

Case File Number PLN16309, CP16034, T1600124

May 3, 2017

<b>Project Name:</b>	<b>Rainbow Recreation Center Renovation and Expansion</b>
<b>Location:</b>	5800 International Boulevard (APN: 038 -3234-007-01, 008-00, 009-00, 010-01, 012-02, 013-02, 038 3235-011-00, 012-00, 020-00)
<b>Proposal:</b>	Demolish a portion of the existing building and foundation and renovate and expand the facility from 9800 sq. ft. to 13,725sq.ft. (existing gymnasium, new multi-purpose rooms, daycare, kitchen, computer room, administrative offices) and new site improvements (new pavement, resilient play surfaces, synthetic turf, parking resurfacing, new landscaping and sod turf) on a 2.43 acre creek-side property.
<b>Applicant / Phone Number:</b>	Denise Louie, Public Works Agency (PWA) Project Delivery City of Oakland, Public Works Agency, (510) 238-3682
<b>Owner:</b>	City of Oakland
<b>Case File Number:</b>	<b>PLN16309, CP16034, T1600124</b>
<b>Planning Permits Required:</b>	Major Conditional Use Permit for an expansion of a community center in the OS Zone, involving a project over 1 acre; Regular Design Review for new construction; and Creek Protection Permit Category IV; and Related Tree Permit includes the removal of ten (10) protected trees
<b>General Plan:</b>	Neighborhood Center Mixed Use; Mixed Housing Type Residential
<b>Zoning:</b>	Open Space – Neighborhood Park OS (NP)
<b>Environmental Determination:</b>	Exempt, Section 15303 of the CEQA Guidelines, New Construction of Small Structures; Exempt, Section 15332, Infill Development Projects; Exempt, Section 15333, Small Habitat Restoration Projects; and Section 15183, Projects consistent with a Community Plan, General Plan, or Zoning.
<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP)
<b>City Council District:</b>	6
<b>Status:</b>	Pending
<b>Staff Recommendation:</b>	Approval with conditions
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For further information:</b>	Contact case planner Caesar Quitevis at (510) 238-6343 or <a href="mailto:cquitevis@oaklandnet.com">cquitevis@oaklandnet.com</a>

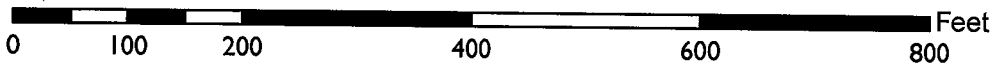
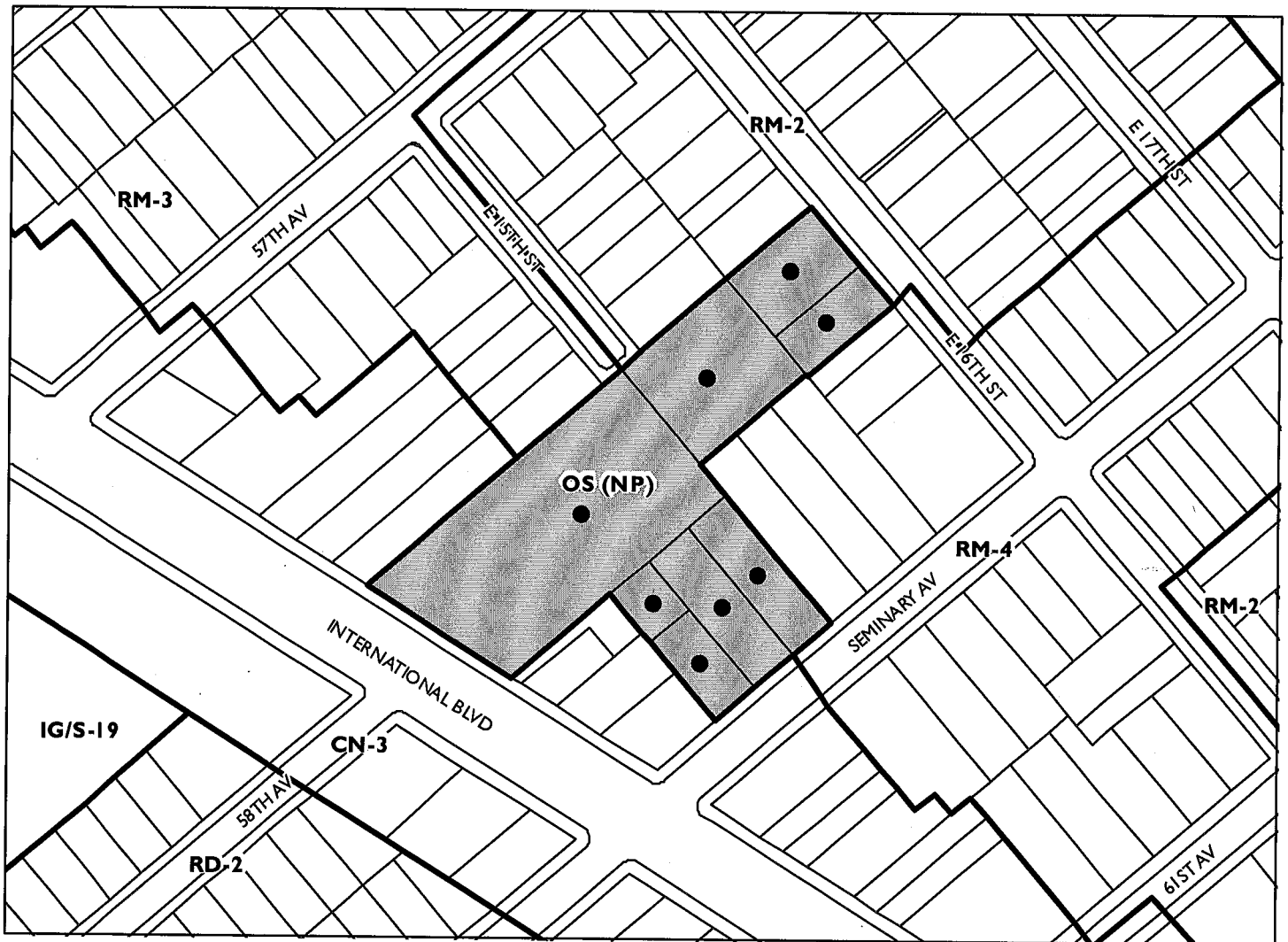
## SUMMARY

The Rainbow Recreation Center Renovation and Expansion Project would demolish a portion (4,100 sq. ft.) of the existing building and foundation, retain the existing gymnasium; expand the building floor area by 3,925 sq. ft. for a 40% net increase in floor area to 13,725 square feet, and provide numerous site improvements to accommodate multiple user groups. The project is subject to the approval of a Major Conditional Use Permit, Regular Design Review, and Creek Protection Permit applications. Staff believes that the proposed project, subject to conditions of approval, is designed to meet the established zoning: Open Space, Neighborhood Park; will be consistent with the neighborhood character; will protect the creek riparian corridor, and will promote and enhance a community resource for East Oakland. Staff recommends approval of the application.

## BACKGROUND

The project is funded in part by the Proposition 84 Statewide Parks Program Grant. The City of Oakland is the applicant and the Project Delivery Division of Public Works Agency (PWA) hired design consultants,

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16309, CPI6034, T1600124  
Applicant: Denise Louie, Public Works Agency (PWA) Project Delivery  
Address: 5800 International Boulevard  
Zone: OS (NP)

developed the project through community outreach meetings and updates, and refined the design to bring the Project's final design before the City Planning Commission for approval.

Pursuant to project development, four (4) community meetings and public surveys were conducted to solicit community feedback and refine the proposed site plan, building elevations, building massing, and appearance. The four meetings prioritized the explicit requests and needs of the neighborhood. The new facility will feature a computer room, daycare, updated restrooms, a large multi-purpose room, an expanded kitchen, pantry, and storage rooms. The kitchen and adjacent multipurpose room will also be rentable for members of the community who wish to host events at the Rainbow Recreation Center (RRC). Site improvements will feature a resurfaced soccer field, picnic area, daycare yard, garden area, and updated exercise and play equipment. The existing basketball courts, skate-park, and parking lot will remain. Community comment input resulted in design revisions to provide greater curb appeal or street presence, as well as increase interior and exterior visibility and transparency to the neighborhood, improve direct connection into the park, and enhance the existing rear parking lot. The Parks and Recreation Advisory Commission reviewed the project at the October 12, 2016 public hearing and unanimously endorsed the Conditional Use Permit and recommends approval to the Planning Commission for the Design Review application.

