

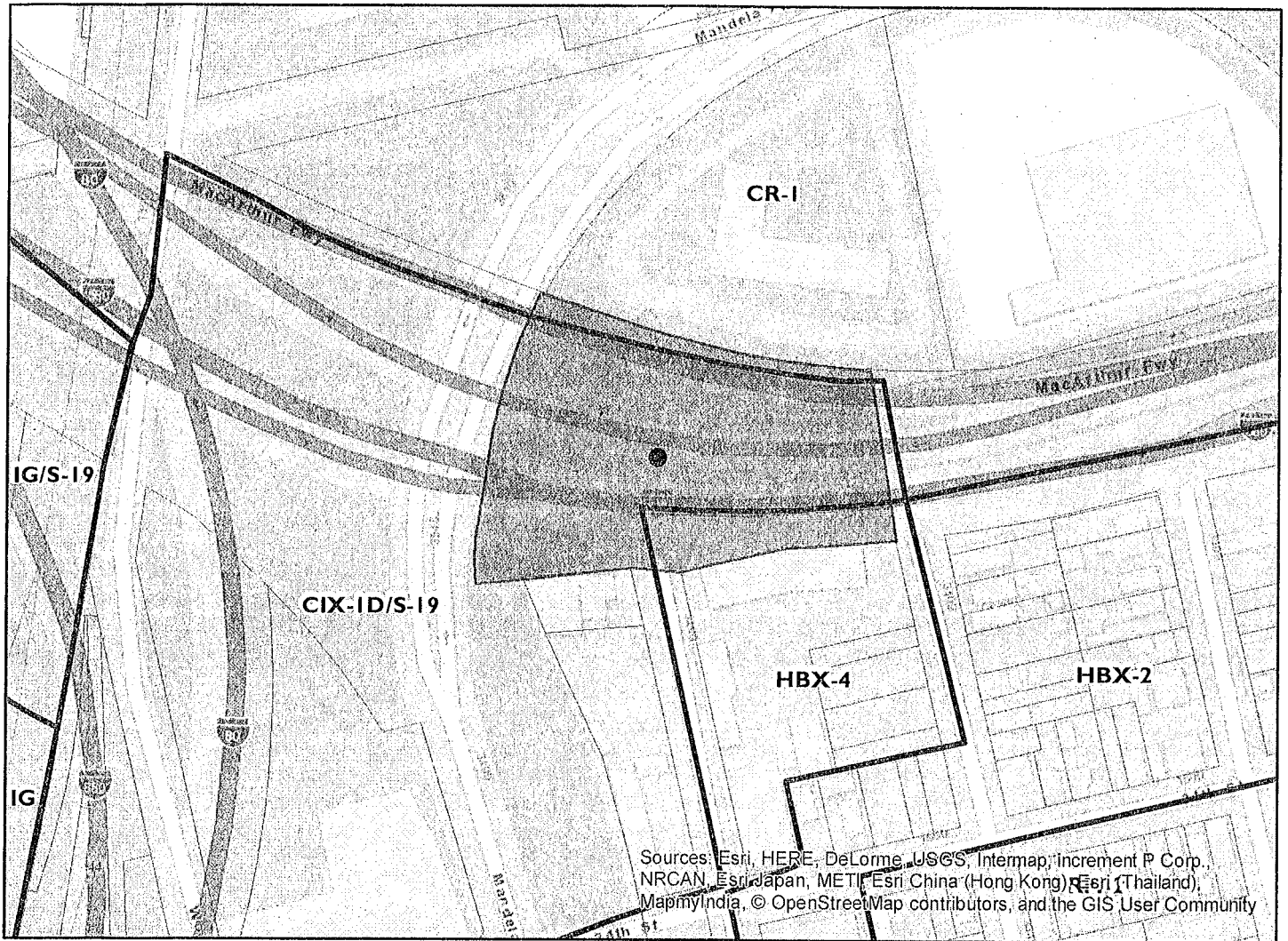
<b>Location:</b>	Adjacent to 3640 Mandela Parkway (Vacant lot Under I-580)
<b>Proposal:</b>	To construct a 2.5-acre surface parking facility for 30 Emery-Go-Round buses and 22 employee parking spaces located beneath Interstate 580. Site improvements include paving, lighting, fencing, security facilities, one non-permanent trailer, a new landscaping and two new driveways off Mandela Parkway.
<b>Applicant:</b>	Emeryville Transportation Management Association
<b>Contact Person/ Phone</b>	Veronica "Roni" Hattrup / (925) 937-0980 x 212
<b>Owner:</b>	California Department of Transportation
<b>Planning Permits Required:</b>	Major Conditional Use Permit for project site exceeding one- acre and for an Extensive Impact Civic Activity; and Regular Design Review
<b>General Plan:</b>	Business Mix
<b>Zoning:</b>	CIX-1D / West Oakland Plan Area Commercial Industrial Mix – 1D Industrial Zone (Retail Commercial Mix) / S-19 Health And Safety Protection Combining Zone
<b>Environmental Determination:</b>	Exempt from the California Environmental Quality Act under Sections 15303 Construction of a small structure; 15304: Minor Alteration to Land; 15332 In-fill Development, and 15183: Project Consistent with a Community Plan, General Plan or Zoning.
<b>Historic Status:</b>	Non-Historic Property
<b>City Council District:</b>	3
<b>Date Filed:</b>	November 19, 2018
<b>Action to be Taken:</b>	Approve with Conditions
<b>Staff Recommendation:</b>	Decision based on staff report
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For Further Information:</b>	Contact case planner <b>Eva Wu</b> at 510-238-3785 or <a href="mailto:ewu@oaklandca.gov">ewu@oaklandca.gov</a>

**SUMMARY**

The proposal is to construct a 2.5-acre surface parking facility on a vacant three-acre lot located beneath Interstate 580 (I-580) on Freeway Lease Area (FLA) 04-ALA-580-34 to support 30 Emery-Go-Round buses and 22 employee parking spaces. Site improvements include grading, drainage, stormwater pollution treatment areas, paving, striping, fencing, lighting within the FLA, and landscaping along Mandela Parkway and the northern perimeter of the lot. The project is also have a non-permanent trailer of 1,440 square feet.

The applicant, Emeryville Transportation Management Association (ETMA), is requesting a Conditional Use Permit (CUP) for an Extensive Impact Civic Activity in the West Oakland Plan Area Commercial Industrial Mix – 1D Industrial Zone (CIX-1D) Zone Because the site is more than one-acre, the activity would require a Major CUP, and thus requires a decision from the Planning Commission. Regular Design Review approval for a new non-residential facility is also required. As detailed below, staff finds the project meets all the required findings and recommends approval of the project, subject to the attached Conditions of Approvals.

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN18498  
Applicant: Veronica "Roni" Hatstrup of Emeryville Transp. Mgmt Assoc.  
Address: Adjacent to 3640 Mandela Parkway (Vacant lot Under I-580)  
Zone: CIX-ID / S-19

## BACKGROUND

### General

The Emeryville Transportation Management Association (ETMA) is a non-profit organization that operates the Emery-Go-Round public transit program in conjunction with the City of Emeryville. The primary purpose of the ETMA is to increase access and mobility to, from and within Emeryville while alleviating congestion through the operation of the public transit program. The ETMA is funded by a City of Emeryville Property and Business Investment District (PBID) and grants.

The California Transportation Commission is in favor of the proposal because it will substantially transform the historically blighted site, provide a deterrent to vandals and be a more safe and secure area. It will also reduce the workload on maintenance staff to clear trash, remove homeless encampments, remove graffiti, and repair broken fences and gates. CalTrans also supports limiting access to the site from Mandela Parkway because it has received several complaints from neighbors about trucks entering and exiting the site via local streets.

### Outreach

The applicant held two community meetings:

- The first meeting was held on January 16, 2019 with the West Oakland Commerce Association as part of the West Oakland Business Alert Program and had approximately 15 attendees.
- The second meeting was held on January 17, 2019 with the West Oakland Neighbors and had approximately 20-25 attendees.

According to the applicant, positive interest was received at both meetings. The community identified the following benefits of the project:

- Site clean up;
- Site improvement with landscaping;
- Improved lighting and security;
- Eyes on the street;
- The site design and location would minimize the bus use of Oakland streets and would not travel through residential neighborhoods; and
- Vehicles would only idle during the pre-trip inspection, which is 10 minutes or less.

The following are concerns raised by the community and the applicant's response:

- The negative optics of Emeryville buses being parked in West Oakland.
  - Applicant response: The ETMA will preserve two spaces at the site for buses to serve West Oakland should the community partner with the ETMA.
- Increase in emission from busses.
  - Applicant response: The applicant is working with the ETMA Board on a plan to define ETMA's commitment to transition to a cleaner fleet of vehicles.
  - Applicant response: The ETMA is engaged in discussion with Brian Beveridge of West Oakland Environmental Indicators Project on how they can work together to secure grant funding for capital equipment and/or infrastructure.
- Security at the site.
  - Applicant response: The EMTA will raise security fencing and enhance lighting along the perimeter of the site, particularly along the pedestrian sidewalk on Mandela Parkway.

- Applicant response: The ETMA will also consider security cameras, particularly at the access gates and near the proposed mobile office.

These issues are discussed further in the Key Issues and Impacts section below.

### PROPERTY DESCRIPTION

FLA-04-ALA-580-34 is located beneath I-580 and adjacent to Mandela Parkway. The site is currently leased to a hauling business for dumpster storage. The site is flat, without landscaping, and has previously been used for storage. As mentioned previously, the site has experienced illegal dumping, homeless encampments, graffiti and other blight-producing activities.

### PROJECT DESCRIPTION

The proposal is to construct a 2.5-acre surface parking and operations facility beneath the I-580 at FLA-04-ALA-580-34 (see Attachments C and D). Site improvements include grading, drainage, stormwater pollution treatment areas, paving, striping, new fencing, lighting the (FLA, and providing landscaping along Mandela Parkway and the northern perimeter of the lot. The project is also constructing a non-permanent trailer of 1,440 square feet. The proposal creates 26 parking spaces for 40-foot transit buses, 4 spaces for 32-foot transit buses (total of 30 spaces for the buses); 20 employee parking spaces and 2 ADA parking spaces. The existing entrance off Ettie Street (a partially residential street) will be closed, and two new driveways will be constructed off Mandela Parkway to avoid bus and truck traffic in the adjoining neighborhood. Fueling and vehicle maintenance will be performed off-site. Pre-and post-trip inspections, including "topping off" of vehicle fluids in and bus washing will be performed on-site. The applicant will contract with a vendor for weekly maintenance of the landscaping as well as trash clean up. Between 30-35 employees will be involved in daily operations and between 50-55 vehicular trips (see Attachment E) are anticipated per day with peak activity at 6:30am, 10:30am, 3pm, and 7pm. Hours of operation will be 5am-11pm (Mon-Fri), 8am-11pm (Sat), and 8am-8pm (Sun).

