#### Case File Number PLN15398

**April 4, 2018** 

Location: 2956 International Blvd., 3007 E 15th St., and 1443 Derby St.

(APN:025-0720-007-02; 025-0720-001-00; and 025-0720-002-01)

See map on reverse

**Proposal:** To construct a new 45,942 square foot three-story Kindergarten-8<sup>th</sup>

Grade public charter school for up to 620 students and 51 employees with 21 classrooms, one laboratory, one art-vocational room, one group activities room, a multi-purpose room/cafeteria, administration space, rooftop deck, outdoor field and playground space as well as an

onsite double-lane driveway for drop-off and pick-up queuing.

Applicant: Aspire Schools - Chris Grant (208) 577-2768 and Casey Hoffman

(510) 434-5522

Owner: TCP CS Holdings I LLC, CS Campur 17 LLC, and City of Oakland

Planning Permits Required: Regular Design Review to construct a new three-story, 45,942 square

foot public charter school.

Major Conditional Use Permit for construction of more than 25,000

square feet on non-residential floor area.

Minor Conditional Use Permit to establish a community education

activity in the RM-4 Zone.

Minor Variances for (1) a proposed building height of 49 feet where 35 feet are permitted; (2) a front yard setback of three feet where 15 feet are required; (3) a street side yard setback of zero feet where four feet are required; and (4) a 23-foot-high living wall on the side and

rear property line where 8 feet are permitted.

A shared Parking Agreement for parking on the adjacent lot. Mixed Housing Type Residential and Community Commercial

Zoning: RM-4 Mixed Housing Type Residential

Environmental Determination: Section 15183.3: Streamlining for Infill Projects and Section 15183:

projects consistent with a community plan, general plan, or zoning.

Historic Status: No Historic Record

City Council District: 5

General Plan:

**Date Filed:** 12/15/15 (Revised plans submitted 2/13/18)

Staff Recommendation: Approve

Finality of Decision: Appealable to City Council

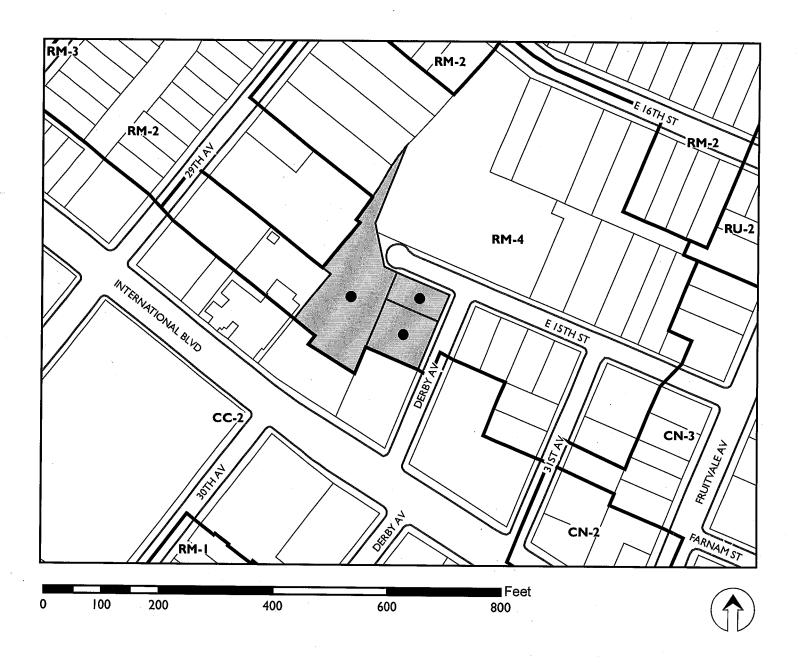
For Further Information: Contact case planner Michael Bradley, Planner II at 510-238-6935

or mbradley@oaklandnet.com

#### SUMMARY

The applicant is proposing to construct a new 45,942 square foot three-story Kindergarten-8<sup>th</sup> Grade public charter school for up to 620 students and 51 employees with 21 classrooms, one laboratory, one art-vocational room, one group activities room, a multi-purpose room/cafeteria, administration space, rooftop deck, outdoor field and playground space as well as an onsite double-lane driveway for drop-off and pick-up queuing. Employee parking will consist of 15 parking spaces with 11 spaces on the subject site and four spaces on the adjacent parcel through a shared parking agreement with the neighboring property.

# CITY OF OAKLAND PLANNING COMMISSION



Case File:

PLN 15398

Applicant:

**Aspire Schools** 

Address:

2956 International Blvd, 3007 E 15th St, and 1443 Derby St

Zone:

RM-4

The project requires the following Planning permits: Regular Design Review to construct a public charter school, Major Conditional Use Permit for construction of more than 25,000 square feet on non-residential floor area, Minor Conditional Use Permit to establish a Community Education Activity in the RM-4 Zone, and Minor Variances for proposed building height, front yard setback, street side yard setback and a living wall on the side and rear property line. Furthermore, a Shared Parking Agreement for parking on the adjacent lot is also required.

The project has an associated California Environmental Quality Act (CEQA) Infill Environmental Checklist prepared by Stantec Consulting Services Inc. to address site conditions including but not limited to aesthetics, air quality, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, traffic and transportation.

As detailed below, staff finds that the project meets all the required findings for approval. Therefore, staff recommends approval of the project, subject to the attached conditions of approval.

#### PROPERTY DESCRIPTION

#### **Project Site**

The project site is located southwest of the intersection of Derby Avenue and East 15<sup>th</sup> Street. East 15<sup>th</sup> Street is a cul-de-sac that dead ends at the project site. The project site contains three parcels identified as Alameda County Assessor's Parcel Numbers (APNs) 025-0720-001-00; 025-0720-002-001; and, 025-0720-007-02, encompassing a total area of 0.88 acres (approximately 38,300 square feet). A culverted section of Sausal Creek runs under the subject site. The site historically was developed with a 5,264 square-foot five-plex residential structure located on the northeast portion of the project site; in April 2017, the structure was demolished under a demolition permit issued by the City on January 19, 2017. The proposed project is located within the Fruitvale/International Transit Priority Area, and located within 0.50 mile of the Fruitvale Bay Area Rapid Transit (BART) Station. Alameda County Transit (AC Transit) offers regional and local bus transportation, with multiple bus stops within the project vicinity. In addition, the project site lies within the Central City East Redevelopment Plan (CCERP) area.

#### City Owned Parcel

The project site includes a parcel (APN 025-0720-002-001) owned by the City of Oakland. The City parcel is paved and is approximately 9,000 square feet, located on the western side of Derby Avenue. According to aerial photographs in the 2015 Phase I Environmental Site Assessment prepared by Stantec, the parcel historically appears to be used for parking.

On October 6, 2015, the City of Oakland entered into an Exclusive Negotiating Agreement with the Applicant aimed at reaching agreement on price and terms for a sale of the parcel. Pursuant to the conditions of approval, the applicant must purchase the City parcel and successfully merge the two parcels through a parcel map waiver prior to submittal of building permits for the project.

#### **Neighborhood Characteristics**

The proposal is in the Fruitvale neighborhood of Oakland on a site with an existing surface parking lot, a vacant City-owned lot and former location of a multi-unit residential building. Neighborhood characteristics include medium to high density residential buildings which are two to four stories, with commercial uses in the area including a six-story historic medical building at the corner of Derby Avenue and International Boulevard. Vacant and under-utilized lots for parking are also located in the immediate area. The existing buildings were largely constructed between the 1940's and 1970's and are of a boxy or tract home style with different heights and uses.

#### PROJECT DESCRIPTION

The proposed project includes the construction of a public charter school that provides education to Kindergarten through eighth (K-8th) grade (Attachment C). The proposed project would include construction of a three-story campus building with a total floor area of 45,942 square feet. The structure has been designed to separate the anticipated the grades by floor. The first floor area would be 18,297 square feet and would include the Kindergarten through second grade classrooms, as well as a multipurpose room, kitchen, storage areas, reception/front offices, restrooms, and bicycle storage room; the second floor area would be 15,744 square feet and would include third through fifth grade classrooms, administrative offices, restrooms, storage areas, art classroom, group activities room, teacher lounge, reading room, learning center, storage, and restrooms; and, the third floor area would be 11,901 square feet and would include sixth through eighth grade classrooms, administrative offices, elective flex space, science lab, restrooms, and an exterior recreation area. The third-floor rooftop outdoor recreation area would be 2,617 square feet. In addition to the three-story structure, the proposed project would include a 3,857 square-foot outdoor play/recreation area; complete with a green living wall, play structure and synthetic turf area at ground level.

At full capacity, the proposed project would accommodate no more than 620 K-8th grade students and a staff of up to 51 employees. The proposed school would be constructed at a maximum height of 49 feet with solar panels on the roof of the building.

Employee parking will consist of 15 parking spaces with 11 spaces on the subject site and four spaces on the adjacent parcel through a recorded Shared Parking Agreement (Attachment D) with the neighboring property that will run with the land. An on-site drop-off/pick-up area is provided onsite in a U around the building accommodating approximately 30 vehicles. The cul-de-sac would be incorporated into the drop-off/pick-up area. The school proposes a bicycle storage room that can accommodate 62 bicycles with additional exterior racks which can accommodate 5 bicycles.

#### **GENERAL PLAN ANALYSIS**

The Land Use and Transportation Element (LUTE) of the General Plan designates the site as primarily Mixed Housing Type Residential, with a small portion of the site at the southern boundary near International Boulevard designated as Community Commercial.

The Mixed Housing Type Residential General Plan designation is intended to create, maintain, and enhance residential areas typically near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings and neighborhood businesses where appropriate. Future development within this classification should be primarily residential in character, with live-work types of development, and small commercial enterprises, schools, and other small civic uses in appropriate locations.

The Community Commercial classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The desired character may include neighborhood center uses and larger scale retail and commercial uses, such as auto related business, business and personal services, health services and medical uses, educational facilities, and entertainment uses. The proposed school project is consistent with the intent and character of these land use classifications as well as the following General Plan goals and policies.

Objective N2: Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community.

Policy N2.1: Designing and Maintaining Institutions. As Institutional uses are among the most visible activities in the City and can be source of community pride, high-quality design and upkeep / maintenance

should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

Policy N2.3: Supporting Institutional Facilities.

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

Policy N2.5: Balancing City and Local Benefits of Institutions. When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution's overall benefit to the entire Oakland community, as well as its effects on the immediate surrounding area.

Policy N2.6 Disposing of Public Property. Before disposing of schools or other significant public or quasipublic properties that are no longer needed for its original purpose, careful consideration should be given to their possible utilization for other kinds of civic, institutional, or open space areas.

The project is of high-quality design in keeping with the architecture of schools. The project includes breakfast and after school day care for school's community. Possible effects of the school including noise, and traffic were analyzed and found to be less than significant. The project will include the addition of a City-owned parcel which was previously used for parking and will now be used for a new civic/institutional use.

#### **ZONING ANALYSIS**

The Zoning Designation for the project site is Mixed Housing Type Residential 4 (RM-4). The intent of the RM-4 Zone is to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate. Per section 17.17.030 of the Planning Code, Schools are permitted with approval of a Conditional Use Permit (CUP).

#### The required Planning Permits include:

- Regular Design Review to construct a new three-story, 45,942 square foot public charter school. (17.17.020),
- Major Conditional Use Permit for construction of more than 25,000 square feet on non-residential floor area. (17.134.020),
- Minor Conditional Use Permit to establish a community education activity in the RM-4 Zone. (17.17.030 Table 17.17.01),
- Minor Variances for (1) a proposed building height of 49 feet where 35 feet are permitted; (2) a front yard setback of three feet where 15 feet are required; (3) a street side yard setback of zero feet where four feet are required; and (4) a 23-foot-high living wall on the side and rear property line where 8 feet are permitted. (17.148.050.A), and
- A shared Parking Agreement for parking on the adjacent lot. (17.116.170.A)

The following table indicates existing and proposed development standards:

RM-4 Regulations	Required	Proposed	Variance
Height	35 feet	49 feet	Yes
Front Yard Setback (Derby St.)	15 feet	3 feet	Yes
Street Side Yard Setback (E.15 <sup>th</sup> St.)	4 feet	0 feet	Yes
Interior Side Yard Setback	4 feet	27 feet	No
Rear Yard Setback	15 feet	31 feet	No
Maximum Fence/Wall Height	8 feet	23 feet	Yes
Automobile Parking	13 spaces	15 spaces	No
Bicycle Parking	36 Long-Term	36 Long-Term	No
	31 Short-Term	31 Short-Term	

#### ENVIRONMENTAL DETERMINATION

Staff did not apply a California Environmental Quality Act (CEQA) categorical exemption as the project site is listed as an active school cleanup site on the State "Cortese" list pursuant to Government Code Section 65962.5. A Phase I Environmental Site Assessment was prepared for the project site, and concluded that the following potential contaminants of concern were identified within the project site: petroleum hydrocarbons in soil associated with runoff from a parking lot, a trench, and a former heating oil tank, and petroleum hydrocarbons and chlorinated solvents in groundwater associated with the former Walt's Transmission facility, located approximately 1,150 feet northeast (and potentially up-gradient) of the project site.

The California Department of Toxic Substance Control (DTSC) accepted the oversight role. A Preliminary Environmental Assessment (PEA) was prepared for the project site which concluded that the Department of Toxic Substance Control's (DTSC's) Removal Action Workplan (RAW) process would need to be completed prior to redevelopment of the project site. On September 6, 2016, Aspire executed a School Cleanup Agreement with DTSC for review and approval of a RAW. Construction of the proposed project is required to implement the requirements of the RAW. The RAW was prepared on November 10, 2016, and approved by DTSC on June 30, 2017. In compliance with the CEQA exemption, DTSC has prepared a Notice of Exemption, which determined that the proposed project would have no potential to have a significant impact on the environment, with implementation of the RAW. The Applicant is actively working with DTSC to remediate the project site prior to construction.

CEQA Guidelines Section 15183 and 15183.3 provides for streamlined review when the project is consistent with a Community or General Plan and its development density, and the impacts of projects implemented under the Plan have been analyzed in a certified program EIR. The attached CEQA Analysis (Attachment E) evaluates the Aspire Project's consistency with the LUTE and the Central City East Redevelopment Plan (CCERP) and the Zoning Ordinance of the Oakland Municipal Code and relies on the environmental analyses completed in the LUTE and CCERP EIRs which analyzed environmental impacts associated with additional development.

The analysis concluded that project meets the eligibility requirements for Section 15183.3 including State CEQA Guidelines Appendix M. Additionally, the project has a solar component with on-site renewable power generation, and based on the school location the school satisfies Appendix M requirements. The analysis also concludes that implementation of the project would not substantially increase the severity of significant impacts identified in the LUTE and CCERP EIRs, nor would it result in new significant impacts related to hazards and hazardous materials that were not identified in the LUTE and CCERP EIRs. All Uniformly Applied Development Standards noted in the LUTE and CCERP EIRs to address hazards have also been included as Conditions of Approval and these have been found to mitigate environmental effects. Therefore, application of CEQA Section 15183 is appropriate.

#### **KEY ISSUES AND IMPACTS**

#### Variances

Minor Variances are required for (1) a proposed building height of 49 feet where 35 feet are permitted; (2) a front yard setback of three feet where 15 feet are required; (3) a street side yard setback of zero feet where four feet are required; and (4) a 23-foot-high living wall on the side and rear property line where 8 feet are permitted. The proposed variances will not impact the neighbors, but rather create an effective design solution that can potentially reduce impacts by pulling the buildings further away from the residential behind; creating a privacy wall; and by reducing the energy consumption with the use of rooftop solar.

#### Outreach

According to the applicant significant outreach was completed to inform neighbors of the project with indepth meetings held February 18, 2016 before the Fruitvale Unity Council and April 26, 2016 (Attachment F). The applicant, felt the meetings generally gained support for the project and little to no changes were asked of the attendees as a result of the meetings. Planning staff did not attend; however were informed of the outcome of the meetings. To date, staff has not received any comment letters on the project.

#### **Traffic**

The CEQA Analysis concluded that the project will not result in a traffic impact given the site's location of a major arterial near transit and with implementation of the Transportation Demand Management Program. However, staff's experience to date with other new schools is that the applicant must actively manage the parking, traffic and circulation issues associated with the arrival and departure of many vehicles in such a short timeframe within a residential zone. To ensure that these issues don't become a nuisance to the surrounding residents, staff has included several Conditions of Approval that expand on the basic analysis in the CEQA Analysis including the need for the school to actively manage the parking, retain the staggered drop-off and pick-up timeframes, ensure enough school personnel is available to assist in the efficient and safe drop-off and pick-up of students, have an event traffic plan in place, meet with the school population regarding the need for compliance with the traffic and parking rules, institutionalize traffic safety, and ensure ongoing monitoring by an independent qualified person.

#### **CONCLUSION**

The proposed 45,942 square foot, three-story school is within the RM-4 residential zone and in a neighborhood, that contains a variety of commercial, civic and residential buildings. Staff believes that this is appropriate for the context for the following reasons:

- The site is located half of a block from the International Boulevard corridor.
- The project can adequately serve 620 students and 51 employees.
- The project has adequately proposed a traffic and circulation plan.
- The project has adequate automobile parking, bicycle parking, and transportation demand management.
- The project has adequately addressed special event parking.
- The project has adequately addressed operational noise.
- The project has adequately addressed previous land uses and site remediation.

In sum, staff recommends approval of the proposal because it meets all zoning requirements, provides a successful site plan and design, and relates well to the neighborhood context.

**RECOMMENDATIONS:** 

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

Prepared by:

Planner II

Reviewed by:

ROBERT D. MERKAMP Interim Zoning Manager

Approved for forwarding to the City Planning Commission:

Ed Manasse, Interim Deputy Director

Bureau of Planning

#### **ATTACHMENTS:**

- A. Findings for Approval
- B. Conditions of Approval
- C. Project Plans
- D. Draft Shared Parking Agreement
- E. Qualified Infill Environmental Checklist, dated March 12, 2018
- F. Community Meeting Notice and Summary
- G. Public Notice

#### ATTACHMENT A: FINDINGS

This proposal meets all the required findings under the Regular Design Review findings (Section 17.136.050B); General Use Permit Criteria (OMC Sec. 17.134.050); and the Minor Variance criteria (Section 17.148.050), of the Oakland Planning Code (OMC Title 17) as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

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

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

The proposal is in the Fruitvale neighborhood of Oakland on a site with an existing surface parking lot, a vacant City-owned lot and former location of a multi-unit residential building. Neighborhood characteristics include medium to high density residential buildings which are two to four stories, with commercial uses in the area including a six-story historic medical building at the corner of Derby Avenue and International Boulevard. Vacant and under-utilized lots for parking are also located in the immediate area. The existing buildings were largely constructed between the 1940's and 1970's and are of a boxy or tract home style with different heights and uses.

The proposal is to construct a new 45,942 square foot, three-story, 49-foot-tall Kindergarten-8<sup>th</sup> Grade public charter school for up to 620 students and 51 employees with 21 classrooms, one laboratory, one art-vocational room, one group activities room, a multi-purpose room/cafeteria, administration space, rooftop deck, outdoor field and playground space as well as an onsite double-lane driveway for drop-off and pick-up queuing. Employee parking will consist of 15 parking spaces with 11 spaces on the subject site and four spaces on the adjacent parcel through a shared parking agreement with the neighboring property. The school proposes a bicycle storage room that can accommodate 62 bicycles with additional exterior racks which can accommodate 5 bicycles. The rooftop will contain solar panels and mechanical equipment. The project would contain varying colored cement plaster, corrugated sheet metal siding, metal sunshades and canopies, and aluminum frame windows. The fencing would be black steel chain-link fencing at the perimeter of the site. The color and material palette is consistent with all Aspire schools and similar to that of the residential buildings in the area.

As the area is a mix of uses, site design, building designs architectural styles, heights, materials and colors, the proposed design will relate well with surrounding buildings with the use of projections and a roof deck.

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

The proposal will enhance desirable neighborhood characteristics by developing a surface parking lot and a vacant lot into a three-story Kindergarten-8<sup>th</sup> Grade public charter school. As noted above, the area is largely made up of buildings constructed between the 1940's and 1970's in a utilitarian boxy style with little architectural detail. The proposal includes the same utilitarian boxy architecture

typically seen in schools. The building will have little architectural detail except for the window patterns, awnings and metal rooftop fencing. The project also includes a two-story glass lobby which will provide a well-lit active ground floor space with eyes on the street. Furthermore, the resulting site contamination clean-up will further benefit and promote neighborhood health. As such, the project's design harmonizes with and will enhance investment in the area.

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

The Land Use and Transportation Element (LUTE) of the General Plan designates the site as primarily Mixed Housing Type Residential, with a small portion of the site at the southern boundary near International Boulevard designated as Community Commercial.

The Mixed Housing Type Residential General Plan designation is intended to create, maintain, and enhance residential areas typically near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings and neighborhood businesses where appropriate. Future development within this classification should be primarily residential in character, with livework types of development, and small commercial enterprises, schools, and other small civic uses in appropriate locations.

The Community Commercial classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The desired character may include neighborhood center uses and larger scale retail and commercial uses, such as auto related business, business and personal services, health services and medical uses, educational facilities, and entertainment uses.

The proposed school primarily serving residents in the Fruitvale neighborhood conforms to the General Plan designation of Mixed Housing Type Residential and Community Commercial. Specifically, the proposal conforms to the following LUTE objectives and policies.

Objective N2: Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community.

Policy N2.1: Designing and Maintaining Institutions. As Institutional uses are among the most visible activities in the City and can be source of community pride, high-quality design and upkeep / maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

Policy N2.3: Supporting Institutional Facilities.

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

Policy N2.5: Balancing City and Local Benefits of Institutions. When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution's overall benefit to the entire Oakland community, as well as its effects on the immediate surrounding area.

Policy N2.6 Disposing of Public Property. Before disposing of schools or other significant public or quasi-public properties that are no longer needed for its original purpose, careful consideration should be given to their possible utilization for other kinds of civic, institutional, or open space areas.

The project is of high-quality design in keeping with the architecture of schools. The project includes breakfast and after school day care for school's community. Possible effects of the school including noise, and traffic were analyzed and found to be less than significant. The project will include the addition of a City-owned parcel which was previously used for parking and will now be used for a new civic/institutional use.