### **PROJECT DESCRIPTION**

The existing gymnasium will be retained and maintain an overall building height of 25'-1". The new building component, containing the multi-purpose room, kitchen, pantry, offices and other programmed spaces, will be 16'-0" to the top of the parapet. The featured building design elements include a sculptural covered entry, varied exterior material finishes, and graphic signage to the center. The covered arched entry provides an open and inviting connection to the center and provides a focal axis to attract the interest of passersby from International Boulevard through the center and into the interior of the park. The entry is described as an "Avenue of Trees" (colonnade) to "identify a line of movement through the center and makes the connection with nature through the structural forms of the building and the natural forms of the park." The form of each sculptural piece is derived from the column-to-beam connection with a shape found in trees, plants, and leaves. When the colonnade reaches the picnic area, it transitions into an actual row of planted trees. The proposed exterior building materials include wood slat siding, cement plaster, and fiber cement panels. A proposed color palette is available for review.

The new facility will feature programmed spaces for a computer room, daycare, a large multi-purpose room, an expanded kitchen, pantry, administrative offices, and ancillary spaces for updated restrooms and storage. With respect to building scale, the profile of the building is kept low in relation to the new building design feature to improve overall appearance and create a stronger connection to, and presence within, the neighborhood. The overall site plan and the building window transparency provide maximum visibility of the site and outdoor spaces from within the building.

The new site work will include new landscaping, and provide improved pedestrian connections to the entire park. The site will feature a resurfaced soccer field, picnic area, daycare yard, native plant demonstration garden, and exercise equipment. The existing basketball courts, skate park, and parking lot will remain. Outdoor areas include a variety of surface materials, including impervious (i.e. concrete paving, asphalt paving, resilient rubber surfacing, and synthetic turf), pervious (grass sod turf, planting beds, and biotreatment areas (i.e. landscape planting and biofiltration areas), and a native plant demonstration garden adjacent to the creek channel. Additional trees will be planted to supplement the London Plane trees designated to remain.

### **PROPERTY DESCRIPTION**

The Project area is comprised of the Rainbow Recreation Center (RRC), the surrounding park and ball field areas within the total 2.43 acre area that fronts on International Boulevard, Seminary Avenue, East 16<sup>th</sup> Street and the end of East 15<sup>th</sup> Street. The Project area is a gently sloping urban site with topographic relief provided by an

open channel segment of Seminary Creek located at the northern boundary of the neighborhood park. The site is bounded to the south and east by one- to two-story commercial buildings along International Boulevard, and predominantly on the north and west by residential homes and a mix of residential facility types; single family, duplex, and residential apartment buildings. Existing off-street parking exists on the southeastern portion of the site. The site is comprised of a variety of tree specimens including Elm, Monterey Pine, London Plane, Tulip, and Alder trees.

## **GENERAL PLAN ANALYSIS**

### **Land Use and Transportation Element of the General Plan**

The General Plan's Land Use and Transportation Element (LUTE) designation for the Project site is Neighborhood Center Mixed Use (frontage along International Blvd), which is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers, and the Mixed Housing Type Residential (the area closest to E 16<sup>th</sup> Street), which intended to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.

Among the General Plan Land Use and Transportation policies and objectives the proposed Project meets are the following:

- **Objective N-2:** Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed, and sited to serve the community;
- **Policy N-2.1:** Design and Maintain Institutions, in a manner that is sensitive to surrounding residential and other uses; and
- **Policy N-9.7:** Create Compatible but Diverse Development; create diversity in Oakland's built environment, geared towards creating compatible and attractive development.

### **Open Space Conservation and Recreation Element (OSCAR) of the General Plan**

The OSCAR General Plan Element identified specific strategies for Planning Areas including Central East Oakland, where changes and improvements for the Rainbow Recreation Center would improve the park's ability to meet local needs including the following:

- Redesign the lawn and play areas to make them more inviting, attractive, and visible from the perimeter of the park;
- Update the children's play equipment;
- Improve awareness of the park's presence, including making signage more prominent and making the park's facilities more visible from International and Seminary;
- Capitalize on Seminary Creek as an asset, with a creek restoration project;
- Expand the park as funding and opportunities are available.

The proposed Project would address the following OSCAR Element policies and objectives:

- **Objective CO-4:** Water Supply Conservation, to use drought tolerant landscaping and education of water conservation through proposed interpretive signage;
- **Objective CO-5:** Water Quality and Control of Urban Runoff, minimize adverse effects of urbanization on Oakland's groundwater, creeks, lakes, and nearshore waters;
- **Objective CO-13:** Energy Resources, through construction of an energy efficient building including providing the infrastructure to support a future photovoltaic system to reduce energy consumption;

- **Policy Rec 1.3:** Siting of Buildings in Parks, by accommodating new recreational buildings in underutilized land rather than covering open space;
- **Policy Rec-2.5:** Park Visibility, to maximize visibility while minimizing conflicts between pedestrians, bicyclists, and automobiles;
- **Policy Rec-5.2:** Safety-Oriented Design, by using a wide range of design solutions to improve safety at Oakland's parks including lights, signage, landscape design, fencing, vandal-resistant building materials;
- **Policy CO 6.1:** Creek Management to protect Oakland's remaining natural creek segments;
- **Policy Rec 7.1:** Program Diversity, by providing diverse recreational activities for all ages; and
- **Policy Rec 8.4:** Disabled Persons, by improving access to recreational services for persons with disabilities.

On balance, staff believes the Project is consistent with the General Plan classifications for both Neighborhood Center Mixed Use and Mixed Housing Type Residential in that the Project serves the immediate area, enhances recreational opportunities, and satisfies many OSCAR policies.

### ZONING ANALYSIS

The site is zoned OS-NP - Open Space (Neighborhood Park). The Open Space designation is intended to create, preserve, and enhance land for permanent open space to meet the active and passive recreational needs of Oakland residents and to promote park uses which are compatible with surrounding land uses and the city's natural environment.

Table 1: Zoning Regulations Comparison

Criteria	Required	Proposed	Reference	Notes
<b>Minimum Setbacks</b>				
Front Setback (International Blvd) *1*2	0'-0", 10'-0" max	18'-0"	17.09.040 17.11.140 17.17.050	Setback per adjacent CN-3 Zone
Interior Side Setback *2	0'-0"	15'-0"	17.11.140 17.17.050	Setback per adjacent CN-3 Zone
Rear Setback *2	15'-0"	N/A"	17.11.140 17.15.050	Setback per adjacent CN-3 Zone
<b>Height Regulations</b>				
Maximum Wall Height Primary Building	35'-0"	24' +/-	17.11.130.B	Maximum height allowed in OS Zone
Maximum Pitched Roof Height Primary Building	30'-0"	25'-1"	17.11.130B	Abuts RM-3 Zone with more restrictive height *3
<b>Parking</b>				
Vehicle	TBD by Zoning Administrator (ZA)	10 spaces	17.116.040	
<b>Bicycle Parking</b>				
Long-term	3	6	17.117.100	# employees at any given time
Short-term	3		17.117.100	# employees at any given time
<b>Maximum Impervious Surface Area (acreage)</b>	1-5 acres = 25%	34%	17.11.150	Will comply C-3 Stormwater Criteria
<b>Recycling Allocation Space</b>	2 cubic ft. per 1,000 sq. ft. gross floor area	127 sq. ft.	17.118	Will comply with LEED Guidelines

Footnotes on Table 1:

- \*1. Section 17.09.040: *Where an interior lot has more than one abutting street line, the Director of City Planning shall select one of the street lines as the front lot line; such selection shall conform with any neighborhood patterns.*
- \*2. Section 17.11.140: *The minimum front, side, and rear yards shall be equal to the minimum yards required in the nearest adjacent zoning district. For parks abutting multiple zones, different minimum yard requirements may apply to different parts of the park.*
- \*3. Section 17.11.130: *Where the OS zone abuts a zone with a more restrictive height limit, the maximum height of buildings and other facilities shall not exceed the maximum height of the abutting zone unless each portion above that height is set back from the minimum yard required a minimum horizontal distance equal to two (2) feet for each one (1) foot by which it extends above such maximum height.*

The criteria for review and approval of the Project include the following:

- Major Conditional Use Permit Criteria in Section 17.134.050 for the expansion of a Community Assembly Civic Activity (Recreation Center) on a project site over one-acre in size;
- Major Conditional Use Permit Criteria in Section 17.134.050 for any project in the OS zone involving the expansion of a recreation center;
- Major Conditional Use Permit Criteria in Section 17.135.030(Special Use Permit Review Procedure, OS Zone);
- Design Review Criteria in Section 17.136.050 for new construction of non-residential facilities;
- Creek Protection Ordinance Criteria under Section 13.16 to protect, maintain, and enhance creekside properties.