### GENERAL PLAN ANALYSIS

The subject property is located within the Business Mix land use classification per the Oakland General Plan's Land Use and Transportation Element (LUTE). The Business Mix Use classification is intended to "create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments." The desired characteristic and uses of the Business Mix classification "may accommodate a mix of businesses such as light industrial, manufacturing, food processing, commercial, bioscience and biotechnology, research and development, environmental technology, business and health services, air, truck and rail related transportation services, warehouse and distribution facilities, office, and other uses of similar business character." The proposal is designed to accommodate related transportation services and civic use and thus is consistent with this LUTE Intent. The proposal is also consistent with the following LUTE policies:

**Policy I/C1.4: Investing Economically Distressed Areas of Oakland.**

Economic investing, consistent with the City's overall economic strategy, should be encouraged, and where feasible, should promote viable investment in economically distressed areas of the city. *The proposal will put the vacant lot to productive use, beautify the area and increasing security in distressed area.*

**Policy I/C1.9: Locating Industrial and Commercial Area Infrastructure**

Adequate public infrastructure should be ensured within existing and proposed industrial and commercial areas to retain viable existing uses, improve the marketability of the existing vacant or

underutilized sites, and encourage future use and development of these areas with activities consistent with the goals of this plan.

*The proposal will improve marketability of existing vacant and underutilized site and encourage future use and development.*

**Objective I/C2: Maximize the usefulness of existing abandoned or underutilized industrial building and land.**

*The proposal will turn the existing underutilized land into a useful parking facility, beautify the area and increasing security in distressed area.*

**Policy I/C2.2: Pursuing Environmental Clean-Up.**

The environmental cleanup of contaminated industrial properties should be actively pursued to attract new users in targeted industrial and commercial area.

*The proposal will clean up the area under the freeway providing new drainage and stormwater management and landscaping.*

**Policy I/4.2: Minimizing Nuisances**

The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development control.

*The proposal includes new landscaping, lighting, and security facility that will minimize nuisances in the surrounding area.*

## ZONING ANALYSIS

The project is located in the CIX-1D Zone (Commercial Industrial Mix). The proposed activity is considered an Extensive Impact Civic Activity per section 17.10.2040 of the Planning Code.

The proposal is considered an Extensive Impact Civic Activity (Public and public utility corporation or truck yards). Because the site is more than one-acre, the activity would require a Major CUP, and thus requires a decision from the Planning Commission. Regular Design Review approval for a new non-residential facility is also required. The required findings for a Major CUP and Regular Design Review are attached and included in the *Findings* section of this report.

## ENVIRONMENTAL DETERMINATION

For purposes of environmental review under the California Environmental Quality Act (CEQA), the project meets the criteria for a Categorical Exemption under Section 15303 of the CEQA Guidelines (Construction of a Small Structure), Section 15304 (Minor Alterations of Land Use), Section 15332 (In-fill Exemption Projects), and Section 15183 (Conformity to a community plan, general plan or zoning). The criteria required for an exemption under Section 15332, and how the project meets these criteria, are contained in Attachment A, Findings, below.

## KEY ISSUES AND IMPACTS

The proposed parking facility is an appropriate development for the area under the freeway. The key benefits of this project will be to transform a historically blighted site into a well maintained and functional facility, improve the site and street with new landscaping, and enhance security through lighting, fencing and personnel activity (eyes on the street and property). The estimated 50-55 total vehicular trips to the site per day will have limited impact on the adjacent residential neighborhood because site access will only be

from Mandela Parkway. The applicant has expressed commitment to better air quality by working on a plan to transition to cleaner fleet vehicles, and this has been required as a standard condition of approval.

**RECOMMENDATIONS:**

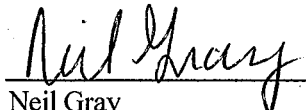
- For approvals:
1. Affirm staff's environmental determination.
  2. Approve the Major Conditional Use Permit, and Design Review subject to the attached findings and conditions of approval.

Prepared by:

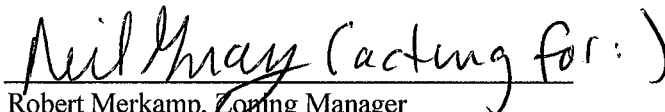


Eva Wu  
Planner II

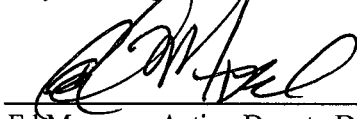
Reviewed by:

  
\_\_\_\_\_  
Neil Gray  
Planner IV

Reviewed by:

  
\_\_\_\_\_  
Robert Merkamp, Zoning Manager  
Bureau of Planning

Approved for forwarding to the  
City Planning Commission:

  
\_\_\_\_\_  
Ed Manasse, Acting Deputy Director  
Bureau of Planning and Building

**LEGAL NOTICE:** The decision of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision is announced (Code of Civil Procedure Section 1094.6).

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Plans with photographs
- D. Photosimulation
- E. Estimated Traffic Count

**ATTACHMENT A: FINDINGS**

## FINDINGS FOR APPROVAL:

This proposal meets all the required findings under the **General Use Permit (OMC Sec. 17.134.050), Regular Design Review Criteria (OMC Sec. 17.136.050(B))** of the Oakland Planning Code (Title 17); as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

**SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:**

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

The project will transform a historically blighted site into a well maintained and functional facility, improve the site and street with new landscaping, and enhance security through lighting, fencing and personnel activity (eyes on the street and property). The estimated 50-55 total vehicular trips to the site per day will have limited impact on the adjacent residential neighborhood because site access will only be from Mandela Parkway.

- 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 location, design, and site planning of the proposed parking facility will provide a functional use to the area under the freeway. New landscaping and lighting along Mandela Parkway will ensure an attractive development.

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

The proposal will enhance the successful operation of the surrounding area by developing a dirt lot into a well-maintained parking facility reduces traffic impacts throughout the region. Furthermore, the project will minimize vandals, trash, and graffiti in the community with new lighting and security installations.

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

The proposal conforms to all significant aspects of the Design Review criteria set forth in Chapter 17.136 of the Oakland Planning Code, as outlined below.

- 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 proposed project site is classified as Business Mix classification per the General Plan's Land Use and Transportation Element (LUTE). The intent of this classification is "to create, preserve and enhance

areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. High impact industrial uses including those that have hazardous materials on site may be allowed provided they are adequately buffered from residential area. High impact or large scale commercial retail uses should be limited to sites with direct access to the regional transportation system. Desired character and uses areas may accommodate a mix of businesses such as light industrial, manufacturing, food processing, commercial, bioscience and biotechnology, research and development, environmental technology, business and health services, air, truck and rail related transportation services, warehouse and distribution facilities, office, and other uses of similar business character. The proposed project to construct a bus parking facility on a vacant lot, is consistent with the intent and desired character and uses of the Business Mix classification as well as the LUTE Objectives below:

**Policy I/C1.4: Investing Economically Distressed Areas of Oakland.**

Economic investing, consistent with the City' overall economic strategy, should be encouraged, and where feasible, should promote viable investment in economically distressed areas of the city. *Putting the vacant lot to productive use. Beautifying and increasing security in distressed area.*

**Policy I/C1.9: Locating Industrial and Commercial Area Infrastructure**

Adequate public infrastructure should be ensured within existing and proposed industrial and commercial areas to retain viable existing uses, improve the marketability of the existing vacant or underutilized sites, and encourage future use and development of these areas with activities consistent with the goals of this plan.

*The proposal will improve marketability of existing vacant and underutilized site and encourage future use and development.*

**Objective I/C2: Maximize the usefulness of existing abandoned or underutilized industrial building and land.**

*The proposal will turn the existing underutilized land into a useful parking facility.*

**Policy I/C2.2: Pursuing Environmental Clean-Up.**

The environmental cleanup of contaminated industrial properties should be actively pursued to attract new users in targeted industrial and commercial area.

*The proposal will clean up the area under the freeway providing new drainage and storm water management.*

**Policy I/4.2: Minimizing Nuisances**

The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development control.

*The proposal includes new landscaping, lighting, and security facility that will minimize nuisances in the surrounding area.*

**17.136.050B FOR NON-RESIDENTIAL FACILITIES AND SIGNS:**

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 design will approve the appearance of the surrounding area by providing site improvements to an industrial area. The proposed on- and off-site landscaping and site development will be a significant visual improvement to the area. Perimeter landscaping will include fully irrigated Japanese maples, flowering grasses, lilac vines on an ornamental fence, and drought resistant grasses and shrubs.

- 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 proposed project will include new fencing and landscaping to buffer and screen the open parking from the street. The development of the site will create desirable visual upgrades and prevent blighted conditions at the site.

- 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.**

See finding above E, above.

### **ENVIRONMENTAL DETERMINATION FINDINGS**

For purposes of environmental review under the California Environmental Quality Act (CEQA), the project meets the criteria for a Categorical Exemption under Section 15303 of the CEQA Guidelines (Construction of a Small Structure), Section 15304 (Minor Alterations of Land Use), Section 15332 (In-fill Exemption Projects), and Section 15183 (Conformity to a community plan, general plan or zoning). The criteria required for an exemption under Section 15332, and how the project meets these criteria, are contained in Attachment A, Findings, below.

The project meets Section 15303 (Construction of a Small Structure), as the project is constructing a non-permanent trailer of 1,440 square feet.

The project meets Section 15304 (Minor Alteration to Land) as the project includes minor alterations to the land that do not involve removal of healthy, mature, scenic trees. There will only be grading on land with a slope of less than ten percent. New water efficient landscaping is proposed along Mandela Parkway.