## 17.134.050 GENERAL CONDITIONAL USE PERMIT CRITERIA

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

A Major Conditional Use Permit (CUP) is required for a new non-residential facility of greater than 25,000 square feet (45,942 square feet proposed). A Minor Conditional Use Permit (CUP) is also required to operate a Community Education Civic Activity (Kindergarten-8<sup>th</sup> Grade public charter school) within the RM-4 Mixed Housing Type Residential Zone.

The proposal is to construct a new 45,942 square foot, three-story, 49-foot-tall Kindergarten-8<sup>th</sup> Grade public charter school for up to 620 students and 51 employees with 21 classrooms, other associated rooms, outdoor field and playground space as well as an on-site double-lane driveway for drop-off and pick-up queuing. Employee parking will consist of 15 parking spaces with 11 spaces on the subject site and four spaces on the adjacent parcel through a shared parking agreement with the neighboring property. The school proposes a bicycle storage room that can accommodate 62 bicycles with additional exterior racks which can accommodate 5 bicycles.

Justification for this Minor CUP is based on the proposed project being compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood.

Civic uses, including preschool's, elementary schools, churches, libraries, and a public park, are common throughout the neighborhood, and the proposal will fill a need for a Community Education use. The location at a dead-end street allows efficient use of the cul-de-sac for drop-off and pick-up operations. Furthermore, the site is located a block from a major arterial and transit corridor on a vacant and underutilized site. The area is a mix of building sizes, bulk, and lot coverage. The project provides a transition from taller structures along International to small structures on E 15<sup>th</sup>. The project is similar in bulk and lot coverage to other of the taller area buildings. The proposed project will not affect overall neighborhood character. The design is similar to other structures in its boxy utilitarian architectural style. Most of the school activity will occur as part of the drop-off and pick-up process. Otherwise, school activities will take place indoors with structured play and physical education in designated outdoor areas at varying times.

The proposal includes 15 off-street parking spaces to accommodate 51 staff members. Additionally, the parking lot can accommodate on-site queuing with a greater than 250 foot long two-lane drop-off and pick-up queuing which will have a drop-off schedule of varying intervals. Staggered drop-off and pick-up has been shown to be an effective method to reduction traffic congestion. Furthermore, a traffic analysis was prepared which concludes that, while the area is congested, the proposed use will not result

in a substantial change to the existing condition. Additionally, the project sponsor is required to incorporate strategies to explicitly and monetarily encourage carpooling and use of public transit among employees and students, and will be required to retain a consultant to monitor the effectiveness of these strategies. The project is also required to make improvements to the public right of way, including repairing the sidewalk along the project's frontage. The parking standards for the new school are half a space for every classroom resulting in 13 off-street parking spaces required. However, the project is proposing 15 off-street parking spaces which exceeds the current requirement by two off-street spaces; thus, the proposed school should not have an impact on parking in the neighborhood.

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

The proposed school use is consistent with the existing location and setting. Many buildings, including the former structure was sited near the front and side property lines. The playground is located near the rear parking lot and the adjacent residential buildings open space. An on-site drop-off area is provided, lessening traffic impacts. As noted above, the design is consistent with the surroundings in terms of architectural style. As such, the proposal is both efficient, functional, and attractive within the context of the surrounding area.

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

The proposal will enhance the surrounding area by adding a desirable use to a vacant site and on and off-site improvements to enhance the public safety, security and appearance of the area. Specifically, the project will create a moderate sized charter school, reduce the potential for traffic impacts, make significant landscaping and street frontage improvements to the site, and add visual upgrades (fencing, curb, gutter, sidewalk, paving, and landscaping) to the intersection of Derby Avenue and E. 15<sup>th</sup> Street. Furthermore, the proposal provides a vital use for parents in the neighborhood and surrounding area. The proposed school may also benefit the surrounding businesses in the Fruitvale area by increasing the potential customers or number of times they come to the area.

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

The proposal conforms with all significant aspects of the design review criteria set forth in Chapter 17.136 of the Oakland Planning Code. The proposal will enhance the surrounding area by adding desirable site improvements to enhance the public safety, security and appearance of the neighborhood. The Non-Residential Design Review findings are presented above.

E. 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.

See Non-Residential Design Review Findings above.

## **SECTION 17.148.050(A) - MINOR VARIANCE FINDINGS:**

A. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique

physical or topographic circumstances or conditions of design; or as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

Minor Variances are required for (1) a proposed building height of 49 feet where 35 feet are permitted; (2) a front yard setback of three feet where 15 feet are required; (3) a street side yard setback of zero feet where four feet are required; and (4) a 23-foot-high living wall on the side and rear property line where 8 feet are permitted.

The minor variances for height, setbacks, and fence height are justified because strict compliance of the regulations would preclude an effective design solution and conformance with the normal requirements would unnecessarily impact the design and functionality of the proposed building. Specifically, strict compliance would eliminate the playground and pick-up/drop-off area to accommodate the additional square footage, grade levels, or the parapet screening the mechanical equipment. Even by reducing the floor plate heights, the project would still need to eliminate grade levels. The height, at three-stories, provides an appropriate transition from the six-story building at the corner of Derby Avenue and International Boulevard to the lower one to two story buildings in the neighborhood. Additionally, the former building located at the site had zero front and street side yard setbacks and reached three-stories in height. As such, the design improves the operational efficiency of the school and appearance of the neighborhood.

Strict compliance with the front and street side setbacks would require that the building be located further back on the lot eliminating the playground and pick-up/drop-off area to accommodate the additional square footage and grade levels. The project provides an effective design solution in that it is appropriate for a civic facility to be closer to the street. Furthermore, the project is meeting the setback of the closest building at 3022 International Boulevard which is directly at the property line on the Derby Avenue side. Furthermore, the purpose of the setbacks to provide adequate residential parking and front yard landscaping. The project will provide the required number of parking spaces on-site and on the neighboring property. Furthermore, the neighborhood pattern is very small landscaped areas.

Strict compliance with the fence height could result in privacy issues of residents looking down on the playground. The creation of a living wall provides an effective design solution that serves both visual interest, creates privacy and acts as a sound barrier to the neighboring residential property at 2946 International Boulevard.

The proposed variances will not impact the neighbors, but rather create an effective design solution that can potentially reduce impacts by pulling the buildings further away from the residential behind; creating a privacy wall; and by reducing the energy consumption with the use of rooftop solar.

B. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

The basic intent of the height regulations is to restrain the building envelope to provide a consistent neighborhood context. As noted above, the context includes buildings of many heights. The project provides an effective design solution by stepping the massing down from International toward the more residential uses. The basic intent of the front and rear yard setbacks to provide an adequate buffer from neighboring uses, on-site parking and landscaping. As noted above strict compliance would reduce the playground and drop-off/pick-up area which are necessary school

components or eliminate grades. Given that the project site is on the corner and is adjacent to taller buildings which also do not have these setbacks, the proposal, with the playground and drop-off/pick-up area, and living wall will buffer the neighbors from the use. The basic intent of the fence height is to increase privacy but discourage walled areas inconsistent with residential neighborhoods. As the project is in a mixed-use area, surrounded by tall buildings and there is an additional need for privacy, the proposed fence height provides an effective design solution fulfilling the intent of the regulation.

C. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

The increased height, reduced setbacks and rear and side yard fence height will be consistent with the surrounding pattern of development, and will not result in an impact to the adjacent neighbors. The minor variances for height, setbacks and fence height are justified because strict compliance of the regulations would preclude an effective design solution, as noted above, and conformance with the normal requirements would unnecessarily impact the design and functionality of the proposed building.

The variance will not affect the character, livability, or appropriate development of abutting properties. The character of the street will be enhanced with another building of transitioning height. These variances will not be detrimental to the public welfare or adopted plans.

D. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

The granting of these variances will not be inconsistent with the purposes of the zoning regulations. With the necessary controls, it will enable the site to be improved and used to the benefit of the community in accordance with the purpose of the Zoning Regulations. The requested variances for increased height, reduced setbacks and increased fence height will make the design more functional and comfortable for the intended occupants of the building, and strict compliance of the regulations would preclude an effective design solution and would unnecessarily impact the design and functionality of the proposed building.

Similar properties including 2946 International Boulevard have a three-story height and other properties have reduced front and street side yard setbacks, including 1442 Derby Avenue and 3020 E. 15<sup>th</sup> Street. Additionally, the former building located at the site had zero front and street side yard setbacks and reached three-stories in height.

E. For proposals involving one or two dwelling units on a lot: That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.050.

Not applicable. The proposed project is a civic, non-residential structure.

F. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

- a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or
- b. Over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see Illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

Not applicable. The proposed project involves a civic, non-residential structure.

#### ATTACHMENT B: CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following Conditions of Approval:

#### 1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, staff report and the approved plans dated **February 15, 2018** 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 calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

#### 3. Compliance with Other Requirements

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

#### 4. Minor and Major Changes

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

#### 5. Compliance with Conditions of Approval

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

#### 6. Signed Copy of the Approval/Conditions

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

#### 7. Blight/Nuisances

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

#### 8. Indemnification

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

the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

#### 9. Severability

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

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

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

#### 11. Public Improvements

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

#### 12. Compliance Matrix

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

#### 13. Construction Management Plan

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

logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

#### 14. 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

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

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

#### 15. Graffiti Control

#### Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
  - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
  - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
  - iii. Use of paint with anti-graffiti coating.
  - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
  - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
  - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
  - ii. Covering with new paint to match the color of the surrounding surface.
  - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

#### 16. Landscape Plan

#### a. Landscape Plan Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

#### b. Landscape Installation

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### 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

#### 17. 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

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

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

a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.

- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.
- k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- r. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.
- s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- t. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

- u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.
- v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- x. Off-road heavy diesel engines shall meet the California Air Resources Board's most recent certification standard.
- y. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### 19. Tree Removal During Bird Breeding Season

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

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### 20. Tree Permit

#### a. Tree Permit Required

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

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

#### Monitoring/Inspection: Bureau of Building

#### b. Tree Protection During Construction

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

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

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. Tree Replacement Plantings

<u>Requirement</u>: 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

#### 21. Archaeological and Paleontological Resources - Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to

the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### 22. Human Remains - Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### 23. Construction-Related 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

## 24. Seismic Hazards Zone (Landslide/Liquefaction)

Requirement: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a

registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### 25. 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

#### 26. 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

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

- 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

#### 27. Erosion and Sedimentation Control Measures 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

#### 28. Site Design Measures to Reduce Stormwater Runoff

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

- a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
- b. Utilize permeable paving in place of impervious paving where appropriate;
- c. Cluster structures;
- d. Direct roof runoff to vegetated areas;
- e. Preserve quality open space; and
- f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

#### 29. NPDES C.3 Stormwater Requirements for Regulated Projects

a. Post-Construction Stormwater Management Plan Required

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;
- iv. Site design measures to reduce the amount of impervious surface area;
- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

#### b. Maintenance Agreement Required

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

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

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### 30. Construction Days/Hours

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

a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.

- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### 31. Construction Noise

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

- 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

#### 32. Extreme Construction Noise

#### a. Construction Noise Management Plan Required

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### b. Public Notification Required

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

When Required: During construction Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

## 33. 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. The project applicant shall implement the approved Plan during construction

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

#### 34. Construction Noise Complaints

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### 35. Exposure to Community Noise

Requirement: The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:

- a. 45 dBA: Residential activities, civic activities, hotels
- b. 50 dBA: Administrative offices; group assembly activities
- c. 55 dBA: Commercial activities
- d. 65 dBA: Industrial activities

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### 36. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

#### 37. Construction Activity in the Public Right-of-Way

#### Obstruction Permit Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### Traffic Control Plan Required b.

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

#### Repair of City Streets

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### 38. Bicycle Parking

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### 39. Transportation and Parking Demand Management

## Transportation and Parking Demand Management (TDM) Plan Required

Requirement: The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.

The goals of the TDM Plan shall be the following:

- Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project.
- Achieve the following project vehicle trip reductions (VTR):
  - Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR
  - o Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR
- Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
- Enhance the City's transportation system, consistent with City policies and programs.
- ii. TDM strategies to consider include, but are not limited to, the following:
  - Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
  - Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.
  - Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
  - Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
  - Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
  - Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
  - Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
  - Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).
  - Guaranteed ride home program for employees, either through 511.org or through separate program.
  - Pre-tax commuter benefits (commuter checks) for employees.
  - Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
  - On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.

- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report. The applicant shall implement the approved TDM included in the Aspire CEQA Analysis.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

#### b. TDM Implementation – Physical Improvements

<u>Requirement</u>: For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### c. TDM Implementation – Operational Strategies

Requirement: For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

#### 40. 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 <a href="https://www.greenhalosystems.com">www.greenhalosystems.com</a> 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

#### 41. 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

#### 42. Recycling Collection and Storage Space

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### 43. Green Building Requirements

a. Compliance with Green Building Requirements During Plan-Check

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

- 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.
  - 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

<u>Requirement</u>: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

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

<u>Requirement</u>: Prior to finagling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: After project completion as specified

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### 44. Sanitary Sewer System

Requirement: The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Department of Engineering and Construction

Monitoring/Inspection: N/A

#### 45. Storm Drain System

Requirement: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **SPECIFIC CONDITIONS**

#### 46. Landscaping and Irrigation

#### Ongoing.

All landscaping areas (including the living wall) and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or other impervious surfaces shall occur only on approved areas. A full landscape and irrigation plan with the building permit shall be submitted.

#### 47. Fencing and Fence Maintenance

#### Ongoing.

Fencing shall be placed entirely around the children's play area (yard and sand box). The applicant shall permanently maintain all fencing or barriers visible from any property line in neat and safe conditions, and, whenever necessary, replaced with new materials or finish to ensure continued compliance with all City requirements.

#### 48. Student Enrollment and Hours of Operation.

#### Ongoing.

That student enrollment shall be limited to a total of 620 students. A new Conditional Use Permit shall be required to exceed this maximum enrollment number. Every year by October 15<sup>th</sup>, the School shall provide Private School Affidavit that must be submitted to the California Department of Education. The School hours of operation shall be Monday through Friday 7:00am-6:00pm. Ten events per year are permitted within the hours of 7:00am and 9:00 pm. No summer school is permitted and this change will require a revision to the Conditional Use Permit and approval from the City of Oakland Bureau of Planning.

#### 49. Neighborhood Liaison Committee/Point of Contact/Complaints

#### Ongoing

- a) The Project Applicant shall initiate a Neighborhood Liaison Committee ("Committee") in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The School should initiate the Committee formation no later than first month after beginning operations and the first meeting of the Committee should be held no later than two months after initiation. The Committee shall meet at least once a semester to discuss issues related to Aspire's activities in the neighborhood. However, the Committee shall hold additional meetings as recommended by the neighborhood participants. Aspire staff and the Traffic Board member shall participate in the neighborhood liaison committee meetings. City Planning and Zoning staff will attend these meetings as necessary. The meetings will have an agenda which will be forwarded to Planning and Zoning staff.
- b) The Project Applicant shall designate a representative, or series of representatives, on-site, to act as the primary point(s) of contact and as the Complaint Manager. The Complaint Manager shall develop a list of procedures and protocols to track and timely respond to complaints/concerns raised by neighbors, or others relating to the school's operations, including but not limited to traffic, noise, etc. These procedures and protocols shall be submitted to the Planning and Zoning Division no later than the first month after beginning operation. The procedures and protocols shall include timely review of complaints and the procedures and resolutions by which the Committee will timely resolve the issues. One of the purposes of this condition is to have the project applicant timely respond and resolve complaints prior to involvement by Building Services Code Compliance Division, unless the complaint is related to imminent threats to public health or safety.
- c) Copies of reports submitted to the City shall be provided at the same time to the Neighborhood Liaison Committee.

#### 50. School Board Institutionalize Traffic Safety

The Board of Trustees shall appoint a Traffic Coordination Committee with school board members, no later than 30 days after this approval, to be responsible for overseeing and enforcing the school's traffic and circulation Conditions of Approval. An update on the traffic situation will be an ongoing item on the Board's agenda. The appointed member shall receive the monthly reports from the Rule Enforcer(s) regarding the effectiveness of implemented traffic measures, provide updates on bus ridership, carpooling, and vanpooling efforts and subsidy program, work with the rule enforcer(s) and school staff to correct problems, ensure the TDM and the Traffic and Parking Handbook is up-to-date and effective, schedule and attend the traffic orientation and additional training sessions for violators, and ensure that adequate funding is allocated to maintain and enhance all transportation programs. The project applicant shall submit the name of the appointee to the City of Oakland's Transportation Services Division and Planning and Zoning Division and provide an update and appropriate

documentation on the traffic situation once a semester to the City until deemed necessary by Transportation Services Division and Planning and Zoning Division staff.

#### 51. Parking Management Strategies

#### Ongoing.

The Aspire School shall provide assigned spaces to all full and part time faculty and staff (51 full-time employees) and not volunteers or visitors. Staff that contract with the school to carpool shall be given priority spaces in order to reduce single occupancy vehicles. Any transit subsidies in the TDM shall include school staff. All of these spaces must be used before on-street spaces for staff can be used. The school shall send the carpool contracts to Planning and Zoning staff at the beginning of the school year.

#### 52. Detailed Explanation of the Pick-up and Drop-off Process

#### Ongoing.

Develop a detailed, written instruction of the pick-up and drop-off process, which include rules, maps, times, etc., which will be incorporated into a Traffic and Parking Handbook. The pick-up and drop-off process shall occur within the School's parking lot. The Traffic and Parking Handbook shall be provided to the parents and guardians of the enrolled children at the beginning of each semester.

#### 53. Mandatory Meetings with Parents/Guardians

The project applicant shall require responsible parents/guardians of all students attend a meeting at the beginning of each semester to discuss the Transportation and Parking Handbook. Planning and Zoning staff will attend these meetings if necessary. The parent/guardian will need to provide written acknowledgement of receipt of the Handbook, attendance of the meeting, and acceptance of the Handbook policies. The meeting will educate parents/guardians specifically regarding the following:

- a) Demonstration of correct pick-up and drop-off procedure
- b) The no unsafe crossing policy during both drop-off and pick-up hours
- c) The turn policy from the driveway exit during both drop-off and pick-up hours
- d) Penalties for violation of the Handbook including additional traffic training sessions for violators.

The project applicant shall submit an annual disclosure report to Planning staff acknowledging households in receipt of the handbooks and those who contract to take public transportation.

#### 54. Staggered Timeframes for Drop-off and Pick-up

#### Ongoing.

The project applicant must maintain and follow the proposed drop-off and pick-up schedule as presented on the final approved site plan and Aspire CEQA Analysis. The applicant will continue to provide before and after-school care to implement the staggered drop-off and pick-up. Any deviation of the drop-off and pick-up schedule will require a revision to the Conditional Use Permit and approval from the City of Oakland Bureau of Planning.

#### 55. Number of Persons to Assist Traffic

#### Ongoing.

During all morning drop-off and all afternoon pick-up periods the project applicant shall assign at least four (4) persons to ensure efficient traffic circulation and to remind parents and guardians of the process outlined in the Traffic and Parking Handbook. The school shall have a sufficient number of qualified alternates on campus during every morning and afternoon drop-off time to ensure that the

minimum number of traffic personnel is always met. All traffic assistants will wear colored safety vests.

#### 56. Drop-off and Pick Up signage

#### Prior to school operation

Additionally, the project should implement the following standard signing installations to discourage right turns on Derby after drop-off and turning movement conflicts:

- CONTINUE STRAIGHT sign facing drivers after drop-off.
- ENTER FROM DERBY AVENUE sign facing drivers on eastbound on Derby Avenue.

#### 57. Events Traffic

#### Ongoing.

The project applicant shall establish an alternative transportation procedure and TDM plan for Special Events if the on-site parking is not sufficient for the number of guests expected (i.e. graduation, funding-raising events, etc.) per the TDM. The applicant shall coordinate with off-site locations for event parking, for City review and approval, if the events anticipate more persons attending than available parking on-site and through the Shared Parking Agreement. If necessary, a shuttle shall be implemented to ferry school population to the school. At least two school traffic assistants shall be available to discourage parking during events and direct persons to the off-site lots. The plan shall include that events be placed on the school calendar and the neighborhood shall be notified one month in advance of the event. No events shall be held that have not been published on the school calendar for one month in advance or emailed/mailed to immediate neighbors one month in advance.

#### 58. Ongoing monitoring of Recommended Conditions

#### Ongoing.

Within a few weeks of the first day of school (school opening), a video of the Derby Avenue driveway entry and E. 15th Street exit will be recorded between 6:45 a.m. and 6:15 p.m. on a typical weekday. A DVD of the video and a summary of the driveway counts will be provided to the Bureau of Planning and Department of Transportation. Within six months of the first video, a second video of the Derby Avenue driveway entry and E. 15th Street exit will be recorded to determine if vehicle trips have been reduced by 30 percent per the traffic analysis and TDM. The videos will be given to an independent and qualified traffic consultant who will prepare a report of the findings to be submitted to the City for review. The school and the independent consultant shall monitor the effectiveness of the TDM measures once a year (August or September) by the same method noted above and submit the results in a report to the Bureau of Planning and Department of Transportation. In addition, the overall TDM Plan shall be reviewed at least once per year by a qualified traffic consultant, and updated if necessary, based on the results of the ongoing monitoring to be performed, with Department of Transportation review. If the monitoring results in traffic exceeding the numbers in the TDM and Traffic Analysis, turning movement conflicts or exceeds the queuing resulting in a traffic back-up at International Blvd, the qualified traffic consultant shall look at other methods, including a bus or shuttle system, to reduce these impacts.

#### 59. Photovoltaic Solar Panels

#### Prior to Final of the Building Permit.

The project applicant shall install photovoltaic solar panels associated with this project prior to final of the building permit. The construction drawings must display the proposed solar panels for review and approval by the Bureau of Planning.

#### 60. Roof Deck Planting

#### Ongoing.

No plantings are permitted on the roof deck.

# 61. <u>Parcel Map Wavier for Lot Merger of 2956 International Blvd., 3007 E 15<sup>th</sup> St., and 1443 Derby St. (APN:025-0720-007-02; 025-0720-001-00; and 025-0720-002-01)</u>

#### Prior to Issuance of the Building Permit.

Prior to the submittal of a building permit application for the project, the applicant shall verify with Planning Staff that: (a) the parcels required for the project are under the applicant's common ownership, and (b) the applicant has filed with the City an application for parcel map waiver to merge the parcels for development of the project.

#### 62. Off-Site Parking Agreement

#### Prior to issuance of a building permit

The applicant must submit the final shared parking agreement to the Bureau of Planning for review and approval. Also, the applicant shall record a Notice of Limitation and final shared parking agreement with the Alameda County Recorder (Attachment D).