## **ENVIRONMENTAL DETERMINATION**

The Zoning Manager independently finds and determines that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemptions under Section 15303, New Construction of Small Structures; Section 15302 Replacement or Reconstruction; Section 15332, Infill Development Projects; Section 15333 Small Habitat Restoration Projects; and CEQA Guidelines Section 15183, Projects consistent with a Community Plan, General Plan, or Zoning; each of which constitutes a separate and independent basis for the exemption. The Rainbow Recreation Center Renovation and Expansion Project is an infill renovation and with conformance to Standard Conditions of Approval will be consistent with CEQA Guidelines under Sections 15303, 15302, and 15332 where the recreation center building is reconstructed in the same general footprint, and will expand towards International Boulevard without significantly affecting the open space programmed areas. The expansion will not likely adversely impact traffic or the residential character in the surrounding area. Additionally, the site improvements will upgrade pedestrian circulation, provide linkages between programmed open space areas, improve visibility through the site, and install new site furnishings and play equipment. Resurfaced paved impervious area will also direct storm runoff into biotreatment landscaped areas in conformance with stormwater treatment standards. Trees designated for removal will be replaced with compatible specimens. These project elements are all consistent with the OSCAR General Plan Element objectives and policies. The revegetation area will be consistent under CEQA Guidelines Section 15333 as a small restoration area with the proposed native plant demonstration garden and the creek protection measures incorporated into the Project. No site specific effects are unique to the project or its site, and therefore, a project consistent with the existing Zoning and General Plan policies and which will not have a significant impact on the environment is exempt from environmental review.

## **KEY ISSUES AND IMPACTS**

### **Aesthetics, Visibility, and Connection**

The project will result in aesthetic changes with regard to views of the Project site. The Project as designed will increase visibility of the park and would meet one of the Open Space Conservation and Recreation (OSCAR) General Plan Element objectives. The proposed design's "Avenue of Trees" entry sequence/building lobby is the prominent design feature which increases the visibility and a focal axis for the recreation center. The design feature responds to Open Space Conservation and Recreation (OSCAR) General Plan Element strategies for Rainbow Recreation Center to improve the park's ability to create a stronger connection to, and presence within, the neighborhood. Community meetings held by Public Works and the with interested residents and the Park and Recreation Advisory Commission's public hearing reiterate the need to increase the visibility and transparency to the neighborhood and improve direct connections to the park. The unusual form, shape, and concept behind the design provides an identity not only for the recreation center but also contributes to the neighborhood in which the center serves. Exterior material finishes and colors are subject to final review and approval by the Planning Commission.

### **Tree Removal**

The project will result in the removal of ten protected trees based on Tree Removal Plan. The total number of trees are to be removed to accommodate the development. Some of the trees are located along the west property line abutting residential properties with little room to grow. Other trees are located within the proposed footprint or would interfere with implementing the concept of the design. Standard Conditions of Approval will require protection measures for the trees to remain and for the appropriate removal of trees designated for removal. Staff is recommending an additional condition that requires a 10-year monitoring period for all plantings shall be established to ensure success of vegetation.

### **Creek Protection**

Among the recommendations for the Rainbow Recreation Center in OSCAR is to utilize the creek as an asset for the park. The project incorporates a native plant demonstration garden within vicinity of the banks of the creek. The revegetation of native plant species in the riparian area will decrease erosion, stabilize the bank, improve water quality by decreasing sedimentation, and provide a visual and community asset. This aspect of the Project is consistent to OSCAR and the Creek Protection Ordinance to enhance the riparian areas. This local restoration area is consistent with the State's CEQA Guidelines and is exempt from CEQA review.

### **Crime Prevention through Environmental Design (CPTED)**

The location of the building allows maximum views from the lobby area and reception area through the site and from the building out to the ball fields. Security, public safety, and maintenance are priority items. The proposed design addresses CPTED visibility issues through visibility and transparency, clear lines of sight, clear pathways and clear changes in surface paving.

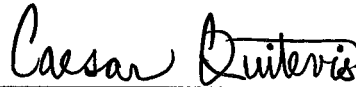
**CONCLUSION AND RECOMMENDATION**

In summary, based on the analysis contained within this report, staff believes that the proposed Project is appropriate at this location with implementation of Standard Conditions of Approval. The Project will further the overall objectives of the Land Use and Transportation and Open Space Conservation and Recreation Elements of the General Plan for park renovation and appropriate development.

Staff recommends that the Planning Commission:

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

Prepared by:



CAESAR QUITEVIS  
Planner II

Reviewed by:



SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



DARIN RANELLETTI  
Interim Planning and Building Director

**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 for Approval
- B. Conditions of Approval
- C. Project Plans



**ATTACHMENT A  
FINDINGS FOR APPROVAL**

This proposal meets the required findings under the Oakland Planning Code. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

**SECTION 17.134.050 MAJOR CONDITIONAL USE PERMIT FINDINGS:**

- 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 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 for the following reasons:

1. The majority of open space will not be reduced. The expanded building footprint of Rainbow Recreation Center will occur on existing paved area, or the existing footprint of the current building so that The Project site plan layout provides maximum outdoor visibility, facilitating observation for staff supervision of activities on site;
2. The proposal is sized to accommodate current and future community needs for recreation, education, and assembly. The expanded Rainbow Recreation Center adds 3,925 square feet of new floor area, replaces existing floor area and expands the existing 9,800 sq. ft. facility by 40% to 13,725 square feet. The location, as well as size, design, and operating characteristics of the proposed development are the result of neighborhood community meetings conducted by Public Works Agency and the Office of Parks and Recreation. The design introduces new uses, expands the recreation center building's capacity for additional programs; and improves public safety; and
3. The Project design enhances the overall visual appearance. The sculptural entry colonnade and overall massing, and architectural detail provide a building scale that is compatible with the residential character in the surrounding area. The height of the sculptural entry and association with features found in nature improves the visibility and character of the recreation center. The top of the arched entry is approximately 25'-0" +/- and only 16'-0" at the new building, which will identify the point of entry and be comparable in scale to surrounding residential and commercial buildings.

- 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.**

Given the program of indoor and outdoor recreational activities and services designed into the proposed recreation center, the proposed development will be as attractive as the nature of the use and its location and setting warrant (See Design Review Findings, below).

***FINDINGS***

- 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 expanded recreation center will increase the capacity to appeal to more families and residents, and expand the City's ability to offer more programs at the recreation center. The additional space will allow the center to simultaneously conduct programs. The new programmed space in the building reflects the community's growing demand for recreation/programs for all age groups.

- D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.**

See Section 17.136.050 Design Review findings, as described below.

- E. For proposals involving a One- or Two-Family Residential Facility....**

Not applicable, because the proposed development is a civic facility

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

The General Plan Land Use Classification for the site is Urban Park and Open Space. The proposal complies with all significant policies under the Open Space, Conservation, and Recreation (OSCAR) General Plan Element encouraging civic engagement and use of the park by diverse groups without compromising the value of parks as open space.

The project is consistent with OSCAR Objectives for the following:

- **Objective OS-2** Urban Parks, Schoolyards, and Gardens to maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment;
- **Objective CO-4:** Water Supply Conservation through the Project's use of drought tolerant landscaping and education of water conservation through proposed interpretive signage;
- **Objective CO-5:** Water Quality and Control of Urban Runoff through the use of on-site treatment of stormwater through biofiltration and pervious paving;
- **Objective CO-1.3:** Energy Resources through construction of an energy efficient building including providing the infrastructure to support a future photovoltaic system to reduce energy consumption;
- **Policy Rec 1.3:** Siting of Buildings in Parks by accommodating new recreational buildings in underutilized land rather than covering open space;
- **Policy Rec-2.5:** Park Visibility to maximize visibility while minimizing conflicts between pedestrians, bicyclists, and automobiles;
- **Policy Rec-5.2:** Safety-Oriented Design by using a wide range of design solutions to improve safety at Oakland's parks including lights, signage, landscape design, fencing, vandal-resistant building materials;
- **Policy CO 6.1:** Creek Management to protect Oakland's remaining natural creek segments;
- **Policy Rec 7.1:** Program Diversity by providing diverse recreational activities for all ages; and
- **Policy Rec 8.4:** Disabled Persons by improving access to recreational services for persons with disabilities.