The project meets Section 15332 of the CEQA guidelines are as follows:

- (a) The proposed development occurs within city limits on a project site of more than five acres substantially surrounded by urban uses.**

The project site is within city limits surrounded by industrial and residential neighborhoods.

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

The project site is in an urbanized area, underneath a freeway that has no value as habitat for endangered, rare, or threatened species.

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

The project will not have a significant impact on traffic. Per Attachment E, there will be an anticipated 50-55 total round trips staggered throughout the day, which, according to City thresholds, is not considered a significant impact on the environment. As conditioned and by law, the project will be required to adhere to the City's noise performance standards, contained in Chapter 17.120 of the Planning Code. The approximate 50-55 daily vehicular round trips will have minimal air quality impacts on the neighboring properties. There is at least 200 feet from the edge of proposed project site to the first residence on Hannah Street. The project does not involve hazardous materials or activities that many affect water quality

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

The project can be adequately served by all required utilities and public services as these services are available on the surrounding streets

The project meets Section 15304 Section 15183 (Projects that are consistent with the General Plan or Zoning) See Zoning Analysis, General Plan, and Findings contained above in the report.

Each of these constitute and separate and independent basis for exemption from CEQA.

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**ATTACHMENT B: CONDITIONS OF APPROVAL**

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**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and plans dated **March 22, 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 calendar** 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. Regulatory Permits and Authorizations from Other Agencies**

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.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**13. Trash and Blight Removal**

Requirement: 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.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**14. Graffiti Control**

Requirement:

- 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:

- 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.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
- 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.
  - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## 15. Landscape Plan

### a. **Landscape Plan Required**

- Requirement: 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.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

### b. **Landscape Installation**

Requirement: 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.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### c. **Landscape Maintenance**

Requirement: 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.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **16. Lighting**

Requirement: 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.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **17. Dust Controls – Construction Related**

Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

- 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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **18. Criteria Air Pollutant Controls - Construction Related**

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:

- 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.
- 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”).

- 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.
- 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 propane or natural gas generators cannot meet the electrical demand.
- e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f) All equipment to be used on the construction site shall comply with 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 (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **19. Truck-Related Risk Reduction Measures (Toxic Air Contaminants)**

### ***a. Truck Loading Docks***

Requirement: The project applicant shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### ***b. Truck Fleet Emission Standards***

Requirement: The project applicant shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to, new clean diesel trucks, higher-tier diesel engine trucks with added Particulate Matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB’s Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines.

When Required: Prior to building permit final; ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## **20. Diesel Particulate Matter Controls-Construction Related**

### **a. Diesel Particulate Matter Reduction Measures**

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:

- 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 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.

-or-

- 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.

When Required: Prior to issuance of a construction related permit (i), during construction (ii)

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**b. Construction Emissions Minimization Plan (if required by a above)**

Requirement: 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:

- 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.
- 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.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**21. Tree Removal During Bird Breeding Season**

Requirement: 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 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.

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## 22. Tree Permit

### a. **Tree Permit Required**

Requirement: 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.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

### b. **Tree Protection During Construction**

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:

- 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.

- 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 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.
- 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.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

**c. Tree Replacement Plantings**

Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

- i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.
- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- iv. Minimum planting areas must be available on site as follows:
  - a. For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
  - b. For other species listed, seven hundred (700) square feet per tree.
- v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become

established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

### **23. Archaeological and Paleontological Resources – Discovery During Construction**

Requirement: 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.

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.

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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **24. Human Remains – Discovery During Construction**

Requirement: 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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **25. Construction-Related Permit(s)**

Requirement: 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.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **26. Hazardous Materials Related to Construction**

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:

- 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;
- 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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**27. Erosion and Sedimentation Control Measures for Construction**

Requirement: The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**28. State Construction General Permit**

Requirement: 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.

When Required: Prior to approval of construction-related permit

Initial Approval: State Water Resources Control Board; evidence of compliance submitted to Bureau of Building

Monitoring/Inspection: State Water Resources Control Board

**29. NPDES C.3 Stormwater Requirements for Regulated Projects****a. Post-Construction Stormwater Management Plan Required**

Requirement: 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:

- 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.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

**b. Maintenance Agreement Required**

Requirement: 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:

- 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

- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### **30. Construction Days/Hours**

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- 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.

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.

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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **31. Construction Noise**

Requirement: 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:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.

- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- 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.
- 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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **32. Extreme Construction Noise**

#### **a. Construction Noise Management Plan Required**

Requirement: 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 include, but are not limited to, the following:

- 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 and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **b. Public Notification Required**

Requirement: 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.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### **33. Operational Noise**

Requirement: 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.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **34. Capital Improvements Impact Fee**

Requirement: 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).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

### **35. Construction Activity in the Public Right-of-Way**

#### **a. Obstruction Permit Required**

Requirement: 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.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

#### **b. Traffic Control Plan Required**

Requirement: 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.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

#### **c. Repair of City Streets**

Requirement: 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 (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.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

### **36. Transportation Impact Fee**

Requirement: 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).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

### **37. Plug-In Electric Vehicle (PEV) Charging Infrastructure**

#### **a. PEV-Ready Parking Spaces**

Requirement: 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.

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **b. PEV-Capable Parking Spaces**

Requirement: 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.

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### **38. Construction and Demolition Waste Reduction and Recycling**

Requirement: 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.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

### **39. Underground Utilities**

Requirement: 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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **40. Green Building Requirements – Small Projects**

#### **a. Compliance with Green Building Requirements During Plan-Check**

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) for projects using the.

i. The following information shall be submitted to the City for review and approval with application for a building permit:

- Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
- Completed copy of the green building checklist approved during the review of a Planning and Zoning permit.
- Permit plans that show in general notes, detailed design drawings and specifications as necessary compliance with the items listed in subsection (b) below.
- Other documentation to prove compliance.

ii. The set of plans in subsection (a) shall demonstrate compliance with the following:

- CALGreen mandatory measures.
- All applicable green building measures identified on the checklist approved during the review of a Planning and Zoning permit, or submittal of a Request for Revision Plan-check application that shows the previously approved points that will be eliminated or substituted.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

#### **b. Compliance with Green Building Requirements During Construction**

**Requirement:** The project applicant shall comply with the applicable requirements of CALGreen and the Green Building Ordinance during construction.

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

**When Required:** During construction

**Initial Approval:** N/A

**Monitoring/Inspection:** Bureau of Building

#### **41. Recycled Water**

**Requirement:** Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for landscape irrigation purposes unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. The project applicant shall contact the New Business Office of the East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.

**When Required:** Prior to approval of construction-related permit

**Initial Approval:** Bureau of Planning; Bureau of Building

**Monitoring/Inspection:** Bureau of Building

#### **42. Water Efficient Landscape Ordinance (WELo)**

**Requirement:** 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.

- a. **Prescriptive Measures:** 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>
- b. **Performance Measures:** Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following
  - i. Project Information:
    - Date,
    - Applicant and property owner name,
    - Project address,
    - Total landscape area,

- Project type (new, rehabilitated, cemetery, or home owner installed),
  - Water supply type and water purveyor,
  - Checklist of documents in the package, and
  - 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."
- ii. Water Efficient Landscape Worksheet
    - Hydrozone Information Table
    - Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
  - iii. Soil Management Report
  - iv. Landscape Design Plan
  - v. Irrigation Design Plan, and
  - vi. Grading Plan

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.

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:

<https://www.water.ca.gov/LegacyFiles/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf>

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### **43. Employee Rights**

Requirement: The project applicant and business owners in the project shall comply with all state and federal laws regarding employees' right to organize and bargain collectively with employers and shall comply with the City of Oakland Minimum Wage Ordinance (chapter 5.92 of the Oakland Municipal Code).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

### **Project Specific Condition of Approval**

#### **44. Ornamental Fence**

Requirement: The applicant shall submit, for review and approval of the Zoning Manager, plans that show an ornamental fence along the frontages abutting Mandela Parkway and Ettie Street. This shall include a site plan identifying the location and fully labelled elevations of the fence. The applicant shall install the fence consistent with the approved plans.

When Required: Plans required prior to approval of construction-related permit. Installation required prior to operation of activity

Initial Approval: Bureau of Planning

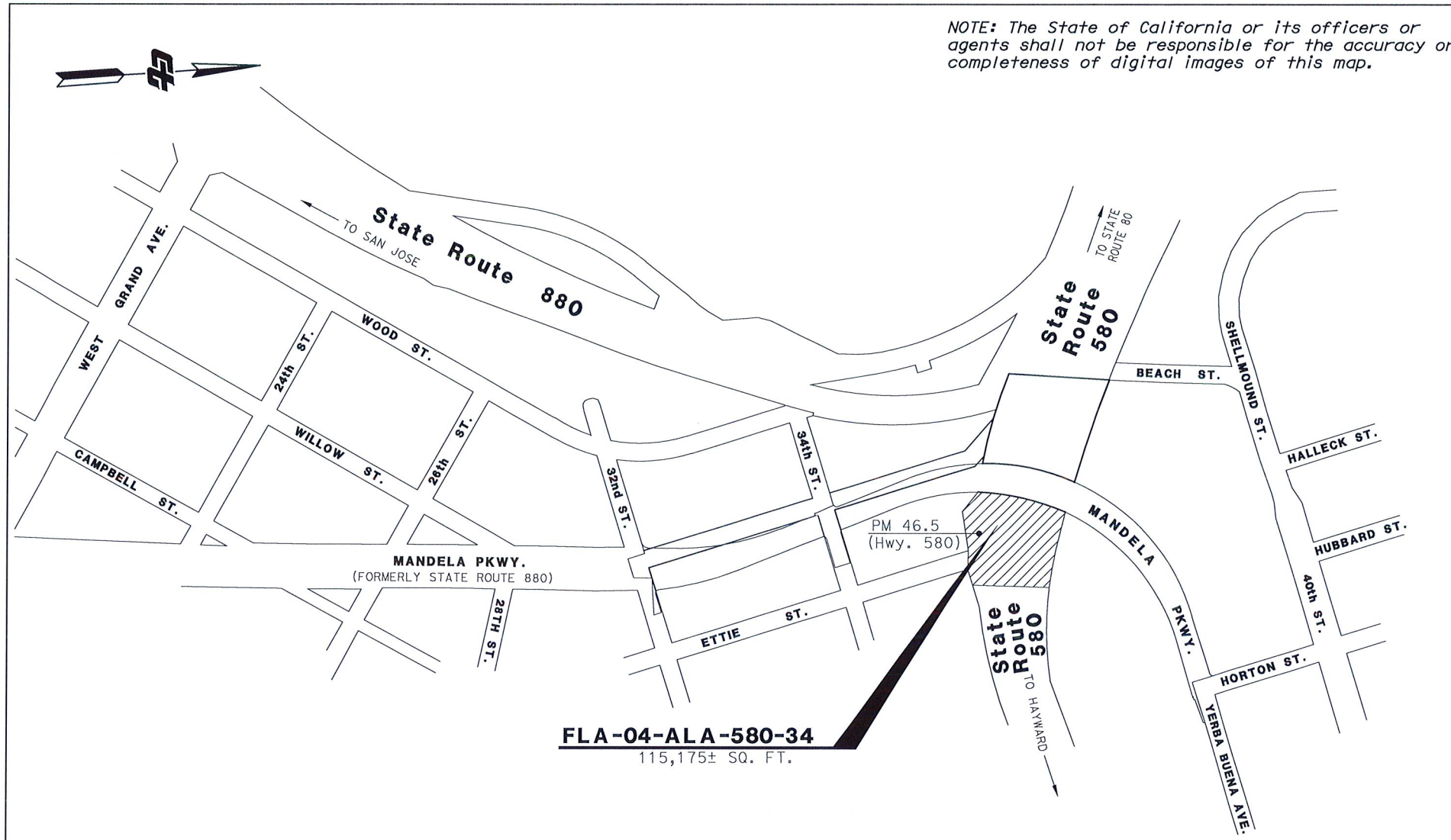
Monitoring/Inspection: Bureau of Building





