

Oakland City Planning Commission

STAFF REPORT

Case File Number PLN23117, TPM 11430

November 6, 2024

Location:	5901 College Avenue; 5965, 5957, 5941 Chabot Road; 6012, 6016, 6028, 6036, 6046, 6048 Claremont Avenue
Assessor's Parcel Number(s):	014 12680090, 014 126801101, 014 126801200, 014 126801300, 014 126803900, 014 126803800, 014 126803600, 014 126803501, 014 126803201, 014 126803000
Proposal:	Major Conditional Use Permit (CUP) and Design Review to alter existing building facilities and permit Community Education and Community Assembly Civic Activities to serve as a Jewish Community Campus of the East Bay (JCCEB). The project will include exterior alterations to the rear of 5901 College Avenue and the rear and side of 6028 Claremont Avenue; site-wide hardscape and landscape improvements; and the merging of fourteen (14) legal lots into one. Existing retail along the ground floor of 5901 College Avenue will remain.
Applicant:	Equity Community Builders, LLC
Contact Person/ Phone Number:	Suzanne Brown, (415) 577-3723
Owner:	LPC College LLC
Case File Number:	PLN23117, TPM11430
Planning Permits Required:	1) Major CUP for Community Education and Community Assembly Civic Activities on a site that exceeds one acre. 2) Regular Design Review for alteration of structures requiring a CUP 3) Tentative Parcel Map to consolidate fourteen (14) lots into one (1) parcel.
General Plan:	Neighborhood Center Mixed Use, Mixed Housing Type Residential
Zoning:	Neighborhood Center Commercial (CN-1)
Proposed Environmental Determination:	A detailed CEQA Analysis was prepared for this project which concluded that the project is exempt from further review under CEQA Section 15332 – Infill Development Project and CEQA Section 15183 – Project Consistent with Existing Community Plan or Zoning. The CEQA Analysis may be reviewed on the city website at: https://www.oaklandca.gov/resources/environmental-review-docs .
Historic Status:	PDHP - 5941 Chabot (C2+, contributes to Claremont Avenue ASI) and 6012, 6016, 6048 Claremont (All C3)
City Council District:	CCD1
Finality of Decision:	Appealable to City Council
For Further Information:	Contact Case Planner: Alexia Rotberg, Phone: (510) 418-8534, Email: arotberg@oaklandca.gov

CITY OF OAKLAND PLANNING COMMISSION



Case File:	PLN23117 JCCEB Major CUPs
Applicant:	Equity Community Builders
Address:	5900 College Ave.
Base Zone(s):	CN-1
Combining Zone(s):	S-13

SUMMARY

Equity Community Builders, LLC, on behalf of LPC College, LLC has filed applications for Major Conditional Use Permit (CUP) and Design Review, and Tentative Parcel Map (TPM) with the Bureau of Planning to establish an expanded Jewish Community Campus of the East Bay (JCCEB) at 5901 College Avenue in the Rockridge neighborhood of Oakland. The requests include repurposing seven (7) existing building facilities, spread across ten (10) Assessor Parcel Numbers (APNs) (fourteen (14) legal lots) previously utilized as the Dreyer's Headquarters offices. Over the last several years, as Dreyer's has downsized operations at the site, the JCCEB has acquired and repurposed properties to serve their administrative operations.

The project requests approval of a Major CUP to permit Community Education and Community Assembly Civic Activities within the CN-1 Zone on a site larger than one acre and a Major Design Review request to alter the exterior of the existing buildings at 5901 College Avenue and 6028 Claremont Avenue.

Staff recommends approval of the development application, subject to the attached findings and conditions of approval.

BACKGROUND

The project site is comprised of fourteen (14) legal lots (10 APNs) consisting of 129,541 square feet of lot area (2.97 acres) located at the intersection of College Avenue and Chabot Road, two blocks north of the Rockridge BART station, within the Rockridge Commercial District of North Oakland. As previously noted, the site currently contains seven (7) existing buildings which were, or currently are, utilized by the Dreyer's Corporation as part of the company's prior Headquarters Operations. Dreyer's is anticipated to continue limited operations at the site through the end of 2024.

The JCCEB currently utilizes 6048 Claremont Avenue for administrative commercial office activities, and JCCEB affiliated non-profits currently operate at 5941 Chabot Road and 6012 and 6016 Claremont Avenue. According to City records, all of these, originally residential facilities, were previously converted to non-residential uses by the Dreyer's Corporation.

A majority of the project site is designated *Neighborhood Center Mixed Use* per the Oakland General Plan Land Use and Transportation Element (LUTE); 6012 Claremont Avenue is the only parcel designated *Mixed-Housing Type Residential*. The entire site is zoned Neighborhood Center Commercial-1 (CN-1).

The portion of the Rockridge district which the project site is located within is characterized by a mix of land uses served by a variety of transportation options. Land uses surrounding the project site include an abundance of pedestrian-oriented commercial retail uses along College Avenue, existing residential uses along Chabot Road, and a mix of residential and commercial uses along Claremont Avenue.

The project site includes three (3) existing parcels located within the Claremont Residential Area of Secondary Importance (ASI), including 5941 Chabot and its two (2) building facilities. The

Claremont Residential ASI is a historic district characterized by predominantly single-family residential development, mainly craftsman and prairie style homes, originally constructed in the early 1900's. The project also includes five existing building facilities previously identified as Potentially Designated Historic Properties (PDHPs) by the Oakland Cultural Heritage Survey, including those at 5941 Chabot. All of these PDHPs are rated C, meaning they're of "secondary importance: superior or visually important example" per the City's Heritage Survey rating system.

PROJECT DESCRIPTION

The project will repurpose seven (7) existing buildings across an approximately 2.97-acre project area to establish an integrated urban campus for the Jewish Community Center of the East Bay (JCCEB), including the JCCEB's existing operations at the site.

Site Design

Alterations to Existing Building Facilities

The project includes modifications to building area along the rear of 5901 College Avenue. Modifications will: 1) redesign the building's rear-facing primary entryway; 2) convert ground floor administrative commercial office space to childcare classrooms and a limited service café for JCC members and staff only; 3) create a new second floor patio area for JCC employees; and 4) carry out interior improvements to existing administrative commercial space along upper floors. The project also includes modifications to 6028 Claremont Avenue to demolish rear-facing contemporary building additions, to construct a ground floor, outdoor deck area along the building's southernmost facade.

Landscape and Hardscape

The project includes sitewide landscaping and hardscaping improvements, including the installation of new pedestrian pathways to improve connectivity, the establishment of various landscaped outdoor gathering and open spaces to improve functionality (such as a central meadow, entry plaza, pergola and outdoor deck area), and play areas for childcare activities.

The project will also retain and upgrade existing perimeter landscaping along the site's Claremont and Chabot frontages. New tree and shrubs along the visitor parking lot's Chabot frontage will further screen parking facilities from the right-of-way. Similarly, mature coastal redwoods along the staff parking lot's Claremont frontage will be preserved, as will other protected trees, including mature Oaks, throughout the site. New tree plantings and other landscaping is also proposed throughout the site.

For security and noise attenuation purposes, the project will upgrade existing perimeter fencing surrounding the project site. Existing wrought iron fencing along Chabot and Claremont will be increased to 8 feet in height; and wooden perimeter fencing along the project's northern and southern project boundaries will be upgraded to 8-foot tall, solid wood fence. A 10-foot concrete modular unit (CMU) privacy wall will be placed alongside a limited portion of Claremont Avenue, along the side-front yard of 6028 Claremont to screen the outdoor gathering deck area from the vehicular traffic of Claremont Avenue.

Access and Circulation

For security purposes, the JCCEB will be access-restricted controlled by existing perimeter fencing and security gates. The existing parking lot along Chabot will remain, with minor modifications for circulation purposes, and serve as the visitor parking lot. During weekday business hours, this lot will primarily be utilized for pick-up and drop-off services related to childcare services, and other shorter-term visits to the JCCEB; on nights and weekends it will accommodate JCCEB visitors partaking in evening and cultural programs, event rentals, and high holiday services. Consistent with a private lease agreement with retail tenants along College Avenue, gates to the visitor parking lot will remain open to the public during the JCCEB’s business hours. A second security gate along the north boundary of the visitor lot will further restrict pedestrian access to JCCEB building facilities to serve only JCCEB staff and members.

The existing parking lot along Claremont will remain, with minor modifications for circulation purposes, and serve as the primary JCCEB staff parking lot during weekday operations. On weeknights and weekends, the staff parking lot will accommodate JCCEB visitors partaking in evening and cultural programs, event rentals, and high holiday services. When the staff parking lot is not required to accommodate event parking, it may be used as pickle ball courts for use by JCCEB members only. The lot will never be used for parking while also being used for pickle ball.