**SECTION 17.11.110 SPECIAL PROVISIONS FOR PERMITTED AND CONDITIONALLY PERMITTED ACTIVITIES:**

- A. A conditional use permit for any use listed under Section 17.11.060 or 17.11.090 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and the no net loss provision of Section 17.135.060.**

The proposed project conforms with the Conditional Use Permit criteria as set forth in Section 17.134, and as set forth under Section 17.11.060 and 17.11.090, where the expansion of the recreation center is subject to the conditional use permit review procedure. With respect to Section 17.135.060, all 106,275 square feet of the Project site is devoted to recreation programming, and as such, the Project satisfies the intent of the OS-Zone to provide permanent open space to meet the active and passive recreational needs of Oakland residents. There are no feasible alternatives to placing the building from where it is proposed; and a majority of the 2.43 acres (Rainbow Recreation Center and Rainbow Park) remains open space. On balance, there is no net loss of open space.

**SECTION 17.136.050 (B) NON-RESIDENTIAL DESIGN REVIEW CRITERIA:**

- 1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060.**

The proposal is a well-composed design with consideration given to site, landscape, bulk, height, texture, materials, colors and appurtenances; and the relation of the proposal to the total setting including the following:

- The location, size, design, and operating characteristics of the proposed development are the result of four neighborhood meetings to satisfy community needs.
- The focal axis created by the entry/lobby help address safety and public hazard concerns to eliminate unsupervised areas, increase visibility through the park, and facilitate staff supervision of the outdoor play areas;
- The facility building mass relates to the existing residential character by maintaining a low profile oriented to the residential surrounding properties, while at the same time articulating an important design feature;
- The exterior materials (cement plaster, wood slat siding, and fiber cement board) provides durable and maintenance efficient finishes, while relating and fitting into the character of the neighborhood. Simple exterior materials, architectural details, and window and door fenestration provides scale and visual interest to the building;
- All impervious surface areas, from the entry plaza, ball courts, play structures, and building roof accommodate stormwater runoff with biotreatment and biofiltration areas located on-site; and

***FINDINGS***

- Site appurtenances including signage, landscape planting, and parking area will serve to identify and facilitate the operation of the recreation center.

**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 design will enhance the opportunities to meet the educational and recreational needs of the community. The proposed design will increase the capacity of the recreation center to satisfy and expand both community needs and Office of Parks and Recreation programming to provide a functional civic and recreational environment.

Additionally, the new landscape design will improve stormwater management by treating stormwater on-site through flow-through planters and biofiltration areas. The Project also improves the active recreation (soccer field and play structures); passive recreation (site furniture benches, picnic area); water conservation (water efficient landscaping and irrigation); and the recreation center's capacity to provide education programming indoors.

Therefore, protect the value of private and public investment in the area.

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

The General Plan Land Use Classification for the site is Urban Park and Open Space. The proposal complies with all significant policies under the Open Space, Conservation, and Recreation (OSCAR) General Plan Element encouraging civic engagement and use of the park by diverse groups without compromising the value of parks as open space.

The project is consistent with OSCAR Objectives for the following:

- **Objective OS-2:** Urban Parks, Schoolyards, and Gardens to maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment;
- **Objective CO-4:** Water Supply Conservation through the Project's use of drought tolerant landscaping and education of water conservation through proposed interpretive signage;
- **Objective CO-5:** Water Quality and Control of Urban Runoff through the use of on-site treatment of stormwater through biofiltration and pervious paving;
- **Objective CO-13:** Energy Resources through construction of an energy efficient building including providing the infrastructure to support a future photovoltaic system to reduce energy consumption;
- **Policy Rec 1.3:** Siting of Buildings in Parks by accommodating new recreational buildings in underutilized land rather than covering open space;
- **Policy Rec-2.5:** Park Visibility to maximize visibility while minimizing conflicts between pedestrians, bicyclists, and automobiles;
- **Policy Rec-5.2:** Safety-Oriented Design by using a wide range of design solutions to improve safety at Oakland's parks including lights, signage, landscape design, fencing, vandal-resistant building materials;
- **Policy Rec 7.1:** Program Diversity by providing diverse recreational activities for all ages; and

- **Policy Rec 8.4:** Disabled Persons by improving access to recreational services for persons with disabilities.

**SECTION 13.16.200 CREEK PROTECTION PERMIT CRITERIA:**

**A. Will the proposed activity (during construction and after project is complete) (directly or indirectly) cause a substantial adverse impact on the creek?**

Yes/No

The Project will not cause a substantial adverse impact on the creek for several reasons:

1. The project includes areas for revegetation of the creek bank. The Project also includes protection measures between the limits of revegetation activity and the creek bank to reduce erosion and minimize runoff flow during construction into the creek, including construction silt fencing, fiber rolls, and straw wattles, existing drain inlet protection, dewatering measures and incorporates other best management practices to minimize construction impacts, and stormwater quality impacts on the creek;
2. Standard Conditions of Approval require protective measures during the construction and post construction that shall be installed and implemented to prevent discharge of pollutants into the creek, prevent sedimentation into the creek, and prevent erosion of the creek bank;
3. An approved Creek Protection Plan shall be implemented to minimize impacts during construction that involve erosion and sediment control measures;

**In making the above finding, the Director of Building Services must, at a minimum, consider the following factors:**

**1. Will the proposed activity discharge a substantial amount of pollutants into the creek?**

Yes/No

With protective measures to be implemented prior to, during, and post construction, the Project will not discharge a substantial amount of pollutants into the creek. Adherence to Best Management Practices, conformance with Standard Conditions of Approval will minimize pollutants from entering the creek.

**2. Will the proposed activity result in substantial modifications to the natural flow of water in the creek?**

Yes/No

The scope of work and the protection measures incorporated into the project will result in no substantial modifications to the natural flow of water in the estuary.

**3. Will the proposed activity deposit a substantial amount of new material into the creek or cause substantial bank erosion or instability?**

Yes/No

With conformance with Best Management Practices and adherence to an approved Creek Protection Plan, no new material will be deposited into the creek or cause substantial bank erosion or instability.

***FINDINGS***

**4. Will the proposed activity result in substantial alteration of the capacity of the creek?**

Yes/ No

The proposed revegetation activity with conformance with creek protection measures, will not result in impacts that would substantially alter the capacity of the creek.

**5. Are there any other factors which would indicate that the proposed activity will adversely affect the creek?**

Yes/ No

Staff is not aware of any other factors that would result in adverse impacts to the creek as a result of this project.

**6. Will the proposed activity substantially adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat?**

Yes/ No

The project will improve and enhance the existing riparian corridor with new proposed native plant species landscaping, and will not adversely impact riparian vegetation or result in a loss of wildlife habitat.

**B. Will the proposed activity substantially degrade the visual quality and natural appearance of the riparian corridor?**

Yes/ No

The proposed project does propose enhanced native riparian planting that will maintain the natural appearance of the creek.

**C. Is the proposed activity inconsistent with the intent and purposes of OMC Chapter 13.16?**

Yes/ No

The scope of the proposed work for creek revegetation complies in all significant elements of the Creek Protection Ordinance, Chapter 13.16 where creek protection measures prevent discharge of pollutants into the creek, prevent sedimentation into the creek, and prevent erosion of the creek bank.

**D. Will the proposed activity substantially endanger public or private property?**

Yes/ No

The proposed activity is civic in character and with conformance with Best Management Practices, an approved Creek Protection Plan, during construction, and with regular monitoring of the creek, it is unlikely that the public or private property will be endangered.

**E. Will the proposed activity (directly or indirectly) substantially threaten the public's health or safety?**

Yes/ No

***FINDINGS***

Conformance with the approved Creek Protection Plan will prevent discharge of pollutants into the creek, prevent sedimentation into the creek, and prevent erosion of the creek bank;

**Based on the forgoing, the Creek Protection Permit for the above described project is hereby**  
 **GRANTED.**

**Findings for CEQA In-Fill Exemption Section 15332**

- 1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:**

See Findings under the Conditional Use Permit and Environmental Determination, as described above.

- 2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:**

The project site is the location of an existing recreation center with park fields and open space areas, and proposed work is contained on the site with urban uses surrounding the Recreation Center.

- 3. The project site has no value as habitat for endangered, rare, or threatened species:**

The site is an urban open space neighborhood park that is also a creekside property with little likelihood as a natural habitat for endangered, rare, or threatened species. With conformance with Conditions of Approval, the project will not adversely impact wildlife.

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

The project is an infill renovation of an existing facility. With conformance with Standard Conditions of Approval, during and post construction, there will not likely be adverse impact traffic, noise, air quality or water quality.

- 5. The site can be adequately served by all required utilities and public services:**

All utilities and services will be provided to the site.

**Findings for CEQA Small Habitat Restoration Section 15333**

- 1. There would be no significant adverse impact on endangered, rare, or threatened species or their habitat pursuant to section section 15065;**

The project site is an existing urban infill open space park. The project incorporates a native plant demonstration garden near the banks of the creek. However, with conformance with Standard Conditions of Approval, there will not likely be adverse impacts to endangered, rare, or threatened species or habitat.

