an improvement within operations analysis 		

Transportation and Circulation (cont.)

Improvement	Required by code or when...
Real-time transit information system	<ul style="list-style-type: none"> A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or

² Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.
³ May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
⁴ Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.

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	more routes or peak period frequency of 15 minutes or better		
Relocating bus stops to far side	<ul style="list-style-type: none"> A project is located within 0.10 mile of any active bus stop that is currently near-side 		
Signal upgrades ⁵	<ul style="list-style-type: none"> Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage abuts an intersection with signal infrastructure older than 15 years 		
Transit queue jumps	<ul style="list-style-type: none"> Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 		
Trenching and placement of conduit for providing traffic signal interconnect	<ul style="list-style-type: none"> Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and A major transit improvement is identified within operations analysis requiring traffic signal interconnect 		
Unbundled parking	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1.25 (residential) 		
<p>v. Other TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. 			

⁵ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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Transportation and Circulation (cont)		

- Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List, Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/form/oak025595.pdf>, respectively), and any applicable streetscape plan.
- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
- Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).
- Guaranteed ride home program for employees, either through 511.org or through separate program.
- Pre-tax commuter benefits (commuter checks) for employees.
- Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis

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during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.		
Transportation and Circulation (cont.)		
<p>b. <i>TDM Implementation - Physical Improvements</i></p> <p><u>Requirement:</u> For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p>c. <i>TDM Implementation - Operational Strategies</i></p> <p><u>Requirement:</u> For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p>		
<p>SCA TRA-5 (Standard Condition of Approval 80) <i>Transportation Impact Fee</i></p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit.	City of Oakland Bureau of Building
<p>SCA TRA-6 (Standard Condition of Approval 83) <i>Plug-In Electric Vehicle (PEV) Charging Infrastructure</i></p> <p>a. <i>PEV-Ready Parking Spaces</i></p> <p><u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready") per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.</p> <p>b. <i>PEV-Capable Parking Spaces</i></p> <p><u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.</p> <p>c. <i>ADA-Accessible Spaces</i></p> <p><u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and</p>	Prior to Issuance of Building Permit	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s)		
LMSAP TRA Mitigation Measures All the mitigation measures identified in the LMSAP EIR are included in the citywide Transportation Impact Fee (TIF). Therefore, the project applicant shall mitigate the project impacts by paying the required TIF.		
Utilities and Service Systems		
<p>SCA UTIL-1 (Standard Condition of Approval 84) <i>Construction and Demolition Waste Reduction and Recycling Requirement:</i> The Project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the Project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>	Prior to approval of construction-related permit	City of Oakland Public Works Department, Environmental Services Division
<p>SCA UTIL-2 (Standard Condition of Approval 85) <i>Underground Utilities Requirement:</i> The Project applicant shall place underground all new utilities serving the Project and under the control of the Project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the Project's street frontage and from the Project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During construction.	City of Oakland Bureau of Building
<p>SCA UTIL-3 (Standard Condition of Approval 86) <i>Recycling Collection and Storage Space Requirement:</i> The Project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA UTIL-4 (Standard Condition of Approval 87) <i>Green Building Requirements</i> a. <i>Compliance with Green Building Requirements During Plan-Check</i></p>	<p>a. Prior to approval of construction-related permit. b. During construction.</p>	<p>a. City of Oakland Bureau of Building b. City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p><u>Requirement:</u> The Project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. 	c. Prior to Final Approval	c. City of Oakland Bureau of Planning and Bureau of Building
Utilities and Service Systems (cont.)		
<ul style="list-style-type: none"> • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> • CALGreen mandatory measures. • Compliance with the appropriate and applicable checklist approved during the Planning entitlement process. • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories. <p>b. <i>Compliance with Green Building Requirements During Construction</i></p> <p><u>Requirement:</u> The Project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the Project.</p> <p>The following information shall be submitted to the City for review and approval:</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>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.</p> <p>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.</p> <p>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</p> <p>c. <i>Compliance with Green Building Requirements After Construction</i> <u>Requirement:</u> Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p>		
<p>SCA UTIL-5 (Standard Condition of Approval 89) <i>Sanitary Sewer System</i> <u>Requirement:</u> The Project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-Project and post-Project wastewater flow from the Project site. In the event that the Impact Analysis indicates that the net increase in Project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the Project applicant shall pay the Sanitary Sewer Impact fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to approval of construction-related permit.	City of Oakland Public Works Department, Department of Engineering and Construction
Utilities and Service Systems (cont.)		
<p>SCA UTIL-6 (Standard Condition of Approval 90) <i>Storm Drain System</i> <u>Requirement:</u> The Project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-Project condition.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA UTIL-7 (Standard Condition of Approval 92) <i>Water Efficient Landscape Ordinance (WELO)</i> <u>Requirement:</u> The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO. <i>Prescriptive Measures:</i> Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23): http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/TiUe%2023%20extract%20-%20Official%20CCR%20pages.pdf <i>Performance Measures:</i> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:</p> <p>a. Project Information:</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning
<p>City Project No. PLN17-101 ESA Project No. 160282</p>		February 2019 Oakland Civic Auditorium

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> i. Date, ii. Applicant and property owner name, iii. Project address, iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or home owner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package." <ul style="list-style-type: none"> b. Water Efficient Landscape Worksheet <ul style="list-style-type: none"> i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use c. Soil Management Report d. Landscape Design Plan 		
Utilities and Service Systems (cont.)		
<ul style="list-style-type: none"> e. Irrigation Design Plan, and f. Grading Plan <p>Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p> <ul style="list-style-type: none"> i. For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below. Effective May 1, 2018 Page 77 http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extract%20-%20Official%20CCR%20pages.pdf 		
Also SCA HYD-1, Erosion and Sedimentation Control Plan for Construction. See <i>Hydrology and Water Quality</i> , above.		
Also SCA HYD-2, State Construction General Permit. See <i>Hydrology and Water Quality</i> , above.		
Also SCA HYD-3 NPDES C.3 Stormwater Requirements for Regulated Projects. See <i>Hydrology and Water Quality</i> , above.		