EXHIBIT B

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



**FLA-04-ALA-580-34**  
115,175± SQ. FT.

R-4,5,6,7,8  
R-7,20

NOTES		LEGEND			STATE OF CALIFORNIA CALIFORNIA STATE TRANSPORTATION AGENCY DEPARTMENT OF TRANSPORTATION <b>RIGHT OF WAY</b>		
Coordinates and bearings are on CCS 1927 Zone 3. Distances and stationing are grid distances. Divide by 1.0000720 to obtain ground distances. All distances are in feet unless otherwise noted.		<p><b>LEGEND</b></p> <p>○ DIMENSION POINT</p> <p>— ACCESS PROHIBITED</p> <p>(T) TOTAL</p> <p>(R) RADIAL BEARING</p> <p>S.F. SQUARE FEET</p> <p>DOC. NO. DOCUMENT NUMBER</p>			<p><b>FREEWAY LEASE AGREEMENT</b></p> <p><b>FLA-04-ALA-580-34</b></p> <p>SCALE: 1" = 150'</p>		
DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
JVB	08-26-2016	4	ALA	580	46.5	1	2



EXHIBIT B

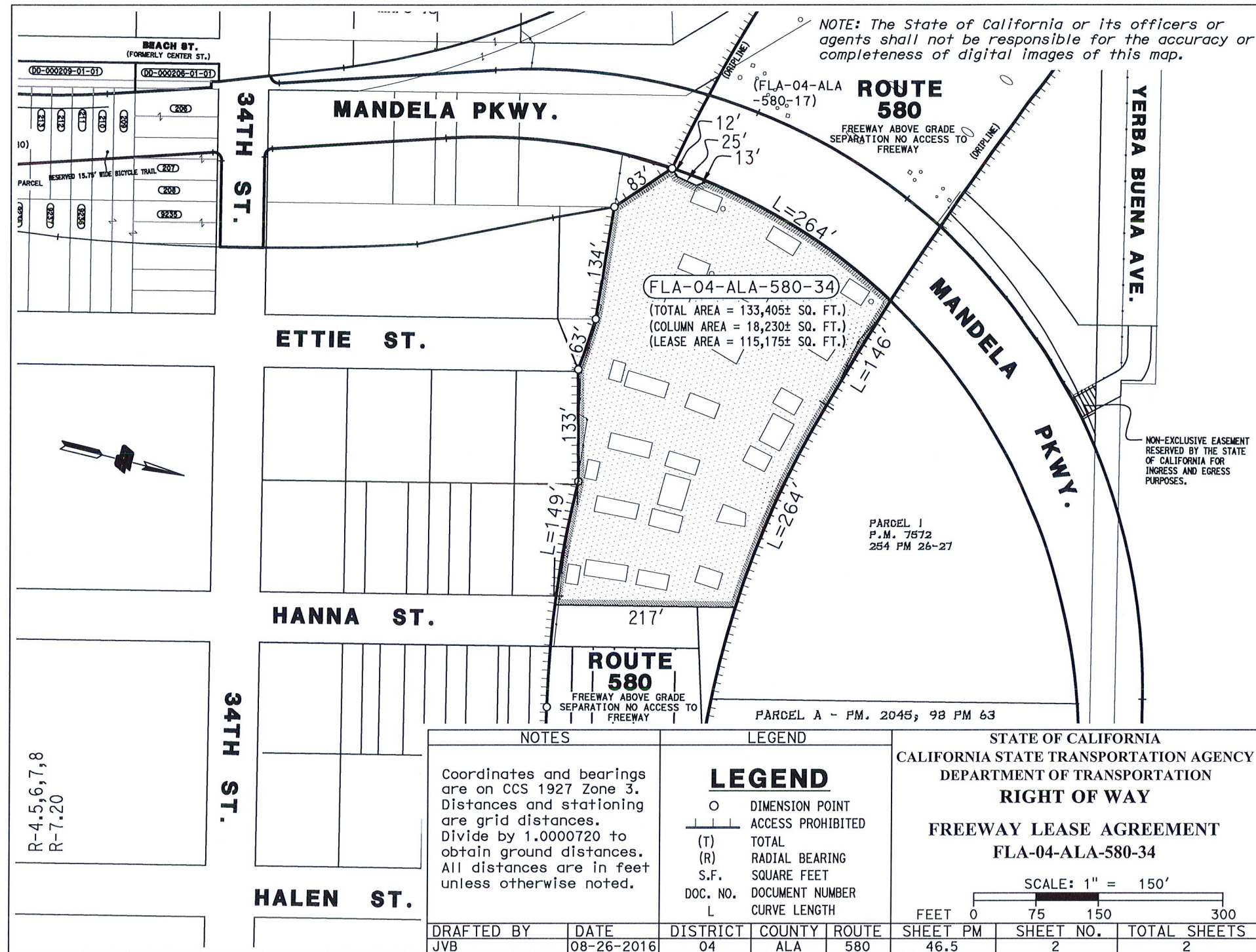


EXHIBIT C



EXHIBIT C



EXHIBIT C



EXHIBIT C



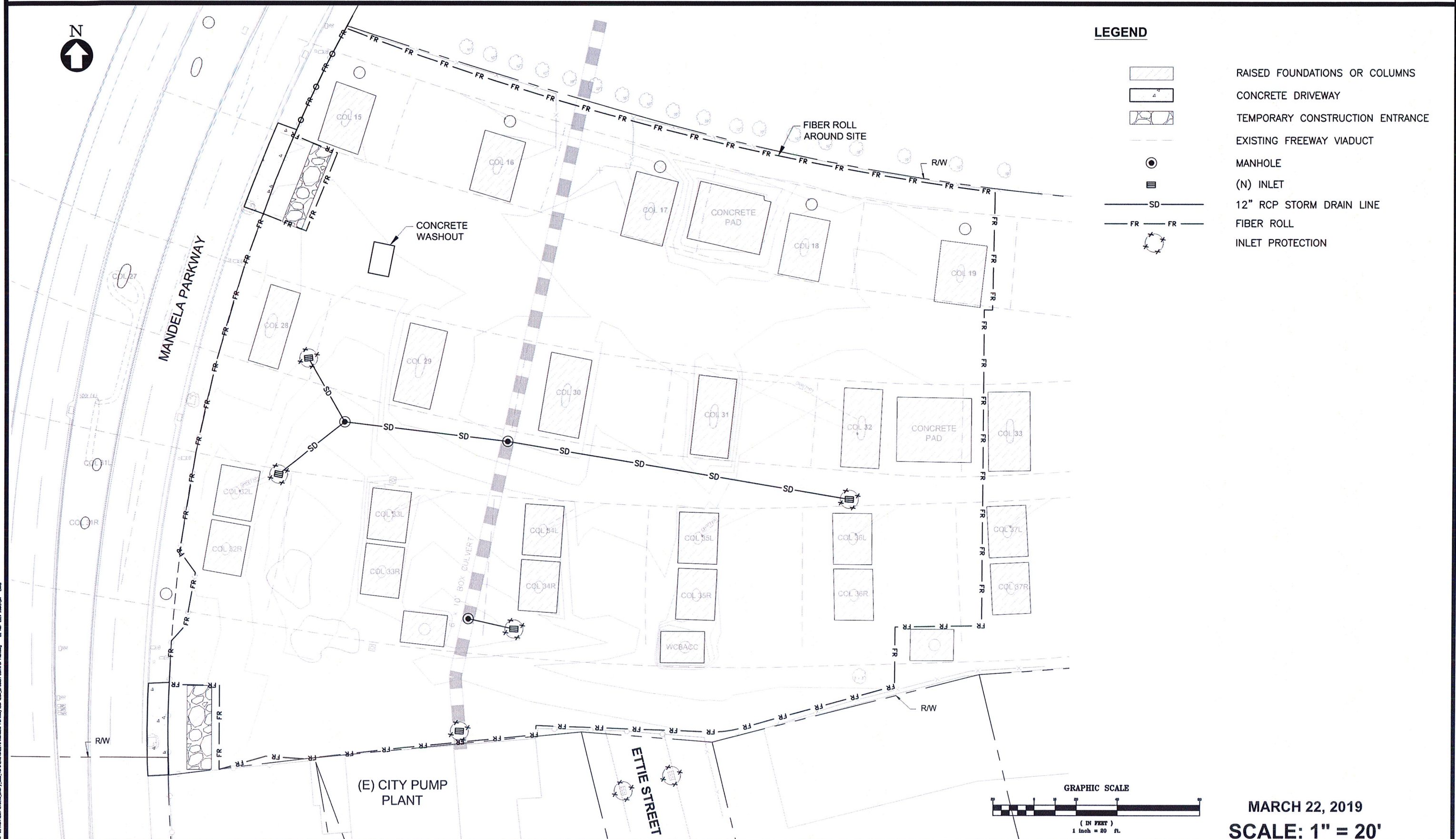






# ETMA MANDELA YARD

## CITY OF OAKLAND CUP SUBMITTAL EROSION AND SEDIMENTATION CONTROL PLAN



\\p1-cv\work\15171\15171.dwg, 1/15/2019 10:00:00 AM, Project: 15171, User: jk... 28 Mar 2019 10:00:00 AM