- 2. There are no hazardous materials at or around the project site that may be disturbed or removed, and**

***FINDINGS***

There will be demolition of a portion of the existing building and foundation as well as new site improvements. The project incorporates Best Management Measures. With conformance with Standard Conditions of Approval, there will not likely be adverse impacts due to hazardous materials at or around the site that may be disturbed or removed.

- 3. The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, or the effects of probable future projects.**

The project site is an existing urban infill site as a neighborhood park. Best Management Practices are incorporated into the project and with conformance with Standard Conditions of Approval there is little likelihood that the park renovation will result in significant impacts when viewed in connection with similar past projects, ongoing projects, or the effects of probable future projects.



**ATTACHMENT B**  
**CONDITIONS OF APPROVAL**

**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, staff report and latest approved plans dated November 30, 2016, and as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

This action by the **City Planning Commission** (“this Approval”) includes the approvals set forth below.

This Approval includes:

- I. Approval of a Major Conditional Use Permit for a project in the OS Zone involving expansion to a Recreation Center, under Oakland Municipal Code Section 17.11.060; and for a project involving a project over one acre; under Oakland Municipal Code Section 17.134.050.
- II. Approval of Regular Design Review for new construction under Oakland Municipal Code Section 17.136.050(B).
- III. Approval of a Creek Protection Permit for work located within the bank of the creek.

**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 calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this 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, 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**

Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning. 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**

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.

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.

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 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.

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

**7. Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 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.

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

**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 the Bureau of Building, if directed by the Building Official, Director of City Planning, 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, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

**12. Construction Management Plan**

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

**13. Regulatory Permit 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

## ***AESTHETICS***

### **14. Graffiti Control**

Requirement:

c. 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.

d. 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.

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

**e. 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

## **AIR QUALITY**

### **16. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**

Requirement: The project applicant shall implement all of the following applicable air pollution 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.** Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e.** Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f.** Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g.** Idling times 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 five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California

## **CONDITIONS OF APPROVAL**

Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.

- h.* 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 five 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”).
- i.* 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.
- j.* Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.
- k.* All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- l.* All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- m.* Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- n.* Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- o.* Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- p.* Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- q.* Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- r.* Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.
- s.* All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- t.* 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.
- u.* All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.
- v.* Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w.* All construction equipment, diesel trucks, and generators shall be equipped with Best Available control Technology for emission reductions of NOx and PM.
- x.* Off-road heavy diesel engines shall meet the California Air Resources Board’s most recent certification standard.

***CONDITIONS OF APPROVAL***

- y. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**17. Asbestos in Structures**

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

***BIOLOGICAL RESOURCES***

**18. Bird Collision Reduction Measures**

Requirement: The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include all of the following:

- i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.
- ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
- iii. Monopole structures or antennas shall not include guy wires.
- iv. Avoid the use of mirrors in landscape design.
- v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below.
- vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following:
  - Use opaque glass in window panes instead of reflective glass.
  - Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).

- Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
  - Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.
  - Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans.
  - Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
  - Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides.
  - Install opaque window film or window film with a pattern/design which also adheres to the “two-by-four” rule for coverage.
- vi. Reduce light pollution. Examples include the following:
- Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30).
  - Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise.
  - Reduce perimeter lighting whenever possible.
  - Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass.
  - Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration.
- vii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:
- Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws.
  - Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.
  - Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day.
  - Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs.
  - Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**19. 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 Building

Monitoring/Inspection: Bureau of Building

## **20. 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, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the 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:
  - For *Sequoia sempervirens*, three hundred fifteen (315) square feet per tree;
  - 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

## **CULTURAL RESOURCES**

### **21. 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

### **22. 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

**23. Construction-Related Permits**

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

**HAZARDOUS MATERIALS**

**24. 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

**HYDROLOGY AND WATER QUALITY**

**25. Erosion and Sedimentation Control Plan for Construction**

**a. *Erosion and Sedimentation Control Plan Required***

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

**b. *Erosion and Sedimentation Control During Construction***

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**26. 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

**27. Vegetation Management on Creekside Properties**

Requirement: The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project:

- a. Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat;
- b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
- c. Leave stumps and roots from cut down trees to prevent erosion;
- d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
- e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
- f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
- g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
- h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;
- i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
- j. Do not trim/prune branches that are larger than 4 inches in diameter;
- k. Do not remove tree canopy;
- l. Do not dump cut vegetation in the creek;
- m. Do not cut tall shrubbery to less than 3 feet high; and

n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**28. Creek Protection Plan**

**a. Creek Protection Plan Required**

Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

**b. Construction BMPs**

Requirement: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:

- i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.
- ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.
- iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.
- v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.

- viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
- ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.
- xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

**c. *Post-Construction BMPs***

Requirement: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

**d. *Creek Landscaping***

Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.

Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.

When Required: Prior to approval of construction-related permit



Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

**e. Creek Protection Plan Implementation**

Requirement: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

When Required: During construction; ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**29. Creek Dewatering/Diversion**

Requirement: The project applicant shall submit a Dewatering and Diversion Plan for review and approval by the City, and shall implement the approved Plan. The Plan shall comply, at a minimum, with the following:

- a. All dewatering and diversion activities shall comply with the requirements of all necessary regulatory permits and authorizations from other agencies (e.g., Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Army Corps of Engineers).
- b. All native aquatic life (e.g., fish, amphibians, and turtles) within the work site shall be relocated by a qualified biologist prior to dewatering, in accordance with applicable regional, state, and federal requirements. Captured native aquatic life shall be moved to the nearest appropriate site on the stream channel downstream. The biologist shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the nearest appropriate downstream site. This condition does not allow the take or disturbance of any state or federally listed species, nor state-listed species of special concern, unless the applicant obtains a project specific authorization from the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service, as applicable.
- c. If any dam or other artificial obstruction is constructed, maintained, or placed in operation within the stream channel, ensure that sufficient water is allowed to pass down channel at all times to maintain native aquatic life below the dam or other artificial obstruction.
- d. Construction and operation of dewatering/diversion devices shall meet the standards contained in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board.
- e. Cofferdams and/or water diversion system shall be constructed of a non-erodible material which will cause little or no siltation. Cofferdams and the water diversion system shall be maintained in place and functional throughout the construction period. If the cofferdams or water diversion systems fail, they shall be repaired immediately based on the recommendations of a qualified environmental consultant. The devices shall be removed after construction is complete and the site is stabilized.
- f. Pumped water shall be passed through a sediment settling device before returning to the stream channel. Velocity dissipation measures are required at the outfall to prevent erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building  
Monitoring/Inspection: Bureau of Building

## **NOISE**

### **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.

**CONDITIONS OF APPROVAL**

- 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. Construction Noise Complaints**

Requirement: The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:

- a. Designation of an on-site construction complaint and enforcement manager for the project;
- b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;
- c. Protocols for receiving, responding to, and tracking received complaints; and
- d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**TRANSPORTATION / TRAFFIC**

**33. 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 and sidewalks.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**b. Traffic Control Plan Required**

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, 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 detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

**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: Bureau of Building

**34. Bicycle Parking**

Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

***UTILITY AND SERVICE SYSTEMS***

**35. 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](http://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

**36. 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

**37. Recycling Collection and Storage Space**

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**38. 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 **Bay Friendly Basic Landscape Checklist**.

- 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.

The following information shall be submitted to the City for review and approval:

- i. Completed copy of the green building checklists approved during review of the Planning and Zoning permit and during the review of the Building permit.
- ii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

**PROJECT SPECIFIC CONDITIONS**

**39. Landscape - Monitoring Tree Replacement**

Requirement: The project applicant shall monitor and report on the status of tree replacement to the Bureau of Planning for a minimum a 10-year monitoring period for all plantings until they are established to ensure success of vegetation. If any specimen shows evidence of failure, the project applicant shall inform the Bureau of Planning to work out remediation or replacement of the specimen.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Project applicant

**Applicant Statement**

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

\_\_\_\_\_  
Name of Project Applicant

\_\_\_\_\_  
Signature of Project Applicant

\_\_\_\_\_  
Date

**CONDITIONS OF APPROVAL**

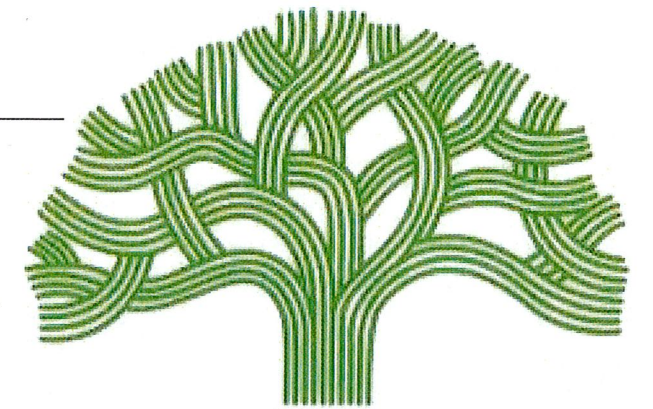
Attachment C

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**RAINBOW RECREATION CENTER | RENOVATION & EXPANSION**  
Planning Commission Meeting