The staff and visitor parking lots will be connected via an internal driveway equipped with removable bollards which allow the driveway to be utilized for emergency vehicle access and event transportation management. During regular weekday operations this driveway will serve as pedestrian space only and be inaccessible to vehicles.

Overall, one existing curb cut serving 6028 Claremont will be removed, and the number of vehicular parking space statewide will decrease from 140 to 92. For additional information regarding project transportation-related operations, see the Transportation Impact Analysis (TIA) Appendix B of **Attachment D**.

Land Use Activities

As illustrated by the JCCEB Planning Diagrams (see **Attachment C**), the project will include:

- Administrative Commercial Activities (i.e., office use) at 6048 Claremont Avenue and along the upper floors of 5901 College Avenue. The JCCEB already utilizes 6048 Claremont Avenue for some administrative operations, while Dreyer’s presently occupies the upper floors of 5901 College through the end of 2024.
- Community Education Civic Activities (i.e., childcare) on the rear ground floor of 5901 College Avenue, 6028 Claremont Avenue, and designated play areas across the project area. These areas are presently utilized by Dreyer’s through the end of 2024.

Community Education Activities will operate during weekdays between the hours of 8:00 AM and 6:00 PM, depending on childcare program. Childcare activities include pre-school services (ages 2 to 4) for up to 120 kids, afterschool services (ages 5 to 12) for up to 100 kids, and summer care (ages 5 to 12) services for up to 200 kids.

The site may accommodate a maximum of up to 320 children at one time.

- Community Assembly Civic Activities at 5941 Chabot Road, and 6012, 6016, and 6028 Claremont Avenue. 5941 Chabot, and 6012 and 6016 Claremont are residential facilities previously converted to non-residential use by Dreyer's, and presently utilized by JCC affiliated non-profits who will remain. 6028 Claremont Avenue is presently utilized by Dreyer's through the end of 2024. Community Assembly activities may include:
 - Evening Programs: Instructional, informative, and recreational programs provided by the JCCEB or affiliated onsite non-profits. Examples include group classes or meet-ups for teens and seniors; rabbinical mentoring; group exercise or self-improvement classes; pickleball; gardening; arts and crafts; and other similar activities. These activities will occur Monday through Friday from 6:15 pm to 9:30 pm and may include up to 50 to 100 participants onsite.
 - Cultural Programs / Event Rentals: JCC community programs such as lectures or student performances, and/or private event rentals for special occasions such as weddings, bar/bat mitzvahs, and other cultural ceremonies to be provided at 6028 Claremont. Activities occur on Saturdays from 5 pm (or sunset) to 9:30 PM and Sundays from 9:00 AM to 9:30 PM.
 - High Holidays: Up to five (5) events a year related to the observance of Jewish holy days with participants including JCC members and non-members. Holiday day may vary by calendar year but will occur between 9:00 AM and 10:00 PM. Holidays may include up to 500 participants onsite.
- Community Education and Community Assembly Civic Activities will flexibly utilize open space areas onsite when operating at different times.
- Existing retail commercial businesses along the ground floor of 5901 College Avenue will remain.

GENERAL PLAN ANALYSIS

A majority of the project site is classified as *Neighborhood Center Mixed Use* by the city's General Plan Land Use and Transportation Element (LUTE), save for 6012 Claremont which is classified as *Mixed-Housing Type Residential*. Per the LUTE, the *Neighborhood Center Mixed Use* land use classification is intended to "identify, create, maintain, and enhance mixed use neighborhood commercial centers." These areas are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. New development within this classification should be pedestrian-oriented commercial or mixed use and serve nearby neighborhoods.

Per the LUTE, the *Mixed-Housing Type Residential* land use classification is intended to "create, maintain and enhance residential areas located near major arterials and characterized by one- and two-family homes, small multi-unit buildings, and neighborhood businesses where appropriate." New development within this classification should be primarily residential in character, with small

commercial enterprises, schools, and other small-scale compatible civic uses in appropriate locations.

The JCCEB's proposed repurposing of existing building facilities throughout the site will assist in the continued activation of the Rockridge Neighborhood Activity Center as a mixed-use center serving surrounding residential neighborhoods. Additionally, the proposed repurposing of existing buildings preserves the existing scale and character of historic development patterns at the site which contributes to maintaining compatibility with established residential neighborhoods surrounding the site, and consistency with the General Plan. Project conformance with specific policies per the General Plan Land Use and Transportation Element (LUTE) Policy Framework is outlined below:

- **Policy T2.1 Encouraging Transit Oriented Development.**
Transit-oriented development should be encouraged at existing and proposed transit nodes.
- **Policy T2.2 Guiding Transit Oriented Development.**
Transit-oriented developments should be pedestrian oriented, encourage night and daytime use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.
- **Policy N10.1 Identifying Neighborhood Activity Centers.**
Neighborhood Activity Centers should become identifiable commercial, activity and communication centers for the surrounding neighborhood...
- **Policy N5.2 – Buffering Residential Areas.**
Residential areas should be buffered and reinforced from conflicting uses through the establishment of performance-based regulations, the removal of non-conforming uses, and other tools.
- **Policy N9.7 - Creating Compatible but Diverse Development.**
Diversity in Oakland's built environment should be valued as the diversity in population. Regulations and permit processes should be geared towards creating compatible and attractive development rather than "cookie cutter" development.

Race and Equity

- **EJ-7.5.: Bicycle and Pedestrian-Friendly Design**
The project includes improvements to the College Avenue and Chabot Road intersection which are intended to improve pedestrian and bicycle facilities at these locations. These improvements include relocation of the AC Transit bus stops to the outside perimeter of the intersection; installation of a curb extension/bulb-out at the northwest corner of the intersection to shorten the crosswalk across College Avenue and locate short-term bicycle facilities; and installation of Reflective Rapid Flashing Beacons (RRFBs) at both crosswalks crossing College Avenue.
- **SAF-5.3 Site Contamination**
A portion of the project site was previously utilized as a gas service station from 1938 to the late 1970's which was subsequently subject to years of groundwater and soil remediation activities under the purview of State regulatory agencies. The site was issued a Case Closure Summary Form from the Alameda County Department of Environmental Health (ACDEH) on February 16, 2022. The project will comply with all relevant Standard Conditions of Approval as outlined by the CEQA Analysis to ensure the safety of all construction workers, future occupants, and adjacent properties.
- **SAF-7.2 Crime Prevention Through Environmental Design (CPTED)**
The project includes sitewide landscape and hardscape improvements which integrate CPTED techniques and are intended to allow for visibility into and from the site and increase pedestrian

activity throughout the site provide. This includes the retention of wrought iron fencing along project parking lots frontages, and installation of pedestrian pathways throughout the campus site.

It is also important to note that the subject property was not identified as a Housing Opportunity site as part of the adoption of the Housing Element of the General Plan and is therefore not subject to the “no net loss findings” as required under California Government Code Section 65863 (b)(2).

ZONING ANALYSIS

The project is located in the Rockridge neighborhood of North Oakland and is zoned Neighborhood Center Commercial-1 (CN-1). The intent of the CN-1 Zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short- and long-term needs in attractive settings oriented to pedestrian comparison shopping. The project site is located within the CN Height Area: 55, which prescribes a minimum height of 35 feet and a maximum height of 55 feet for new primary structures in the CN-1 Zone. The maximum non-residential FAR permitted within the height area is 3.0, and the maximum residential density ranges from 175 to 350 dwelling units per acre, dependent on unit type.

Per Section 17.116.020.B. of the Oakland Planning Code, no additional parking is required for a change of activity within an existing facility. Additionally, if there are more parking spots on the lot than required by the Code for the new activity, the number of stalls can be reduced to the number required of the new activity. Section 17.116.070 and Section 17.116.080 of the Planning Code state no minimum number of parking stalls are required for Community Assembly or Community Education Civic Activities in the CN-1 Zone when located within ½ mile of a “major transit stop” as defined by State Public Resources Code Section 21155.

Conditional Use Permits

CN-1 Zone - Civic Activities:

Section 17.33.030 of the Oakland Planning Code states that Community Assembly Civic and Community Education Civic Activities require a Conditional Use Permit (CUP) in the CN-1 Zone. Section 17.134.020.1.a. of the Oakland Planning Code states that CUPs affecting a project area greater than one (1) acre are classified as a “Major” CUP and are required to proceed to the Planning Commission for decision on the application.