CITY OF OAKLAND NOTICE OF PUBLIC HEARING

APPEAL OF THE PLANNING COMMISSION APPROVAL ON THE PROPOSED AUDITORIUM ACTIVITIES, REHABILITATION AND ALTERATIONS OF THE EXISTING OAKLAND “KAISER AUDITORIUM”, (CASE NUMBER PLN17101) AND RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

Notice is hereby given that **on June 18, 2019, at 5:30 p.m. in the City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza**, the Oakland City Council will conduct a public hearing to consider the appeal by a coalition led by AYODELE NZINGA of the April 3, 2019 Planning Commission approval (“Appeal”) for a Major Conditional Use Permit for the reuse, rehabilitation and alterations of the Oakland “Kaiser Auditorium”, located at 10-10th Street, Oakland, California (case number APL19016), Regular Design Review, and adoption of related California Environmental Quality Act (CEQA) findings.

Members of the public are welcome to attend the City Council hearing, and provide either written or oral comments regarding this Appeal (Planning Case: APL19016). If you seek to challenge this Planning Commission approval, as appealed, in court, you may be limited to raising only those issues raised at the public hearing described above or in written correspondence directed to the case Project Planner, Mike Rivera, at the City of Oakland, Bureau of Planning, located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612, or by email at mriviera@oaklandnet.com. Comments must be received by prior to the scheduled public hearing and, in any event, no later than **June 18, 2019 at 4:00 p.m.** for consideration.

Copies of the Appeal document, the Staff Report and related Project documents are available for distribution to interested parties at no charge at the City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 4:00 p. m., except Wednesday 9:30 a.m. to 4:00 p.m.

If you have any questions regarding this Appeal, please contact the Project case Planner, Mike Rivera at (510) 238-6417 or mriviera@oaklandnet.com

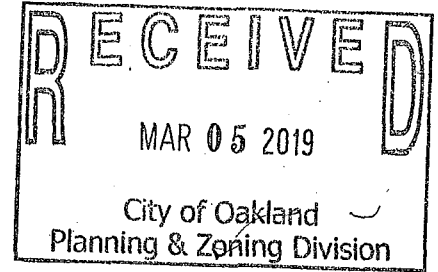
Office of the City Administrator
May 23, 2019

Attachment D

Rivera, Mike

Attachment E

From: marina carlson <marinacarlson3@yahoo.com>
Sent: Tuesday, March 5, 2019 7:01 AM
To: Rivera, Mike
Subject: Fwd: The Oakland Auditorium



Sent from my iPhone

Begin forwarded message:

From: marina carlson <marinacarlson3@yahoo.com>
Date: March 5, 2019 at 6:34:51 AM PST
To: jmyres.oakplanningcommission@gmail.com, amandamonchamp@gmail.com,
jfearnopc@gmail.com, NHegdeOPC@gmail.com, tlimon.opc@gmail.com, SShiraziOPC@gmail.com
Subject: The Oakland Auditorium

Re: case file number PLN 17101

Dear Sir or Madam,

I am very concerned about the historic cover-up of the steps that lead to the niches and the public art of the sculpture reliefs.

These steps have been in the public domain for over 100 Years. They are part of the architecture of the front facade. This is the north side of the building that faces Lake Merritt and graces our shoreline.

The developers have promised a restoration and preservation of the building. Instead they are covering up the steps and building a large wall. And the worst result of this plan is the privatization of a public work of art.

I also believe that there is a "prescriptive easement" on these steps that allows the public to pass. The developers will block the paths.

Would you please ask the city attorney to advise you on this matter?

The tax credits are supposed to encourage restorations, not the do nothing cover up of the building and the reimagining of the circulation pattern. This proposal will change the look of this side of the building by also placing a large central stairway that has nothing to do with the original design.

The stairs that exist approach each sculpture allowing the public to view each entrance. Each view is perfectly accessible from the sidewalk at this time.

This terrace plan is also an unnecessary expense.
This will raise the cost of this project
and give preservation a unfair reputation of costing too much.

In addition the parking lot should be returned to green open space and be part of the park as in the original plan.

- PLN17101 -
file copy

I ask that this committee direct the applicant to restore the original steps as they exist and reject the terrace as proposed.