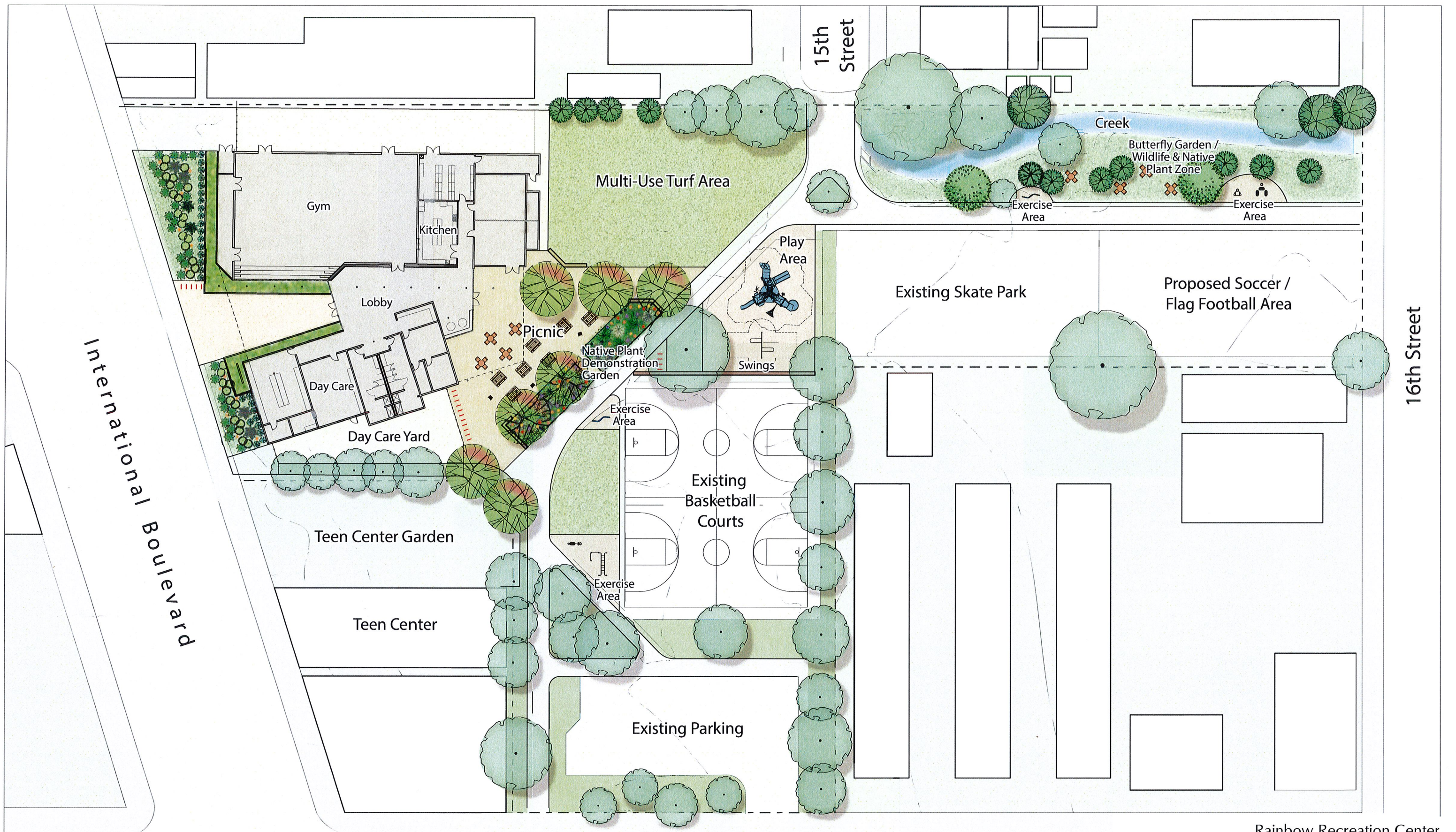
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May 3, 2017



CITY OF OAKLAND





International Boulevard

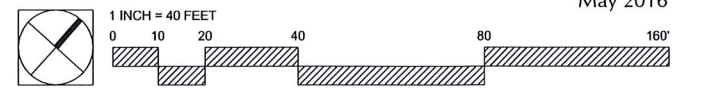
15th Street

16th Street

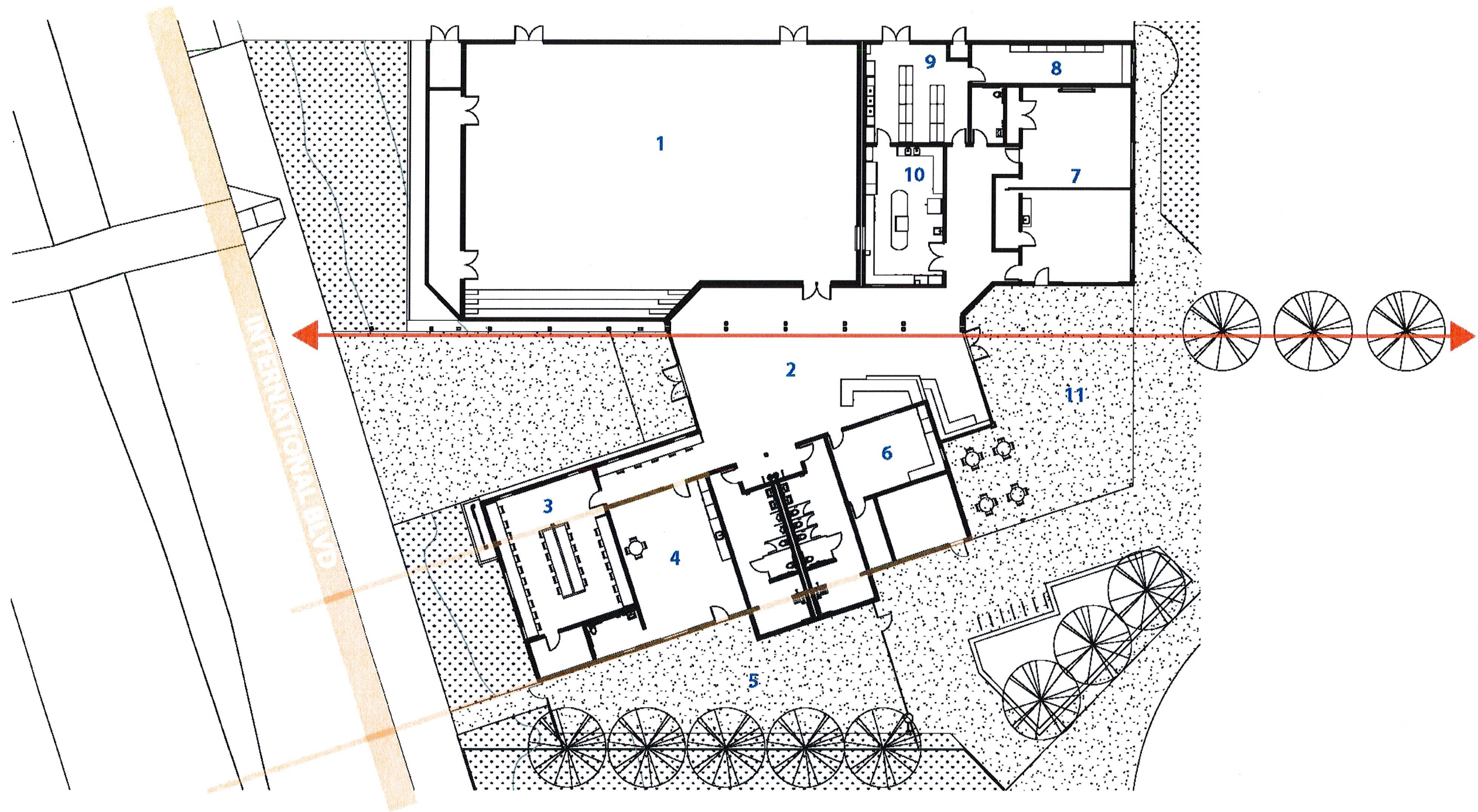
Seminary Avenue

Rainbow Recreation Center  
City of Oakland

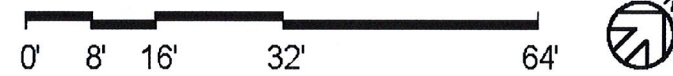
Dillingham Associates Landscape Architects  
May 2016







**FLOOR PLAN**



- |          |               |           |                   |
|----------|---------------|-----------|-------------------|
| <b>1</b> | EXISTING GYM  | <b>7</b>  | MULTIPURPOSE ROOM |
| <b>2</b> | LOBBY         | <b>8</b>  | STORAGE           |
| <b>3</b> | COMPUTER ROOM | <b>9</b>  | PANTRY            |
| <b>4</b> | DAYCARE       | <b>10</b> | KITCHEN           |
| <b>5</b> | DAYCARE YARD  | <b>11</b> | PICNIC AREA       |
| <b>6</b> | OFFICE        |           |                   |



VIEW FROM INTERNATIONAL BLVD.