Staff believes the granting of the conditional use permit for Community Education and Community Assembly Civic Activities at the project site is appropriate given the site’s location within the Rockridge Neighborhood Activity Center, an existing mixed use activity center within north Oakland served by a variety of transportation options. The project will allow for continued activation of the land previously utilized as the Dreyer’s Headquarters, while retaining the continuity and concentration of pedestrian-oriented commercial retail activities along College Avenue. Additionally, the project will include features intended to retain compatibility between the proposed civic activities and existing residences and businesses of the surrounding neighborhood. These features are further described within the Required CUP Findings included as **Attachment A** and the Conditions of Approval included as **Attachment B**.

Design Review

Section 17.136.040.A.2. of the Oakland Planning Code states that Regular Design Review is required for any “addition or alteration of structures requiring a Conditional Use Permit or variance...” Accordingly, the project’s proposed alterations to existing building facilities in conjunction with the request for a CUP are subject to Regular Design Review. In addition to the general Non-Residential Design Review Criteria set forth in Section 17.136.050.B of the Planning Code, the project is also subject to the city’s Commercial Corridor Design Guidelines due to its commercial zoning and frontage along Commercial corridors such as College and Claremont Avenue.

The project’s proposed alterations to existing buildings onsite are limited to the rear portion of 5901 College Avenue, and 6028 Claremont Avenue. The project proposes alterations to the rear-facing portion of 5901 College Avenue to modify the building’s rear-facing primary entryway and convert ground floor administrative commercial office space to childcare classrooms and a limited-service café for JCC members and staff; create a new second floor patio area for JCC employees; and carry out interior improvements to existing office space along upper floors. The project also includes alterations to 6028 Claremont Avenue to demolish rear-facing contemporary building additions, and construct a ground floor, outdoor deck area along the building’s southernmost facade.

Staff believes the project meets the Regular Design Review Criteria due to its proposed repurposing of several existing buildings to allow for the continued activation of a large, centrally located site within the Rockridge Neighborhood Activity Center which is located within a ½ mile of major transit. The project will allow for the reuse of a prior office headquarters operation while retaining the character of existing buildings onsite, ground floor commercial retail uses along College Avenue, and compatibility with adjacent properties. To ensure compatibility, the project provides appropriate buffering with adjacent properties, adequate transportation facilities beyond that required by the Planning Code, and project specific conditions of approval related to the management of operational hours, noise, and transportation.

In addition to the Design Review Findings included as **Attachment A**, the project is also consistent with the development standards of the underlying CN-1 zoning and other relevant sections of the Planning Code, as well as the below Commercial Corridor Design Guidelines.

- **Guideline 3.2.1: Provide planting and a screening edge between the public right-of-way and surface parking lots and landscaping in the interior of surface parking lots.**
The project will provide additional plantings along Chabot to further screen the visitor surface parking lot from the right-of-way and preserve existing mature Coastal Redwoods which provide screening along the Claremont Avenue staff lot.
- **Guideline 3.2.4: Reduce stormwater runoff from parking lots.**
The project will include enhanced landscaped areas, designed in accordance with Regional Water Board requirements, to reduce stormwater runoff from parking lots.
- **Guideline 4.4.4: Provide convenient and secure bicycle parking facilities.**
The project will provide convenient and secure bicycle parking, including 18 short term stalls to be located along the project’s College Avenue frontage and 22 long-term stalls interior to the site within a secure storage area.

- **Guideline 5.1.1: Integrate the various components of a building to achieve a coherent composition and style.**
The project will repurpose existing building facilities, and create a coherent and unified design through alterations to two of these facilities that is well coordinated with the character of the existing building.
- **Guideline 6.4.1: Implement sustainable development methods.**
The project will implement sustainable development methods by complying with the City’s Green Building Code requirements, and construction and post-construction stormwater management best practices.
- **Guideline 9.1.1: Design developments to maximize the natural surveillance of the streetscape and open space.**
The project will maximize the natural surveillance of the streetscape and onsite parking and open space areas through retention of wrought iron fencing along the projects Chabot and Claremont frontages.
- **Guideline 9.3.1: Control access into a development.**
The project will effectively control access into the development via security gates at both the Chabot and Claremont driveways to control vehicular traffic. While the gate to the visitor parking lot off of Chabot will remain open during business hours, a second additional gate at the northern end of the visitor parking lot will further restrict pedestrian access into the project site.

Subdivision Ordinance

The project has filed an application for Tentative Parcel Map (TPM) to merge fourteen legal lots (10 APNs) into one (1) parcel. Subject to conditions of approval received from Department of Transportation, Survey, and Fire Department staff, Planning staff recommends approval of the TPM.

ENVIRONMENTAL DETERMINATION

For purposes of environmental review under the California Environmental Quality Act (CEQA), the project meets the Applicable CEQA streamlining and/or tiering code sections as described below, each of which, separately and independently, provide a basis for CEQA compliance.

1. **Infill Development Project.** Public Resources Code Section 21159.21 and CEQA Guidelines Section 15300 to Section 15333 include a list of classes of projects that have been determined to not have a significant effect on the environment and are therefore exempt from further review under CEQA. Among the classes of exempt projects are those projects identified as urban Infill Development. CEQA Guidelines Section 15332 (Class 32) Infill Development projects are characterized as infill development when meeting the following conditions:
 - the project is consistent with the applicable zoning designation and regulations,
 - the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses,
 - the project site has no value as habitat for endangered, rare, or threatened species, and

- approval of the project would not result in any significant effects related to traffic, noise, air quality or water quality, and
- the site can be adequately served by all utilities and public.

2. Community Plan Exemption. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are “consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” Section 15183(c) specifies that “if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact.”

Note:

A detailed CEQA Analysis was prepared for the project and was provided under separate cover for review and consideration by the Planning Commission (see Attachment D)

KEY ISSUES AND IMPACTS

Transportation

The project is located within an urban mixed use activity center approximately 2 blocks north of the Rockridge BART Station. Consistent with state law, due to the project’s location within 1/2 mile of Major Transit as defined by Section 21155 of the California Public Resource Code, it is considered to result in less than significant transportation impact for CEQA purposes. The project also results in a less than significant impact on Vehicle Miles Traveled (VMT), per the City of Oakland’s VMT Screening due to its location within a low VMT area per the Alameda Countywide Travel Demand Model.

Additionally, Section 17.116.020 of the Oakland Planning Code, no additional parking and loading spaces are required for a change of activity within an existing facility. Further, if the lot of an existing facility has more parking spaces than required, then the number of spaces may be reduced to the required minimum. Sections 17.116.070 and 17.116.080 of the Planning Code state that Community Assembly Civic, Community Education Civic, and Administrative Commercial Activities do not require any number of minimum parking when located within ½ mile of a Major Transit Stop as defined by California Government Code. Accordingly, the project’s retention of 92 of the original 140 off-street parking stalls is above that required by the Planning Code and therefore consistent with the Planning Code.

Due to the project’s generation of 50 or more trips, a Transportation Impact Analysis (TIA) was drafted for the project consistent with the City’s Transportation Impact Review Guidelines. This analysis evaluated existing conditions surrounding the project site, transportation demand generated by the project, and included a Transportation Demand Management (TDM) plan which outlines physical improvements and operational requirements the project is responsible for complying with.

One initial recommendation reviewed by OakDOT was for the JCC project to investigate traffic signal and pedestrian improvements at the intersection of Claremont Avenue and Chabot Road. Claremont Avenue between Telegraph Avenue and Mystic Street is set to be repaved in 2028 per OakDOT's 5-Year Paving Plan. With Measure KK funds, OakDOT is able to deliver traffic safety improvements through repaving work and prioritizes more significant improvements on "complex corridors;" arterial streets that have conceptual recommendations from the City's bicycle plan, pedestrian plan, high-injury network, or other planning efforts. OakDOT's Bicycle and Pedestrian Program team is planning to conduct a future Road Diet Study with the intention of calming traffic and improving bicycle and pedestrian safety along Claremont and its intersections.