Sincerely,

Marina Carlson

Sent from my iPhone

Rivera, Mike

From: Grey Gardner <greygardner@gmail.com>
Sent: Friday, March 29, 2019 4:49 PM
To: jmyres.oakplanningcommission@gmail.com; amandamonchamp@gmail.com; jfearnopc@gmail.com; NHegdeOPC@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; SShiraziOPC@gmail.com
Cc: Merkamp, Robert; Rivera, Mike; Manasse, Edward; Grey Gardner (Transport Oakland); Ginger Jui, Bike East Bay; christopher@transportoakland.org; Chris Hwang; Ben Kaufman; Ferrara, Nicole
Subject: Ten 10th Street (Oakland Civic Auditorium) project: Parking Lot / Transit Connectivity
Attachments: Kaiser Center Parking Lot and Transit Connection Letter - final.pdf

Members of the Planning Commission,

We are submitting the attached letter regarding the **Oakland Civic Auditorium** project, which is scheduled for consideration during the next meeting of the Commission on **April 3, 2019**.

The written comments address the amount of parking retained in the existing design and the inadequate pedestrian and bicyclist connection to transit / the Lake Merritt Station TOD through the property. Please us know if you have questions.

Thank you for your consideration.

Chris Kintner, Board President, Transport Oakland
Chris Hwang, Board President, Walk Oakland Bike Oakland
Ginger Jui, Bike East Bay Executive Director

Contact: Grey Gardner (grey@transportoakland.org)

March 29, 2019

Jahmese Myres, Chair
Amanda Monchamp, Vice-Chair
Jonathan Fearn
Nischit Hegde
Tom Limon
Clark Manus
Sahar Shirazi
Oakland City Planning Commission

Re: Ten 10th Street (Oakland Civic Auditorium) project
Parking Lot and Landscape Design
Case File Number: PLN17101

Dear Planning Commission Members:

The renovation of the Kaiser Convention Center offers a rare opportunity for the City of Oakland to vastly improve the pedestrian connections between Lake Merritt, the Lake Merritt BART Station, and the surrounding neighborhood. As Commissioners charged with thinking holistically about City development projects and overseeing these projects' compliance with existing City plans and policies, we urge you to support a design for the Convention Center that will improve connections to public transit, expand public green space, and enhance access to the Lake, Oakland's crown jewel.

The City has both a legal and moral obligation to maximize public resources and take bold steps to encourage sustainable transportation. Oakland's Energy and Climate Action Plan (Resolution No. 84126 C.M.S.) calls for a 36 percent reduction in greenhouse gas emissions and 20 percent reduction in vehicle-miles traveled from 2005 levels by 2020. Additionally, the City's "Transit First Policy" (Resolution No.73036 C.M.S.) prioritizes policies that reduce vehicle miles traveled and improve sustainable transportation by promoting walking, bicycling, and public transit. Finally, the City's "Complete Streets Policy" (Resolution No.84204 C.M.S.) states that the City will approach every relevant project as an opportunity to improve streets and the transportation network for all categories of users and to maximize opportunities for Complete Streets and connectivity.

Retaining the existing 164 parking spaces at the expense of a sufficient pedestrian and bicycle connection to the Lake would ignore these municipal obligations. The current pedestrian connection between Lake Merritt and the Lake Merritt BART Station area is confusing,

uninviting, and dangerous. The existing sidewalk that runs along the Convention Center's southwest parking lot entrance is narrow, poorly lit, and circuitous, impeding pedestrian use between 10th Street and the Lake. Failure to address these connectivity problems through this project will perpetuate the neighborhood's poor transit and pedestrian access, rendering any such project in direct violation of the aforementioned resolutions. The existing plan not only disregards established City policy, it also represents an outmoded design out of sync with a City that prides itself on its forward-thinking agenda.

Given that the Convention Center is within a short walking distance of BART, multiple AC Transit bus routes, and nearby and underutilized parking facilities (including facilities at the Oakland Museum the Lake Merritt BART station and Laney College), it is entirely feasible to eliminate Kaiser Center parking spaces while still providing sufficient access for tenants, commercial customers, and people attending public events.

To achieve a more beautiful, accessible, and sustainable project, we urge you as members of the Oakland Planning Commission to immediately:

1. Clarify the minimum number of parking spaces required by the City for this transit-rich facility less than 0.25 miles from a downtown Oakland BART Station;
2. Advise Department of Planning staff to require that the applicant draft an alternate landscape plan that creates a pedestrian plaza and bike path on the west side of the facility to provide a clear, safe, comfortable, and continuous green connection between Lake Merritt Blvd., the Convention Center, and the Lake Merritt BART Station;
3. Advise Department staff to convene a working group with Department of Transportation staff to develop a proposal that improves the pedestrian crossing between Lake Merritt and the Convention Center, and to immediately implement the recommendations that come out of this working group;
4. Direct the applicant to incorporate secure, on-site bicycle parking facilities into the design.

We understand the complexities surrounding this project and the public interest in moving it forward. However, we are confident that modifying the exterior design can be made without slowing progress on other aspects of the project. As Planning Commissioners entrusted with development oversight throughout our great City, it is incumbent on you to ensure developments are pursued with the best interest of the public in mind. This is especially true for projects that sit on public land and are connected to public resources as high-profile and frequently used as Lake Merritt. We urge you to prioritize public access over private parking at this site and to improve the pedestrian connection between Lake Merritt, the Convention Center, and the BART Station. This is a once in a generation opportunity that has the potential to

transform the community's access to public amenities for generations to come. Conversely, modifying the design of this space will become increasingly difficult once the Convention Center is reopened. Please don't pass up this opportunity. Thank you for your consideration.