VIEW FROM PARK



VIEW INSIDE LOBBY

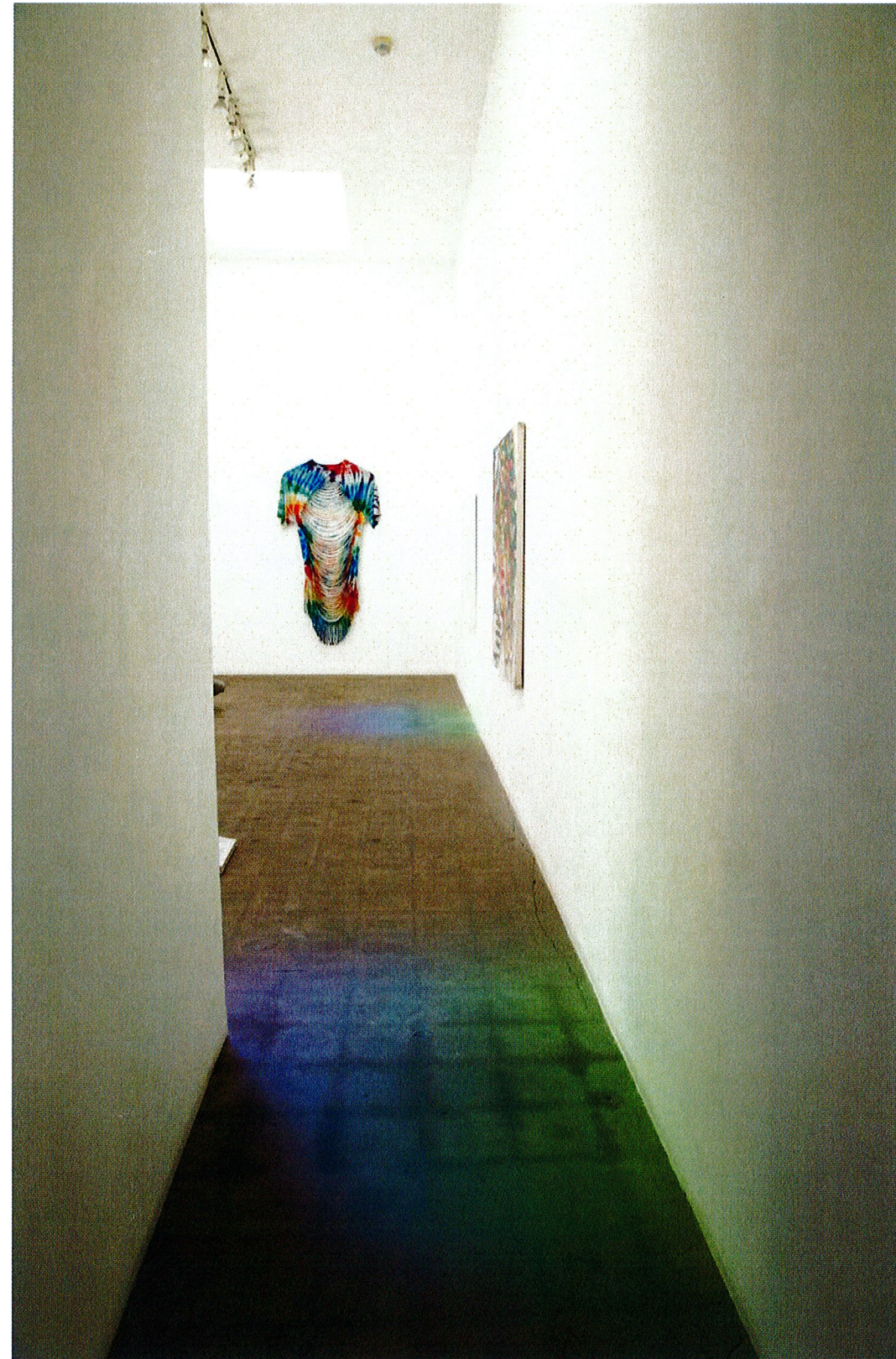
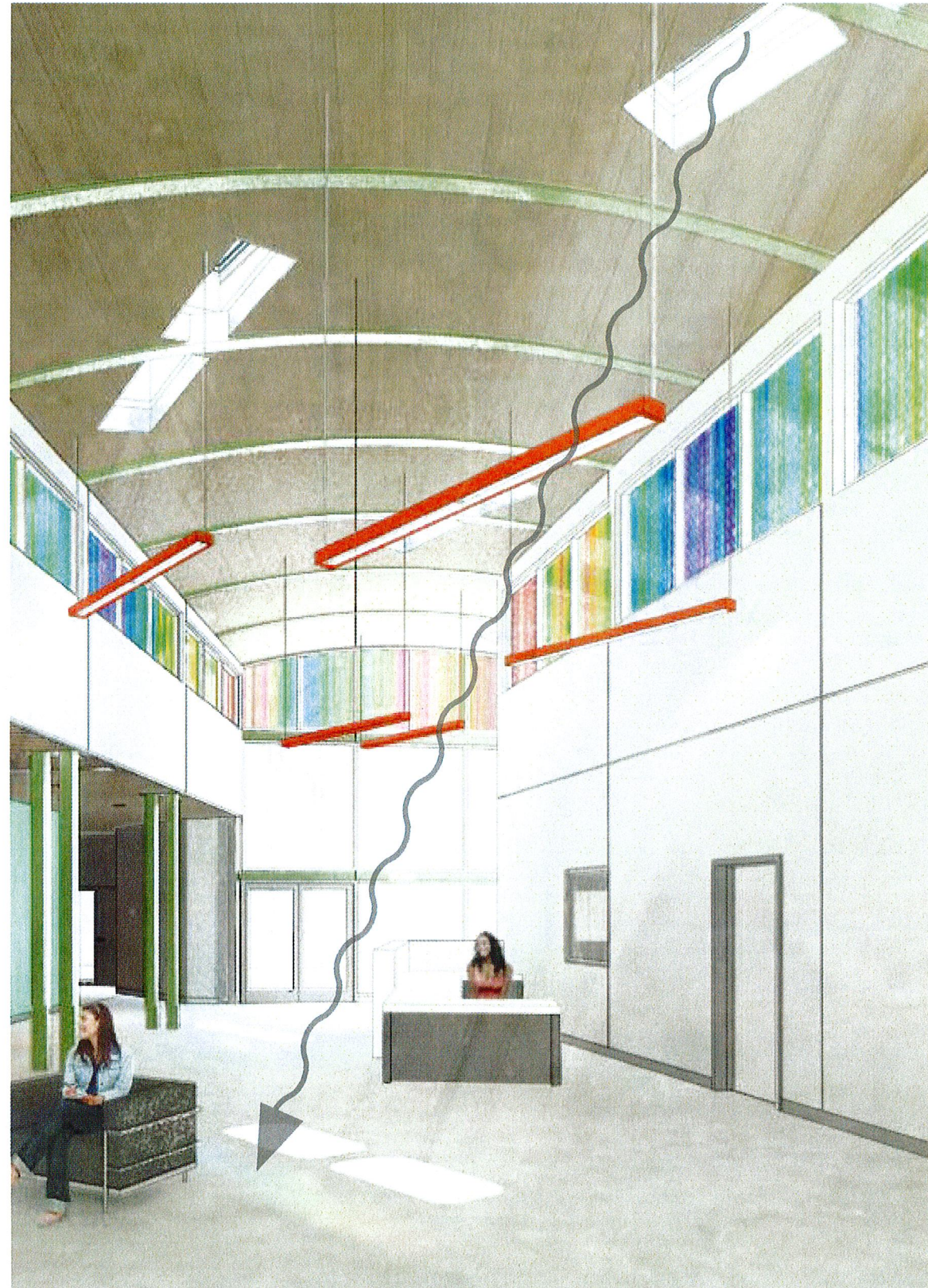
# ART COMPONENTS