#### 63. Parking Management Plan

#### Prior to Certificate of Occupancy and Ongoing

The Applicant shall establish an on-site parking management plan for review and approval by the Bureau of Planning to ensure the availability of parking for both the school and the medical building and to reduce parking conflicts between the uses.

## 64. Notice of Termination of the Off-site Parking Agreement.

#### Ongoing

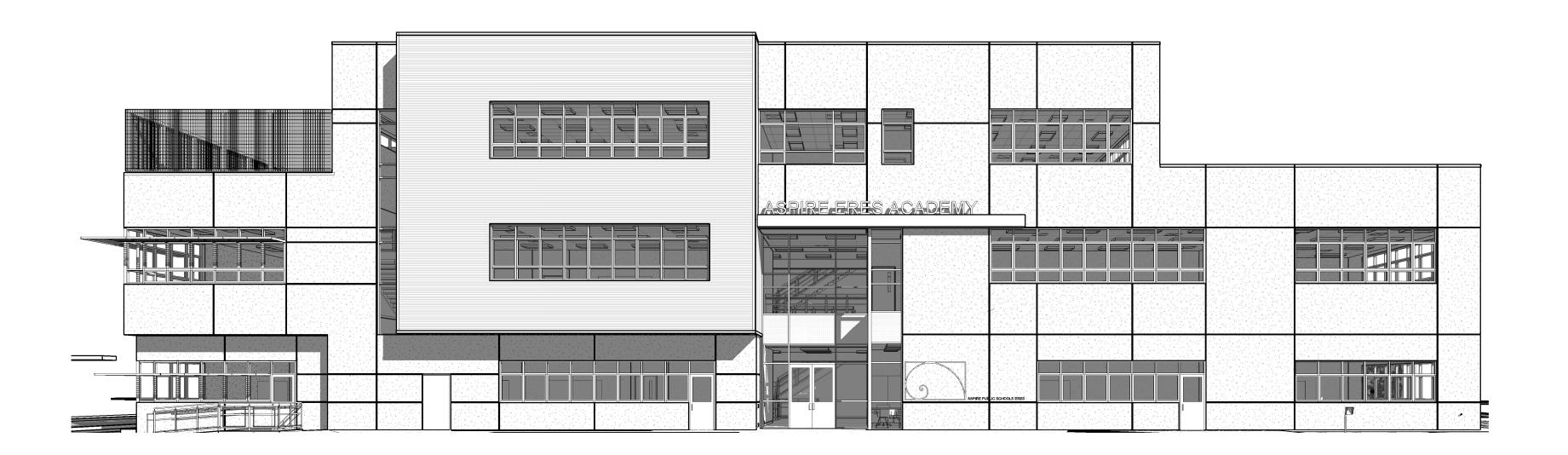
- a. Per the requirements in the Shared Parking Agreement (Attachment D), the applicant, school, and/or the medical building shall provide a 60 day notice to the school and the City of Oakland Planning Department in the event this Agreement is terminated.
- b. If the agreement is terminated, the applicant or school shall provide an alternative parking location to accommodate the parking requirements per the Planning Code for the community education and/or shall submit an application for the necessary parking area.
- c. Each party shall notify the City of Oakland Planning Department if each party's use of its property has changed in a manner which would increase the legal requirement for parking beyond the requirements applicable to the original use by each party.

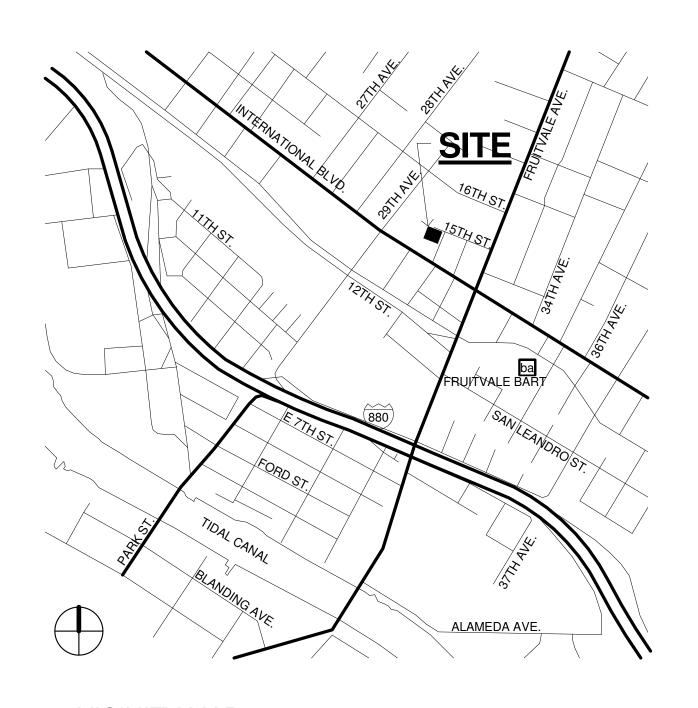
<b>Applicant</b>	Statement
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I have read and accept responsibility for the Conditions of Approval, as well as to all percode pertaining to the project.	e Conditions or covisions of the	of Approval. I a e Oakland Plan	gree to abide b	y and confor d Oakland M	rm to the Iunicipa
	_				
Name of Project Applicant					
Signature of Project Applicant					
Date					

# ASPIRE PUBLIC SCHOOLS ERES ACADEMY

**NEW K-8 SCHOOL CAMPUS** 2956 INTERNATIONAL BOULEVARD, OAKLAND, CA 94601 **PLANNING SET 2/15/2018** 





### ASPIRE PUBLIC SCHOOLS 1001 22ND AVENUE

388 BEALE STREET, SUITE 1910 OAKLAND, CA 94606 SAN FRANCISCO, CA 94105 CONTACT: CAROLYN CHOY CONTACT: JOHN RAEBER

LANDSCAPE ARCHITECT ANLA Associates, Inc. 1213 LINCOLN AVE., SUITE 211

**K2A ARCHITECTURE + INTERIORS** 555 DE HARO, SUITE 380 SAN FRANCISCO, CA 94107

SAN JOSE, CA 95125

(408) 292-2192

CONTACT: ERIC PLATO

CONTACT: STEVE KOLM

CORNERSTONE ENGINEERING GROUP 40 FEDERAL STREET SAN FRANCISCO, CA 94107 CONTACT: DUSTIN LEE

(415) 369-9100 x 132 UNDERWOOD & ROSENBLUM 1630 OAKLAND ROAD, SUITE A114 SAN JOSE, CA 95131 CONTACT: FRANK ROSENBLUM

#### WALNUT CREEK, CA 94597 CONTACT: MARK J. FERRARESI (925) 938-3550

2950 BUSKIRK AVENUE, SUITE 225

SPECIFICATION WRITER

MECHANICAL ENGINEER

BURLINGAME, CA 94010

CONTACT: KENT LAWS

JENSEN HUGHES

1801 MURCHINSON DRIVE, #160

FIRE PROTECTION ENGINEER

LAWS & ASSOCIATES

AMERICAN CONSULTING ENGINEERS 1590 THE ALAMEDA, SUITE 200 SAN JOSE, CA 95126 CONTACT: SAMMY FERNANDEZ (408) 236-2312

# <u>WATERPROOFING</u>

STEELHEAD ENGINEERS, INC. 2570 WEST EL CAMINO REAL, SUITE 320 MOUNTAIN VIEW, CA 94040 CONTACT: ALAN BURNETT, PE (650) 941-1112

ENVIRONMENTAL CONSULTANT CORNERSTONE EARTH GROUP 1259 OAKMEAD PARKWAY SUNNYVALE, CA 94085 CONTACT: KURT M. SOENEN, PE

CONSTRUCTION OF (1) NEW 3 STORY CLASSROOM BUILDING WITH A MULTI PURPOSE ROOM AND SITE WORK.

#### PROJECT LOCATION 2956 INTERNATIONAL BLVD. OAKLAND CA 94601

E, A2, B: SCHOOL WITH ASSEMBLY

3 STORY CLASSROOM BUILDING: TYPE II-A 1-HR RATED STEEL FRAME CONSTRUCTION

## FIRE PROTECTION

NEW EMERGENCY VEHICLE ACCESS LANE NEW BUILDING WITH AUTOMATIC SPRINKLER SYSTEM NEW BUILDING WITH EMERGENCY VOICE ALARM COMMUNICATION SYSTEM

#### NUMBER SHEET NAME **PLANNING** COVER SHEET SITE PLAN FLOOR PLAN - LEVEL ' FLOOR PLAN - LEVEL 2 FLOOR PLAN - LEVEL 3 ROOF PLAN NORTH & EAST ELEVATIONS SOUTH & WEST ELEVATIONS SIGN PLAN THREE-DIMENSIONAL EXHIBITS GREEN WALL EXHIBIT SITE DEMOLITION PLAN CIVIL SITE DEVELOPMENT PLAN SITE PLUMBING PLAN SITE PLUMBING COUNTY & CITY DETAILS POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN CIVIL DETAILS OFF-SITE EROSION CONTROL PLAN LIGHTING SITE PLAN

**DRAWING LIST- PLANNING** 

#### FLOOD HAZARD INFORMATION FLOOD ZONE DESIGNATION:

- ZONE X - AREAS OUTSIDE OF THE 500 YEAR FLOOD AND 500 YEAR CHANCE FLOOD - ZONE A - 1% ANNUAL CHANCE FLOOD - DISCHARGE CONTAINED IN CHANNEL AND CULVERT

FLOOD RATE INSURANCE RATE MAP (FIRM) PANEL DESIGNATION:

EFFECTIVE DATE OF FIRM MAP

BASE FLOOD ELEVATION (BFE)

 APPLICABLE COMMUNITY ORDINANCE SECTION - NOT APPLICABLE

LIGHTING PHOTOMETRIC PLAN

1. DIVISION OF THE STATE ARCHITECT - APPLICATION # 01-115746, 1/17/17 2. ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT, 11/15/17

+ INTERIORS

555 DeHaro Street, Suite 380 San Francisco, CA 94107 tel **415.487.6900** fax **415.487.6909** 



Client **ASPIRE PUBLIC** SCHOOLS

■ Project Name **ASPIRE ERES ACADEMY** 2956 INTERNATIONAL **BOULEVARD OAKLAND CA** 

Consultants

Sheet Name COVER SHEET

Approval Stamp FILE NO: 41-ASPIRE PUBLIC SCHOOLS

DIVISION OF THE STATE ARCHITECT APPL 01- 115746 ACS\_\_\_\_FLS\_\_\_SSS\_

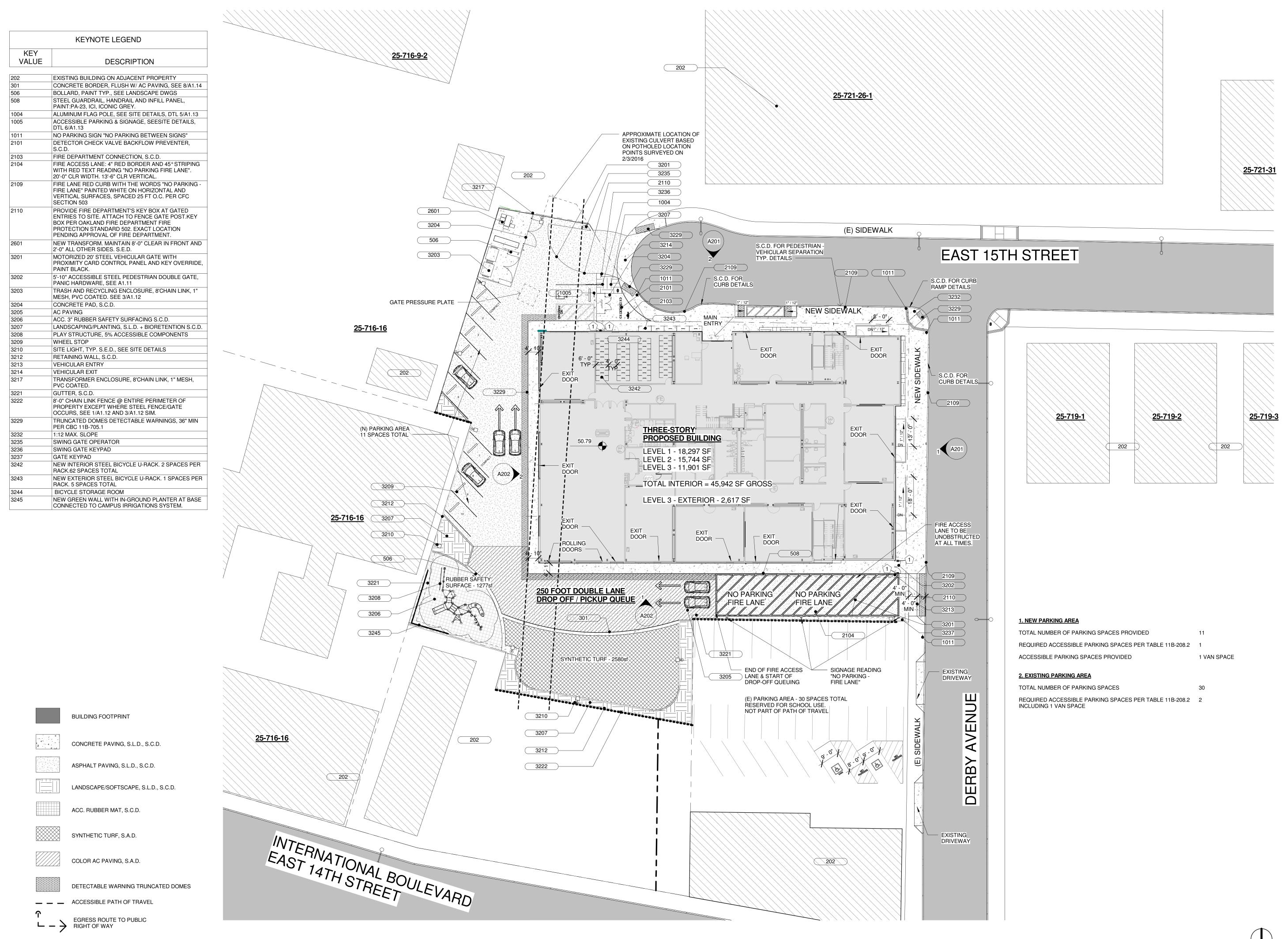
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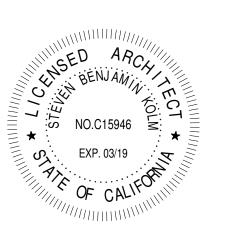


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■ Project Name
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94601

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SITE PLAN

■ Approval Stamp

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APPL 01- 115746

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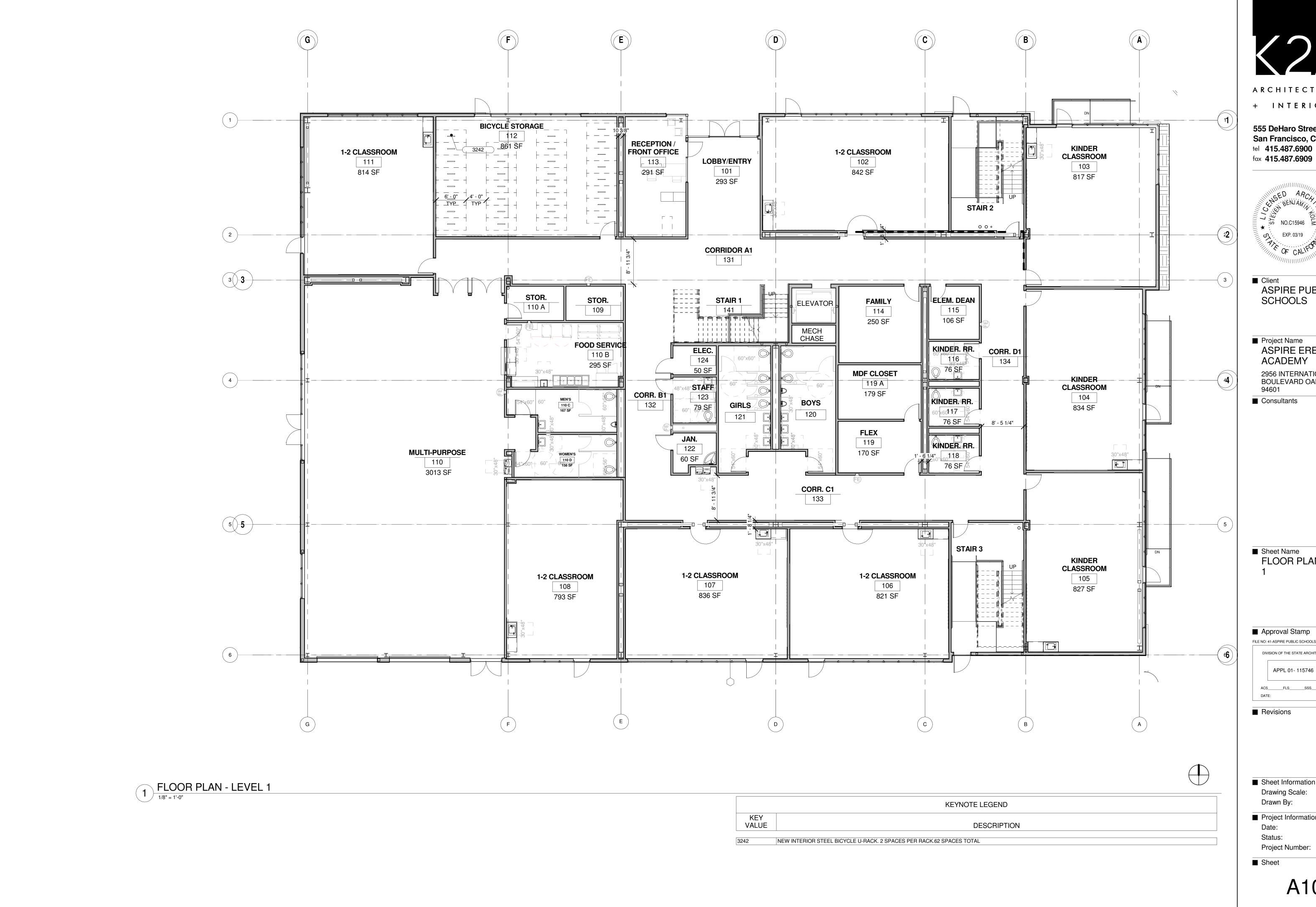
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1" = 20'-0"

2/15/2018 PLANNING

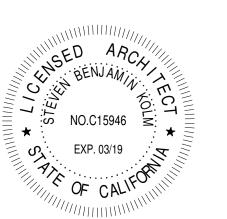
Author

SITE PLAN LEGEND



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Consultants

■ Sheet Name FLOOR PLAN - LEVEL

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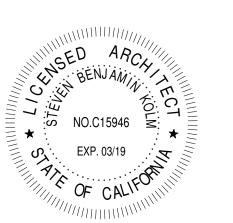
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■ Sheet Name FLOOR PLAN - LEVEL

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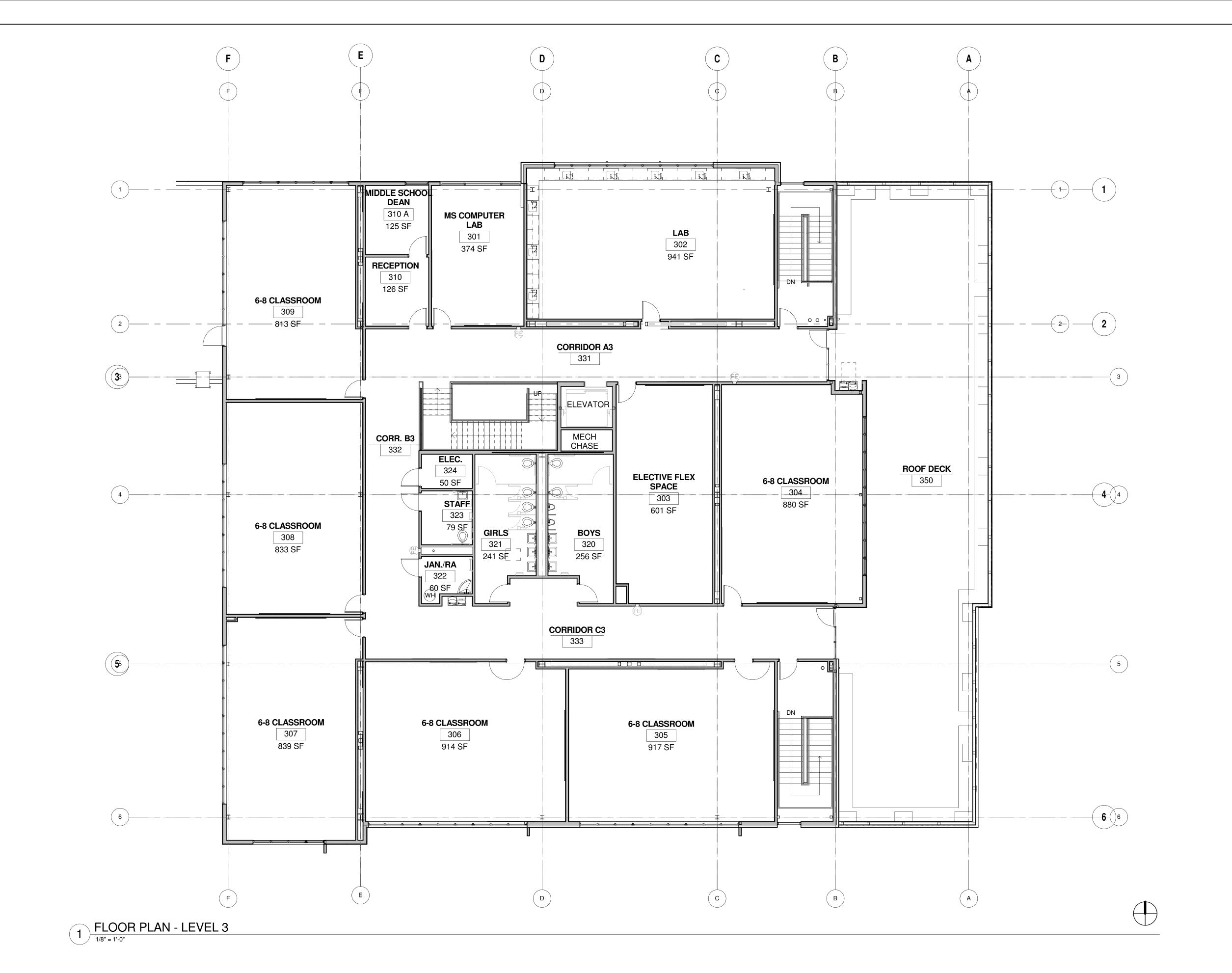
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94601