Respectfully,

Chris Kintner, Board President, Transport Oakland
Chris Hwang, Board President, Walk Oakland Bike Oakland
Ginger Jui, Bike East Bay Executive Director

cc: Mayor Libby Schaaf
William Gilchrist, Director, Department of Planning
Mike Rivera, Case Planner, Department of Planning
Edward Manasse, Department of Planning
Ryan Russo, Director, Department of Transportation
Mark Sawicki, Director, Department of Community and Economic Development
Councilmember Nikki Fortunato Bas
Councilmember Rebecca Kaplan
Councilmember Dan Kalb
Councilmember Lynette Gibson McElhaney
Councilmember Sheng Thao
Councilmember Noel Gallo
Councilmember Loren Taylor
Councilmember Larry Reid
Sabrina Landreth, City Administrator

Rivera, Mike

From: Rivera, Mike
Sent: Friday, March 29, 2019 10:14 AM
To: Rivera, Mike
Subject: FW: Kaiser Convention Center

From: **Sumona Majumdar** <sumonanandi@gmail.com>
Date: Fri, Mar 22, 2019 at 9:52 AM
Subject: Kaiser Convention Center
To: <RMerkamp@oaklandnet.com>

Hello:

I am an Oakland resident and writing in regards to the proposed redesign of the Kaiser Convention Center. My understanding is that the current proposal includes a parking lot around most of the building that will accommodate 164 cars to the detriment of those of us who would like to access the site by foot, bike, or other alternative means.

This location is right next to Lake Merritt. Not only is the area a hub of pedestrian and bike activity, but it is also well served by public transportation. There is no reason that it needs such a massive parking lot. This will only encourage more people to drive, thus increasing traffic around the lake, and cause those of us on foot and bike to be discouraged from using these cleaner modes of transportation.

Furthermore, a massive parking lot next to Lake Merritt is incredibly unwise given the amount of surface runoff that these impervious areas create. Lake Merritt has only recently been cleaned up and restored as the jewel of Oakland that it is. Please do not put it back at risk through this short-sighted plan.

Oakland is supposed to be committed to a low carbon future. If this is a real commitment by the City, then we need to focus on development that gets people out of cars. The current proposal for the Kaiser Convention Center simply does not square with this need. If you are looking for a concept that is in line with Oakland's commitment, then please consider the recommendations by Transport Oakland in their recent letter to the Commission.

Thank you,
Sumona

PS - I hope to raise these concerns at the upcoming meeting on April 3rd in person. But, I do have a toddler and work full-time so that can make it difficult to attend these meetings. But, hopefully, you will take my concerns seriously even if I am unable to attend in person. We love going by bike to Lake Merritt with our daughter. And hope that we can continue to do so and feel safe when we are riding.

Sumona N. Majumdar
sumonanandi@gmail.com
510-634-1210



(By Electronic Transmission)

January 30, 2019

Design Review Committee, Oakland City Planning Commission

City Staff: Mike Rivera, Pete Vollmann, Betty Marvin, Jonathan Arnold, Robert Merkamp

Subject: HJK/Oakland Auditorium

Dear Commissioners Myers and Monchamp, and Planning Staff

Dear Ms. Myers and Ms. Monchamp,

Oakland Heritage Alliance has followed the design process for the re-use of the Auditorium quite closely. We appreciate the modifications to conform to Secretary of Interior standards, and the thoughtful approach by the staff and developer.

It seems that the main outstanding issue is whether the platform in the design, at the foot of the niches, is an asset or a distraction from the building's architecture. We can see advantages both ways; such a platform might provide better access for those who want to see the Stirling Calder designs up close, one after the other, without running up the little staircases. On the other hand, it does change the prospect of the building as viewed from the north.

We aren't certain yet how best to decide this issue, but we do wonder whether in an alternative design the platform could be narrowed somewhat, to reduce its visual impact? It seems that it is around 25 feet wide as currently designed. We concur with the staff in questioning the treatment of the surface materials, but that seems a less difficult issue than whether to construct the platform at all.

On the whole, the project seems to have moved in a positive direction, and we hope that it can proceed along to construction before too much more time elapses.

Please contact Naomi Schiff at 510-893-1819 or our office at 763-9218 if you would like to discuss these comments.

Sincerely,

Tom Debley
President

Rivera, Mike

From: jamesevann@aol.com
Sent: Monday, April 1, 2019 7:09 AM
To: jmyres.oakplanningcommission@gmail.com; amandamonchamp@gmail.com; jfearnopc@gmail.com; NHegdeOPC@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; sshiraziopc@gmail.com
Cc: Payne, Catherine; Rivera, Mike; Winter, Joanna; Merkamp, Robert; Gilchrist, William
Subject: Recommendation of CALM for Approval of ORTON DEVELOPMENT INC as Continuing Developer of OAKLAND CIVIC AUDITORIUM
Attachments: OaklandCivic-SupportLetterToPlanningCommission-1April2019.docx

TO: Oakland Planning Commission:
Commissioners Jahmese Myres (Chair), Amanda Monchamp (V Chair), Jonathan Fearn, Nischit Hegde, Tom Limon, Clark Manus, Sahar Shirazi,

TO: City Planning Department:
William Gilchrist, Catherine Payne, Mike Rivera, Jonathan Arnold, Robert Merkamp

SUBJECT: Recommendation of CALM for Approval of ORTON DEVELOPMENT INC as Continuing Developer of OAKLAND CIVIC AUDITORIUM --

3 April 2019 Agenda -- Oakland Planning Commission

Please find attached our letter of support and recommendation from CALM (Coalition of Advocates for Lake Merritt) urging the Commission's approval of ORTON DEVELOPMENT INC as continuing developer for re-purposing Oakland Civic Auditorium.