# ETMA MANDELA YARD

## CITY OF OAKLAND CUP SUBMITTAL STORMWATER MANAGEMENT PLAN



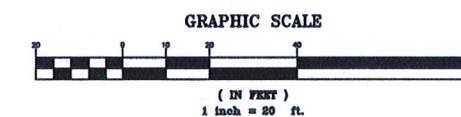
### LEGEND

- RIGHT OF WAY LINE
- DMA BOUNDARY
- PROJECT LIMIT LINE
- (E) OVERHEAD FREEWAY VIADUCT
- (E) GAS LINE
- (E) SANITARY SEWER LINE
- (E) BOX CULVERT
- (N) STORM DRAIN
- (N) STORM DRAIN MANHOLE
- (N) STORM DRAIN CATCH BASIN
- AT GRADE FLOW DIRECTION

### ABBREVIATIONS

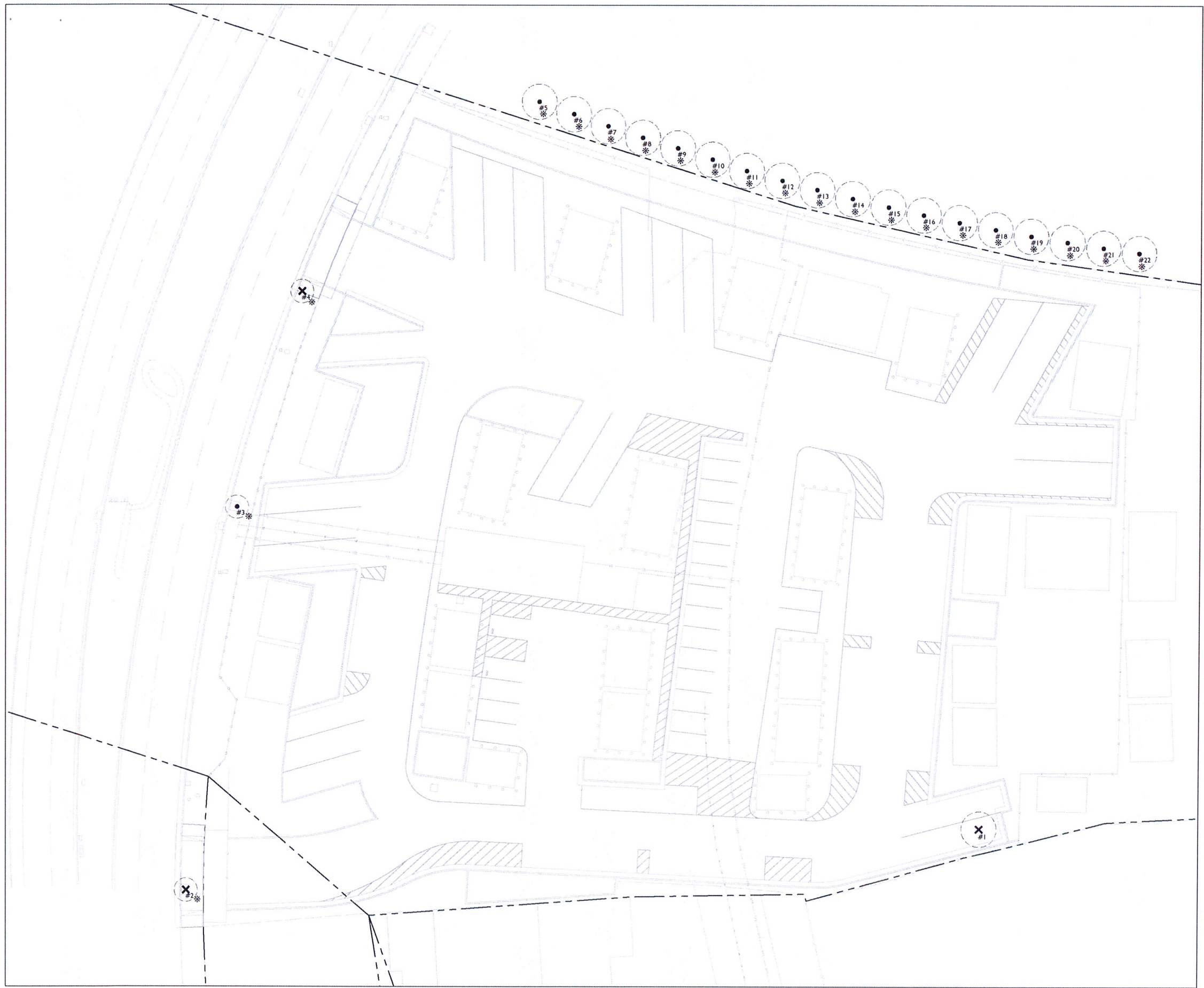
- BRA BIORETENTION AREA
- COL COLUMN
- DMA DRAINAGE MANAGEMENT AREA

	LAND COVER	DMA 1	DMA 2A	DMA 2B	DMA 3	DMA 4A	DMA 4B	DMA 5A	DMA 5B	TOTAL
	IMPERVIOUS (SF)	9,039	6,326	1,350	9,671	2,638	1,164	5,646	1,476	37,521
	BIORETENTION AREA (SF)	313	173	-	518	-	-	-	300	1,268
	OTHER PERVIOUS (SF)	1,079	608	1,725	488	-	-	244	-	3,809
	<b>TOTAL (SF)</b>	<b>10,431</b>	<b>7,107</b>	<b>3,075</b>	<b>10,046</b>	<b>2,638</b>	<b>1,164</b>	<b>5,890</b>	<b>1,776</b>	<b>42,598</b>
	<b>TREATMENT PROVIDED (SF)</b>	<b>1,231</b>	<b>1,280</b>		<b>518</b>	<b>295</b>		<b>300</b>		<b>3,426</b>



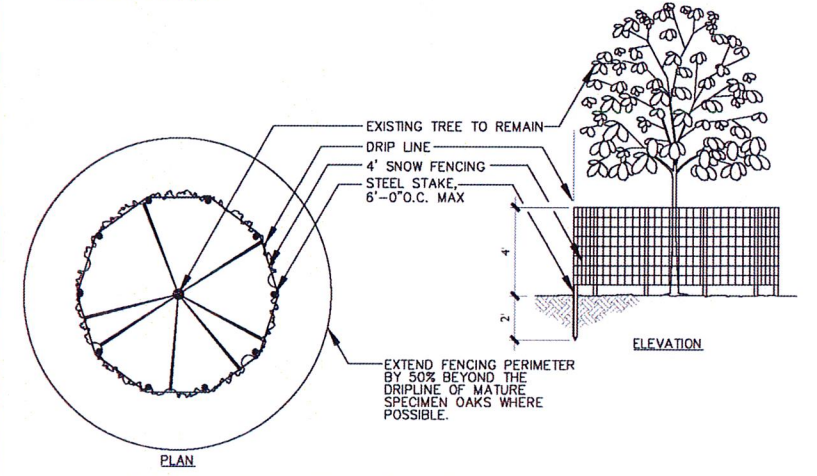
MARCH 22, 2019  
SCALE: 1" = 20'

I:\Projects\2019\190310\190310\_Stormwater Management Plan.dwg 22 Mar 2019 11:58:32am LMD



**TREE PROTECTION NOTES**

1. WHEN PROVIDED, SEE SPECIFICATION FOR ADDITIONAL TREE PROTECTION REQUIREMENTS.
2. WHEN NO EXISTING IRRIGATION IS PROVIDED OR HAS BEEN REMOVED, WHEN PROVIDED SEE SPECIFICATION FOR WATERING REQUIREMENTS.
3. PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITY IN THE AREA, INCLUDING GRADING, TEMPORARY PROTECTIVE FENCING SHALL BE INSTALLED AT EACH SITE TREE. FENCING SHALL BE LOCATED AT OR BEYOND THE CANOPY DRIP LINE SO THAT 100% OF THE DRIP LINE WILL BE PROTECTED BY FENCING. TO REDUCE SOIL COMPACTION FROM EQUIPMENT.
4. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE AND ATTEND TO OTHER MAINTENANCE NEEDS OF EXISTING TREES AS NEEDED PER ARBORIST'S RECOMMENDATIONS TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD. SIX FEET DIAMETER, MINIMUM, BY SIX INCH TALL EARTH BERMS SHALL BE CONSTRUCTED AT THE BASE OF EACH TREE TO FUNCTION AS TEMPORARY WATERING BASINS DURING THE CONSTRUCTION PERIOD. TREES SHALL BE WATERED ACCORDING TO WEATHER AND TREE REQUIREMENTS. APPROVED MULCH OF 1-2 INCH SIZED WOOD CHIPS SHALL BE PLACED AT A DEPTH OF 4 INCHES WHERE NO EXCAVATION IS TO OCCUR IN THE VICINITY OF THE TREES TO BE PROTECTED.
5. LOW HANGING LIMBS OF SAVED TREES SHALL BE PRUNED PRIOR TO GRADING, OR ANY EQUIPMENT MOBILIZATION ON SITE. ALL LIMBS TO BE PRUNED TO BE PRIOR APPROVED BY ARBORIST. THE PURPOSE OF THIS REQUIREMENT IS TO AVOID TEARING LIMBS BY HEAVY EQUIPMENT.
6. THIS FENCING SHALL SERVE AS A BARRIER TO PREVENT DRIP LINE ENCROACHMENT OF ANY TYPE OF CONSTRUCTION ACTIVITIES AND EQUIPMENT. NO OILS, GAS, CHEMICALS, LIQUID WASTE, SOLID WASTE CONSTRUCTION MACHINERY OR CONSTRUCTION MATERIALS SHALL BE STORED OR ALLOWED TO STAND FOR ANY PERIOD OF TIME WITHIN THE DRIP LINE OF THE TREE. FURTHER, NO ONE SHALL ENTER THE FENCE PERIMETER FOR ANY REASON EXCEPT FOR THE PURPOSE OF MONITORING THE HEALTH OF THE TREE. ACCIDENTAL DAMAGE TO BARK, ROOT CROWN, OR LIMBS MAY INCREASE POTENTIAL FOR FUTURE DECLINE.
7. AN 8.5" x 11" LAMINATED 'KEEP OUT - TREE PROTECTION ZONE' SIGN SHALL BE POSTED AT EACH TREE INDICATING THE PURPOSE OF THE FENCING AT MAXIMUM 50' INTERVALS WHEN APPLICABLE.
10. WHERE AND WHEN APPLICABLE WHEN ACCESS ROADS CROSS INTO TREE PROTECTION ZONE, CONTRACTOR TO PROVIDE PROTECTED ROOT ZONE WITH MINIMUM 8" THICKNESS OF ORGANIC MULCH.
11. BORES UNDER TREES MUST BE AT A MINIMUM DEPTH OF 48" BELOW GRADE.
12. SEE SITE DEMOLITION OR TREE PROTECTION PLAN FOR ADDITIONAL PROTECTION REQUIREMENTS.
13. EVERY EFFORT POSSIBLE SHALL BE TAKEN TO MAINTAIN EXISTING SITE GRADES WITHIN TREE PROTECTION ZONES.