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■ Sheet Name FLOOR PLAN - LEVEL 3

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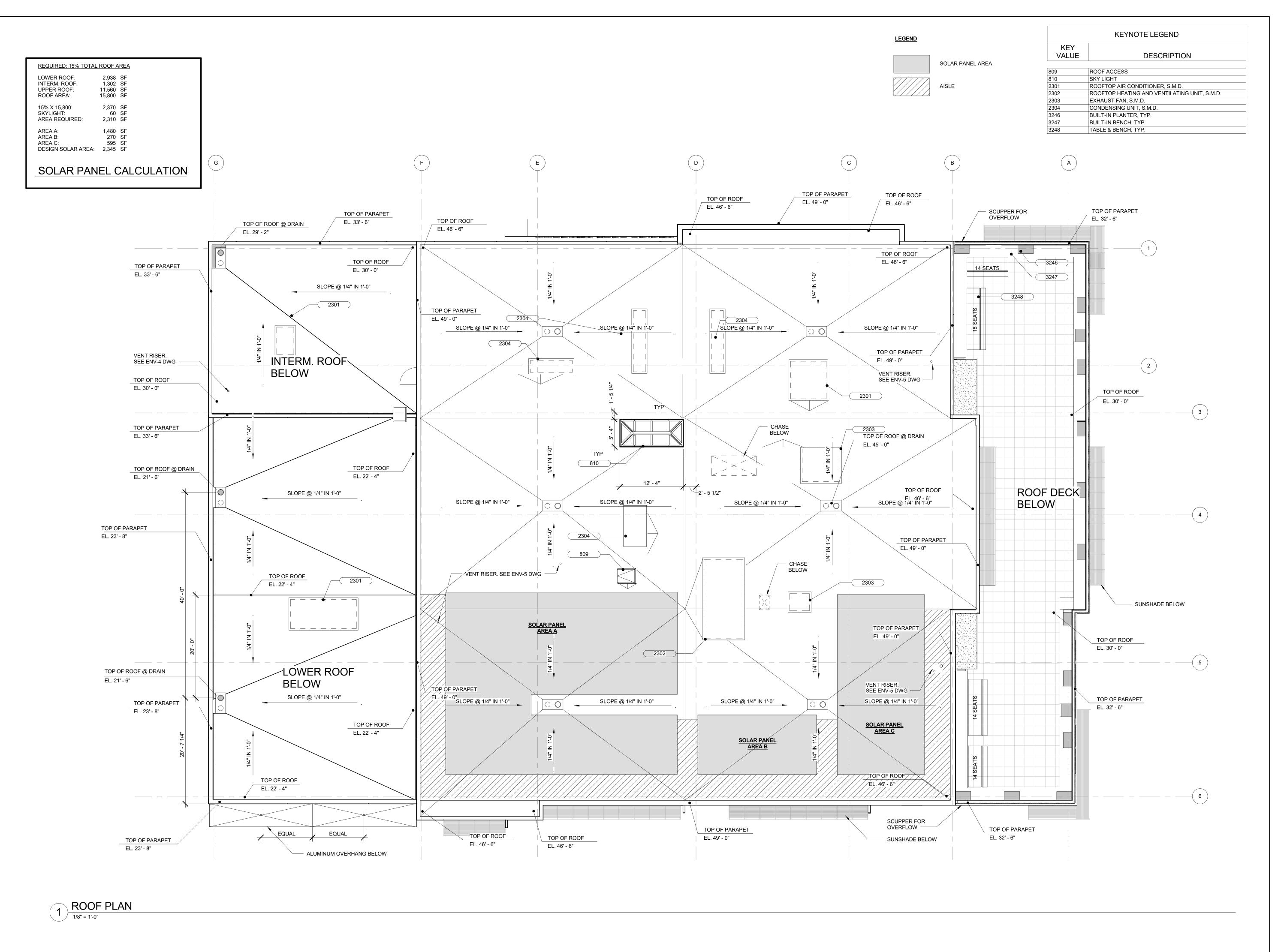
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Status: PLANNING
Project Number: 1530

■ Sheet

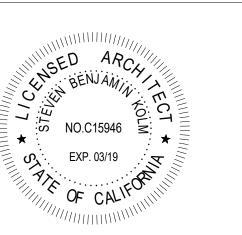




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  ACADEMY

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  94601
- Consultants

- Sheet Name ROOF PLAN
- Approval Stamp

  FILE NO: 41-ASPIRE PUBLIC SCHOOLS

  DIVISION OF THE STATE ARCHITECT

  APPL 01- 115746

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- Revisions
- Sheet Information

  Drawing Scale: As indicated

  Drawn By: Author
- Project Information
  Date:

Date: 2/15/2018
Status: PLANNING
Project Number: 1530

■ Sheet

KEYNOTE LEGEND				
KEY VALUE	DESCRIPTION			
501	METAL LOUVERED SUN SHADE, PAINT: PA-21, ICI, SPICE ORANGE.			
502	METAL CANOPY, PAINT: PA-21, ICI, SPICE ORANGE.  METAL CANOPY, PAINT: PA-21, ICI, SPICE ORANGE			
512	METAL SCREEN			
801	ALUMINUM STOREFRONT SYSTEM, HIGH PERFORMANCE ORGANIC COATING FINISH: MATCH PA-21, TYP			
811	CURTAIN WALL SYSTEM WITH HIGH PERFORMANCE ORGANIC COATING FINISH, TYP			
901	PORTLAND CEMENT PLASTER PER SPECIFICATIONS, SMOOTH FINISH, PAINT.			
902	CORRUGATED SHEET METAL SIDING, ALUMINUM-ZINC ALLOY COATED, 22 GAUGE MIN.			
919	CEMENT PLASTER JOINTS: REVEAL JOINTS (9/A8.02) ARE REFERENCED ON EXTERIOR ELEVATIONS. VERTICAL & HORIZONTAL CONTROL JOINTS (10,14/A8.02) ARE NOT REFERENCED BUT SHALL BE LOCATED @ 30 FEET ON CENTER AND EQUIDISTANT FROM REVEAL JOINTS, TYP.			
1003	CANOPY MOUNTED SCHOOL SIGNAGE, METAL, PAINT: PA-23, ICI, ICONIC GREY.			
1004	ALUMINUM FLAG POLE, SEE SITE DETAILS, DTL 5/A1.13			

	KEYNOTE LEGEND
KEY VALUE	DESCRIPTION
1006	EXTERIOR METAL LADDER, SEE EXTERIOR DETAILS
1013	EXTERIOR REVEAL JOINT, SEE EXTERIOR DETAILS
2108	FIRE ALARM SPEAKER
2110	PROVIDE FIRE DEPARTMENT'S KEY BOX AT GATED ENTRIES TO SITE. ATTACH TO FENCE GATE POST.KEY BOX PER OAKLAND FIRE DEPARTMENT FIRE PROTECTION STANDARD 502. EXACT LOCATION PENDING APPROVAL OF FIRE DEPARTMENT.
2209	HOSE BIB 24" FROM GROUND
2214	DOWNSPOUT NOZZLE, SEE PLUMBING DRAWINGS
2301	ROOFTOP AIR CONDITIONER, S.M.D.
2304	CONDENSING UNIT, S.M.D.
3201	MOTORIZED 20' STEEL VEHICULAR GATE WITH PROXIMITY CARD CONTROL PANEL AND KEY OVERRIDE, PAINT BLACK.
3210	SITE LIGHT, TYP. S.E.D., SEE SITE DETAILS
3238	EXTERIOR EGRESS RAMP FROM CLASSROOM



NORTH ELEVATION

1/8" = 1'-0"



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SCHOOLS

■ Project Name
ASPIRE ERES
ACADEMY

2956 INTERNATIONAL
BOULEVARD OAKLAND CA,
94601

Consultants

■ Sheet Name
NORTH & EAST
ELEVATIONS

FILE NO: 41-ASPIRE PUBLIC SCHOOLS

DIVISION OF THE STATE ARCHITECT

APPL 01- 115746

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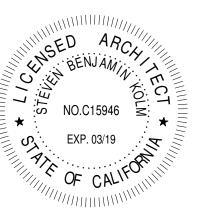
■ Project Information
Date: 2/15/2018
Status: PLANNING
Project Number: 1530

■ Sheet



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Client ASPIRE PUBLIC SCHOOLS

Project Name **ASPIRE ERES ACADEMY** 2956 INTERNATIONAL BOULEVARD OAKLAND CA, 94601

Consultants

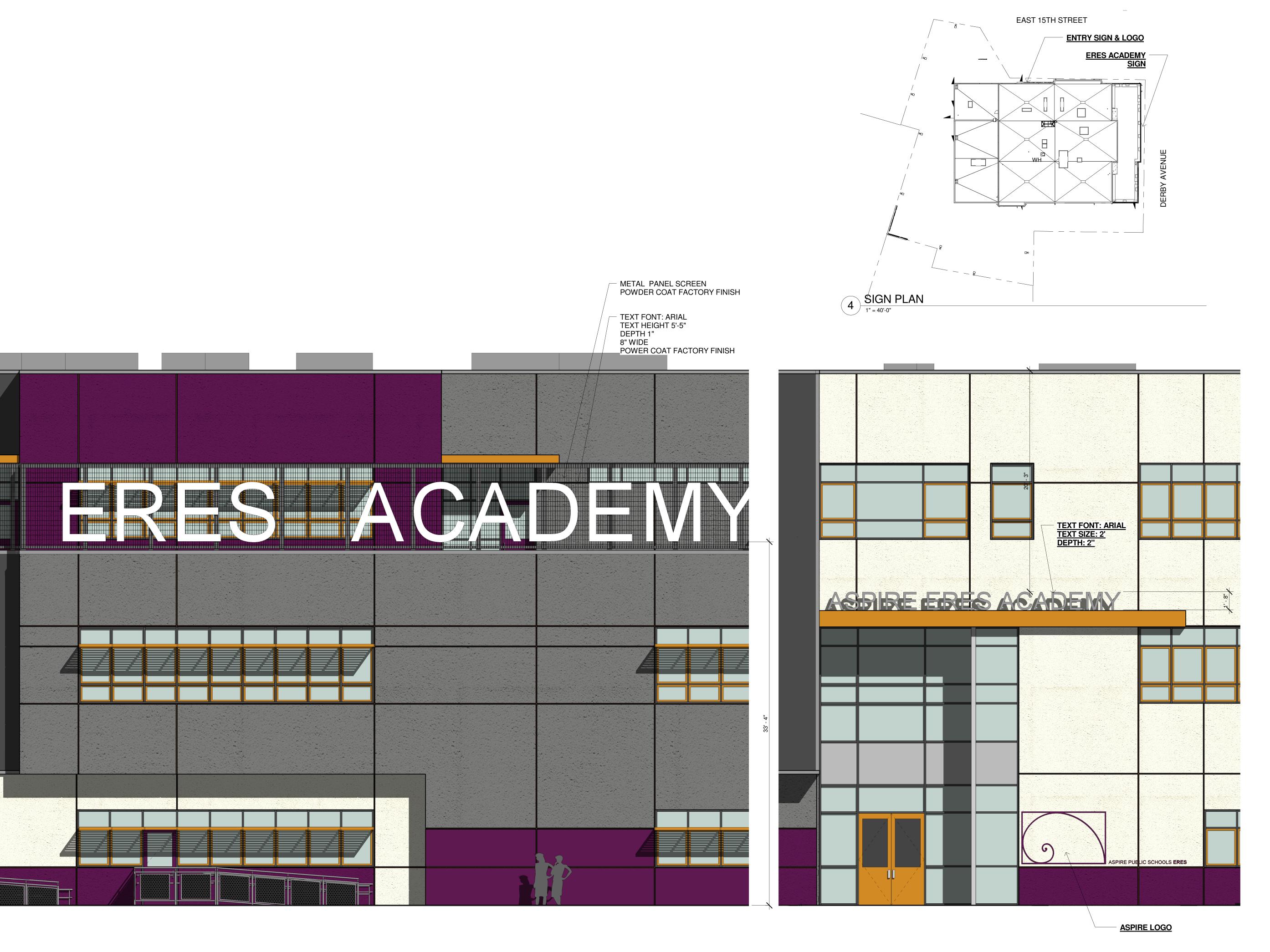
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SOUTH & WEST
ELEVATIONS

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■ Project Information

2/15/2018 PLANNING Project Number:

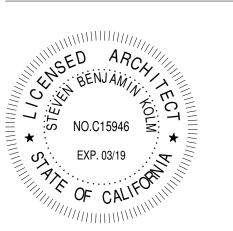




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fax **415.487.6909** 



■ Client
ASPIRE PUBLIC
SCHOOLS

■ Project Name
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ACADEMY

2956 INTERNATIONAL
BOULEVARD OAKLAND CA,
94601

Consultants

Sheet Name
SIGN PLAN

■ Approval Stamp

Revisions

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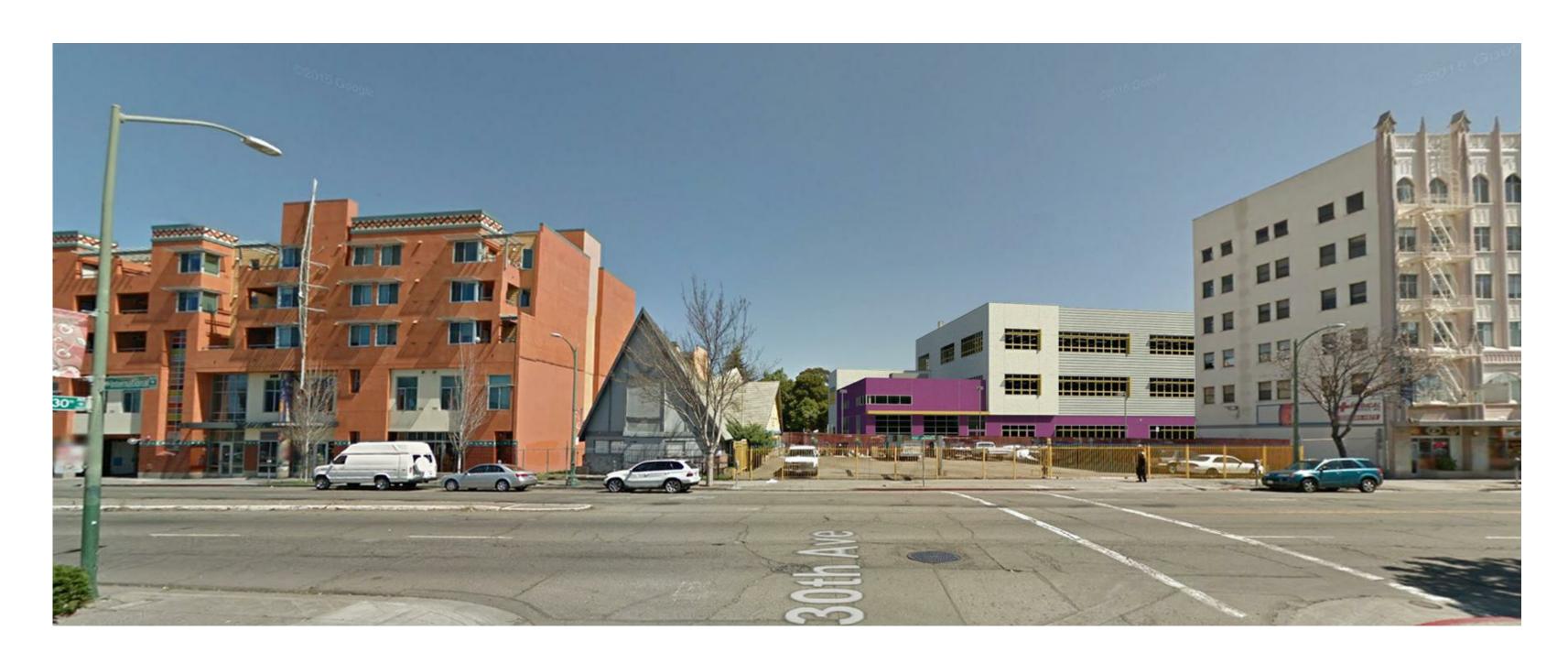
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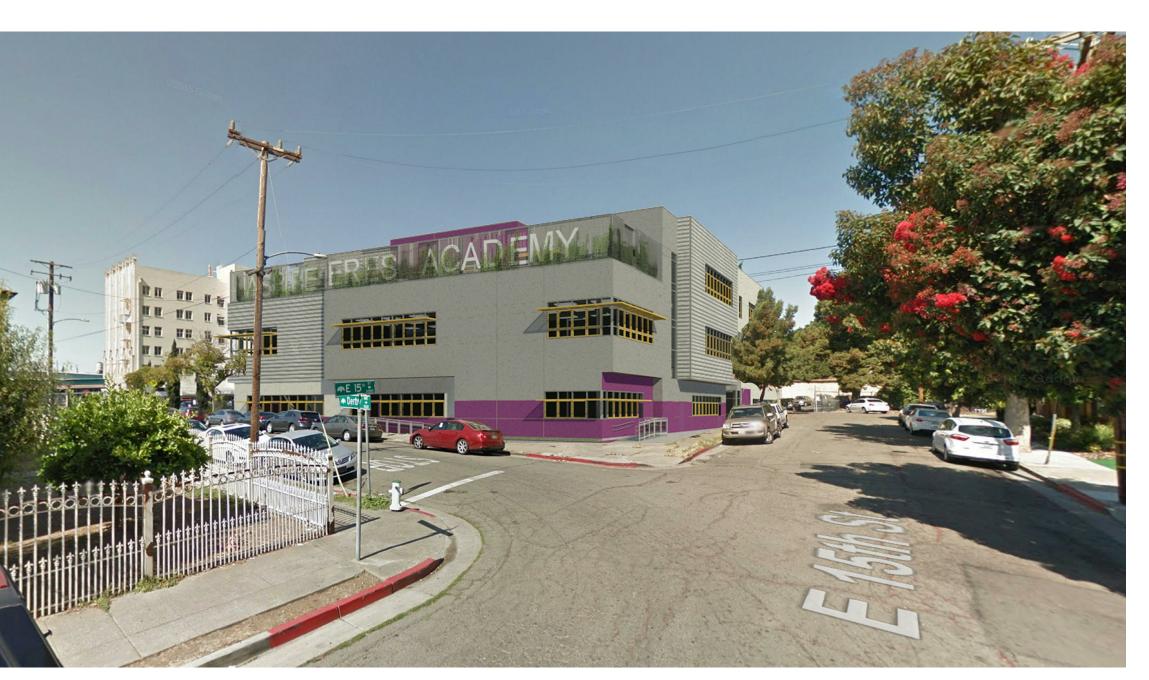
A902

2/15/2018 PLANNING





VIEW FROM INTERNATIONAL & 30TH AVE.



VIEW FROM DERBY AVE. & E 15TH ST.



ARCHITECTURE

+ INTERIORS

555 DeHaro Street, Suite 380 San Francisco, CA 94107 tel 415.487.6900 fax 415.487.6909



■ Client
ASPIRE PUBLIC
SCHOOLS

■ Project Name
ASPIRE ERES
ACADEMY

2956 INTERNATIONAL
BOULEVARD OAKLAND CA,
94601

Consultants

■ Sheet Name
THREE-DIMENSIONAL
EXHIBITS

Approval Stamp

DIVISION OF THE STATE ARCHITECT

APPL 01- 115746

ACS\_\_\_\_FLS\_\_\_SSS\_\_\_\_

■ Revisions

Sheet Information Drawing Scale: Drawn By:

Project Information

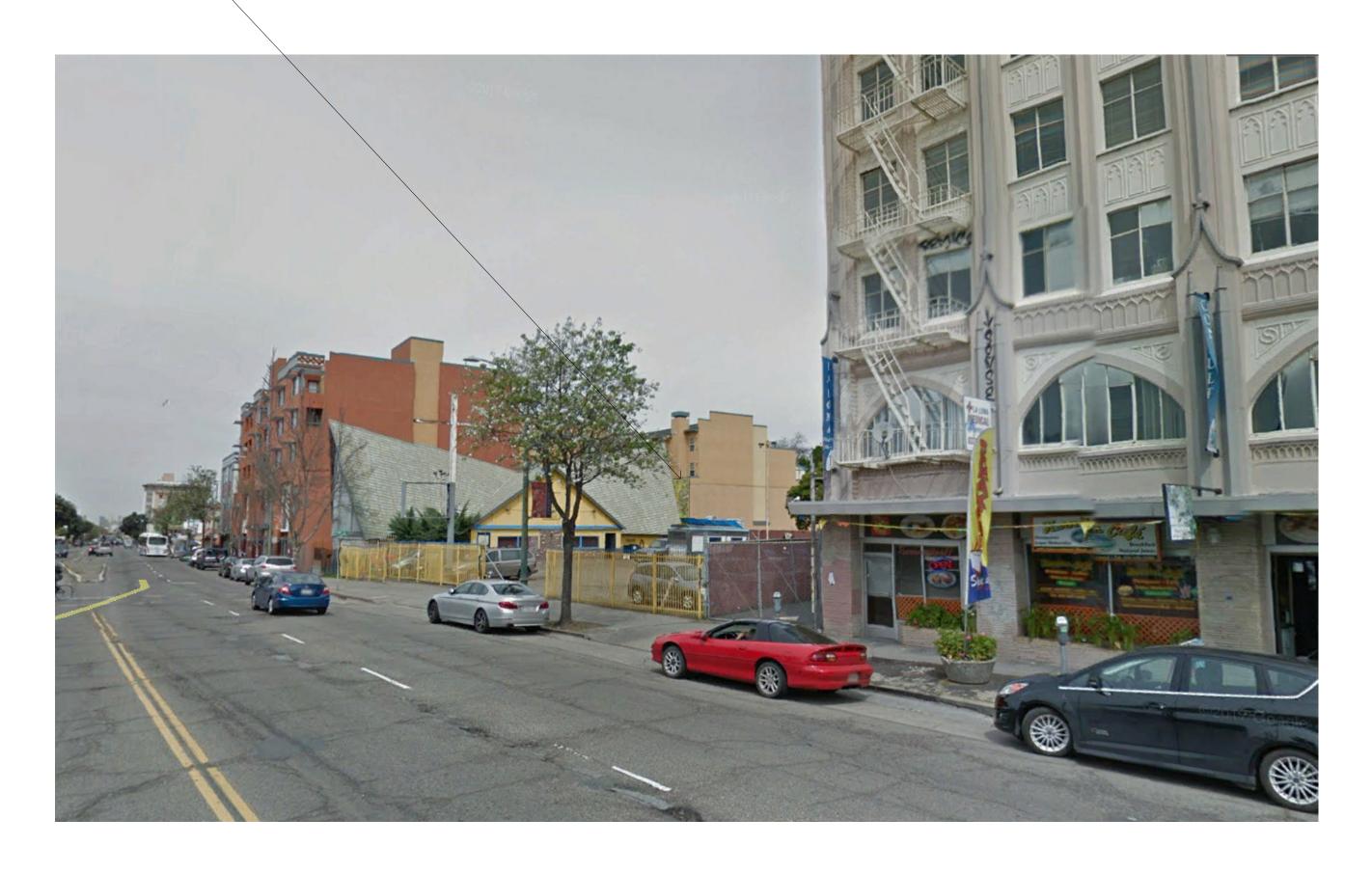
Date: 2/15/2018

Status: PLANNING

Project Number:

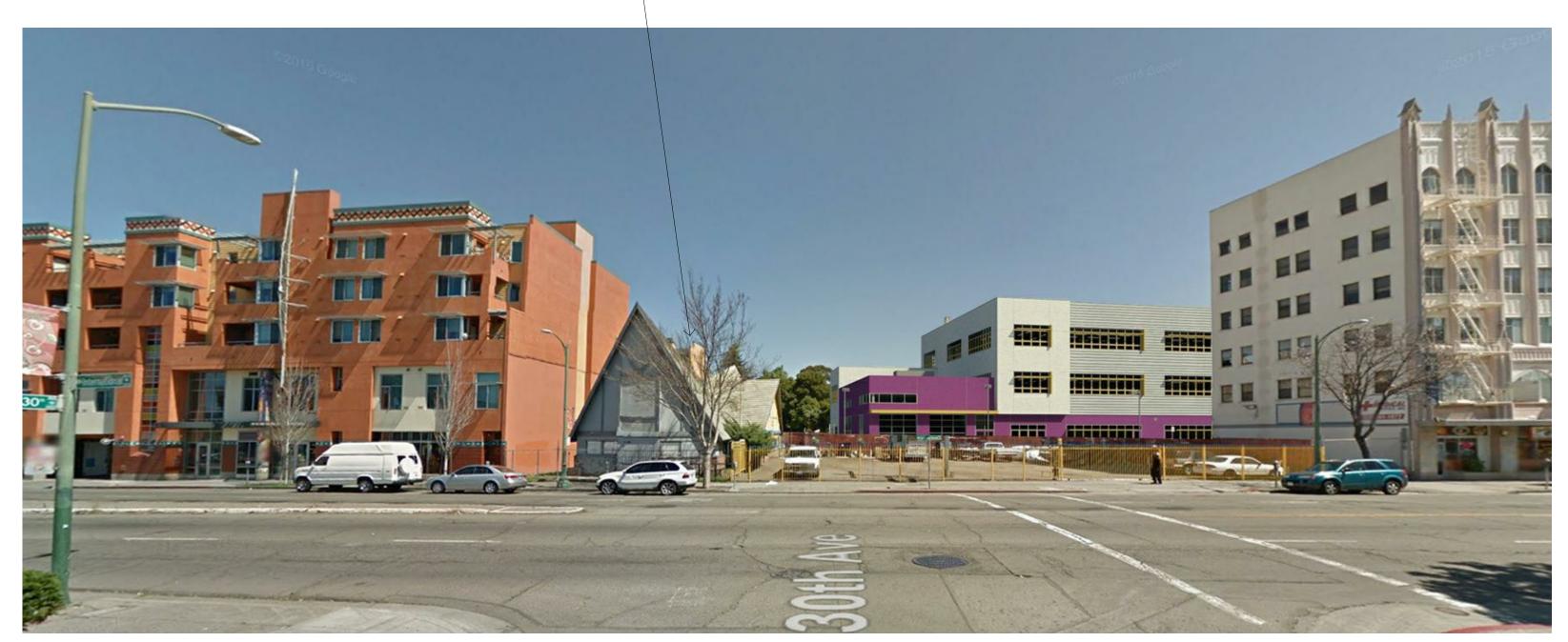
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VIEW FROM PLAYGROUND VIEW FROM INTERNATIONAL BLVD





VIEW FROM INTERNATIONAL & 30TH AVE.



+ INTERIORS

555 DeHaro Street, Suite 380 San Francisco, CA 94107 tel 415.487.6900 fax 415.487.6909



■ Client
ASPIRE PUBLIC
SCHOOLS

■ Project Name
ASPIRE ERES
ACADEMY

2956 INTERNATIONAL
BOULEVARD OAKLAND CA,
94601

Consultants

■ Sheet Name
GREEN WALL EXHIBIT

■ Approval Stamp

DIVISION OF THE STATE ARCHITECT

APPL 01- 115746

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DATE:

■ Revisions

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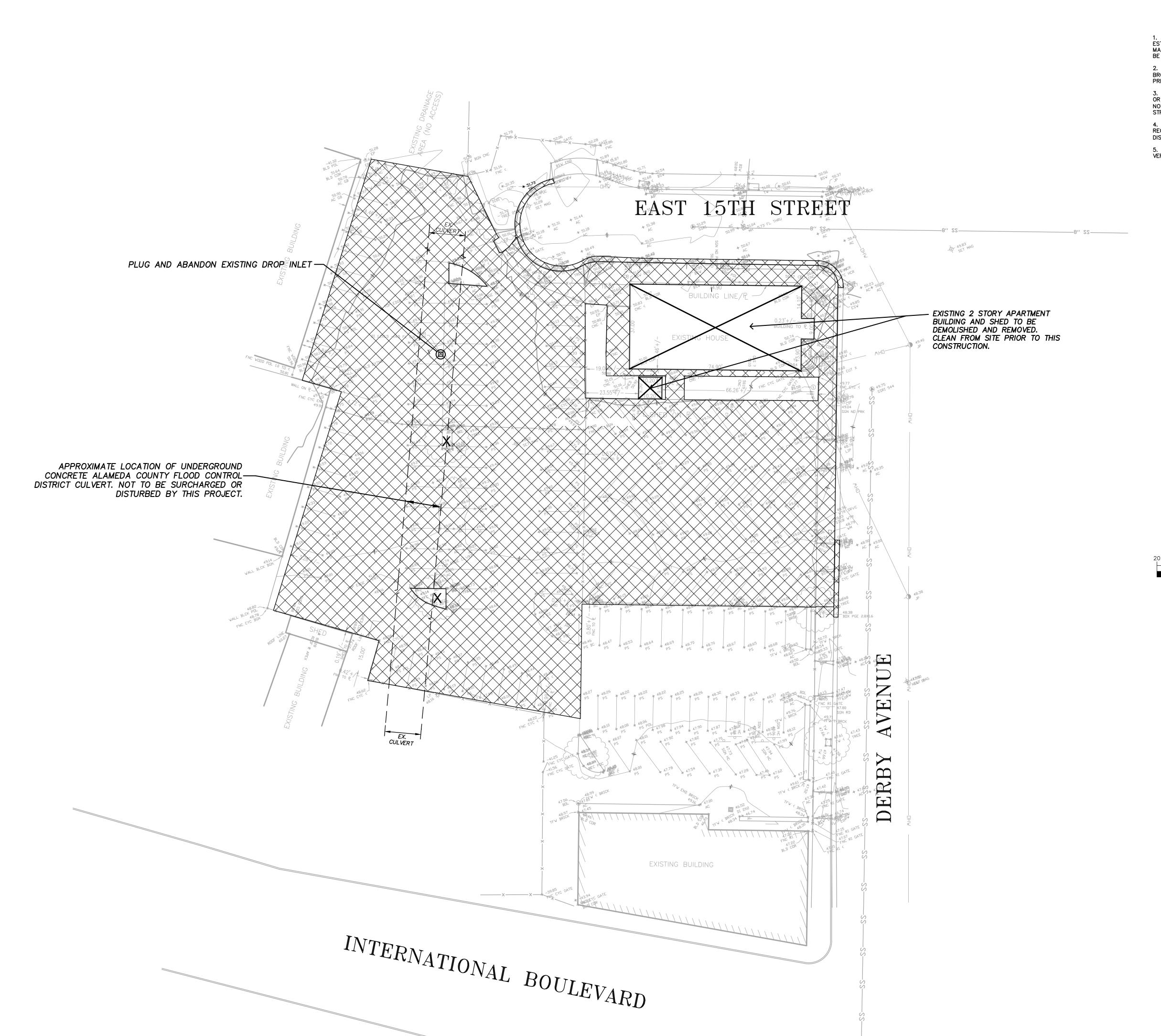
■ Project Information Date:

Status: Project Number:

■ Sheet

A904

2/15/2018 PLANNING



## GENERAL NOTES

1. THE CONTRACTOR SHALL LAY OUT THE WORK, SETTING GRADE STAKES, ESTABLISHING LINES, BASE LINES, ELEVATIONS AND OTHER REFERENCE MARKERS AND INFORMATION NECESSARY TO COMPLETE THE WORK AND SHALL BE RESPONSIBLE FOR THE ACCURACY THEREOF.

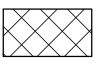
2. ANY INCONSISTENCIES IN EXISTING OR PROPOSED ELEVATIONS SHALL BE BROUGHT TO THE NOTICE OF THE OWNER'S REPRESENTATIVE FOR RESOLUTION PRIOR TO CONSTRUCTION OR AS SOON AS DISCOVERED.

3. IN THE EVENT THAT ANY UNKNOWN UNDERGROUND TANKS OR STRUCTURES OR UTILITY LINES ARE DISCOVERED ON THE SITE, THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE TO DETERMINE THE DISPOSITION OF THE STRUCTURE.

4. CONTRACTOR SHALL IMPORT REQUIRED MATERIALS OR EXPORT EXCESS AS REQUIRED TO ESTABLISH PLAN GRADES. EXCESS MATERIAL IF ANY SHALL BE DISPOSED OFF-SITE IN A LEGAL MANNER AT CONTRACTOR'S EXPENSE.

5. EXISTING WATER, STORM AND SANITARY INVERTS SHALL BE EXPOSED AND VERIFIED PRIOR TO ANY NEW CONSTRUCTION.

## DEMOLITION LEGEND

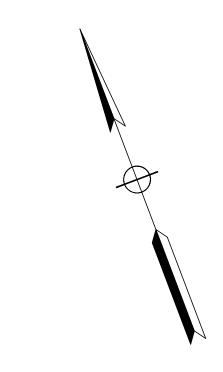


REMOVE EXISTING PAVEMENT & FENCING

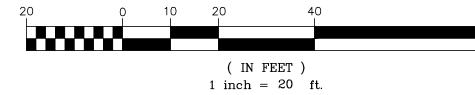
×

REMOVE EXISTING TREE

AC ASPHALT CONCRETE
AD AREA DRAIN
CB CATCH BASIN
CO CLEAN OUT
CONC. CONCRETE
EX., EXIST. EXISTING
TYP. TYPICAL



GRAPHIC SCALE





ARCHITECTURE

+ INTERIORS

555 DeHaro Street, Suite 380

San Francisco, CA 94107

tel **415.487.6900** fax **415.487.6909** 

Client

**ASPIRE PUBLIC** 

SCHOOLS

■ Project Name

ASPIRE ERES

ACADEMY
2956 INTERNATIONAL
BOULEVARD OAKLAND CA,
94601

Consultants



UNDERWOOD & ROSENBLUM, INC
civil engineers and surveyor
1630 Oakland Road, Suite A114, San Jose, CA 94

Sheet Name
SITE DEMOLITION
PLAN

Approval Stamp

DIVISION OF THE STATE ARCHITECT

APPL 01- 115746

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Revisions

⚠ DSA Revision 1 6/29/2017

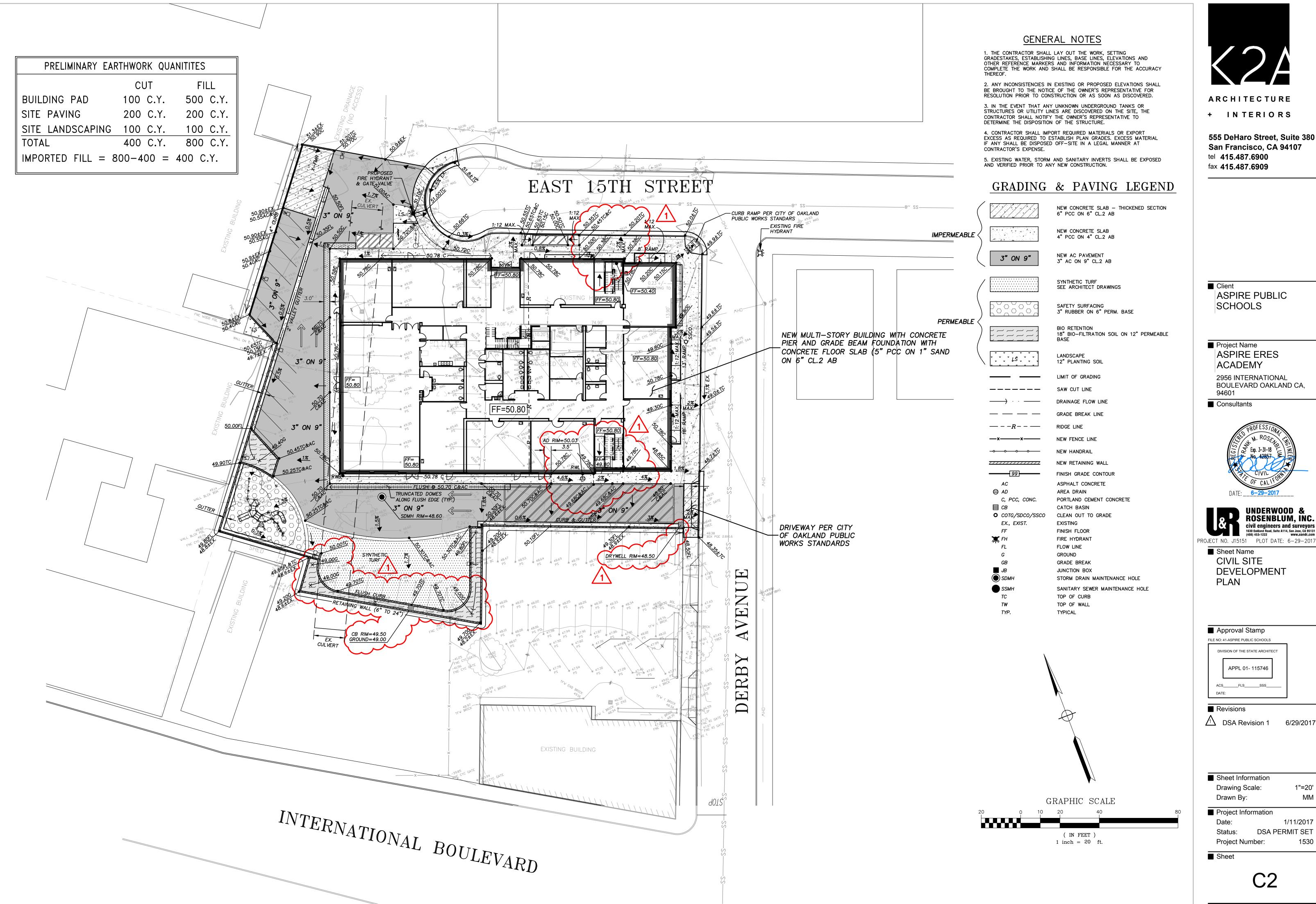
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■ Project Information
Date: 1/11/2017

Status: DSA PERMIT SET Project Number: 1530

Sheet

C1



ARCHITECTURE

+ INTERIORS

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Client **ASPIRE PUBLIC** SCHOOLS

Project Name **ASPIRE ERES ACADEMY** 2956 INTERNATIONAL

BOULEVARD OAKLAND CA,

Consultants



UNDERWOOD & ROSENBLUM, INC. civil engineers and surveyors 1630 Oakland Road. Suite Associations of the Association of the Assoc

■ Sheet Name CIVIL SITE DEVELOPMENT PLAN

Approval Stamp

FILE NO: 41-ASPIRE PUBLIC SCHOOLS DIVISION OF THE STATE ARCHITEC APPL 01- 115746

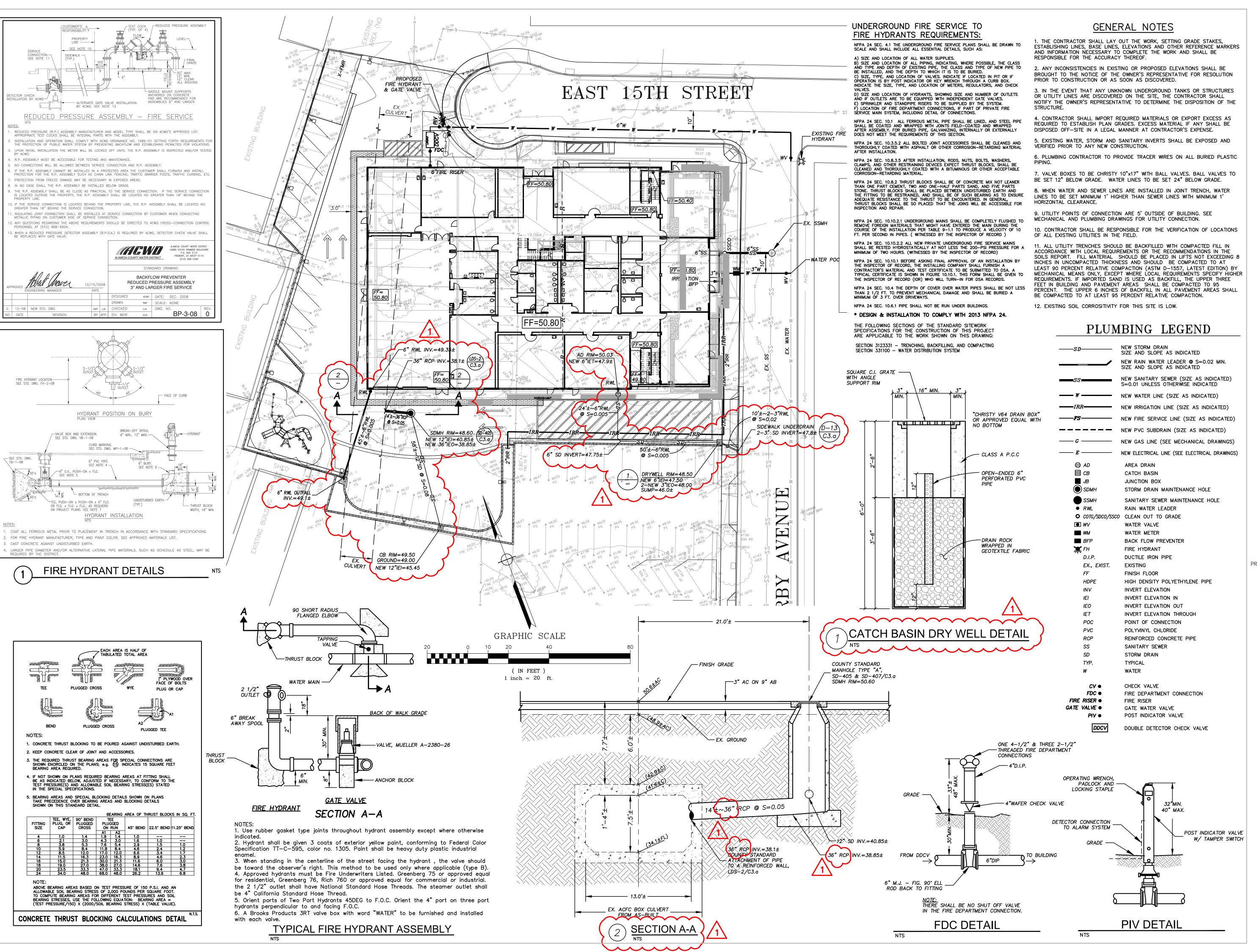
Revisions

DSA Revision 1 6/29/2017

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■ Project Information 1/11/2017 DSA PERMIT SET Status: 1530 Project Number:

Sheet



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555 DeHaro Street, Suite 380 San Francisco, CA 94107 tel **415.487.6900** fax **415.487.6909** 

Client **ASPIRE PUBLIC SCHOOLS** 

Project Name **ASPIRE ERES ACADEMY** 

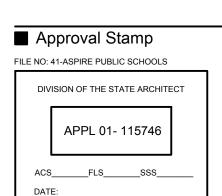
2956 INTERNATIONAL BOULEVARD OAKLAND CA 94601

Consultants



civil engineers and surveyors

PROJECT NO. J15151 PLOT DATE: 6-29-2017Sheet Name SITE PLUMBING PLAN



Revisions

6/29/2017  $\triangle$  DSA Revision 1

1"=20'