Coalition of Advocates for Lake Merritt

c/o 251 WAYNE AVENUE • OAKLAND CA 94606 • 510-763-0142

3 April 2019

TO: Oakland Planning Commission
Commissioners Jahmese Myres (Chair), Amanda Monchamp (V Chair), Jonathan Fearn,
Nischit Hegde, Tom Limon, Clark Manus, Sahar Shirazi,
TO: City Planning Department: William Gilchrist, Catherine Payne, Mike Rivera,
Jonathan Arnold, Robert Merkamp

**SUBJECT: Recommendation & Support for Orton Development's Plan for Re-Purposing
Oakland Civic Auditorium**

CALM, Coalition of Advocates for Lake Merritt, is pleased to convey our strong support and high recommendation for Orton Development Inc and its re-purposing plans to return the long moribund Civic Auditorium Complex to the civic and cultural life of Oakland.

An organization of architects, landscape architects, planners, attorneys, designers, and civic advocates, CALM has been an active stakeholder in projects, plans, proposals, and regulations that affect or impinge on development and quality of the environs and vicinity of Lake Merritt.

Over the period of the Project's ENA, CALM has maintained an interactive relationship with Orton Development in progressive phases of the Auditorium Project. CALM's involvement has included intermittent interactive reviews; design and development recommendations, urging community benefits thru providing ample low-cost space for artists, makers, and non-profits; and a recommendation to provide a needed anchor and office space for the nascent and homeless Black Arts Movement Business District (BAMBD).

Rational for CALM's recommendation in support of Orton's Re-Purposing Plan:

- 1. Returns to Use an Important and Iconic Civic Resource.** After 12-years of closure, preceded by 10 years of sporadic and unsuccessful operation at an annual lost to the city of \$1 million, the city has a new opportunity to reclaim this esteemed historic edifice and its lauded Calvin Simmons Theater for the civic and cultural life of Oakland.
- 2. Re-Purposes the Auditorium for Expanded and Contemporary Uses.** The re-design plan has entertained several iterations, including an ambitious design that had to be abandoned for lack of a major commercial tenant; to the present proposal to solicit a restaurant and small commercial users that will hopefully generate sufficient income to support civic cultural organizations in the western section and a variety of venerable community artists and nonprofit entities at low-rent in the eastern section
- 3. Accomplished a Beneficial and Interactive Relationship with the Oakland Museum.** Working closely with OMCA administrators, Orton helped to institute new design iterations that will alter and remove present barriers and open views, and establish visual and people communications between the two cultural institutions.
- 4. Restores, Preserves and Enhances the Historical Character of the Auditorium.** Orton collaborated closely with State and Federal Historical Offices and gained approval to restore, preserve, and enhance the Calder niches, the cast iron portico awnings and distinctive entry lanterns, the arena

seating and ambulatories, interior rooms and spaces and, in addition, will expose and restore the original arena-sized roof skylights.

Additionally, Orton proposes a new public space by constructing a broad full-length north-facing Terrace to provide a new public and social gathering area and a new and improved platform for viewing the sculptural niches and for vistas over parking of Lake Merritt, Lake Merritt Blvd, and Amphitheater Park.

5. A Sincere and Demonstrated Commitment Thru Three-Years of Huge “At-Risk” Investment. Since its selection in 2015, and because of the nature of the city’s conditions of the “lease” (not purchase) arrangement for design, rehabilitation, provisioning, operations, and managing the Auditorium, CALM estimates that to date Orton has expended at least \$50 million in upfront costs ... all (and more) at risk in event of late stage project suspension or termination. In addition to program and technical performance, Orton has shown unusual resilience in its outreach to community stakeholders, presentations at public events including the Measure DD Community Coalition, and in its written responses to questions voiced at a recent townhall meeting hosted by Councilmember Nikki Bas.

6. Developer Would be Difficult to Replace for Such Unusually Complex and Challenging Project. On several occasions, due to the complexity and cost challenges posed by the Auditorium Project, CALM has feared that Oakland might lose the one developer most qualified to carry out the desired assignment. CALM is painfully aware that the original RFP for the Auditorium Project attracted only three (3) submittals ... of which Orton alone possessed the qualifications, knowledge, experience, character, and financial capacity to take on the Project. If Orton were not performing adequately ... regardless of risk ... there is no question that dismissal might be warranted. CALM is, however, extremely skeptical that clamors for “free space,” “community ownership and control,” or “expired ENA term” are not sufficient justifications to eliminate a dedicated selectee that has performed admirably at great risk, personal expense, and through unusual challenges.