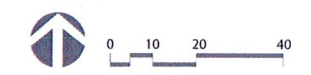


**1 EXISTING TREE PROTECTIVE FENCING**  
SCALE: 1/4" = 1'-0"

**EXISTING TREE LEGEND**

- EXISTING TREE TO BE PRESERVED
- EXISTING TREE TO BE REMOVED
- PROPERTY LINE

1. TOTAL OF EXISTING TREES: 24
  2. TOTAL OF EXISTING TREES TO BE REMOVED: 3
  3. TOTAL OF EXISTING TREES TO BE PRESERVED: 21
- \* PROTECTED TREE



TREE INVENTORY

COLUMN HEADING DESCRIPTIONS  
 # - INDICATES THE NUMBER TAG ATTACHED TO TREE  
 BOTANICAL NAME - SCIENTIFIC NAME  
 COMMON NAME - VERNACULAR NAME  
 DBH - DIAMETER MEASURED IN INCHES AT 4.5 FEET ABOVE SOIL GRADE, UNLESS OTHERWISE INDICATED  
 CANOPY SPREAD - IN FEET  
 REASON TO REMOVE THE TREES - SEE BELOW

THE FOLLOWING ARE PROTECTED TREES:  
 A. ANY COAST LIVE OAK TREE THAT IS LARGER THAN 4 INCHES DBH.  
 B. ANY TREE (EXCEPT EUCALYPTUS) THAT IS LARGER THAN 9 INCHES DBH (EUCALYPTUS TREES AND UP TO 5 MONTEREY PINES PER ACRE ARE NOT CONSIDERED PROTECTED TREES UNDER THIS SECTION. MONTEREY PINES MUST BE INSPECTED AND VERIFIED BY THE PUBLIC WORKS AGENCY - TREE DIVISION PRIOR TO THEIR REMOVAL. CONTACT THE TREE DIVISION AT (510)615-5850 FOR MORE INFORMATION OR TO SCHEDULE AN INSPECTION).  
 C. ANY TREE OF ANY SIZE LOCATED IN THE PUBLIC RIGHT-OF-WAY (INCLUDING STREET TREES).

TREES TO BE REMOVED

#	BOTANICAL NAME	COMMON NAME	DBH	CANOPY SPREAD	PROTECTED TREES	REASON TO REMOVE THE TREES
1	Ulmus spp.	Elm Tree	3" x 8 trunks	15'		New Improvement
2	Platanus x acerifolia (Street Tree)	London Plane Tree	5"	10'	√	New Improvement
4	Tristania laurina (Street Tree)	Water Gum	5"	10'	√	New Improvement

TREES TO BE PRESERVED

#	BOTANICAL NAME	COMMON NAME	TREE DIAMETER	CANOPY SPREAD	PROTECTED TREES	OVERALL CONDITION AND COMMENTS
3	Tristania laurina (Street Tree)	Water Gum	5"	10'	√	
5	Sequoia sempervirens	Coast Redwood	10"	15'	√	
6	Sequoia sempervirens	Coast Redwood	10"	15'	√	
7	Sequoia sempervirens	Coast Redwood	10"	15'	√	
8	Sequoia sempervirens	Coast Redwood	10"	15'	√	
9	Sequoia sempervirens	Coast Redwood	10"	15'	√	
10	Sequoia sempervirens	Coast Redwood	10"	15'	√	
11	Sequoia sempervirens	Coast Redwood	10"	15'	√	
12	Sequoia sempervirens	Coast Redwood	10"	15'	√	
13	Sequoia sempervirens	Coast Redwood	10"	15'	√	
14	Sequoia sempervirens	Coast Redwood	10"	15'	√	
15	Sequoia sempervirens	Coast Redwood	10"	15'	√	
16	Sequoia sempervirens	Coast Redwood	10"	15'	√	
17	Sequoia sempervirens	Coast Redwood	10"	15'	√	
18	Sequoia sempervirens	Coast Redwood	10"	15'	√	
19	Sequoia sempervirens	Coast Redwood	10"	15'	√	
20	Sequoia sempervirens	Coast Redwood	10"	15'	√	
21	Sequoia sempervirens	Coast Redwood	10"	15'	√	
22	Sequoia sempervirens	Coast Redwood	10"	15'	√	

TREE PROTECTION NOTES:

- PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITY IN THE AREA, INCLUDING GRADING, TEMPORARY PROTECTIVE FENCING SHALL BE INSTALLED AT EACH SITE TREE. FENCING SHALL BE LOCATED AT OR BEYOND THE CANOPY DRIP LINE SO THAT 100% OF THE DRIP LINE WILL BE PROTECTED BY FENCING. TO REDUCE SOIL COMPACTION FROM EQUIPMENT,
- THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE AND ATTEND TO OTHER MAINTENANCE NEEDS OF EXISTING TREES AS NEEDED PER ARBORIST'S RECOMMENDATIONS TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD. SIX FEET DIAMETER, MINIMUM, BY SIX INCH TALL EARTH BERMS SHALL BE CONSTRUCTED AT THE BASE OF EACH TREE TO FUNCTION AS TEMPORARY WATERING BASINS DURING THE CONSTRUCTION PERIOD. TREES SHALL BE WATERED ACCORDING TO WEATHER AND TREE REQUIREMENTS. APPROVED MULCH OF 1-2 INCH SIZED WOOD CHIPS SHALL BE PLACED AT A DEPTH OF 4 INCHES WHERE NO EXCAVATION IS TO OCCUR IN THE VICINITY OF THE TREES TO BE PROTECTED.
- THE TREE PROTECTION FENCE SHALL BE 6' HIGH SNOW FENCE WITH IMMOVABLE POSTS. THE FENCING SHALL FORM A CONTINUOUS BARRIER WITHOUT ENTRY POINTS AROUND EACH TREE. ANY ENCROACHMENT INTO THE DRIP LINE FOR FENCING OR CONSTRUCTION PURPOSES SHALL NOT BE PERMITTED.
- LOW HANGING LIMBS OF SAVED TREES SHALL BE PRUNED PRIOR TO GRADING, OR ANY EQUIPMENT MOBILIZATION ON SITE. THE PURPOSE OF THIS REQUIREMENT IS TO AVOID TEARING LIMBS BY HEAVY EQUIPMENT. ALL LIMBS TO BE PRUNED SHALL BE SUPERVISED BY THE CITY ARBORIST.
- THE TREE PROTECTION FENCE SHALL SERVE AS A BARRIER TO PREVENT DRIP LINE ENCROACHMENT OF ANY TYPE OF CONSTRUCTION ACTIVITIES AND EQUIPMENT. NO OILS, GAS, CHEMICALS, LIQUID WASTE, SOLID WASTE CONSTRUCTION MACHINERY OR CONSTRUCTION MATERIALS SHALL BE STORED OR ALLOWED TO STAND FOR ANY PERIOD OF TIME WITHIN THE DRIP LINE OF THE TREE. FURTHER, NO ONE SHALL ENTER THE FENCE PERIMETER FOR ANY REASON EXCEPT FOR THE PURPOSE OF MONITORING THE HEALTH OF THE TREE. ACCIDENTAL DAMAGE TO BARK, ROOT CROWN, OR LIMBS MAY INCREASE POTENTIAL FOR FUTURE DECLINE.
- CONTRACTORS AND SUBCONTRACTORS SHALL DIRECT ALL EQUIPMENT AND PERSONNEL TO REMAIN OUTSIDE THE FENCED AREA AND AT ALL TIMES UNTIL PROJECT IS COMPLETE, AND SHALL INSTRUCT EMPLOYEES AS TO THE PURPOSE AND IMPORTANCE OF FENCING.
- A 'TREE PROTECTION ZONE' SIGN SHALL BE POSTED AT EACH TREE INDICATING THE PURPOSE OF THE FENCING.
- THE CITY ARBORIST SHALL BE RESPONSIBLE FOR INSPECTION AND APPROVAL OF THE FENCING PRIOR TO ANY GRADING OPERATIONS.
- FENCING MUST REMAIN IN PLACE AND SHALL NOT BE REMOVED UNTIL ALL CONSTRUCTION ACTIVITIES ARE COMPLETED. THIS SHALL INCLUDE GRADING AND COMPACTION ACTIVITIES, INSTALLATION OF UNDERGROUND, ALL CONSTRUCTION ACTIVITIES AND ANY OTHER CONSTRUCTION OR ACTIVITY WHICH IS SCHEDULED PRIOR OR LANDSCAPE INSTALLATION.
- ROOTS OF SINGLE STANDING TREES OFTEN EXTEND UP TO THREE TIMES THE DISTANCE OF THE ACTUAL DRIP LINE AND FUNCTION PRIMARILY IN THEY UPTAKE OF NUTRIENTS AND WATER. THE DRIP LINE IS ARBITRARILY ESTABLISHED AS THE MINIMUM ROOT AREA GENERALLY REQUIRED TO PRESERVE TREE HEALTH. AS MUCH AREA AROUND THE CIRCUMFERENCE OF THE TREE SHOULD HAVE MINIMUM INTRUSION TO FURTHER INSURE TREE SURVIVAL AND HEALTH.
- UNAUTHORIZED TREE REMOVAL IS SUBJECT TO IN-KIND REPLACEMENT EQUAL TO THE VALUE OF THE MATURE RESOURCE LOST, AS DETERMINED BY ENGINEER.
- NO MECHANICAL TRENCHING SHALL OCCUR WITHIN THE TREE PROTECTION ZONE. ANY EXCAVATION IF REQUIRED SHALL BE BY HAND, AIR SPADE OR BY VACUUM. CUTTING OF ANY ROOTS OVER 3" DIA SHALL BE REVIEWED BY AN ARBORIST.
- REFER TO CITY OF OAKLAND'S TREE PROTECTION ORDINANCE FOR ADDITIONAL INFORMATION.
- SEE TREE REMOVAL/PRESERVATION PLAN FOR TREE REMOVAL INFORMATION.