1/11/2017

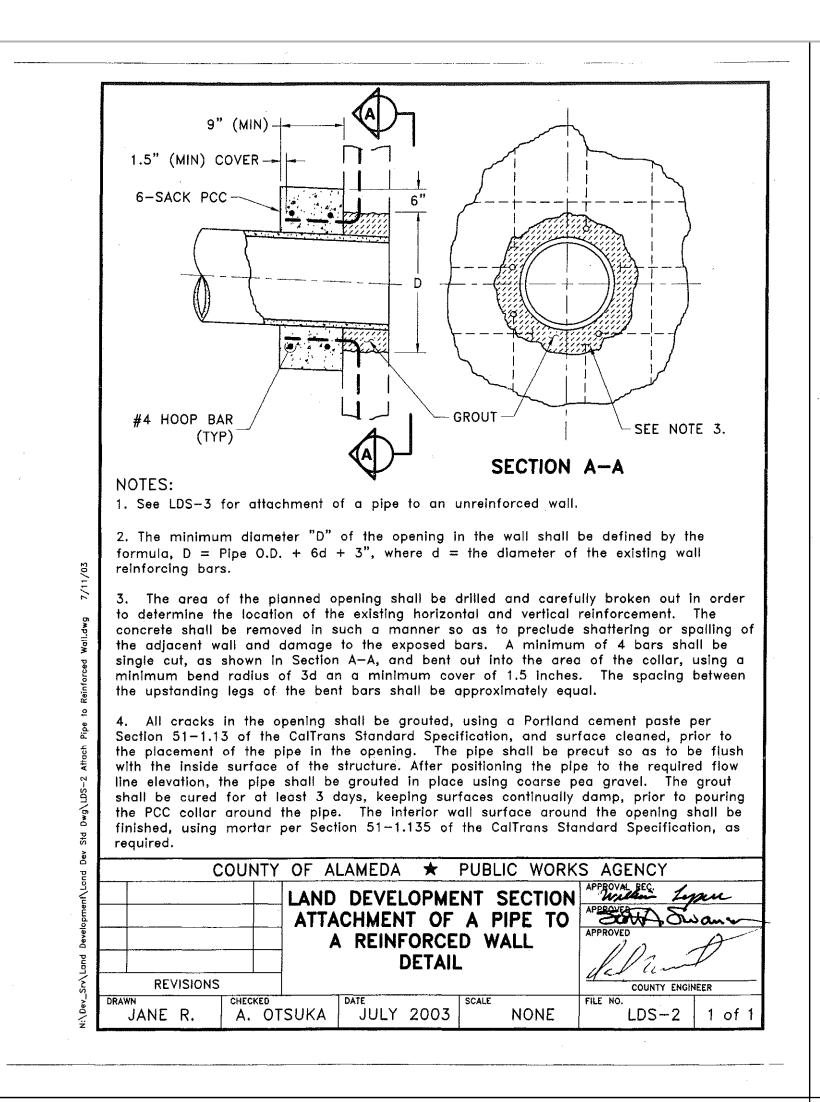
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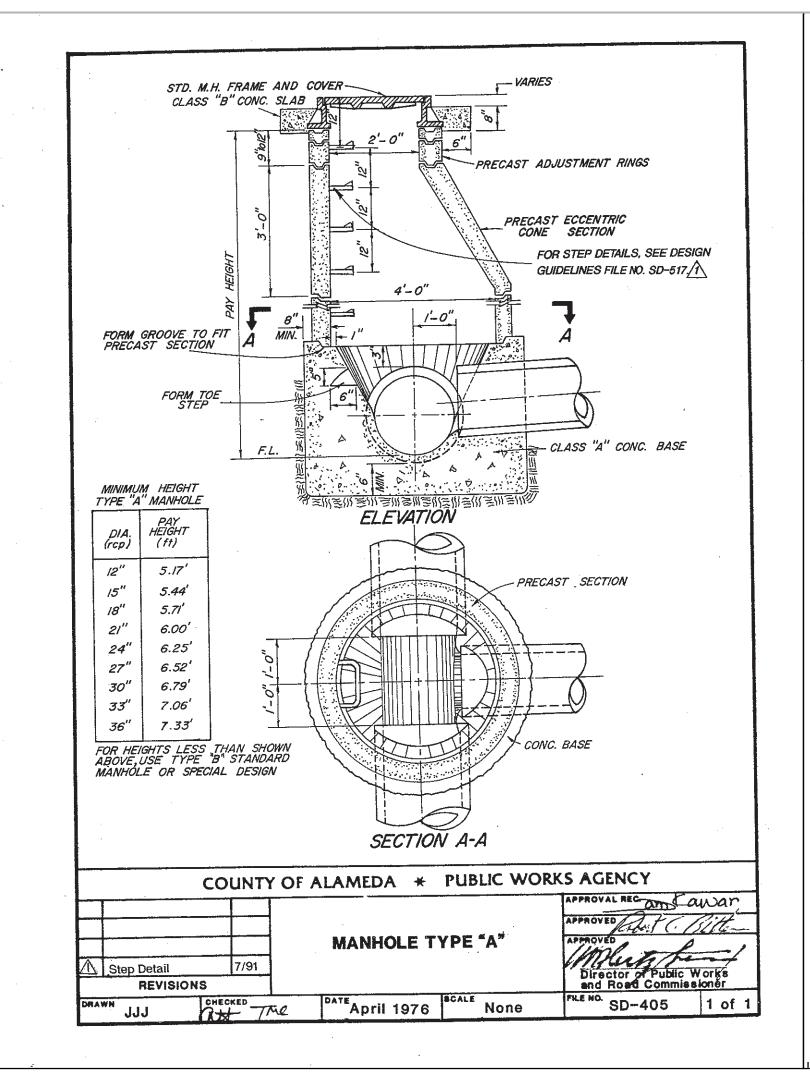
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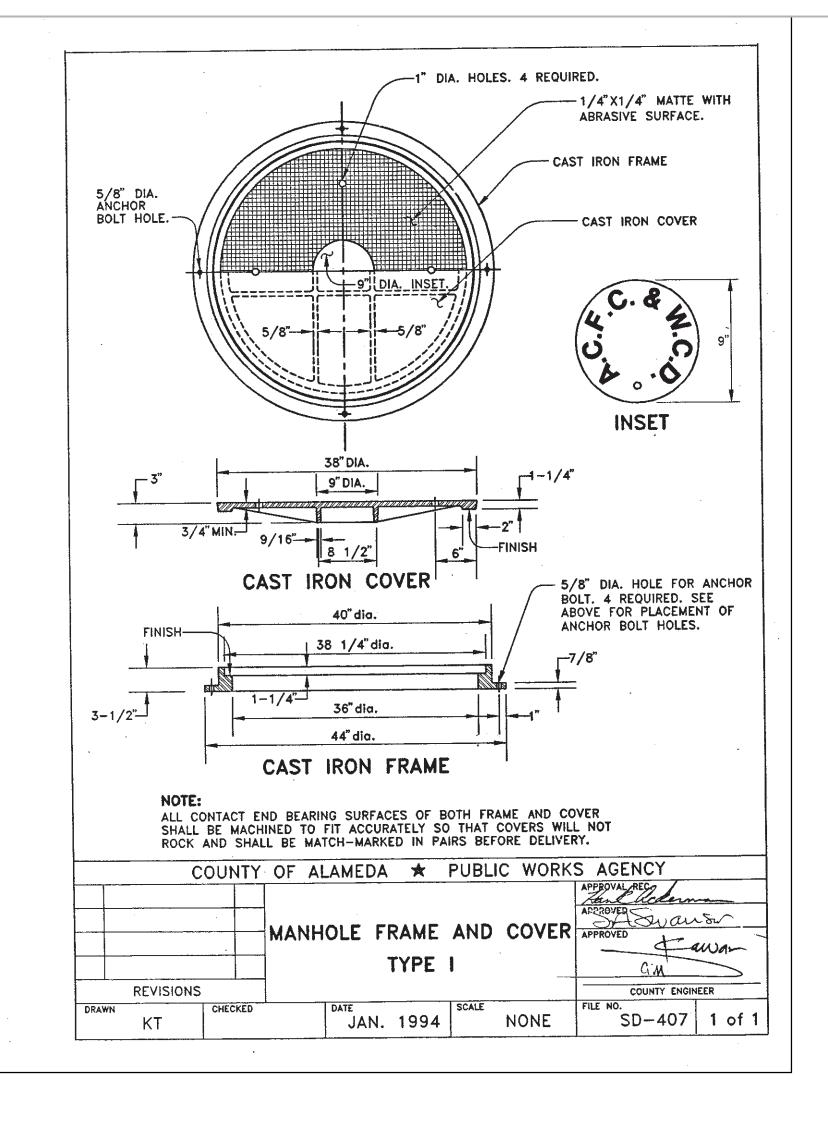
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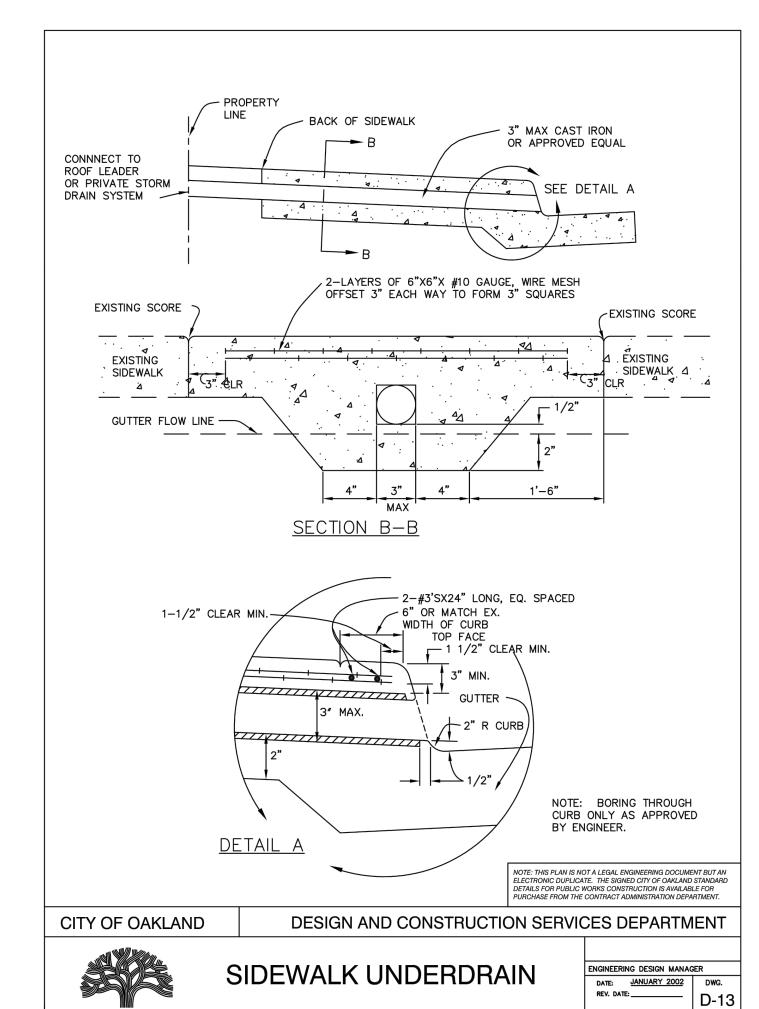
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Project Number:











555 DeHaro Street, Suite 380 San Francisco, CA 94107 tel 415.487.6900 fax 415.487.6909

ASPIRE PUBLIC SCHOOLS

■ Project Name
ASPIRE ERES
ACADEMY
2956 INTERNATIONAL

BOULEVARD OAKLAND CA, 94601

Consultants





Sheet Name

SITE PLUMBING
COUNTY & CITY
STANDARD DETAILS

Approval Stamp

FILE NO: 41-ASPIRE PUBLIC SCHOOLS

DIVISION OF THE STATE ARCHITECT

APPL 01- 115746

ACS\_\_\_\_FLS\_\_\_SSS\_\_
DATE:

Revisions

DSA Revision 1

6/29/2017

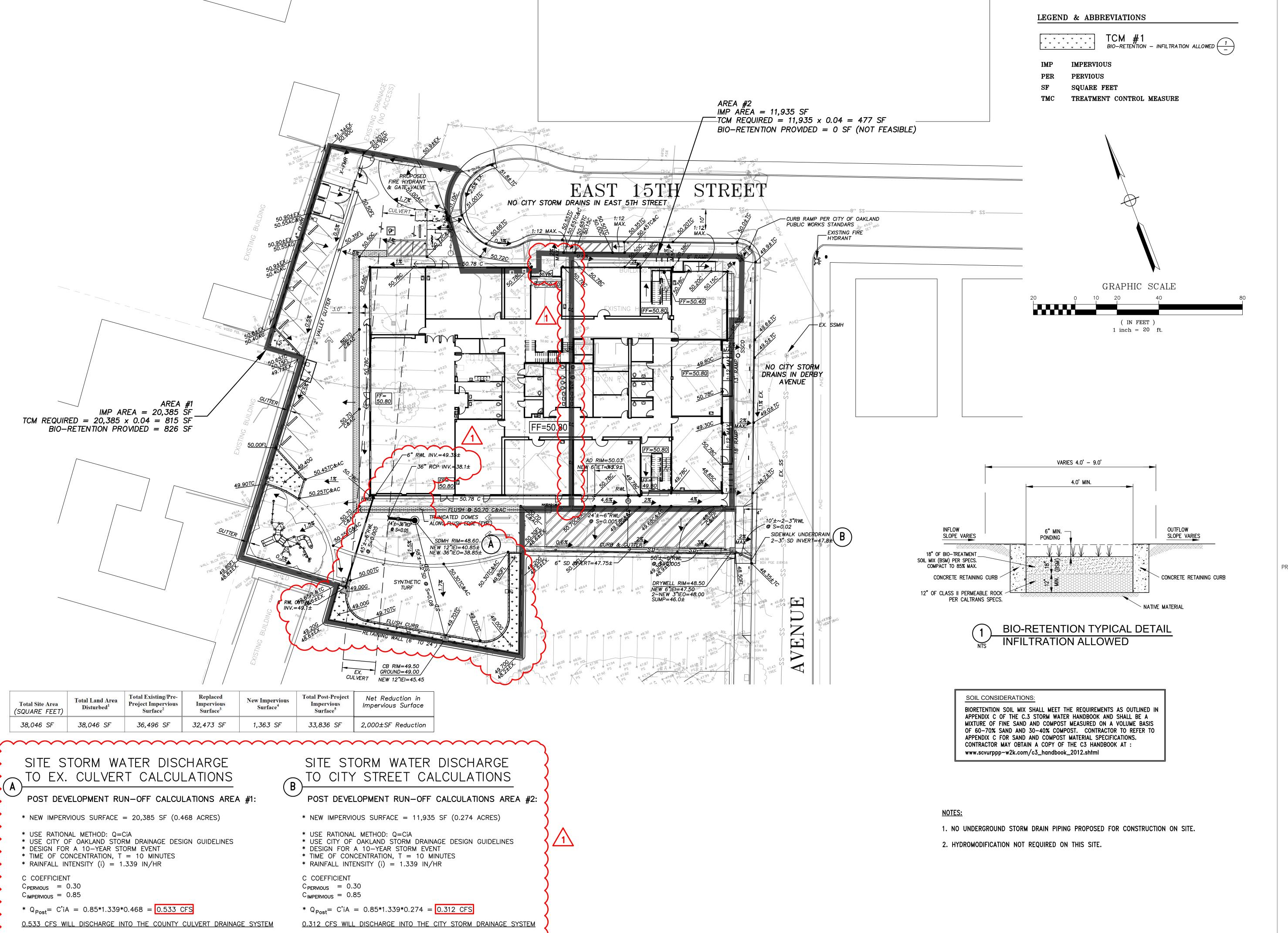
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■ Project Information

Date: 1/11/2017
Status: DSA PERMIT SET
Project Number: 1530

Sheet





ARCHITECTURE

+ INTERIORS

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Client **ASPIRE PUBLIC** SCHOOLS

Project Name **ASPIRE ERES ACADEMY** 

2956 INTERNATIONAL BOULEVARD OAKLAND CA,

Consultants



ROSENBLUM, INC. civil engineers and surveyors

PROJECT NO. J15151 PLOT DATE: 6-29-2017 Sheet Name POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN

Approval Stamp

FILE NO: 41-ASPIRE PUBLIC SCHOOLS DIVISION OF THE STATE ARCHITECT APPL 01- 115746

Revisions

DATE:

△ DSA Revision 1 6/29/2017

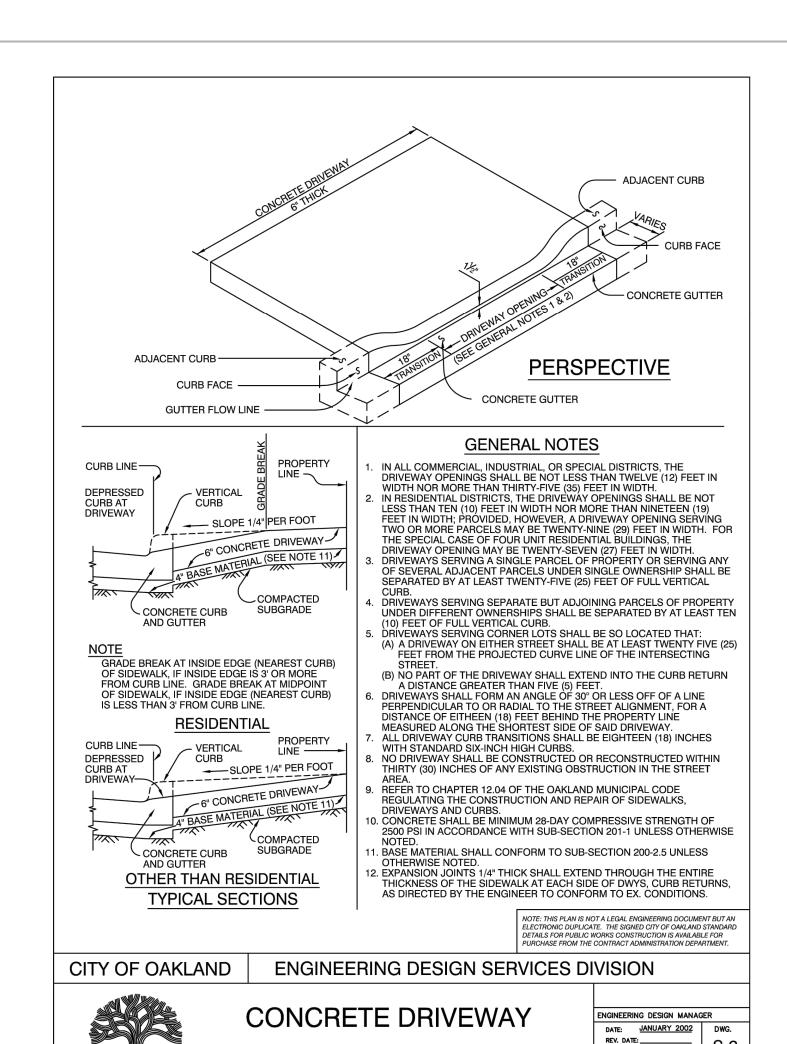
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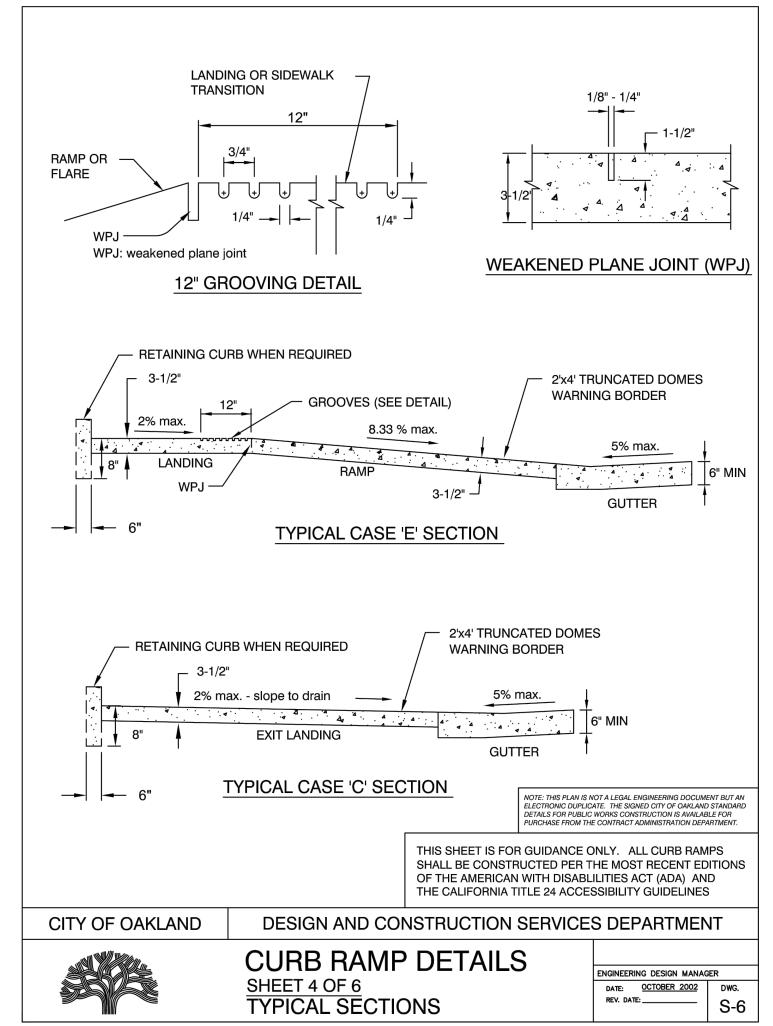
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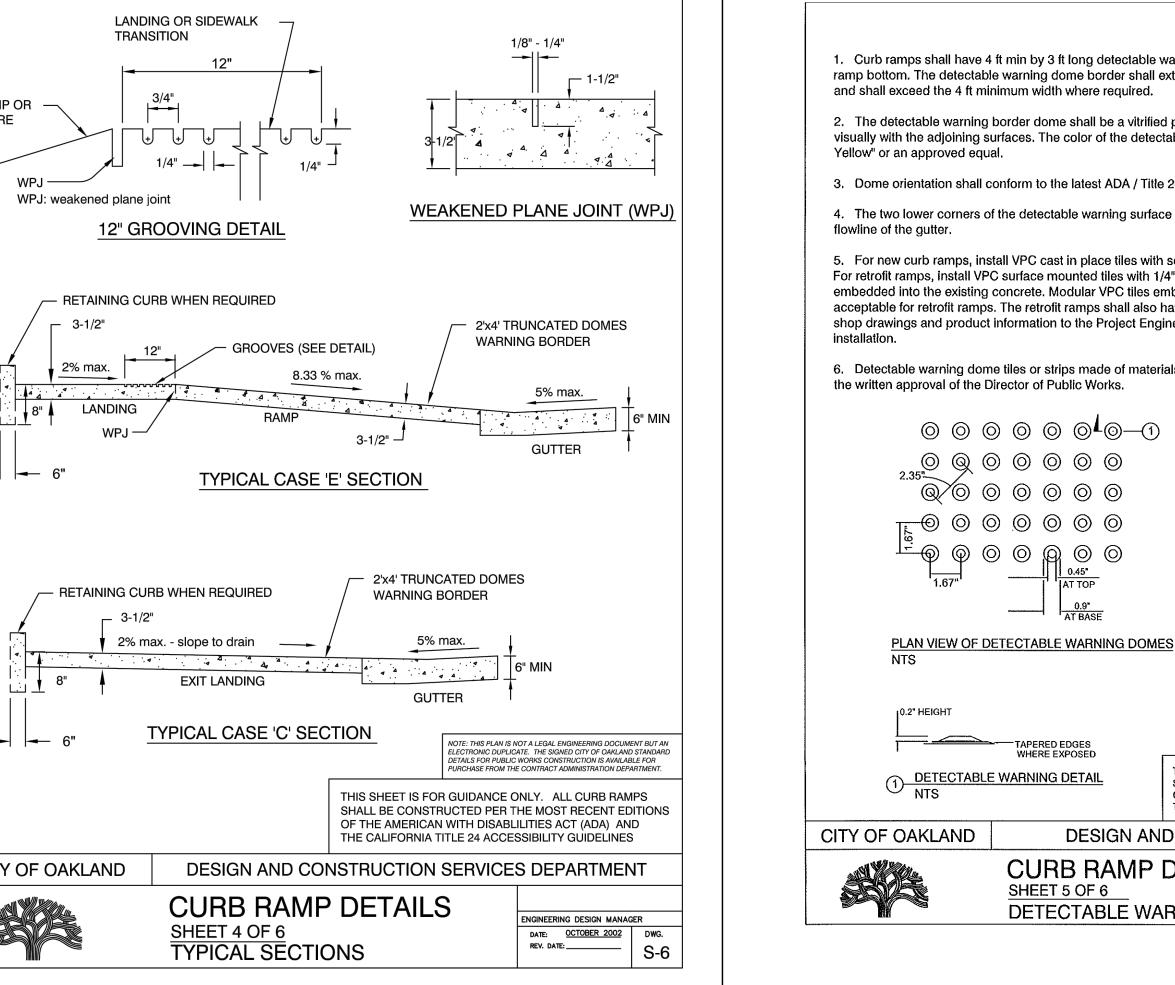
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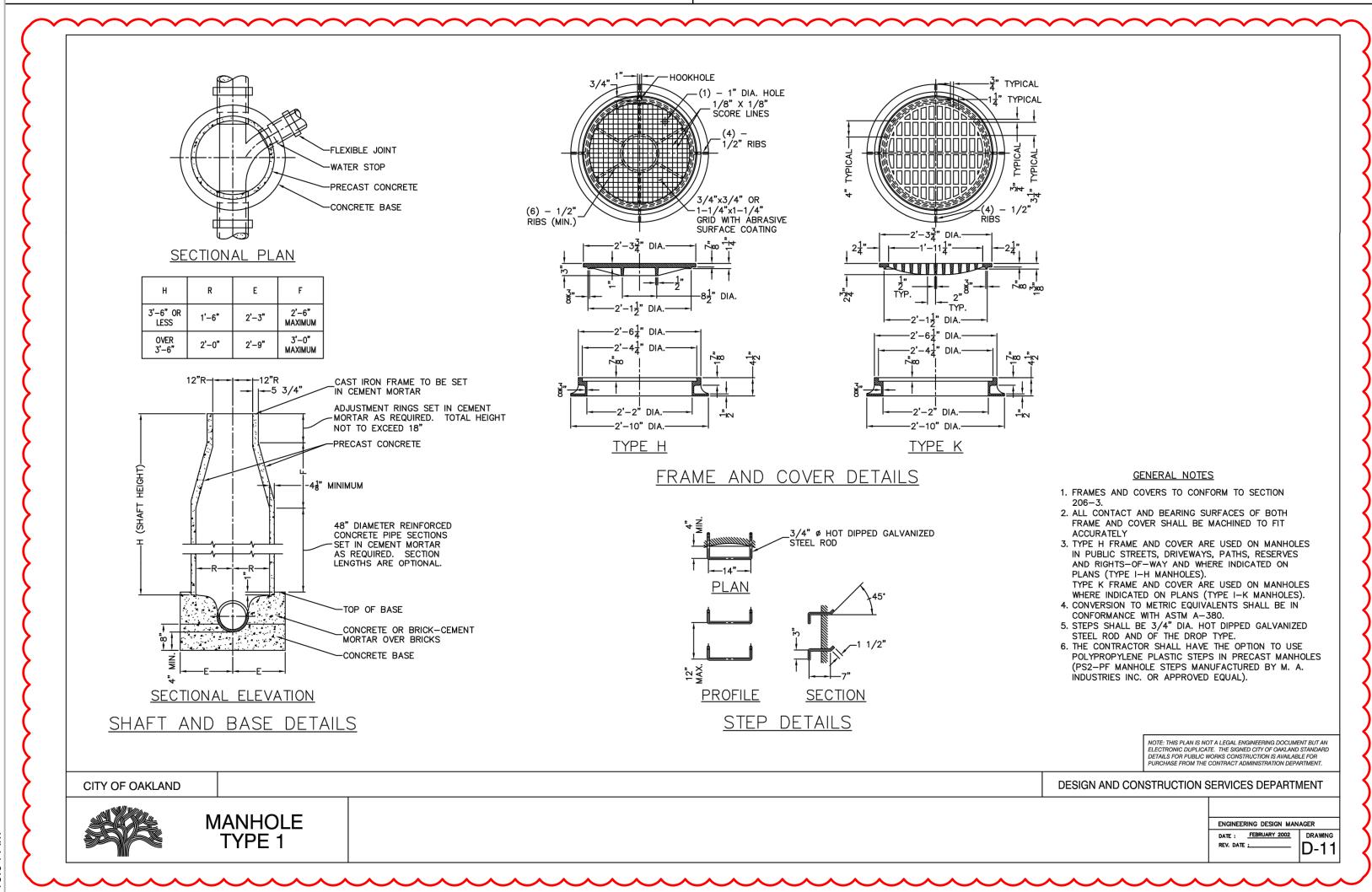
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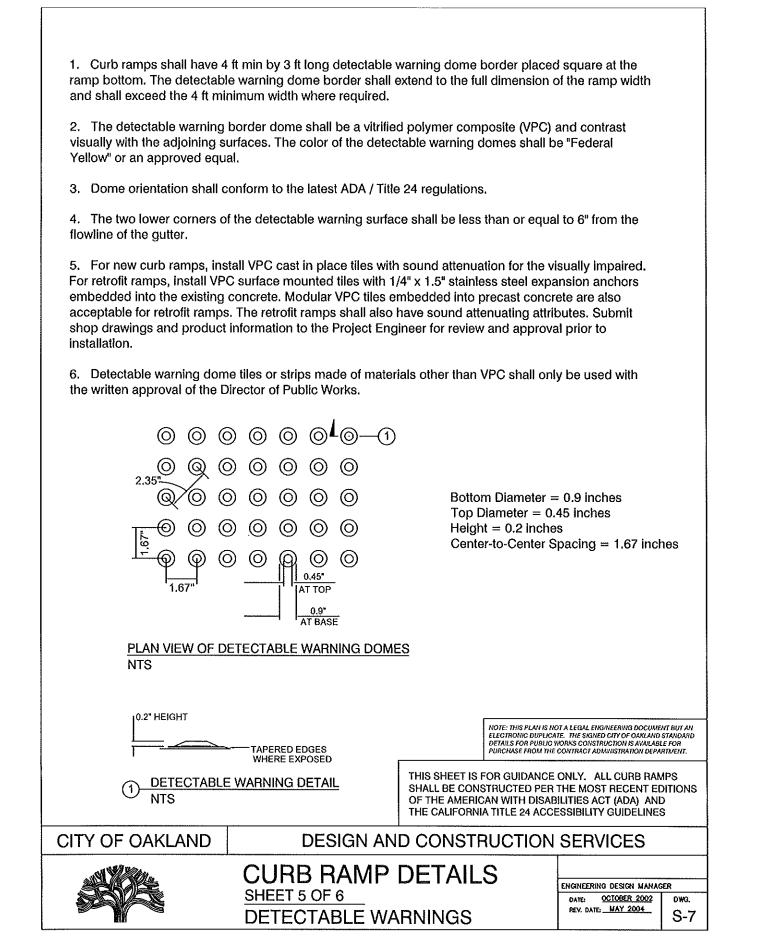
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+ INTERIORS

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Client **ASPIRE PUBLIC** SCHOOLS

Project Name **ASPIRE ERES ACADEMY** 2956 INTERNATIONAL

BOULEVARD OAKLAND CA, 94601

Consultants





Sheet Name CIVIL DETAILS **OFF-SITE** 

Approval Stamp FILE NO: 41-ASPIRE PUBLIC SCHOOLS

DIVISION OF THE STATE ARCHITECT APPL 01- 115746

Revisions

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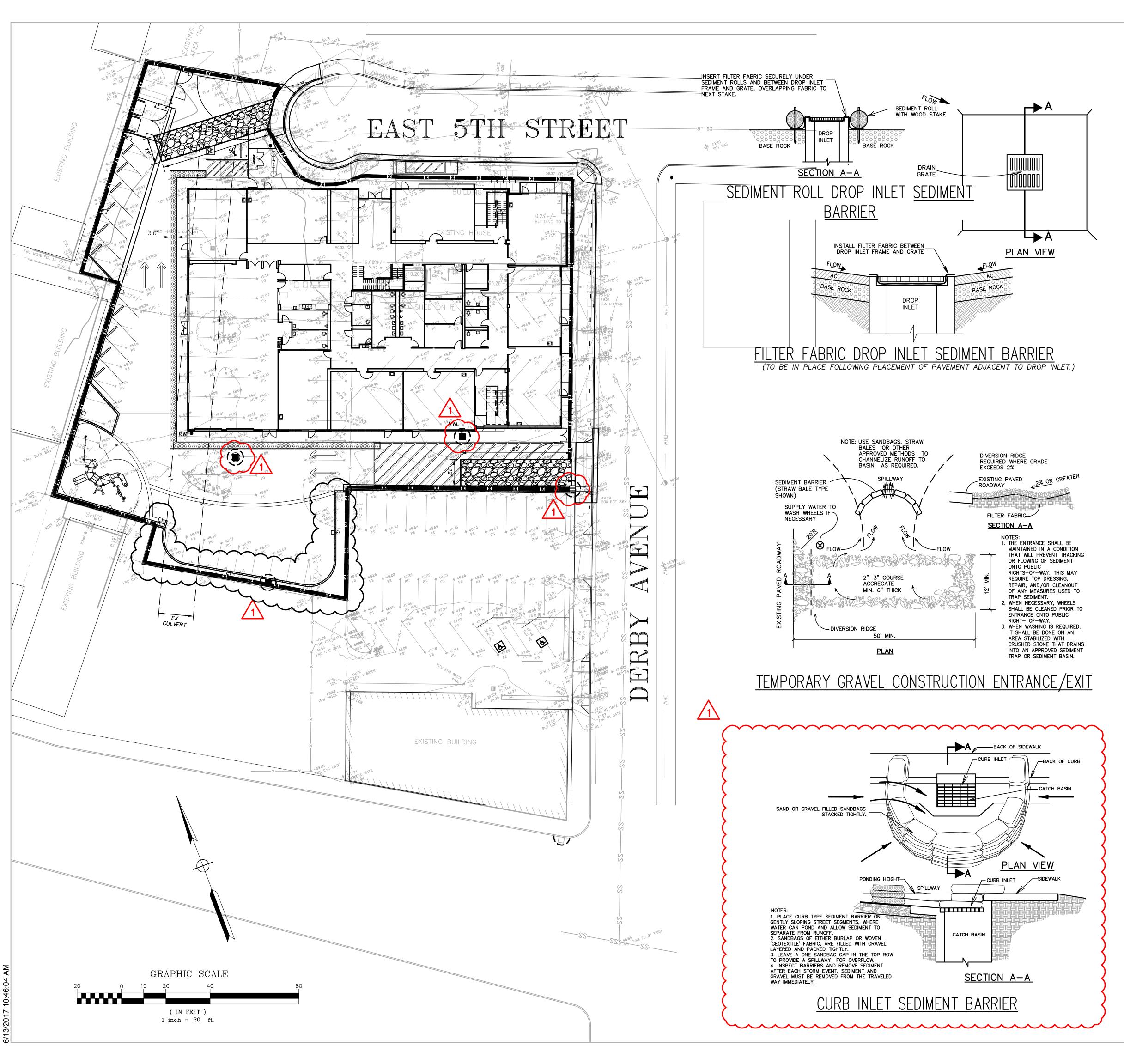
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## **EROSION CONTROL NOTES**

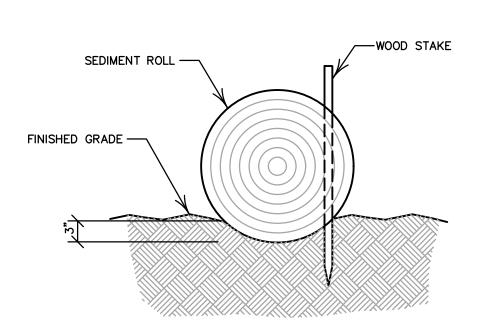
- 1. THE FACILITIES SHOWN ON THIS PLAN ARE DESIGNED TO CONTROL THE SEDIMENT DURING THE RAINY EVENTS, AFTER ROUGH GRADING HAS BEEN COMPLETED. MEASURES ARE TO BE OPERABLE PRIOR TO RAIN EVENTS OF ANY YEAR GRADING OPERATIONS HAVE LEFT AREAS UNPROTECTED FROM EROSION.
- 2. MAINTENANCE IS TO BE PERFORMED AS FOLLOWS: A) REPAIR DAMAGES CAUSED BY SOIL EROSION OR CONSTRUCTION AT THE END OF EACH WORKING DAY.
- MAINTAINED AS REQUIRED. C) STRAW BALE DIKE, BERMS, AND SWALES ARE TO BE INSPECTED AFTER EACH STORM AND REPAIRS ARE TO BE MADE AS NEEDED.

B) SWALES SHALL BE INSPECTED PERIODICALLY AND

- D) SEDIMENT SHALL BE REMOVED AND SEDIMENT TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT HAS ACCUMULATED TO WITHIN ONE FOOT OF OUTLET ELEVATION.
- E) SEDIMENT REMOVED FROM TRAP SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
- 3. DURING THE RAINY EVENTS, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT LADEN RUNOFF TO ANY STORM DRAINAGE SYSTEM.
- 4. CONSTRUCTION ENTRANCE CONSISTING OF AN 8" THICK LAYER OF 2"-3" COARSE DRAIN ROCK FOR A DISTANCE OF 50 FEET IS TO BE PROVIDED AT EACH VEHICLE ACCESS POINT TO EXISTING PAVED STREETS.
- 5. INLETS NOT USED IN CONJUNCTION WITH EROSION CONTROL TO BE BLOCKED UNLESS THE AREA DRAINED IS UNDISTURBED OR STABILIZED.
- 6. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED AND CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DIRECTION OF THE DIRECTOR OF PUBLIC WORKS.
- 7. THIS PLAN COVERS ONLY THE FIRST WINTER FOLLOWING GRADING. PLANS ARE TO BE RE-SUBMITTED FOR CITY APPROVAL PRIOR TO THE SEPTEMBER FIRST OF EACH SUBSEQUENT YEAR UNTIL THE SITE IMPROVEMENTS ARE ACCEPTED BY THE CITY.
- 8. ALL EROSION CONTROL FACILITIES MUST BE INSPECTED AND REPAIRED AT THE END OF EACH WORKING DAY OR DAILY DURING THE RAINY EVENTS.
- 9. SEDIMENT BASINS SHALL BE CLEANED OUT WHENEVER SEDIMENT REACHES THE SEDIMENT CLEAN OUT LEVEL INDICATED ON THE PLANS.
- 10. BORROW AREAS AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS.
- 11. ALL CUT AND FILL SLOPES ARE TO BE PROTECTED TO PREVENT OVER BANK FLOW.
- 12. THIS PLAN MAY NOT COVER ALL THE SITUATIONS THAT ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS MAY BE MADE TO THE PLAN IN
- THE FIELD SUBJECT TO THE APPROVAL OF THE CITY. 13. ALL NEW ON-SITE DRAINS IN EXISTING OR PROPOSED AC PAVEMENT AREAS SHALL BE FITTED WITH A "FOSSIL FILTER FLOGARD" SYSTEM IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.



CURB INLET SEDIMENT BARRIER SEDIMENT BARRIER ROLL TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT ENTRANCE/EXIT



ENTRENCHMENT IN FLAT AREA

SEDIMENT ROLL DETAILS



ARCHITECTURE

+ INTERIORS

555 DeHaro Street, Suite 380 San Francisco, CA 94107 tel **415.487.6900** fax **415.487.6909** 

Client **ASPIRE PUBLIC** SCHOOLS

Project Name **ASPIRE ERES ACADEMY** 

2956 INTERNATIONAL BOULEVARD OAKLAND CA, 94601

Consultants



UNDERWOOD & ROSENBLUM, INC. civil engineers and surveyors

PROJECT NO. J15151 PLOT DATE: 6-29-2017 Sheet Name **EROSION CONTROL** PLAN

Approval Stamp



Revisions

DSA Revision 1

6/29/2017

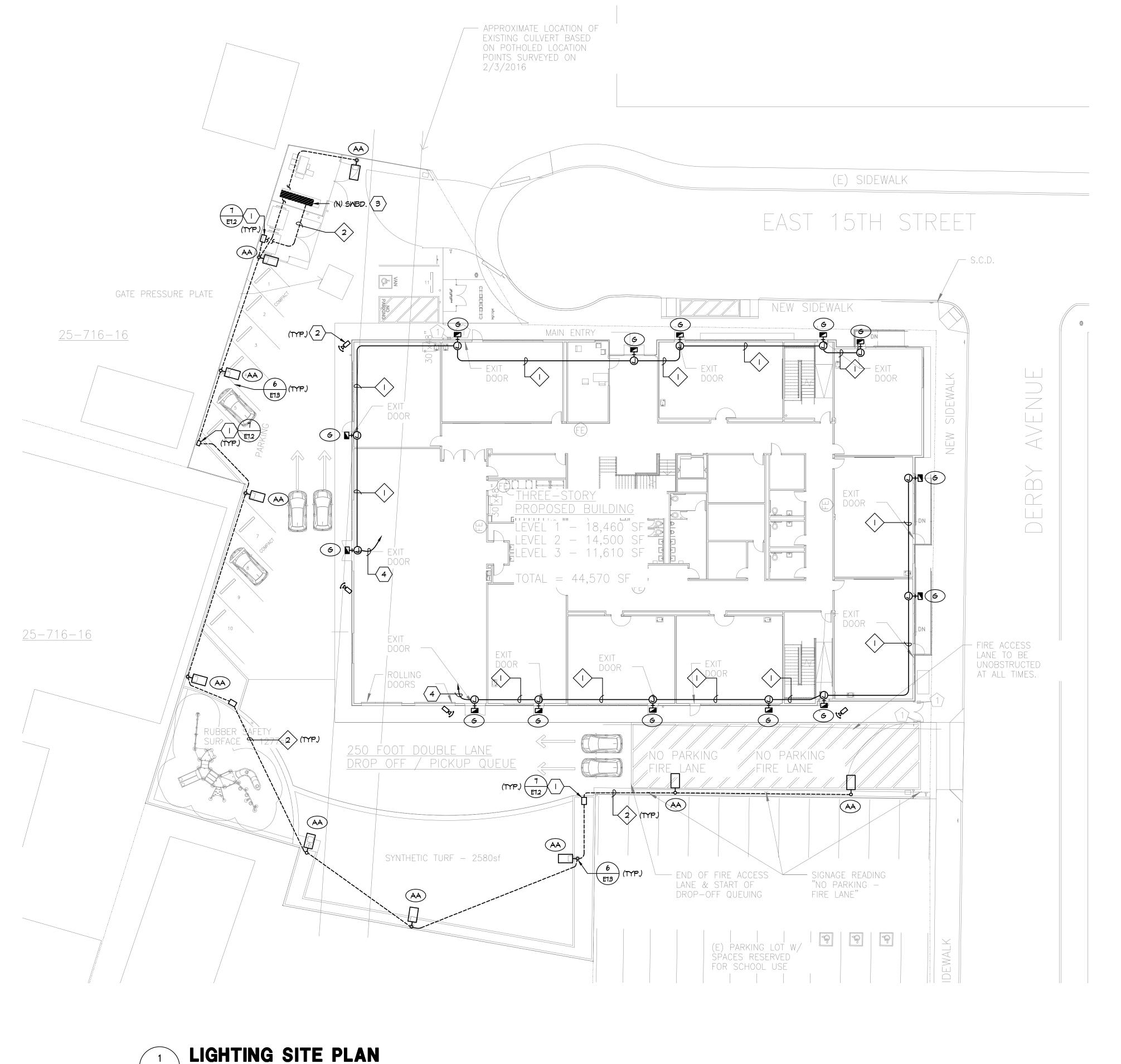
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Project Number:

1/11/2017 DSA PERMIT SET Status:

Sheet



SCALE: 1/6" = 1'-0"

# **GENERAL NOTES:**

 ALL ELECTRICAL WORK SHALL COMPLY WITH THE 2013 CALIFORNIA ELECTRICAL CODE.

## **SHEET NOTES:**

- PROVIDE NEW IN-GRADE PULLBOX. LABEL LID "LIGHTING".
- 2 NEW SECURITY CAMERA. PROVIDE (N) J-BOX AND HOMERUN 1-1/2"C WITH PULL STRING TO MDF ROOM, #125.
- $\langle$  3  $\rangle$  (N) SMIBD. SEE SINGLE LINE FOR REQUIREMENT.
- HOMERUN I"C TO NEW PANEL "IL" IN ELECTRICAL ROOM "II8". SEE FLOOR PLAN FOR ADDITIONAL REQUIREMENT.

# **CONDUIT SCHEDULE:**

NEW I"C - BUILDING EXTERIOR LIGHTING.

2 NEW 2"C - SITE POLE LIGHTING.

ARCHITECTURE

+ INTERIORS

555 DeHaro Street, Suite 380 San Francisco, CA 94107 tel 415.487.6900 fax 415.487.6909

■ Client
ASPIRE PUBLIC
SCHOOLS

Project Name
ASPIRE ERES
ACADEMY

2956 INTERNATIONAL
BOULEVARD OAKLAND CA,
94601

Consultants



American Consulting Engineers
Electrical, Inc.