7. Unique Terms of the ENA and of the Lease Design Development Agreement (LDDA). The Auditorium Project is fraught with uncertainties. Included among the terms of development:

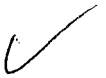
- (a) revenue (lease payments) to the city over the term of the LDDA;
- (b) dedicated space at low- or no-rent for city-related activities of the west section ... symphony, ballet, lobbies, offices, practice rooms, etc.;
- (c) extensive evaluation and repair of the long vacant, vandalized, deteriorated edifice;
- (d) seismic evaluation and improvements as needed;
- (e) rehabilitation of west facilities to historic code standards; (reconfiguration of stage and seating provisions of the Calvin Simmons Theater;
- (f) retention and restoration of historic features throughout;
- (g) ADA and code-required improvements at stairs, entries, and exit ways;
- (h) demolition and clearance of the cluttered basement and preparations for office use;
- (i) retention of the existing count of Measure DD off-street parking;
- (j) accommodations for artists, makers, non-profits at lowest economically feasible rents;
- (k) physical improvements to strengthen linkages between Auditorium and Museum;
- (l) and others ...

In summary, CALM contends that Oakland is privileged to have a developer of the character of Orton Development Inc interested and committed to this important public Project. For over three years, Orton has invested huge expenditures in studies, investigations, testing, analyses, market solicitation, and economic modeling; has performed outreach and held interactive sessions with recommended stakeholder groups; has appropriately responded to questions of a recent community workshop; and has developed creative options to the many challenges presented in re-purposing this important iconic public resource for contemporary reuse.

Consistent with our continuing positive interrelations with the developing design and proposals for the Auditorium Project, CALM strongly endorses Orton's redevelopment plans for Oakland Civic Auditorium and urges the Planning Commission to approve Orton Development Inc to proceed to the next phase and toward construction at the earliest possible date.

Coalition of Advocates for Lake Merritt (CALM)

William Bonville AIA
Christopher Buckley AICP
Michael Coleman AIA
Bruce De Benedictus
Patricia Durham
Alan Dreyfuss AIA
Emmy Fearn
Jeff Fearn
Aileen Frankel
Cathy Garrett ASLA
Laurie Gordon
Kathryn Kasch
Chris Kent ASLA
Caroline Kim
John Klein
Arthur Levy, Esq
Judith Offer
Chris Pattillo ASLA
Michael Pyatok FAIA,
Hon Judge John Sutter, Esq
Ellie Sutter
Naomi Schiff
Sandra Threlfall
James E Vann AIA



Rivera, Mike

From: Trina Goodwin <trina.goodwin@nollandtam.com>
Sent: Friday, March 29, 2019 8:17 AM
To: Rivera, Mike
Subject: Oakland Civic Auditorium

Hello Mike,

I am a resident of Oakland who has been following the slow development plans of the Oakland Civic Auditorium. I understand this is coming before the Planning Commission this coming week, and I would like to come voice support for the project. As I am not experienced with the procedures and timing of the public comments of the planning commission, can you give me an idea of how to make a public comment. I see that it is late on the agenda, and I am wondering if I can come later to the meeting or if I need to be there at the beginning to make a statement.

Also I was not able to find a link to the staff report for this item. I am curious if the staff what it recommends.

Thank you for your work on this project, I believe it could be a real asset to the City.

Best regards,

Trina Goodwin

Rivera, Mike

From: Rivera, Mike
Sent: Thursday, March 28, 2019 10:19 AM
To: 'adrian.lopez7480@icloud.com'
Subject: 10- 10th Street. Oakland Civic Auditorium Proposed Project. Public Comments. Case File: PLN17101

Hi Adrian,

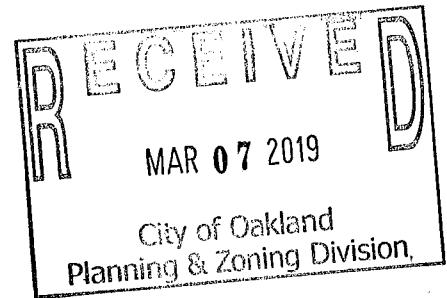
Thank you for the public comments. We will share it with the Planning Commission and general public.

Mike Rivera, City Planner | Major Projects | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-6417 | Fax: (510) 238-4730 | Email: mrivera@oaklandnet.com | Website: <https://www.oaklandca.gov>

From: Adrian Lopez <adrian.lopez7480@icloud.com>
Sent: Friday, March 22, 2019 1:59 AM
To: Klein, Heather
Subject: Reopen Oakland Convention Center

Hi. I will suggest that the Commissioners who are in charge of the Project to Reopen Oakland Convention Center should talk to Steve Hill the CEO of Las Vegas convention center or Rossi Ralenkotter about how to Run a Convention Center even call the mayor of Las Vegas Nevada. Oakland Convention Center should be Reopen with Golden letters this will be more attractive and more powerful for a name. Plus all the new business jobs that Oakland city can get will be helpful for the future of the city.

The Oakland Auditorium
Re: case file number PLN 17101
03/05/2019



Dear Sir or Madam,

As a long time resident of Oakland and a regular walker around Lake Merritt, I urge you to reevaluate the parking lot on the north side of The Oakland Auditorium.