**PLANT LIST**

TREES	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
ACP	ACER PALMATUM 'FIREGLOW'	FIREGLOW JAPANESE MAPLE	24"BOX	M (WUCOLS IV)
TRL	TRISTANIA LAURINA	WATER GUM	24"BOX	M (WUCOLS IV)
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
CT	CAREX TUMULICOLA	BERKELEY SEDGE	1 GAL	L (WUCOLS IV)
CH	CHONDROPETALUM TECTORUM	CAPE RUSH	1 GAL	L (WUCOLS IV)
DGD	IETES GRANDIFLORA 'VARIEGATA'	STRIPED FORTNIGHT LILY	1 GAL	L (WUCOLS IV)
HP	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	L (WUCOLS IV)
PM	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	1 GAL	M (WUCOLS IV)
RE	RHAMNUS CALIFORNICA 'EVE CASE'	CALIFORNIA COFFEEBERRY	5 GAL	L (WUCOLS IV)
RV	RIBES VIBURNIFOLIUM	EVERGREEN CURRANT	5 GAL	L (WUCOLS IV)
VINES	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
HV	HARDENBERGIA VIOLACEA	LILAC VINE	15 GAL	M (WUCOLS IV)

**Note:**  
 All planting areas will be irrigated with automatic weather based high efficient smart irrigation system. Efficient drip irrigation will be used in all planting areas that are less than 10' wide, eliminating overspray and reducing water use, and in other locations where possible, further reducing water consumption. Irrigation valves will be designed to group plantings per their water use as well.

**LEGEND**

**TREES**

-  *Tristania laurina*
-  *Acer palmatum 'Fireglow'*



**SHRUBS**

-  *Carex tumulicola*
-  *Chondropetalum tectorum*
-  *Diets grandiflora 'Variegata'*
-  *Hesperaloe parviflora*
-  *Polystichum munitum*
-  *Rhamnus californica 'Eve Case'*
-  *Ribes viburnifolium*

**VINES**

-  *Hardenbergia violacea*

**PAVING**

-  Asphalt
-  Sidewalk





Google Earth  
2017/2018

**TREES**



*Acer palmatum 'Fireglow'*  
Fireglow Japanese Maple



*Tristania laurina*  
Water Gum

**SHRUBS**



*Carex tumulicola*  
Berkeley Sedge



*Chondropetalum tectorum*  
Small Cape Rush



*Dietes vegeta 'Variegata'*  
Striped Fortnight Lily



*Hesperaloe parviflora*  
Red Yucca



*Polystichum munitum*  
Western Sword Fern



*Rhamnus californica 'Eve Case'*  
Coffeeberry



*Ribes viburnifolium*  
Catalina Currant

**VINES**



*Hardenbergia violacea*  
Purple Coral Pea



# ETMA MANDELA YARD

## CITY OF OAKLAND CUP SUBMITTAL

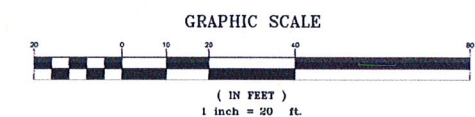
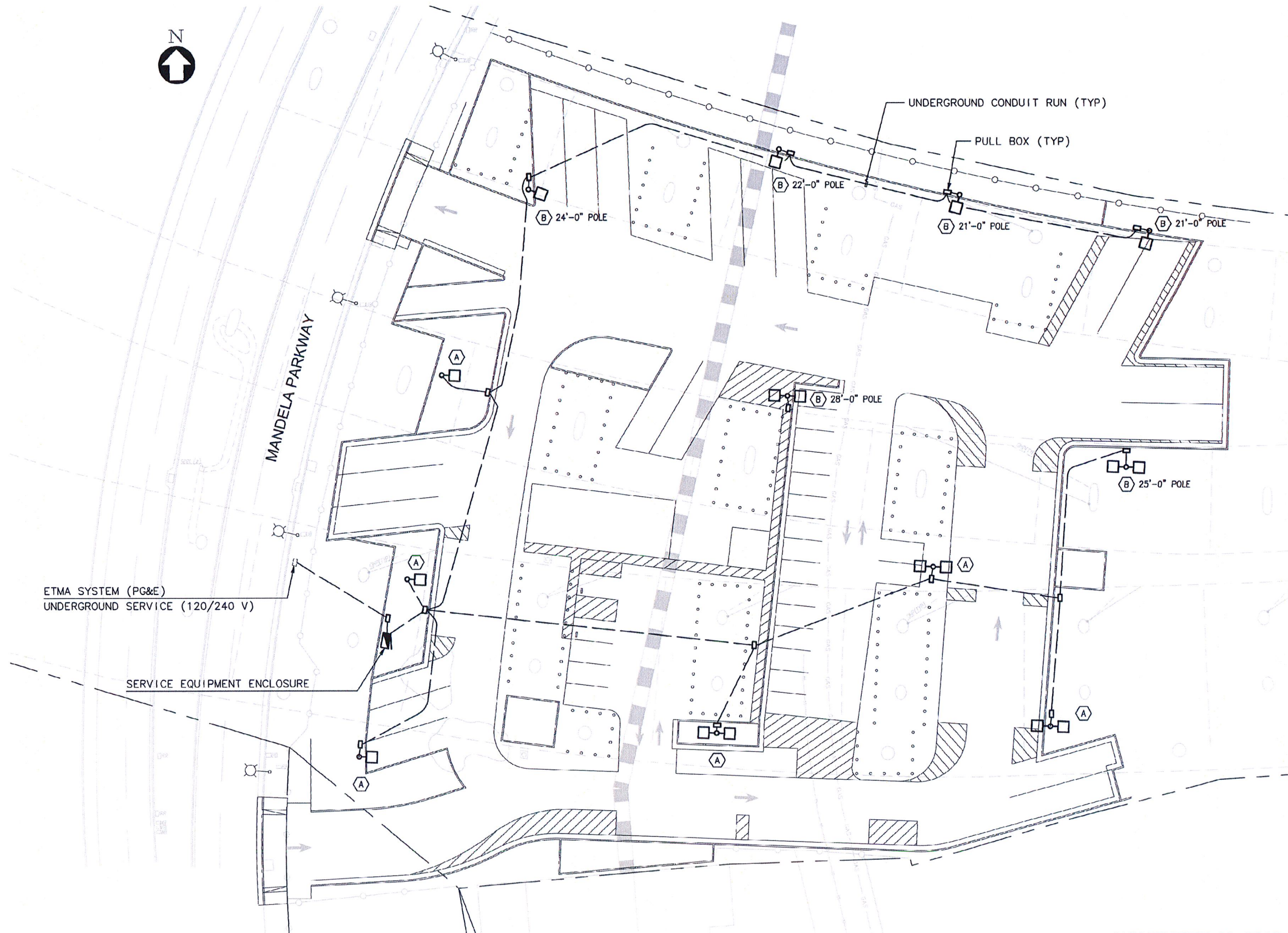
### PROPOSED LIGHTING PLAN

**AEC** Alliance  
Engineering  
Consultants, Inc.  
4701 Patrick Henry Drive, Bldg. 10 phone (408) 970-9888  
Santa Clara, CA 95054 fax (408) 970-9316  
PROJECT NO. 205-18-04 www.aec-engineers.com