To avoid conflict with the potential upcoming repaving project, which will require extensive public outreach and design, Staff determined that it would be more feasible for the project to provide pedestrian improvements at the College Avenue and Chabot Road intersection, which is in proximity to the project's frontage along College Avenue and driveway on Chabot Road. These improvements are outlined within Condition of Approval (COA) No. 59 included within **Attachment B** and would include: relocating the existing bus stops at the northwest and southeast corners of the intersection to the outside of the intersection; adding reflective rapid flashing beacons (RRFB) to both crosswalks across College Avenue; and construction of a bulb-out curb extension at the northwest corner of the intersection which will shorten the crosswalk across College Avenue nearest the project frontage, and create space for applicant's locating of eighteen (18) short term parking stalls along the College Avenue frontage. These improvements are consistent with the intent of the Department of Transportation's Neighborhood Bike Route Implementation Guide, given that Chabot Road east of College Avenue is a neighborhood bike route identified by the Guide. The Guide recommends improvements at uncontrolled intersections along Neighborhood Bike routes to support cyclists and improve safety at uncontrolled intersections for all users. Accordingly, staff believes the project's TIA and TDM, including required transportation improvements and operational requirements are appropriate.

Noise

As described by Standard Condition of Approval (SCA) No. 39 regarding operational noise, included within **Attachment B**, an acoustical noise analysis was conducted for the project and is included as Appendix C of the CEQA Analysis included as **Attachment D**. This analysis evaluated the project for conformance with the city's noise performance standards included as Chapter 17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. This analysis concluded that the project as proposed would comply with the city's noise performance standards. To ensure the project complies with the city's noise performance standards (and SCA), the project includes Conditions of Approvals which are intended to ensure applicant compliance with city performance standards. This includes Condition of Approval No. 58 related to the acoustical settings and standards of any amplified noise or PA system at the project's designated outdoor deck and/or small stage areas.

Fencing / Security

For security and noise attenuation purposes, the project proposes improvements to perimeter project fencing along Chabot and Claremont. Existing wrought iron fencing along the project's parking lots will be increased in height to eight (8) feet consistent with the Planning Code. Along Claremont Avenue, south of 6028 Claremont Avenue a ten (10) foot concrete modular unit (CMU) wall is proposed to screen the proposed outdoor deck area along the building's side yard from vehicular

traffic along Claremont. The wall will be treated with a mural to be designed and implemented by the JCC, see Condition of Approval No 55. Fencing improvements also include increasing the height of existing wooden fencing along the project's southern project boundary, shared with existing residences along Chabot, to eight (8) feet, consistent with the Planning Code. For noise attenuation purposes an eight (8) foot tall wooden fence is also proposed along the frontage of 5941 Chabot Road, consistent with the Planning Code. To retain the residential character of the Claremont ASI, staff recommends inclusion of a Condition of Approval which would require the proposed fencing along the frontage of 5941 Chabot to be recessed to be flush with the existing's building frontage. This Condition is contingent on the project retaining compliance with the city's noise performance standards and is included as Condition of Approval No. 54.

Summary

Staff believes the proposed project is an appropriate and functional re-use of property which previously served as the Dreyer's corporate headquarters operations. The site is adequately served by existing public services and utilities, including major public transit, and the project will contribute to the ongoing activation of the Rockridge Neighborhood Activity Center. Proposed modifications to the site and its existing buildings comply with relevant Planning Code requirements and are consistent with the required Conditional Use Permit (CUP) and Design Review criteria and standards.

RECOMMENDATIONS:

For approvals:

1. Affirm staff's environmental determination.
2. Approve Regular Design Review, Major Conditional Use Permit, and Tentative Parcel Map for the proposed project subject to the attached findings and conditions.

Prepared by:

Alexia Rotberg

Alexia Rotberg
Planner II

Reviewed by:



Robert D. Merkamp
Zoning Manager
Bureau of Planning

[Continued on Next Page]

Approved for forwarding to the Planning Commission:



Ed Manasse, Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Findings Approval
- B. Conditions for Approval
- C. Project Conditional Use Permit Drawings and Diagrams
- D. California Environmental Quality Act (CEQA) Exemption Analysis

ATTACHMENT A

FINDINGS FOR APPROVAL

This proposal meets all the required Conditional Use Permit Findings (Sections 17.33.030.(L4) and 17.134.050) and Design Review Criteria (Section 17.136.050.B (and D) as set forth below and which are required to approve the application. This proposal does not contain characteristics that require denial pursuant to the Tentative Map Findings (Section 16.08.030) and is consistent with the Lot Design Standards (Section 16.24.040) of the Oakland Subdivision Regulations. Required findings are shown in **bold** type; reasons the proposal satisfies them are shown in normal type. (Note: The Project's conformance with the following findings is not limited to the discussion below but is also included in all discussions in this report and elsewhere in the record).

NO NET LOSS FINDINGS, CALIFORNIA GOVERNMENT CODE SECTION 65863(B)(2)

If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

No Net Loss Finding 1: The City of Oakland adopted its current 2023-2031 Housing Element on January 31, 2023. The Housing Element identifies the realistic capacity for housing production throughout the current 2023-2031 Planning Period. This capacity accommodates the Regional Housing Needs Allocation, as well as a buffer, which ensures that if certain identified sites are not developed at the realistic capacity, that there would remain a sufficient number of units available to meet Oakland's Housing Needs. (See Housing Element, Appendix C, Table C-2.) For purposes of this finding, the buffer is calculated on a quarterly basis according to progress made during the 2023-2031 Planning Period.

Oakland's remaining lower income regional housing needs assessment is 8,021 dwelling units while Oakland's current capacity is 9,992 lower income units, a surplus of 1,971 units. ["Lower income" includes very low income (VLI) and low income (LI) units.]

Oakland's remaining moderate income regional housing needs assessment is 4,264 dwelling units, while Oakland's current capacity is 4,993 moderate income units, a surplus of 729 units.

Oakland's remaining above moderate-income regional housing needs assessment is 7,084 dwelling units, while Oakland's current capacity is 16,229 above moderate-income units, a surplus of 9,145 units.

No Net Loss Finding 2: The proposed project is located on a site that is identified in the City of Oakland 2023-2031 Housing Element as a Housing Element Opportunity Site.

- () YES [Skip to Finding 4]
- (x) NO [Proceed to Finding 3]

No Net Loss Finding 3: The proposed project meets the following criteria.

(x) The proposed project is a non-residential development located on a site that **was not** identified in the City of Oakland 2023-2031 Housing Element. Therefore, the project has no impact on the City’s housing capacity. [Skip Findings 4 and 5]

() The proposed project includes residential development and is located on a site that **was not** identified in the City of Oakland 2023-2031 Housing Element. Therefore, the project results in an increase in the City’s housing capacity equal to the total units proposed. [Skip to Finding 5]

No Net Loss Finding 4: The City of Oakland 2023-2031 Housing Element identifies the following realistic capacity for the site.

Lower income units (VLI/LI): _____
Moderate income units: _____
Above moderate-income units: _____
Total units: _____

- (x) The proposed project is a non-residential development.
- () The proposed project includes residential development.

Therefore, an analysis of potential net loss must be made, as documented below.

No Net Loss Finding 5: The proposed project includes the following residential unit count:

Lower income units (VLI/LI): _____
Moderate income units: _____
Above moderate-income units: _____
Total units: _____

The project therefore will result in a net increase or net loss of units as compared to the City’s Housing Element projections as follows [if there is a net increase in units by income category or total units, the unit numbers are shown with a plus sign (+); if there is a net loss in units by income category or total units, the unit numbers are shown with a negative sign (-)]:

Lower income units (VLI/LI): _____
Moderate income units: _____
Above moderate-income units: _____
Total units: _____

SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS:

- 1. 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 proposed JCCEB will be compatible with and not adversely affect the livability or appropriate development of abutting properties or the surrounding neighborhood. The project will repurpose seven (7) existing buildings across the project site, with limited alterations, to retain historic development patterns onsite and compatibility with surrounding properties. Additionally, the project will be subject to specific conditions of approval intended to retain compatibility between the proposed project and the surrounding properties and neighborhood. These include conditions intended to ensure project compliance with city Performance Standards for noise, including required acoustical settings for (PA) system speakers at proposed outdoor deck and stage area(s) onsite. These also include conditions intended to ensure the project retains compatibility with the existing transportation patterns of the surrounding area, as informed by the Transportation Impact Report conducted for the project. These conditions include improvements at the College Chabot intersection to improve pedestrian safety, the provision of short- and long-term bicycle parking; participation in Alameda County Transit's EasyPass program and other commuter benefits for JCCEB employees, and the management and ongoing monitoring of vehicle trips related to daily operations and cultural program, event, or holiday parking. See Conditions of Approval included as **Attachment B**.