The Auditorium is situated in a civic node, surrounded by Lake Merritt, Oakland Museum, Court House, Estuary Channel and Laney College, the land in front of the north side facade could not have been meant to become a parking lot, and this proposal before us fails to address it. ✓

The vision for the proposal should be “ to create a more active, vibrant safe district to serve and attract residents, businesses and visitors”, the 164 spaces devoted to parked cars and asphalt do not fulfill the vision of the proposal. The standard of treatment of historic sites encompasses “ landscape features, building site and the environment”, in this proposal most of the 4.8 acres the Auditorium is sitting on is ignored.

The parking lot can be replaced by a destination park, with myriads of opportunities for gatherings, outdoor café, rotating public art, benches even a small stage, not to mention the reconnection to Lake Merritt which would fulfill the entire vision and standards of the proposal.

In the 21st century we cannot afford to devote prime public land to a parking lot, I hope that everyone involved in this project will reconsider and address the big elephant in the room and build us a beautiful, active and vibrant park to benefit the entire city and enhance our commitment to protecting our outdoor spaces.

Parking spaces for people who would be working there including handicap spaces could be accommodated on the east side of the building, and concert parking could be provided in the Laney lot, not the entire open space.

I hope that the city and the developers will address these concerns and consider building a vibrant park that establishes “a sense of place, a cultural and community anchor and regional destination”.

Sincerely,
Shirin Bond
2111 10th Avenue
Oakland, CA 94606



Rivera, Mike

From: Alvina Wong 黃曉茵 <alvina@apen4ej.org> ✓
Sent: Wednesday, April 3, 2019 2:09 PM
To: Jahmese Myres; NHegdeOPC@gmail.com; Jonathan Fearn; cmanusopc@gmail.com; Tom Limon; SSHiraziOPC@gmail.com; Amanda Monchamp
Cc: Rivera, Mike; Arnold, Jonathan; Gilchrist, William; Mike Lok; Ener* Chiu; Saly Lee
Subject: Chinatown Coalition's Concerns on Oakland Civic Auditorium Project
Attachments: Orton Comment Letter.docx

Good Afternoon Planning Commissioners,

Please see our Oakland Chinatown Coalition's attached comment letter in response to tonight's item about the Oakland Civic Auditorium. Thank you for taking the time to discuss this important project proposal and hope you will take our Chinatown Coalition's concerns into consideration as you deliberate next steps.

Feel free to respond to me, Mike Lock of AHS, Ener Chiu of EBALDC, or Saly Lee of OACC if you have any questions.

Thank you,

Alvina Wong, Oakland Organizing Director | 黃曉茵, 屋崙社區組織主任

Gender Pronoun: She/Her/Hers

Asian Pacific Environmental Network | 亞太環保網絡

p: (510) 834-8920 x341 c: (510) 467-0359 s: apen4ej.org

s: apen4ej.org e: alvina@apen4ej.org | Follow us on



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OAKLAND CHINATOWN COALITION

April 2, 2019

To: City of Oakland Planning Commission

Subject: 10 10th St (Oakland Civic Auditorium)

Dear Planning Commissioners,

We, the Chinatown Coalition, have concerns with the currently proposed rehabilitation of the Oakland Civic Auditorium.

Large-scale market rate developments in the neighborhood and a rapidly developing downtown have accelerated displacement in Chinatown at dangerous rates. This is another carve out of Chinatown that we will never get back. While Chinatown is one of the most walkable neighborhoods in Oakland, it also has the highest rate of pedestrian-vehicle accidents and deaths, with one-way, freeway, and Alameda through traffic dispersing more air pollution into Chinatown. We cannot ignore the consistent and historic displacement of our communities to which yesterday's announcement has exacerbated. Our neighborhoods are already in a housing and real estate speculation crisis, with many long term small businesses getting displaced and closing due to rising retail rents.

Chinatown is composed of immigrant-owned small businesses, legacy faith institutions, and multi-generational families. Eighty-eight percent of our neighborhood is Asian, the majority of their annual incomes under \$30,000 a year. Our residents face growing homelessness amongst students and seniors as well as displacement of long term tenants and small businesses. Nonetheless it remains a vibrant hub for immigrant-centered services as well as the preservation of Asian cultural heritage.

On March 20th, the Orton Development, Inc. team presented their project and discussed some of the proposed changes with the Chinatown Coalition. While their presentation was informative, we haven't been able to engage enough with the project. We are happy to see the Kaiser Auditorium rehabilitated, but are also concerned that there is not sufficient information to address our following concerns:

- Given that this is a large public property redevelopment that will undeniably impact Chinatown and the surrounding area for decades to come.
- the current proposal's accessibility to the general public and arts/culture community
- Affordability of workspace; projected rental rates do not seem like they will actually be affordable to artists and cultural workers, especially smaller groups

OAKLAND CHINATOWN COALITION

- Planned use, if the project is indeed intended for artists and cultural workers, it's more beneficial for the design to include more classrooms, workshop space and multipurpose rooms rather than more administrative/office-like workspaces; this is a need we see a lot in Chinatown, especially with the experience of the Oakland Asian Cultural Center
- The proposal also suggests creating its own non-profit to manage the space and with limited arts and culture funding/resources, how can this new non-profit ensure it doesn't compete with existing cultural centers and artist spaces? How will this new management non-profit be able to target alternative funding sources as to not further compete, especially with smaller arts groups and nonprofits?
- While it's great to see the Calvin Simmons theater will be preserved, how will this public building and property maintain a public asset that is accessible to anyone regardless if they can pay to attend, enter and use the space?