**GENERAL NOTES:**

1. LIGHT FIXTURES HAVE 27' HIGH POLES ON 2'-6" RAISED FOUNDATIONS, UON.
2. SEE LIGHT FIXTURE DETAILS ON SHEET E2.0.



NOVEMBER 16, 2018

E1.0






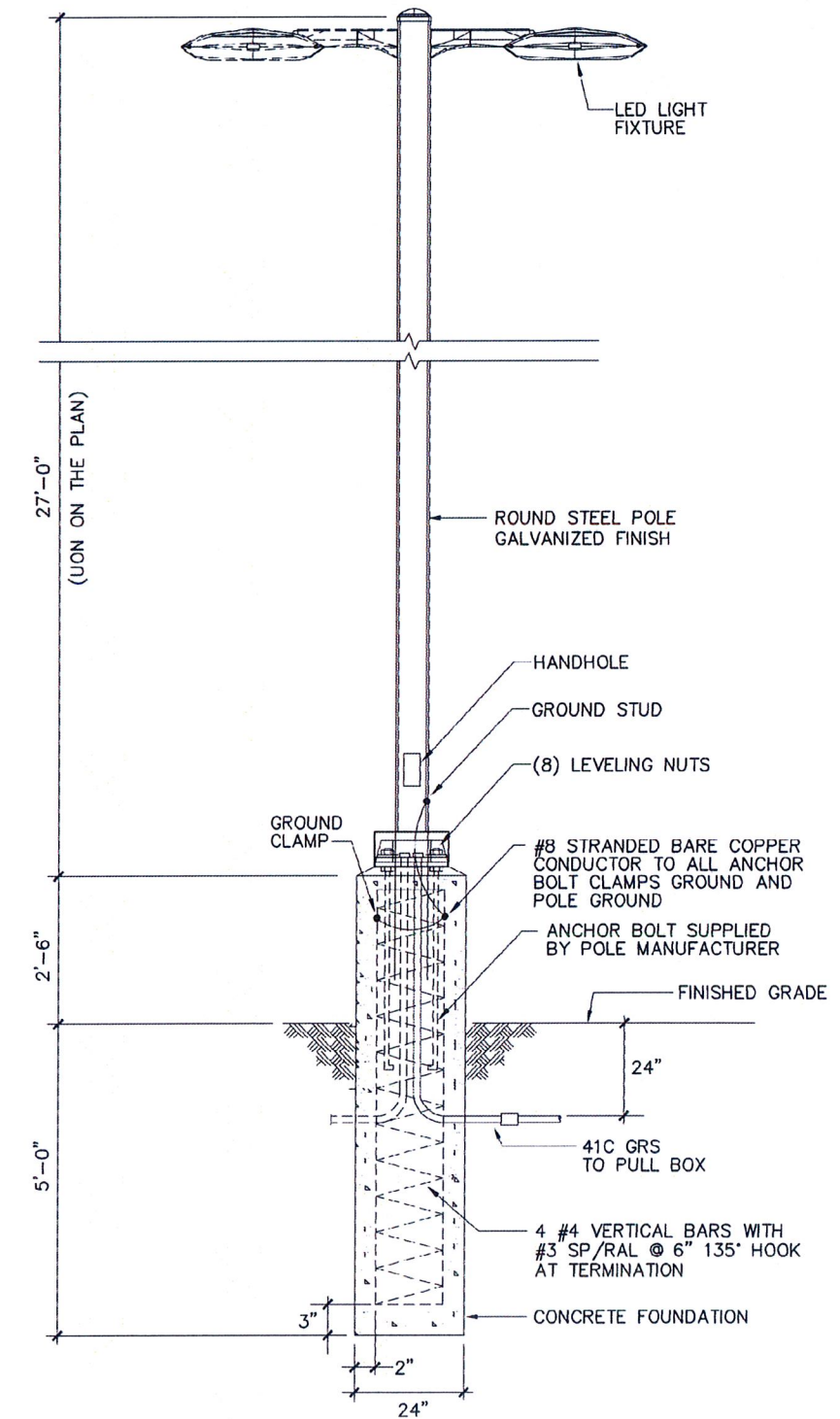
# ETMA MANDELA YARD


## CITY OF OAKLAND CUP SUBMITTAL

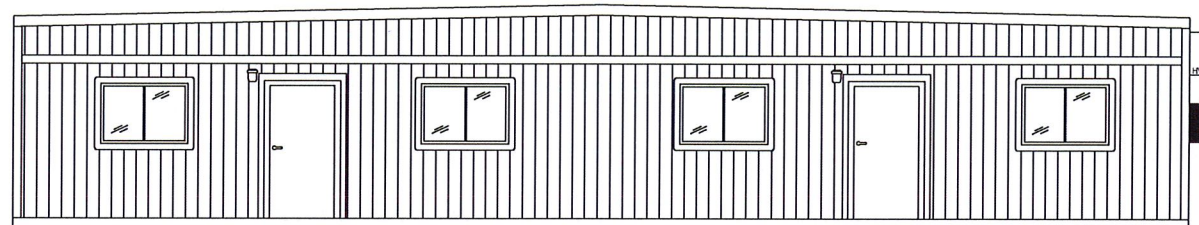
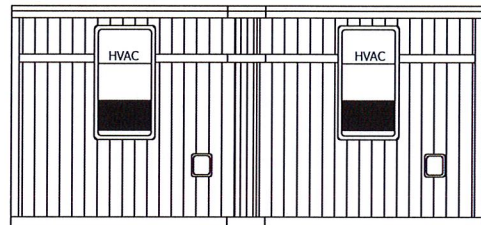
### LIGHTING DETAILS

**AEC** Alliance  
Engineering  
Consultants, Inc.  
4701 Patrick Henry Drive, Bldg. 10 phone (408) 970-9888  
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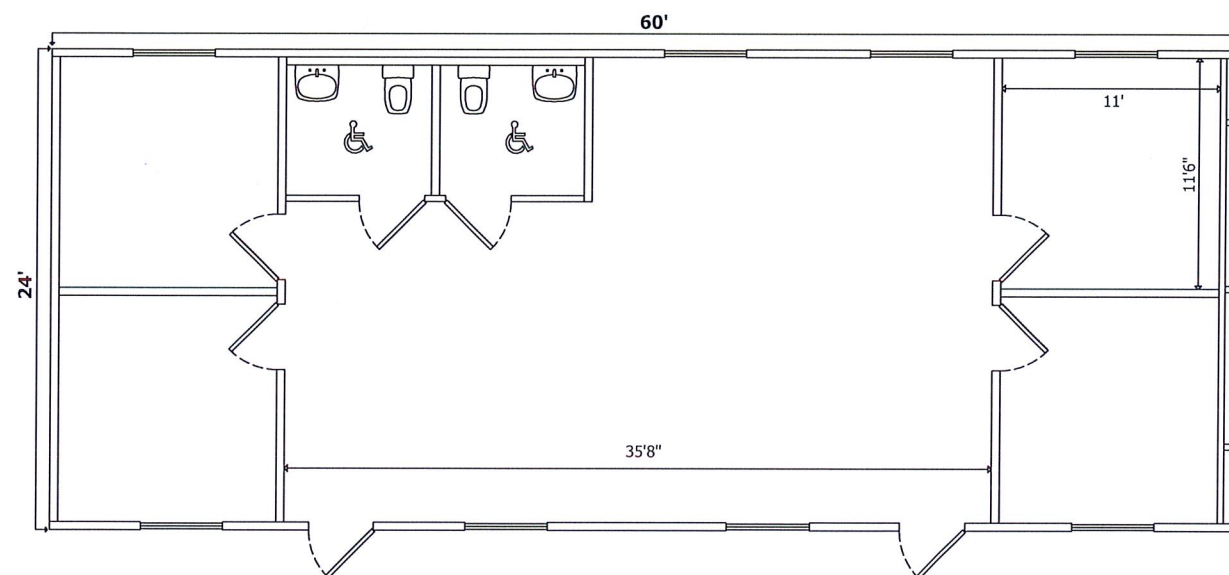
LIGHT FIXTURE SCHEDULE						
MARK	MANUFACTURER	FIXTURE	TOTAL WATTS	VOLTS	MOUNTING	DESCRIPTION
A	<b>LUMINAIRE</b> LUMEC ROAD FOCUS RFM-108W32LED-4K	LED	108	120 TO 277	27' POLE SEE 	<b>PARKING LIGHT</b> - CAST ALUMINUM HOUSING - TYPE III LIGHT DISTRIBUTION - GREY FINISH - 1 OR 2 LIGHT FIXTURES AS SHOWN ON THE PLAN
	<b>POLE</b> GALVANIZED STEEL  OR APPROVED EQUAL					
B						<b>PARKING LIGHT</b> SAME AS TYPE "A" EXCEPT WITH POLE HEIGHT AS SHOWN ON THE PLAN



 **PARKING LIGHT TYPES "A" AND "B"**  
NO SCALE



- 1,440 square feet of open office space provides generous office space for up to 13 people.
- Four private offices and two restrooms.
- Central heating and air conditioning
- Upgraded interior wall coverings and wood siding provides a professional appearance.
- Constructed with a steel chassis
- Our buildings are completely insulated
- Commercial carpet for a quiet and productive office.



Note: Dimensions, and door & window locations shown are nominal. Actual dimensions, layout, and roof slope may vary depending on model or model year selected.

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with 4 Offices and 2 Restrooms**

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MODULAR BUILDINGS  
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# **EMERY GO•ROUND**

**Provided by:**

**Emeryville Transportation Management Association**

**Phone: (510) 451-3862**

**Email: [transit-info@emerygoround.com](mailto:transit-info@emerygoround.com)**

**EMERY GO-ROUND  
ESTIMATED ACCESS COUNTS**

<b>Emery Go-Round Details</b>	
# of Shuttles	27
# of Drivers	32
# of Drivers per day	18-20
Total Round Trips Per Day	54

<b>WEEKDAYS</b>	<b>Emery Go-Round Vehicle (Out)</b>	<b>Emery Go- Round Vehicle (in)</b>	<b>Employee Vehicle (In)</b>	<b>Employee Vehicle (out)</b>
5:15 - 6:00 AM	4		5	
6:00 - 6:30 AM			6	
6:30 - 7:00 AM	5		3	
7:00 - 8:00 AM	5			
8:00 - 9:00 AM				
9:00 - 10:00 AM	1	2	1	
10:00 - 11:00 AM	2	9	2	
11:00 - 12:00 PM	3	3		
12:00 - 1:00 PM	1	1		
1:00 - 2:00 PM				
2:00 - 3:00 PM	5	3	2	
3:00 - 4:00 PM	8	2		3
4:00 - 5:00 PM		1		2
5:00 - 6:00 PM				
6:00 - 7:00 PM				
7:00 - 8:00 PM		10		10
8:00 - 9:00 PM	1			
9:00 - 10:00 PM				
10:00 - 10:45 PM		4		4
<b>TOTAL</b>	<b>35</b>	<b>35</b>	<b>19</b>	<b>19</b>

<b>SATURDAY</b>	<b>Emery Go-Round Vehicle (Out)</b>	<b>Emery Go- Round Vehicle (in)</b>	<b>Employee Vehicle (In)</b>	<b>Employee Vehicle (out)</b>
8:00-9:00	3		3	
9:00-10:00				
10:00-11:00				
11:00-12:00				
12:00-1:00				
1:00-2:00	3	3	3	
2:00-3:00	1			3
3:00-4:00				
4:00-5:00		1		
5:00-6:00	2	2		
6:00-7:00	1	1		

**EMERY GO-ROUND  
ESTIMATED ACCESS COUNTS**

7:00-8:00	1	1		
8:00-9:00				
9:00-10:00		1		
10:00-10:30		2		3
<b>TOTAL</b>	<b>11</b>	<b>11</b>	<b>6</b>	<b>6</b>

<b>SUNDAY</b>	<b>Emery Go-Round Vehicle (Out)</b>	<b>Emery Go- Round Vehicle (in)</b>	<b>Employee Vehicle (In)</b>	<b>Employee Vehicle (out)</b>
8:30-9:00	1		2	
9:00-10:00	2		1	
10:00-11:00				
11:00-12:00				
12:00-1:00		1	1	
1:00-2:00	1			
2:00-3:00	1	1		
3:00-4:00	1	1		
4:00-5:00	1			
5:00-6:00		1		1
6:00-7:00		1		1
7:00-8:00		2		2
<b>TOTAL</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>4</b>