## SCULPTURAL STEEL ELEMENTS



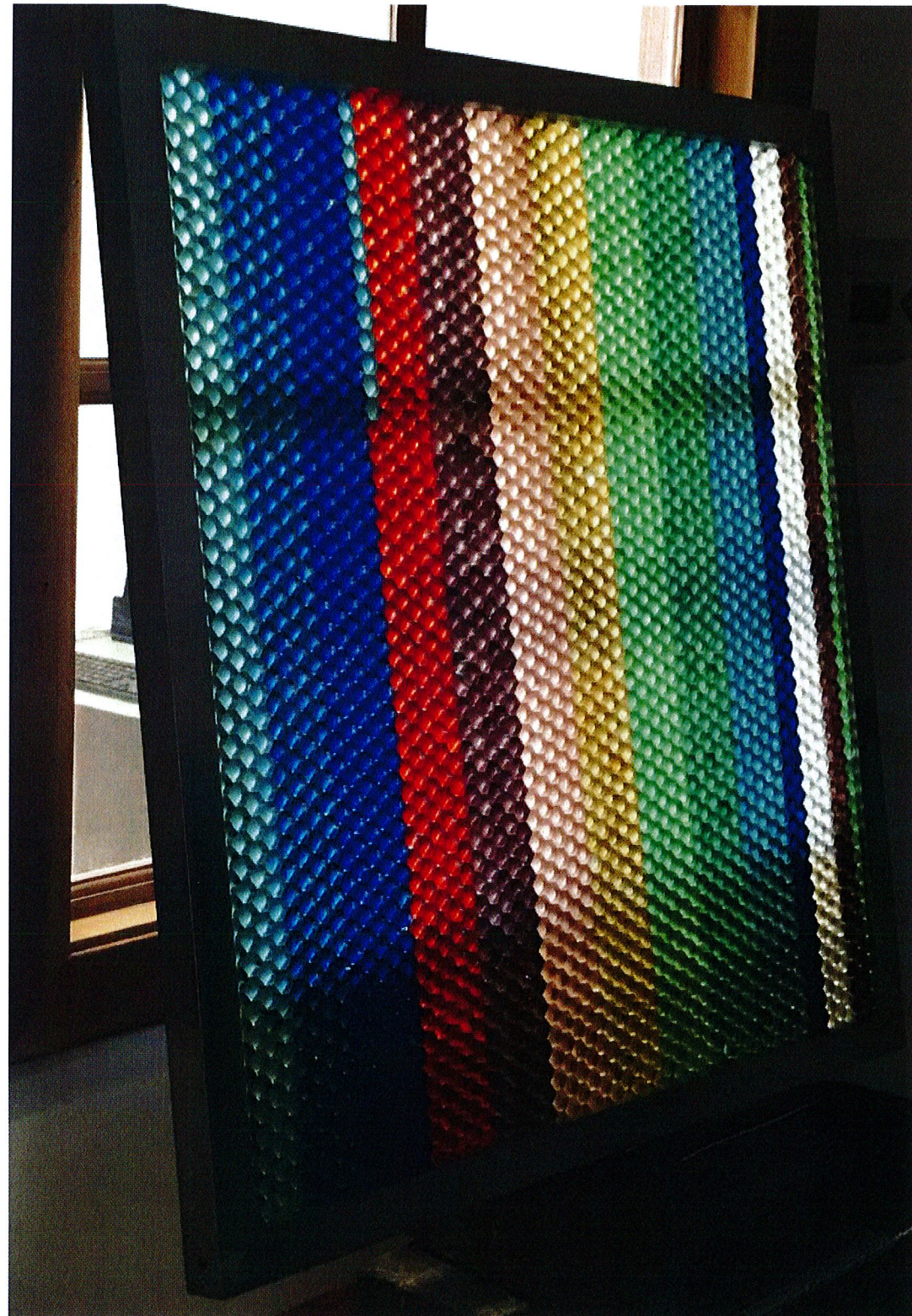
# ART COMPONENTS

## SKYLIGHT DIFFRACTION GRATING



# ART COMPONENTS

CLERESTORY WINDOW PANEL W/ MARBLES

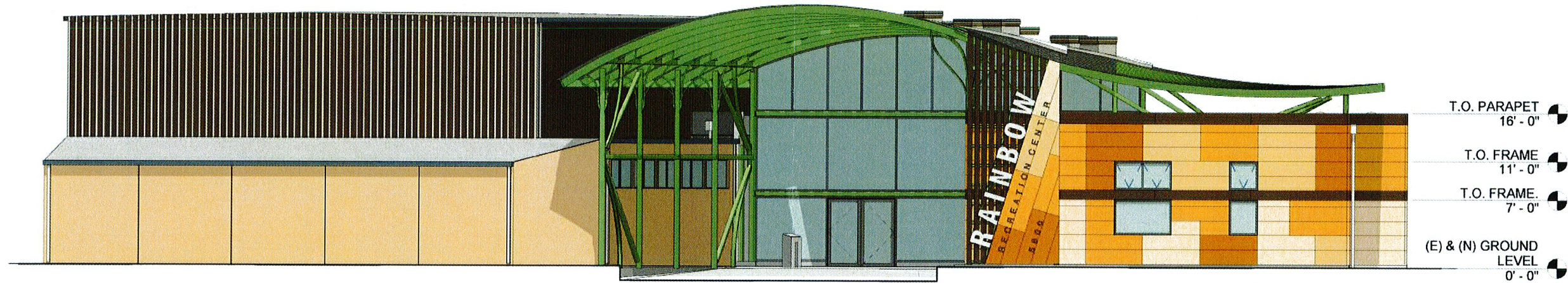


# ART COMPONENTS

SOLAR NOON

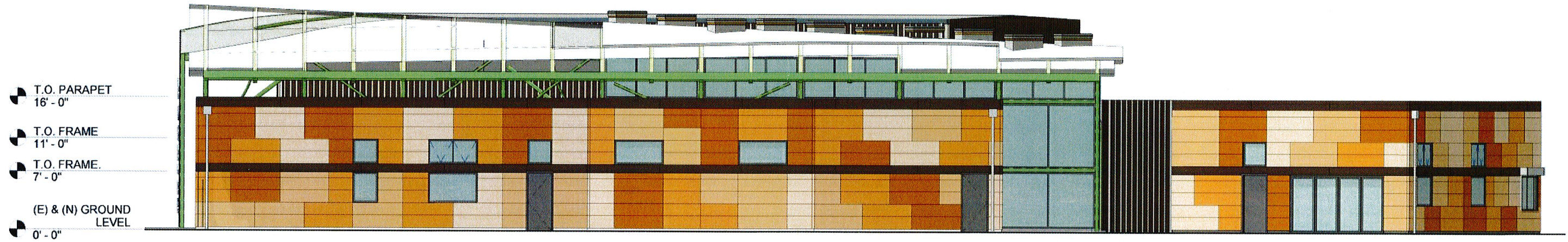






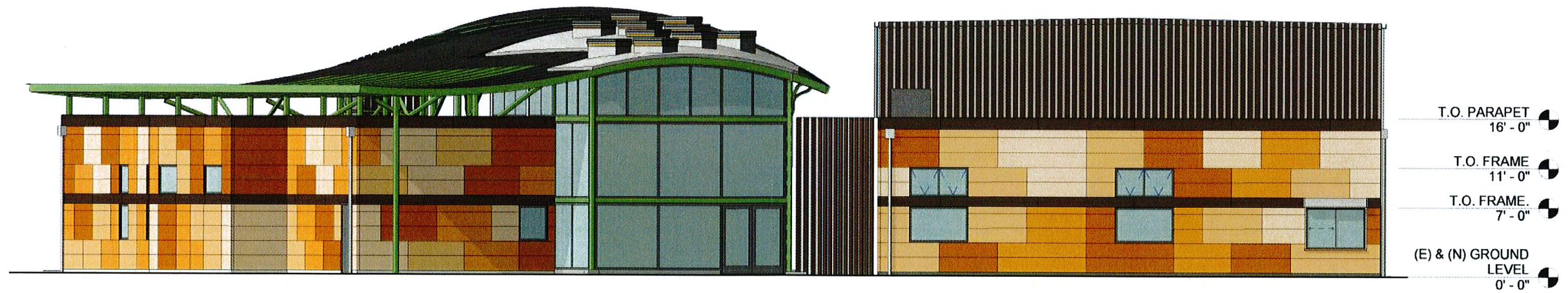
-ELEVATION WEST

1/8" = 1'-0" 3  
-A3.0



-ELEVATION SOUTH

1/8" = 1'-0" 2  
-A3.0



-ELEVATION EAST

1/8" = 1'-0" 1  
-A3.0