We urge the Planning Commission to ensure the proposal option until a Community Benefits Agreement is in place. We understand that there are public funding resources tied to this proposal, we know this is not small amount to risk, but it's worth giving us and the community more and proper time to engage with the rehabilitation project and trust that through that process and collaboration between the city and community those resources will still be available. The planning commission needs to ensure that this and other projects like this includes meaningful community engagement and commitments before allowing the project to advance.

Respectfully,

Oakland Chinatown Coalition

CC: William Gilchrist, Mike Rivera, Bureau of Planning

2019 JUN -6 PM 5:28

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION UPHOLDING THE PLANNING COMMISSION'S APPROVAL AND DENYING THE APPEAL BY A COALITION LED BY AYODELE NZINGA, OF 1) A MAJOR CONDITIONAL USE PERMIT FOR THE REUSE, REHABILITATION AND ALTERATIONS OF THE OAKLAND "KAISER AUDITORIUM", 2) REGULAR DESIGN REVIEW FOR BUILDING ALTERATIONS, AND 3) ADOPTION OF RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR THE PROPOSED PROJECT LOCATED AT 10-10TH STREET, OAKLAND CA (PROJECT CASE NO. PLN17101)

WHEREAS, the Project applicant, Orton Development Inc., filed an application on April 14, 2017 to rehabilitate, make building and site alterations and operate new commercial uses in the existing Oakland "Kaiser Auditorium" building of approximately 215,000 square feet, located at 10-10th Street; and

WHEREAS, the Landmarks Preservation Advisory Board (LPAB) reviewed the application at its February 5, 2018, March 12, 2018 and February 4, 2019 meetings and considered the design review aspects of the Project at its duly noticed public meetings; and

WHEREAS, the Design Review Committee (DRC) reviewed the application at its January 30, 2019 and March 6, 2019 meetings and considered the design review aspects of the Project at its duly noticed public meetings, and forwarded the application to the Planning Commission; and

WHEREAS, the City Planning Commission took testimony and considered the Project at its duly noticed public meeting of April 3, 2019; and approved 1) A Major Conditional Use Permit for Auditorium Activities in the Existing 215,000 square foot Oakland "Kaiser Auditorium", and 2) Regular Design Review for Rehabilitation and Alterations to the Building and Site, and 3) Adoption of Related California Environmental Quality Act (CEQA) Findings for the Proposed Project Located at 10-10th Street, Oakland, CA (Project Case PLN17101); and

WHEREAS on April 15, 2019, an appeal of the Planning Commission's approval and a statement setting forth the basis of the appeal was filed by a coalition led by Ayodele Nzinga; and

WHEREAS, after giving due notice to the Appellant, the Applicant, all interested parties and the

public, the Appeal came before the City Council at a duly noticed public hearing on June 18, 2019; and

WHEREAS, the Appellant, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing by submittal of oral and/or written comments; and

WHEREAS, the public hearing on the Appeal was closed by the City Council on June 18, 2019; now, therefore be it

RESOLVED: That, the City Council hereby independently finds and determines that the requirements of the California Environmental Quality Act (CEQA) of 1970, as prescribed by the City of Oakland's environmental review requirements, have been satisfied. In addition, the CEQA analysis used CEQA Guidelines Sections (A) 15164 - Addendum to EIRs; (B) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; and (C) 15168- Prior EIRs and Redevelopment Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That, the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the Planning Commission's decision, and the Appeals, finds that the Appellants have not shown, by reliance on evidence already contained in the record before the City Planning Commission, that the Planning Commission's decision on April 3, 2019 was made in error, that there was an abuse of discretion by the Planning Commission or that the Commission's decision was not supported by substantial evidence in the record, based on the April 3, 2019 Staff Report to the Planning Commission and the June 18, 2019 City Council Agenda Report hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeal is denied, the Planning Commission's CEQA Determination is upheld, based upon the April 3, 2019 Staff Report to the City Planning Commission and the June 18, 2019 City Council Agenda Report, each of which is hereby separately and independently adopted by this City Council in full; and be it

FURTHER RESOLVED: That, in support of the Planning Commission's decision to approve the Project, the City Council affirms and adopts the April 3, 2019 Staff Report to the City Planning Commission (including without limitation the discussion, findings, conclusions and conditions of approval each of which is hereby separately and independently adopted by this Council in full), as well as the June 18, 2019, City Council Agenda Report, (including without limitation the discussion, findings, conclusions and conditions of approval, each of which is hereby separately and independently adopted by this Council in full), except where otherwise expressly stated in this Resolution; and be it

FURTHER RESOLVED: That, the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Exemption and Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: That, the record before this Council relating to this application and appeal includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. the notice of appeal and all accompanying statements and materials;
4. all final Staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation and all related/supporting final materials, and all final notices relating to the application and attendant hearings;
5. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the appeal; and all written evidence received by relevant City Staff before and during the public hearings on the application and appeal;
6. all matters of common knowledge and all official enactments and acts of the City, including, without limitation (a) the General Plan; (b) Oakland Municipal Code (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That, the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Department of Planning & Building, Bureau of Planning, 250 Frank H. Ogawa Plaza, 2114, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA; and be it

FURTHER RESOLVED: That, the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California