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

The proposed JCCEB will provide a convenient and functional urban campus that contributes to the mixed-use character of the surrounding Rockridge Neighborhood Activity Center. The project will retain existing buildings within the project site with limited alterations to preserve their attractive nature and compatibility with the surrounding area. The project will also retain existing ground floor retail along College Avenue and also proposes sitewide landscape and hardscape improvements to facilitate circulation and functionality across the entirety of the campus, including pedestrian safety improvements at the College Avenue and Chabot Road intersection. These improvements contribute to the walkable, pedestrian oriented nature of the Rockridge neighborhood while allowing for the reuse of a large, centrally located site previously utilized as the former Dreyer's headquarters.

- 3. 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 proposed JCCEB will enhance the successful operation of the surrounding Rockridge Neighborhood Center Commercial Activity in its basic community function as a walkable, mixed-use center serving various surrounding neighborhoods. The project will allow for continued activation of a large, centrally located site with existing access to major transit options, retention of existing ground-floor retail uses along College Avenue which contribute to the pedestrian-oriented nature of the commercial corridor, and pedestrian safety improvements to the College Avenue and Chabot Road intersection.

- 4. 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 Design Review findings below.

- 5. 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.**

As discussed earlier in the report, the proposal conforms in all significant respects with the Oakland General Plan. The proposed JCCEB is consistent with the intent of the site's *Neighborhood Center Mixed Use* land use classification, established by the General Plan LUTE, to "identify, create, maintain, and enhance mixed use neighborhood commercial centers." The JCCEB is also consistent with the site's *Mixed-Housing Type Residential* land use classification to "create, maintain and enhance residential areas located near major arterials" where new development may be "primarily residential in character, with small commercial enterprises, schools, and other small-scale compatible civic uses in appropriate locations." As also outlined earlier in the report, the proposed JCCEB is also consistent with several other General Plan policies related to: encouraging transit-oriented development (Policy T2.1&2), identifying neighborhood activity centers (Policy N10.1), creating compatible but diverse development (Policy N9.7) and buffering residential areas (Policy N5.2)

As discussed earlier in the report the JCCEB also conforms with proposed repurposing of existing building facilities throughout the site will assist in the continued activation of the Rockridge Neighborhood Activity Center as a mixed-use center serving surrounding residential neighborhoods. Project conformance with specific policies per the General Plan Land Use and Transportation Element (LUTE) Policy Framework was discussed under the General Plan Analysis section of the staff report.

17.33.030 (TABLE 17.33.01 FOOTNOTE L4)

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

The proposal will not detract from the character desired for the area. The proposal will contribute to the existing mixed-use character of the surrounding Rockridge Neighborhood Activity Center and retains existing buildings onsite to retain the existing character of the surrounding neighborhood.

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

The proposal will not impair a generally continuous wall of building facilities. Conversely, the proposal will allow for the continued operation of existing buildings along College Avenue, Chabot Road and Claremont Avenue. College Avenue retail will be retained as a Condition of Approval.

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

The proposal will not weaken the concentration and continuity of retail facilities along the ground level or impair the retention or creation of important shopping frontage. The proposal will retain existing retail operations along the ground floor of College Avenue as a project specific Condition of Approval.

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

The proposal will not interfere with the movement of people along an important pedestrian street. Alternatively, the proposal will contribute to the ongoing activation of College Avenue as a multi-modal commercial corridor, and the overall Rockridge Neighborhood Activity Center by repurposing the large site and retaining ground floor retail uses along College Avenue.

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

There is no specific district plan adopted for the Rockridge neighborhood. However, the project conforms with all relevant Planning Code requirements, General Plan policies and Commercial Corridor Design Guidelines as discussed earlier in this report.

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

6. 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.

The proposed design will achieve a group of existing building facilities which are well related to one another and will result in a well composed design in relation to others in the surrounding area. The proposed project will repurpose seven (7) existing building and conduct sitewide landscape and hardscape improvements, to establish an integrated urban JCCEB at what is presently the former Nestle/Dreyer's headquarters operations. The reuse of existing buildings, with limited alterations, helps retain a well composed group of buildings which respect the scale of surrounding development in vicinity of the project site. Sitewide landscape and hardscape improvements improve the functionality of the group of buildings as a campus comprised of a variety of land use activities, while also improving the overall appearance of the site when viewed from public rights-of-way.

- 7. 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 be of quality and character that harmonizes with and serves to protect the value of private and public investments in the area. The proposed design repurposes existing building facilities at the project site, with limited alterations, to retain the scale of historic development patterns at the site and maintain compatibility with surrounding development. Additionally, the proposed design allows for the continued activation of a large, centrally located site within the Rockridge Neighborhood Activity Center which further contributes to the overall successful operation of the Activity Center itself.

- 8. 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 has been adopted by the Planning Commission or City Council.**

The project site is consistent with the goals and policies of the Oakland General Plan, and Commercial Corridor Design Guidelines as indicated earlier in the Report. See CUP Finding Number Five (5) from Section 17.134.050 of the Planning Code, included above.

17.136.050(D) - POTENTIALLY DESIGNATED HISTORIC PROPERTIES (PDHP) THAT ARE NOT LOCAL REGISTER PROPERTIES:

FOR ADDITIONS AND ALTERATIONS:

- 1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or**

The proposed project does not propose any exterior alterations to PDHPs rated by the Oakland Cultural Heritage Survey (OCHS). The proposed project does propose exterior alterations to an existing building at 6028 Claremont Avenue. While not rated by the OCHS, when evaluated for a post-OCHS renovation that restored the commercial building's historic tile storefront, likely dating back to 1937; 6028 Claremont may be considered a PDHP with a rating of C3 meaning "secondary importance: superior or visually important example" were another Heritage Survey to take place.

The project proposes minor demolition to the rear of 6028 Claremont to remove a breezeway and second floor office space, both of which are likely contemporary additions to the older building. The project also proposes the addition of a ground-floor outdoor deck area to the southern face of 6028 Claremont to serve proposed community assembly and education uses. The proposed deck will be screened from Claremont Avenue by an eight (10) foot tall concrete modular unit (CMU) wall and landscaping intended to provide privacy to the outdoor deck area and separation from vehicular traffic on Claremont Avenue. These proposed alterations to 6028 Claremont will predominantly not be visible from the public-right-of way and will preserve the renovated historic tile storefront of the building visible from Claremont Avenue.

2. **The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or**
3. **The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.**

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, **Planning Commission Staff Report dated November 6, 2024** and the approved diagrams and plans dated **September 9, 2024 and October 10, 2024**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. This Approval shall expire **three (3) years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant up to two, one-calendar year extensions or a one, two-calendar year extension 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. Effective Date, Expiration, Extensions and Extinguishment for Tentative Maps

This Tentative Map Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. This Approval shall expire **two (2) years** from the Approval date, or from the date of the final decision in the event of an appeal, unless a Final Map is submitted to Engineering Services. The final submittal for the map shall include all common areas, pathways, and dedicated sewer and storm drain easements in a form acceptable to the City Engineer and acceptance language by the City Engineer. The applicant shall record the Final Map and a written legal description of the reconfigured parcels as part of the deed with the Alameda County Recorder’s Office and proof of such recordation shall be provided to the Planning Department prior to issuance of Building Permits. 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 up to two, one-calendar year extensions or a one, two-calendar year extension with additional extensions subject to approval by the approving body. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining a Final Map is automatically extended for the duration of the litigation.

4. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, Department of Transportation, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

5. 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.

6. Compliance with Conditions of Approval

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

7. Signed Copy of the Approval/Conditions

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

8. Blight/Nuisances

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

9. Indemnification

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.

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.

10. 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.

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

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

12. Public Improvements

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

13. Standard Conditions of Approval Monitoring and Reporting Program (SCAMRP)

- a. All Uniformly Applied Development Standards identified in the **Jewish Community Center East Bay project at Rockridge, Oakland CEQA Analysis** prepared by Lamphier Gregory and dated October 2024, are included in the Standard Condition of Approval Monitoring and Reporting Program (SCAMRP) which includes some of the Standard Conditions of Approval contained herein, which are related to the aforementioned CEQA Analysis’ evaluation of environmental impacts. The SCAMRP is included as Appendix A of the project CEQA Analysis included as Appendix E. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval. Unless otherwise specified, monitoring of compliance with the Standard Conditions of Approval will be the responsibility of the Bureau of Planning, with overall authority concerning compliance residing with the Environmental Review Officer.
- a. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable monitoring fee to the City in accordance with the City’s Master Fee Schedule.

14. Regulatory Permits and Authorizations from Other Agencies

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

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

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

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

15. Trash and Blight Removal

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.

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

17. Landscape Plan

a. Landscape Plan Required

- Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly

drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. *Landscape Installation*

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. *Landscape Maintenance*

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. Lighting

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Dust Controls – Construction Related

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

- a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering

frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.

- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e) All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- h) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

20. Criteria Air Pollutant Controls - Construction and Operation Related

Requirement: The project applicant shall implement all of the following applicable basic and enhanced control measures for criteria air pollutants during construction of the project as applicable:

- a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).
- c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
- d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.

- e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

21. 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

22. Tree Removal During Bird Breeding Season

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

23. 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

Tree Protection During Construction

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

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or

trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

- vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

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

24. 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

25. 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

26. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

27. Soils Report

Requirement: The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

28. Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist

Requirement: The project applicant shall implement all the measures in the Equitable Climate Action Plan (ECAP) Consistency Checklist that was submitted during the Planning entitlement phase.

- a. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

- b. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction.

When Required: During construction

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

- c. For ECAP Consistency Checklist measures that are operational but not otherwise covered by these SCAs, including but not limited to the requirement for transit passes or additional Transportation Demand Management measures, the applicant shall provide notice of these measures to employees and/or residents and post these requirements in a public place such as a lobby or work area accessible to the employees and/or residents.

When Required: Ongoing

Monitoring/Inspection: Bureau of Planning

29. 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

30. Hazardous Building Materials and Site Contamination

a. *Hazardous Building Materials Assessment*

Requirement: The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of demolition, grading, or building permits

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Environmental Site Assessment Required*

Requirement: The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

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

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

c. *Health and Safety Plan Required*

Requirement: The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

d. *Best Management Practices (BMPs) Required for Contaminated Sites*

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:

- i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport

procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.

- ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

31. Erosion and Sedimentation Control Measures for Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

32. 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

33. State Construction General Permit

Requirement: The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: State Water Resources Control Board

34. 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

35. 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

36. Construction Noise

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

37. Extreme Construction Noise

a. Construction Noise Management Plan Required

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures **include, but are not limited to, the following:**

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;

- ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example **and implement such measure if such measures are feasible and would noticeably reduce noise impacts;** and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

Public Notification Required

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

38. Project-Specific Construction Noise Reduction Measures

Requirement: The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts on **adjacent properties**. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

39. Operational Noise

Requirement: Consistent with the *Jewish Community Campus Acoustical Study* by Wilson Ihrig, dated September 13, 2024, Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until

appropriate noise reduction measures have been installed and compliance verified by the City. See related Condition of Approval (COA) number 58.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

40. Construction Activity in the Public Right-of-Way

a. *Obstruction Permit Required*

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

b. *Traffic Control Plan Required*

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

c. *Repair of City Streets*

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

41. Construction and Demolition Waste Reduction and Recycling

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved

WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

42. 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

43. Green Building Requirements

a. Compliance with Green Building Requirements During Plan-Check

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

- i. The following information shall be submitted to the City for review and approval with the 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 final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.

- Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
- Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
- Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
 - CALGreen mandatory measures.
 - **Small Commercial** per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
 - The required green building point minimums in the appropriate credit categories.

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 Oakland Green Building Ordinance during construction of the project.

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

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. Compliance with Green Building Requirements After Construction

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

44. Water Efficient Landscape Ordinance (WELO)

Requirement: The project applicant shall comply with California’s Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For the specific ordinance requirements, see the link below:

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

For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less, the project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California’s Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

Prescriptive Measures: Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see page 38.14(g) in the link above).

Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following

- a. Project Information:
 - i. Date,
 - ii. Applicant and property owner name,
 - iii. Project address,
 - iv. Total landscape area,
 - v. Project type (new, rehabilitated, cemetery, or home owner installed),
 - vi. Water supply type and water purveyor,
 - vii. Checklist of documents in the package, and
 - viii. Project contacts
 - ix. Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”
- b. Water Efficient Landscape Worksheet
 - i. Hydrozone Information Table
 - ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
- c. Soil Management Report
- d. Landscape Design Plan
- e. Irrigation Design Plan, and
- f. Grading Plan

Upon installation of the landscaping and irrigation systems, and prior to the final of a construction-related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Completion shall also be submitted to the local water purveyor and property owner or his or her designee.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

45. Employee Rights

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

46. Transportation Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

47. Affordable Housing Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Affordable Housing Impact Fee Ordinance (chapter 15.72 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit; subsequent milestones pursuant to ordinance

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

48. Capital Improvements Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

49. Engineering, Surveyor and Fire Services Comments

Requirement: The project shall comply with the Engineering Services, City Surveyor and the Fire Prevention Bureau requirements.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

50. Modification to Plans

Requirement: Changes to approved plans that would specifically amend the Tentative Parcel Map or alter the exterior of the existing building shall be submitted to and approved by the Zoning Administrator prior to recordation of the Final Parcel Map.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

51. Certification of Parcel Map

Requirement: A Parcel Map may be certified by the City Engineer at the expiration of the ten-day appeal period from the date of this approval.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

52. Visitor Parking Lot Gate

Requirement: Consistent with the project's Transportation Analysis, and a lease agreement with existing retail tenants along College Avenue, the driveway gate to the visitor parking lot along Chabot Road shall remain open during the operating hours of the JCCEB and existing retail tenants along College Avenue.

When Required: Ongoing

Initial Approval: Planning and Building Department

Monitoring/Inspection: Ongoing

53. College Avenue Ground Floor Commercial Uses

Requirement: Commercial retail uses along the ground floor of building frontage along College Avenue shall be retained by the project.

When Required: Ongoing

Initial Approval: Planning and Building Department

Monitoring/Inspection: Planning and Building Department

54. Perimeter Fencing 5941 Chabot Road

Requirement: Proposed project fencing along the frontage of 5941 Chabot Road, shall be recessed to be flush with the existing building facility, subject to compliance with the city's noise performance standards, so that the front façade of the existing building is not screened from the right of way.

When Required: Prior to Final Approval.

Initial Approval: Planning and Building Department

Monitoring/Inspection: Planning and Building Department

55. CMU Wall Mural 6028 Claremont

Requirement: Applicant shall provide mural along proposed concrete modular unit (CMU) wall south of 6028 Claremont Avenue to improve screening of the wall from the right of way.

When Required: Prior to Final Approval.

Initial Approval: Planning and Building Department

Monitoring/Inspection: Planning and Building Department

56. Community Education Civic Activities - Childcare

Requirement: Community Education (i.e., childcare) activities onsite shall be located at 6028 Claremont Avenue and along the rear ground floor of 5901 College Avenue, and shall comply with the following:

- a. Community Education activities shall be limited to:
 - i. Preschool services for children two (2) to four (4) years old;
 - ii. Afterschool for children five (5) to twelve (12) years old; and
 - iii. Summer camp for children five (5) to twelve (12) years old
- b. Community Education activities shall be limited to the following hours of operation:
 - i. Preschool:
 1. Before Care: 8:15 AM – 9:00 AM
 2. Primary Program: 9:00 AM – 3:30 PM
 3. After Care: 3:30 PM – 5:00 PM
 - ii. Afterschool: 2:30 PM – 6:00 PM
 - iii. Summer Camp
 1. Before Care: 8:00 AM – 9:00 AM
 2. Primary Program: 9:00 AM – 3:00 PM
 3. After Care: 3:00 PM – 6:00 PM
- c. The maximum number of children on the site during the above permitted hours of operation is **320** children.
- d. When operating at different times, the Community Education activities described by this condition and the Community Assembly activities described below in Condition 57 shall be permitted to flexibly utilize building area at 6028 Claremont Avenue and open space across the project site.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

57. Community Assembly Civic Activities

Requirement: Community Assembly activities onsite shall comply with the following, as evaluated by the *Jewish Community Campus of the East Bay Transportation Impact Review and Transportation Demand Management Plan* by Fehr and Peers dated September 2024, and the *Jewish Community Center East Bay Project at Rockridge, Oakland CEQA Analysis* prepared by Lamphier Gregory and dated October 2024:

- a. Community Assembly Activities:
 - i. Evening Programs: May include instructional, informative, and recreational programs provided by the JCCEB or affiliated onsite non-profits and made available to JCC and onsite affiliated non-profits members. Examples may include classes or group meet-ups for new parents, teens or seniors; group exercise or self-improvement classes; pickleball; gardening; arts and crafts; and other similar activities.
 - ii. Cultural Programs / Event Rentals: May include JCC community programs such as lectures or student performances, and/or private event rentals for special occasions such as weddings, bar/bat mitzvahs, and other cultural ceremonies.
 - iii. High Holidays: May include up to five (5) events a year related to the observance of Jewish holy days with participants including JCC members and non-members. Dates and times of holidays may vary by Calendar year but will comply with the Hours of Operation outlined below and all other relevant Conditions of Approval contained herein.
- b. Community Assembly Activities onsite shall comply with the following hours of operation and number of participants:
 - iv. Evening Programs:
 1. Monday through Friday from 6:15 pm to 9:30 pm
 2. Up to between 50 and 100 persons
 - v. Cultural Programs and Event Rentals:
 1. Saturday from 5pm (or sunset) to 9:30 PM
 2. Sunday from 9:00 AM to 9:30 PM
 3. Up to between 50 and 250 persons
 - vi. High Holidays
 1. Day varies by calendar year however operations will occur between 9 am to 10 pm
 2. Up to 500 participants
- c. When operating at different times, the Community Education activities described by this condition and the Community Assembly activities described above in Condition 56 shall be permitted to flexibly utilize building area at 6028 Claremont Avenue and recreational open space areas across the project site.

- d. A maximum of 120 persons shall occupy the outdoor deck at 6028 Claremont at any time.
- e. No other JCCEB activities (childcare, or evening programs) will occur at the same time as Cultural Programs, Event Rentals, or High Holidays.
- f. All event rental agreements must comply with all project conditions of approval contained herein.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Planning

58. Project Specific Implementation of SCA No. 39 (Operational Noise)

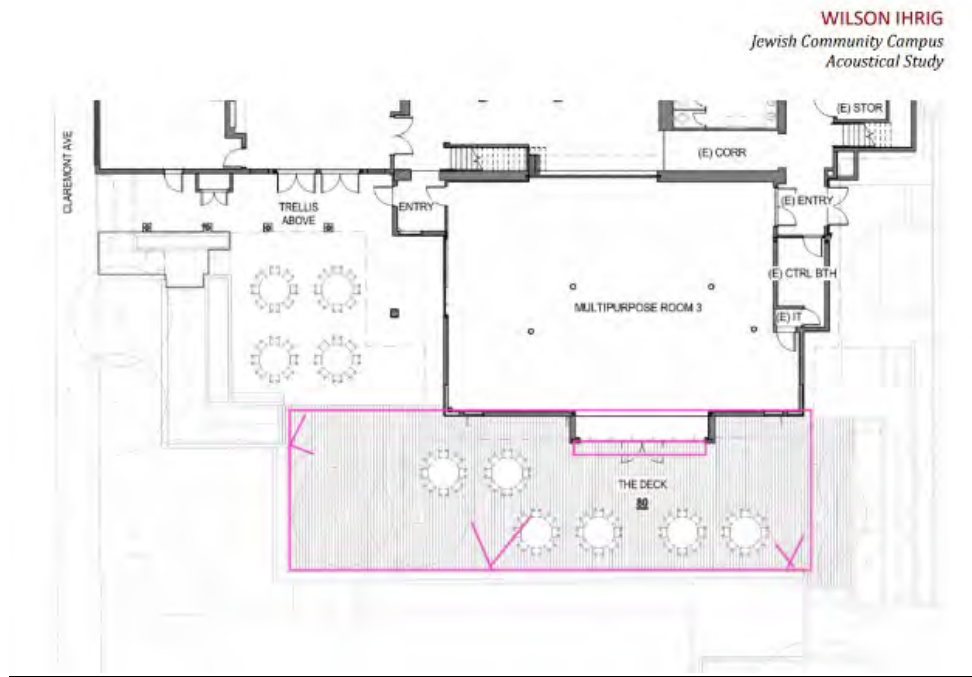
Requirement: To comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code, as required by Standard Condition of Approval No. 39 above, PA System speakers used at project outdoor deck and stage area shall comply with the following below acoustical specifications and parameters. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and verified by the City to be in compliance with applicable noise regulations.

Outdoor Deck Area:

- Three speakers, positioned directionality as shown in Figure below (one speaker facing east, two facing north), no vertical tilt
- Approximate speaker locations as shown in Figure below, placed in front of solid wood fencing
- Maximum height of 7 feet above grade or finished floor for each speaker
- No speaker shall exceed a maximum allowable sound pressure level of 81 dBA Leq for 20+ minutes or 96 dBA for shorter time periods when measured approximately five (5) feet in front of speakers (measured from finished grade)

Outdoor Stage Area:

- One speaker directionally pointed towards the project’s central green space/“Meadow” area located in the center of the project site.
- Maximum height of 7 feet above grade or finished floor for each speaker
- No speaker shall exceed a maximum allowable sound pressure level of 94 dBA Leq for 20+ minutes or 102 dBA for shorter time periods when measured approximately five (5) feet in front of speakers (measured from finished grade)



59. Transportation Demand Management

Requirement: Consistent with the *Jewish Community Campus of the East Bay Transportation Impact Review and Transportation Demand Management Plan* by Fehr and Peers dated September 2024, the project shall comply with the following recommendations:

A. Transportation Infrastructure Improvements

Requirement #1: The project, at Applicant expense, shall provide:

- 20 feet of red curb on both sides of the Staff Parking Lot driveway on Claremont Avenue
- 20 feet of red curb on both sides of the Visitor Parking Lot driveway on Chabot Road
- “KEEP CLEAR” pavement markings on Chabot Road at the Visitor Parking Lot driveway.

When Required: Prior to building permit final or as otherwise specified

Initial Approval: Bureau of Building; Department of Transportation

Monitoring/Inspection: Bureau of Building

Requirement #2: During cultural programs, event rentals, or holidays, the project shall allow vehicles parked within the visitor parking lot to utilize the project’s Claremont Avenue driveway as a point of egress.

When Required: Ongoing

Initial Approval: Bureau of Building; Department of Transportation

Monitoring/Inspection: Bureau of Building

Requirement #3: For Staff Parking, the project shall:

- Monitor the occupancy of the Staff Parking Lot and the staff parking permits issued
- If needed, allow up to five staff to park in the Visitor Parking Lot with a special permit.

When Required: Ongoing

Initial Approval: Bureau of Building; Department of Transportation

Monitoring/Inspection: Bureau of Building

Requirement #4: For Visitor Parking, the project shall:

- Limit parking duration for 15 parking spaces in the Visitor Parking Lot to five minutes during peak drop off and pick-up times (approximately from 8:30 to 9:15 AM and from 3:15 to 3:45 PM on weekdays) to ensure availability for pre-school pick-ups and drop offs. Limit Parking duration in these spaces to two hours at all other times.
- Limit parking duration for other parking spaces in the Visitor Lot to two hours during weekday business hours.
- If the Staff Parking Lot is at capacity, allow a limited number of staff (maximum of five) to park in the Visitor Parking Lot with a special permit.
- Regularly monitor conditions in the Visitor Parking Lot and adjust operations if necessary.
- If necessary, provide staff to enforce parking time limit in the Visitor Parking Lot.

When Required: Ongoing

Initial Approval: Bureau of Building; Department of Transportation

Monitoring/Inspection: Bureau of Building

Requirement #5: During cultural programs, event rentals, or holidays the project shall:

- Not utilize the staff parking lot as pickle ball courts when a program, event, or holiday at the site may have more than two hundred and twenty (220) attendees.
- Encourage the use of non-automobile travel modes by promoting the availability of these modes as part of the marketing for these events, including websites, direct emails, etc.
- For events with more than 220 attendees, implement one or more of the following:
 - Provide attendant parking within the Staff and/or Visitor Parking Lots
 - Lease off-site parking facilities to accommodate the estimated parking demand
 - If the identified off-site parking is located more than 0.25 miles from the Project, provide a shuttle to transport attendees between the JCC and the parking facility

- Require event attendees to reserve their parking spaces in advance and/or as part of registering for the event to ensure that adequate parking is provided and minimize visitors driving to locate parking
- Communicate on-street parking restrictions and the limited off-street parking supply as part of the marketing for these events, including websites, direct emails, etc.

When Required: Ongoing

Initial Approval: Bureau of Building; Department of Transportation

Monitoring/Inspection: Bureau of Building

Requirement #6: The project shall:

- Ensure that some of the on-site bicycle parking spaces can accommodate non-standard bicycles such as cargo or recliner bikes.
- Ensure that the short-term bicycle parking provided by the Project can be accessed by the public and would meet the City Code requirements. Applicant shall coordinate with City of Oakland Department of Transportation to locate eighteen (18) short-term bicycle parking spaces along the project frontages of College Avenue or Chabot Road

When Required: Prior to building permit final or as otherwise specified

Initial Approval: Bureau of Building; Department of Transportation

Monitoring/Inspection: Bureau of Building

Requirement #7: The project, at Applicant’s expense, shall coordinate with Alameda County Transit and City of Oakland Department of Transportation to implement the following:

- Relocate the bus stops on College Avenue from the near-side to the far-side of the Chabot Road intersection.
- Install a bulb-out (curb-extension) at the northwest corner of the intersection.
- Install Rectangular Rapid-Flashing Beacons (RRFB) at both crosswalks crossing College Avenue

When Required: Prior to building permit final or as otherwise specified

Initial Approval: Bureau of Building; Department of Transportation

Monitoring/Inspection: Bureau of Building

B. Parking Management – Since the Project would provide fewer on-site parking spaces than the expected peak demand generated by staff and the Staff Parking Lot would be gated and only accessible by parking passes, the project shall:

- Establish eligibility requirements to provide parking passes to only employees who carpool or demonstrate a need for a vehicle, such as disabled employees, employees not living within walking distance of public transit, employees with atypical working hours, and/or employees who need vehicle for other needs such as drop off and pick-up of children.

- Limit parking duration for most parking spaces in the Visitor Parking Lot to two hours or less to discourage staff from parking in the Visitor Lot and ensure parking availability for site visitors (Also see Recommendations 3 and 4).
- C. Bicycle Amenities and Monitoring – The project shall provide the following to encourage bicycle use:
- Long-term bicycle parking for staff in a secure covered area within the fenced area of the Project site
 - Short-term parking for visitors in the form of bike racks along the Project frontage on College Avenue and Chabot Road Maintenance tools, such as a Fixit station, which will provide the tools necessary to perform basic bicycle repairs and maintenance
 - Consider allowing parents/guardians that drop off students at the site to use the long-term bicycle parking within the fenced area of the Project site during the weekday business hours. Providing secure on-site bicycle parking can encourage parents/guardians to bicycle to the site and use other modes such as BART or AC Transit to commute to and from their work.

The Project will monitor the usage of these facilities and provide additional bicycle parking, if necessary.

- D. TDM Coordinator – The project shall designate a staff person as TDM coordinator responsible for implementing, managing, monitoring, and publicizing the TDM Plan.
- E. Marketing and Education – The project shall provide staff, parents/guardians, visitors, and event attendees with information about transportation options. This information would be posted in a central location (e.g., main building lobby), on the JCC East Bay’s website, and on promotional material for special events. The information would contain transportation information such as transit schedules, available transit discounts, bicycle maps, bicycle-share and car-share, and commuter materials, and be updated as necessary. Links to the transportation options would be provided as part of the regular communications with parents/guardians, visitors, and event attendees. In addition, new staff and preschool/afterschool/camp attendees shall receive this information as part of a "Welcome Packet" upon enrolling.
- F. **Pre-Tax Commuter Benefits (Staff)** – The project shall provide JCC staff and require tenants to provide the option to enroll in the pre-tax commuter benefits program, such as WageWorks. This measure allows employees to deduct monthly transit passes or other amount using up to \$315 pre-tax dollars. This can help to lower payroll taxes and allows employees to save on transit.
- G. **AC Transit Passes (Staff)** – The project shall participate in AC Transit’s EasyPass program (www.actransit.org/easypass), which enables institutions to purchase annual bus passes for all their employees in bulk at a deep discount. The passes allow unlimited rides on all AC Transit buses for all participants.

- H. **Carpool and Ride-Matching Assistance (Staff)** – The project shall offer personalized ride-matching assistance to pair staff, including those working for different Project tenants, interested in forming commute carpools. The Project could use services such as 511.org Bay Area Carpool Program, Scoop, or Enterprise RideShare. (See 511.org/carpool, takescoop.zendesk.com, or commutewithenterprise.com for more information.)
- I. **Carpool and Ride-Matching Assistance (Preschool/Afterschool/Camp Attendees)** – The project shall employ a suite of strategies that facilitate parents/guardians to find other families to carpool with. Strategies could include:
- Promoting official ridematch apps (See carpool-kids.com, carpooltoschool.com, or gokid.mobi for more information)
 - Using the preschool/camp parent portal and handbooks to encourage carpooling
 - Distributing school/camp directories
 - Providing a variety of social spaces where potential families can discuss ride sharing
 - Hosting events that allow families to network and gain knowledge of each other
 - For older afterschool and camp attendees, a formal partnership with child-centered transportation providers could assist in coordinating travel among parents who may not be able to commit to driving a carpool. Available apps can be used to support the use of third-party vehicles. (See hopskipdrive.com, kangoapp.co or ridezum.com for more information.)
- J. **Afterschool/Camp Shuttles (Afterschool/Camp Attendees)** – The project shall provide bus or shuttle service, potentially in partnership with neighboring schools or existing local commuter shuttles (to utilize vehicles not in use mid-day). Consider using a carpool/shuttle app (See gochapperone.com or pogorides.com for more information.)
- K. **Guaranteed Ride Home (Staff)** – The project shall encourage staff to register for the Guaranteed Ride Home (GRH) program. Employees may be hesitant to commute by any other means, besides driving alone, since they lose the flexibility of leaving work in case of an emergency. GRH programs encourage alternative modes of transportation by offering free rides home in the case of an illness or crisis, if the employee is required to work unscheduled overtime, if a carpool or vanpool is unexpectedly unavailable, or if a bicycle problem arises. The Alameda County Transportation Commission offers a GRH service for all registered permanent employees who are employed within Alameda County, live within 100 miles of their worksite, and do not drive alone to work. The GRH program is offered at no cost to the employer, and employers are not required to register for their employees to enroll and use the program. (See grh.alamedactc.org for more information.)
- L. **Personalized Trip Planning (Staff and Preschool/Afterschool/Camp Attendees)** – In the form of in-person assistance or as a web tool, the project shall provide staff and parents/guardians with a customized menu of options for commuting. Trip planning reduces the barriers employees see to making a walk, bike, or transit trip to the site.

Transit trip making tools, such as those available from Google or 511.org, could be promoted to inform all population groups of transit options to/from work. Providing a map of preferred walking routes to destinations within one mile of the site and a map of bicycling routes within five miles of the site would be a proactive strategy to encourage those individuals to use alternatives to driving. An additional strategy is to conduct a survey or mapping exercise with staff, visitors, and/or parents/guardians, and connect those who are traveling from similar origins.

- M. **Remote Work Option (Staff)** – Where feasible, the project shall offer JCC staff and encourage tenants to offer staff to work flexible hours or telecommute, which would reduce the trips generated by the Project or shift trips to non-peak periods. Since many Project staff, such as preschool teachers and summer camp counselors, cannot work remotely, this analysis assumes that up to 25 percent of staff would be able to work remotely on a typical weekday.
- N. **Improved Drop off and Pick-Ups Activity (Preschool/Afterschool/Camp Attendees)** The project shall monitor the drop off and pick-up activities at the passenger loading area in the Visitor Lot to ensure that the loading area would accommodate the drop offs and pick-ups for the various student groups efficiently and with minimal queues spilling back onto Chabot Road or interfering with circulation in the parking lot.
- Ensure presence of Project staff at the passenger loading area and the Visitor Parking Lot to facilitate and expediate the drop-off and pick-up process.
 - Ensure that most student sign-ins during regular drop-offs and sign-outs during regular pick-ups would be at or near the passenger loading area, instead of inside the building, to expediate the drop-off and pick-up process.
 - Stagger the drop off and pick-up times for the preschool, afterschool, and/or summer camp or within each program with students assigned to 15-minute windows for drop-off or pick-up to ensure that the Visitor Parking Lot can accommodate these activities and minimize congestion with the Visitor Parking Lot and on the adjacent streets.
 - Communicate drop-off and pick-up procedures and timings as part of regular communications with parents, such as through the program website, as part of parent orientation, and the regular communication with parents.

If needed, implement one or more of the following to improve the drop off and pick-up activities in the Visitor Lot:

- Relocate all or some drop offs and/or pick-ups for older students (afterschool or summer camp) off-site, such as along westbound Chabot Road adjacent to the Visitor Parking Lot or along eastbound Claremont Avenue adjacent to the Staff Parking Lot.
- Expand strategies J (Carpool and Ride-Matching Assistance) and K (Afterschool/Camp Shuttles) that would reduce the number of drop off and pick-up vehicles.
- Use apps that facilitate drop offs and pick-ups (Examples include [FetchKids](#), [PikMyKid](#), [PickUp Patrol](#)).

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

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

Attachment C

JCCEB Conditional Use Permit Plans and Diagrams

Attachment D

**JCCEB California Environmental Quality Act (CEQA) Exemption Analysis and
Appendices**