1590 The Alameda, Suite 200 San Jose, CA 95126 JOB # E15397.00

■ Sheet Name

LIGHTING SITE PLAN

Approval Stamp

FILE NO: 41-ASPIRE PUBLIC SCHOOLS

■ Revisions

DSA Revision 1

■ Sheet Information

Drawing Scale: AS NOTED

Drawn By: MG/ KC

■ Project Information

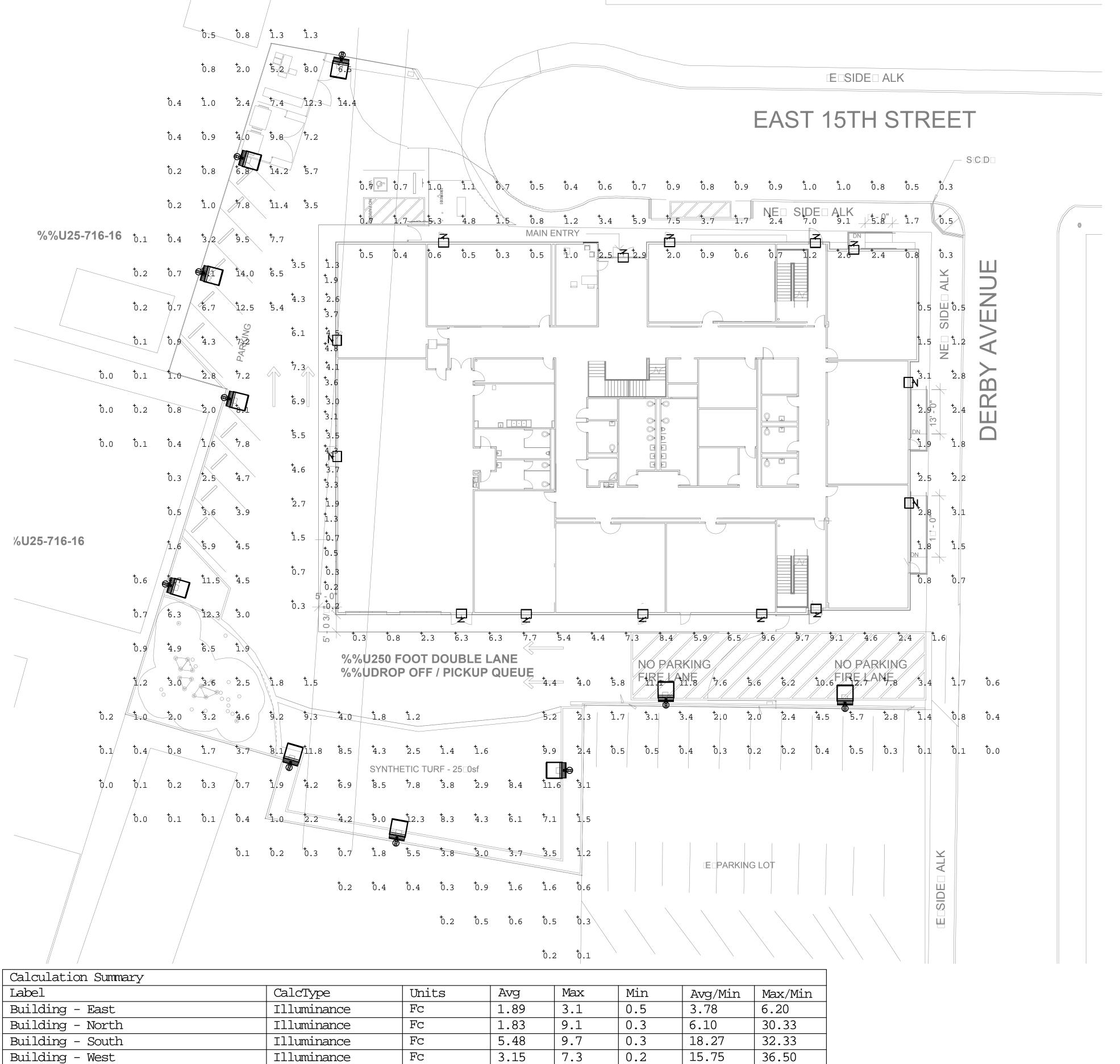
Date: 1/11/2017

Status: DSA PERMIT SET

Project Number: 1530

■ Sheet

E12



Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Building – East	Illuminance	FC	1.89	3.1	0.5	3.78	6.20
Building - North	Illuminance	FC	1.83	9.1	0.3	6.10	30.33
Building - South	Illuminance	FC	5.48	9.7	0.3	18.27	32.33
Building - West	Illuminance	Fc	3.15	7.3	0.2	15.75	36.50
Parking Lot	Illuminance	Fc	3,50	14.4	0.0	N.A.	N.A.

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
	10	P21-2-105LA-NW	SINGLE	N.A.	0.900	P21-2-105LA-NW
	14	P21-2-26LA-NW	SINGLE	N.A.	0.371	P21-2-26LA-NW

LIGHTING PHOTOMETRIC PLAN

E1.3 | SCALE: 1/6" = 1'-0"



+ INTERIORS

555 DeHaro Street, Suite 380 San Francisco, CA 94107 tel **415.487.6900** fax **415.487.6909** 

□ Client **ASPIRE PUBLIC** SCHOOLS

■ Project Name ASPIRE ERES **ACADEMY** 2956 INTERNATIONAL

BOULEVARD OAKLAND CA,

■ Consultants



American Consulting Engineers Electrical, Inc.

Sheet Name

LIGHTING PHOTOMETRIC PLAN

Approval Stamp

FILE NO: 41-ASPIRE PUBLIC SCHOOLS DIVISION OF THE STATE ARCHITECT APPL 01- 115746 ACS\_\_\_\_\_FLS\_\_\_\_SSS\_\_

Revisions

DSA Revision 1

Sheet Information AS NOTED Drawing Scale: Drawn By: MG/ KC

■ Project Information 1/11/2017 DSA PERMIT SET Project Number:

Sheet

E13

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

TPC Commercial, LLC 430 E. State Street, Ste. 100 Eagle, ID 83616 Attn: Caleb Roope

APN: 25-720-5-2

#### **Shared Parking Agreement**

This Shared Parking Agreement ("Agreement") dated as of \_\_\_\_\_ (the "Effective Date"), is entered into by and between TPC Commercial, LLC, an Idaho limited liability company ("TPC" or "Owner"), and Aspire Public Schools, a California non-profit public benefit corporation ("Aspire"). TPC and Aspire may be referred to herein as the "Parties".

#### **RECITALS**

- A. TPC is the fee simple owner of certain real estate located in the City of Oakland, Alameda County, California, the legal description of which is attached hereto as Exhibit A and incorporated herein by reference ("TPC Property") with a visual depiction attached hereto as Exhibit B.
- B. Aspire is the fee simple owner of certain real estate located adjacent to the TPC Property which will be operated as a public charter school ("Aspire Property"). Aspire is requesting a Regular Design Review, Major Conditional Use Permit, Tentative Parcel Map for lot merger, Minor Variances, and Minor Variances including for use of shared parking with TPC ("Entitlement").
- C. Planning Code Section 17.116.170(A) describes where required parking and loading may be located and allows for a Conditional Use Permit to permit off-site parking and loading; Section 17.116.180(B) allows for off-street parking or loading facilities to be located on a lot other than the lot containing the activity served, if an agreement is reviewed by the City Attorney and recorded with Alameda County.
- D. In connection with the entitlement of the Aspire Property, Aspire is required to satisfy the parking requirements within the Planning Code and seeks to utilize (share) TPC's existing parking lot for its operation. To satisfy the parking requirement, the City of Oakland has required that the Parties enter into this Agreement to memorialize certain agreements between the Parties with regard to parking.

#### **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants and undertakings hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the parties hereto hereby agree as follows:

- 1. <u>Joint-Use Rights</u>. TPC hereby grants, for the benefit of Aspire, and for the use and benefit of their respective students, tenants, officers, employees, agents, lessees, guests, licensees and invitees, a perpetual non-exclusive right to use and enjoy four (4) parking spaces and the parking areas, sidewalks, and drive aisles associated with use and access of the parking spaces of the TPC Property ("Premises") necessary for the access and use of the six parking spaces, on the same terms and conditions that the same are available for use by the tenants, officers, employees, agents and invitees of the Owner.
- 2. <u>Term.</u> The term of this Agreement commences on July 15, 2019 and shall, pursuant to Planning Code Sections 17.116.170(A) and 17.116.180(B), continue and the Premises shall be maintained and reserved for the activity served as specified in Section 3 below until the date said activity ceases to occur.
- Parking Area Use. Aspire and TPC shall each have the right to use the Premises for parking for purposes of Aspire's school and TPC's operation of the commercial building on the TPC Property. Furthermore, in connection with the Entitlement, the City of Oakland Planning Department may impose general and/or project specific Conditions of Approval. Aspire shall be responsible for complying with all such Conditions of Approval including any Conditions related to providing notice of termination of this Agreement. Aspire and TPC shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Premises, occasioned by or affecting the use thereof by Aspire and TPC. Aspire will apply for and maintain in good standing licenses or permits as may be required by any controlling governmental authority for the lawful operation of Aspire's school. Aspire shall not assign this Agreement or sublet any portion of the Premises. TPC shall provide a 60-day notice to Aspire and the City of Oakland Planning Department in the event this Agreement is terminated. Each party shall notify the City of Oakland Planning Department if such party's use of its property has changed in a manner which would increase the legal requirement for parking beyond the requirements applicable to the original use by such party as contemplated hereunder.
- 4. <u>Maintenance and Repair Obligations</u>. Owner shall be responsible for operating, maintaining and repairing the TPC Property. Aspire shall cause the repair of any portion of the TPC Property that is damaged as a direct result of Aspire's direct use.
- 5. <u>Eminent Domain</u>. Nothing herein shall be construed to give Aspire any interest in any award or payment made to Owner, in connection with any exercise of the power of eminent domain, or transfer in lieu thereof, affecting any portion of the TPC Property, even though the affected portion of the TPC Property is encumbered by the rights herein granted; however, Aspire shall have the right to make a separate claim

against any condemning authority for any diminution in value of the Aspire Property on account of the loss of use of the rights herein granted and for the value of any improvements installed by Aspire pursuant to said rights which are damaged or destroyed in connection with any exercise of the power of eminent domain or any transfer in lieu thereof.

- 6. Attorneys' Fees. In the event any party shall be in default under this Agreement, or if any dispute shall arise between any of the parties concerning the interpretation of this Agreement, and if an action shall be brought in connection therewith in which it shall be finally (with no further appeal being available due to the expiration of appeal periods or otherwise) determined that a party was in default, or that the court agrees with one party's interpretation of the disputed provision of this Agreement, the party determined by the court to be in default, or with whose interpretation of this Agreement the court does not agree, shall pay to the other party all reasonable attorneys' fees and litigation expenses incurred or paid by the other party in connection therewith.
- 7. General Standard of Use. The parties hereto shall exercise their rights hereunder so as not to materially interfere with the normal use and rights of the other party and shall not construct or place any obstacle or otherwise interfere in any way with the use of the rights herein granted by any other parties entitled to the use and enjoyment of the property as described herein. The Owner shall have the right in its sole discretion, to relocate, remove or alter the surface of or any structure or facility located on the TPC Property, provided that such relocation, removal or alteration does not materially interfere with the rights granted hereunder to ASPIRE.
- 8. Covenants Run with the Land. All of the restrictions and obligations herein shall create servitudes running with the title to the property herein described. The benefits and burdens under this Agreement are not personal but shall run with the title to the property, and extend to, and shall be binding upon and shall inure to the benefit of ASPIRE and their respective successors and assigns as owners of the ASPIRE Property.
- 9. <u>Modifications</u>. This Agreement may be modified only by a written agreement signed by both of the Parties and with concurrence by the City of Oakland Planning Department, and the Parties shall provide a copy of the fully executed agreement to the City of Oakland Planning Department. No waiver of any term or provision of this Agreement shall be effective unless it is in writing, making specific reference to this Agreement and signed by the party against whom such waiver is sought to be enforced, and any such waiver shall not constitute a waiver of any other or subsequent rights under or violations of this Agreement.
- 10. <u>Notices</u>. A notice or communication under this Agreement by either party to the other shall be sufficiently given or delivered if dispatched by hand, a nationally recognized courier, or by registered or certified mail, postage prepaid, addressed as set forth below. Notice shall be effective as of the date received.

In the case of a notice or communication to Aspire:

Aspire Public Schools 1001 22<sup>nd</sup> Ave, Ste 100 Oakland, CA 94606

Attn: CFO

In the case of a notice or communication to TPC:

TPC Commercial, LLC 430 E. State Street, Ste. 100 Eagle, ID 83616

Attn: Caleb Roope

In the case of a notice or communication to City of Oakland Planning

Department: City of Oakland

250 Frank H. Ogawa Plaza, Oakland, CA 94612 Attn: Director of City Planning

Any mailing address may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change.

#### 11. Miscellaneous.

- a) This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof. Each Recital above and Attachment attached to this Agreement is expressly incorporated herein and made a part of this Agreement by this reference as set forth in full. This Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall inure to the benefit of each of them.
- b) This Agreement has been executed and delivered in and shall be governed by and construed in accordance with the laws of the State of California.
- c) If any term or provision of this Agreement shall be held invalid, illegal or unenforceable, in whole or in part, the validity of any and all other terms and provisions of this Agreement shall not in any way be affected thereby.
- d) The headings contained in this Agreement are for convenience of reference only and are not part of this Agreement and shall not be used in construing it.
- e) This Agreement may be executed in multiple counterparts, each of which, when taken together, shall constitute an original.
- f) The foreclosure of any deed of trust, mortgage or other security instrument now or hereafter covering any Phase or any portion thereof shall in no way affect or diminish any of the rights, duties or obligations created by this Agreement, all of which shall remain in full force and effect.
- g) This Agreement may be enforced in a California court of law or equity in any manner provided by law or in this Agreement, including, without limitation, any action for specific performance or damages, and any failure by any party to enforce any provision of this Agreement shall in no event be deemed a waiver of the right to do so thereafter.

IN WITNESS WHEREOF, this Agreement is made and entered into as of the day and year first above written.

[signatures appear on the next two pages]

TPC:		
TPC Commercial, LLC, an	a Idaho limited liability company	
By:Caleb Roope, Mana	ager	
	A notony public on the confidence of the confide	
	A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.	
State of California	)	
County of	)	
On	, before me,	, personally
evidence to be the person(s acknowledged to me that he	, who proved to me on the basic whose name(s) is/are subscribed to the within it e/she/they executed the same in his/her/their authorature(s) on the instrument the person(s), or the executed the instrument.	nstrument and norized capacity(ies),
I certify under PENALTY foregoing paragraph is true	OF PERJURY under the laws of the State of Cal and correct.	ifornia that the
WITNESS my hand and of	ficial seal	
Signature		
		(See1)

(Seal)

ASI IKE.						
Aspire Public Schools, a no	on-profit public benefit corporation					
By:	CEO					
Delphine Sherman,	CFO					
	A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the					
	truthfulness, accuracy, or validity of that document.					
State of California	)					
County of	)					
On	, before me,	, personally				
evidence to be the person(s acknowledged to me that he	, who proved to me on the b) whose name(s) is/are subscribed to the within e/she/they executed the same in his/her/their a nature(s) on the instrument the person(s), or the executed the instrument.	n instrument and uthorized capacity(ies),				
I certify under PENALTY of foregoing paragraph is true	OF PERJURY under the laws of the State of Cand correct.	California that the				
WITNESS my hand and off	ficial seal					
Signature						
		(Seal)				

#### Exhibit A

#### TPC Property Legal Description

THE LAND REFERRED TO HEREIN BELOW IS A 9,000 SQUARE FOOT PORTION OF THE PROPERTY SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lots 1, 2, 3, 4 and 5, Block C, Wetherbee Business Subdivision, Filed April 16, 1924 in Book 4, Page 39 of MAspire, Alameda County Records

## Exhibit B

TPC Property Visual Depiction

#### Proposed Appendix N: Infill Environmental Checklist form

NOTE: This sample form is intended to assist lead agencies in assessing infill projects according to the procedures provided in Section 21094.5 of the Public Resources Code. Lead agencies may customize this form as appropriate, provided that the content satisfies the requirements in Section 15183.3 of the CEQA Guidelines.

- 1. Project title: Aspire ERES Academy International Boulevard Project
- 2. Lead agency name and address:

City of Oakland, Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612

- 3. Contact person and phone number: Michael Bradley, Planner II phone: (510) 238-6935 email: mbradley@oaklandnet.com
- 4. Project location: Oakland, California
- 5. Project sponsor's name and address:

Aspire Public Schools 1001 22nd Ave Oakland, California 94606

- 6. General plan designation: Mixed Housing Type Residential, Community Commercial 7. Zoning: Mixed Housing Type Residential District-4
- 8. Prior Environmental Document(s) Analyzing the Effects of the Infill Project (including State Clearinghouse Number if assigned):

Oakland General Plan Land Use and Transportation Element (State Clearinghouse No. 97062089) Central City East Redevelopment Plan (State Clearinghouse No. 2002042071)

- 9. Location of Prior Environmental Document(s) Analyzing the Effects of the Infill Project:
  - Oakland General Plan Land Use and Transportation Element available online: http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/EIR/index.htm
  - Central City East Redevelopment Plan is available at the City Planning Department at 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612
- 10. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
  - The Project involves the development of a three-story kindergarten through eighth grade public charter school with a total floor area of 48,559 square feet. The Project would also include a 9,500 square-foot outdoor play/recreation area and a 2,617 square feet third floor rooftop outdoor recreation area. At full capacity the Project would accommodate no more than 620 students and 51 employees. For additional Project details refer to Section 5.0, Project Description, of the CEQA Exemption Package.
- 11. Surrounding land uses and setting: Briefly describe the project's surroundings, including any prior uses of the project site, or, if vacant, describe the urban uses that exist on at least 75% of the project's perimeter:
  - The project site is an existing parking lot. The project site is surrounded by a variety of urban land uses which include a medical and multi-family residential building to the north, commercial and medical buildings to the south, multi-family residential and medical uses to the west, and multi-family residential to the east.
- 12. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

The Project requires the following approvals from the City of Oakland: Major Conditional Use Permit to construct a non-residential development over 25,000 square feet; Minor Conditional Use Permit for school facility; Minior variances for building height, building in the front yard setback, street side yard setback, green living-wall height; and Regular Design Review.

Other Approvals: Building Permit from Division of the State Architect, Approval of Remedial Action Workplan from DTSC, Alameda County Flood Control and Water Conservation District to discharge stormwater via the culvert, RWQCB Notice of Intent, EBMUD approval of new service requests and water meter installation.

#### SATISFACTION OF APPENDIX M PERFORMANCE STANDARDS

Provide the information demonstrating that the infill project satisfies the performance standards in Appendix M below. For **mixed-use projects**, the predominant use will determine which performance standards apply to the entire project.

- 1. Does the non-residential infill project include a renewable energy feature? If so, describe below. If not, explain below why it is not feasible to do so. Yes, the Project will include a renewable energy component.
- 2. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, either provide documentation of remediation or describe the recommendations provided in a preliminary endangerment assessment or comparable document that will be implemented as part of the project.

A Preliminary Environmental Assessment was prepared for the site and concluded that DTSC's Removal Action Workplan process would need to be completed prior to redevelopment of the project site. On September 6, 2016, Aspire Public Schools executed a School Cleanup Agreement with DTSC for review and approval of a RAW. Construction of the proposed project is subject to implementation of the RAW; prepared on November 10, 2016, and approved by DTSC on June 30, 2017. The RAW presents removal action objectives, evaluates alternatives, and describes the proposed alternative for the project site. DTSC has prepared a Notice of Exemption having determined that the proposed project, after implementing the requirements of the RAW has no potential for a significant impact on the environment. Refer to Attachment C in the CEQA Analysis for more detail.

measures that the project will implement to protect public health. Such measures may include policies and standards identified in the local general plan, specific plans, zoning code or community risk reduction plan, or measures recommended in a health risk assessment, to promote the protection of public health. Identify the policies or standards, or refer to the site specific analysis, below. (Attach additional sheets if necessary.)
Not Applicable.
4. For <b>residential</b> projects, the project satisfies which of the following? <b>Not Applicable</b> .
Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)
$\square$ Located within $\frac{1}{2}$ mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)
Consists of 300 or fewer units that are each affordable to low income households. (Attach evidence of legal commitment to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.)
5. For <b>commercial</b> projects with a single building floor-plate below 50,000 square feet, the project satisfies which of the following? <b>Not Applicable</b> .
Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)
The project is within one-half mile of 1800 dwelling units. (Attach map illustrating proximity to households.)
6. For <b>office building</b> projects, the project satisfies which of the following? <b>Not Applicable</b> .
Located within a low vehicle travel area, as defined in Appendix M. (Attach VMT map.)
Located within ½ mile of an existing major transit stop or within ¼ of a stop along a high quality transit corridor. (Attach map illustrating proximity to transit.)
7. For <b>school</b> projects, the project does all of the following:
The project complies with the requirements in Sections 17213, 17213.1 and 17213.2 of the California Education Code.
$\overline{\mathbf{X}}$ The project is an elementary school and is within one mile of 50% of the student population, or is a middle school or high school and is within two miles of 50% of the student population. Alternatively, the school is within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor. (Attach map and methodology.)
The project provides parking and storage for bicycles and scooters.
8. For <b>small walkable community projects</b> , the project must be a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both. <b>Not Applicable</b>

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** 

The infill project could potentially result in one or more of the following environmental effects.

3. If the infill project includes residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, a high volume roadway or other significant source of air pollution, as defined in Appendix M, describe the

	Aesthetics		Agriculture and Forestry Resources		Air Quality
	Biological Resources		Cultural Resources		Geology /Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology / Water Quality
	Land Use / Planning		Mineral Resources		Noise
	Population / Housing		Public Services		Recreation
	Transportation/Traffic		Utilities / Service Systems		Mandatory Findings of Significance
DETE	RMINATION: (To be completed by the Lead	Agenc	<b>y)</b>		
On the	basis of this initial evaluation:				
prior E Pursua  I prior E to CE	EIR or that are more significant than previous ant to Public Resources Code Section 21094 find that the proposed infill project will have EIR, and that no uniformly applicable develop	ously and the second se	nave any significant effects on the environme analyzed, or that uniformly applicable devel QA does not apply to such effects. A Notice that either have not been analyzed in a prior policies would substantially mitigate such effe gnificant and a NEGATIVE DECLARATION ESSMENT, will be prepared.	opme of Det r EIR, ects. \	nt policies would not substantially mitigate. ermination (Section 15094) will be filed. or are more significant than described in the Nith respect to those effects that are subject
prior E signific propor	EIR, and that no uniformly applicable develo cant, there will not be a significant effect in	pment this	that either have not been analyzed in a prio policies would substantially mitigate such e case because revisions in the infill project r if the project is a Transit Priority Project a S	ffects. have	I find that although those effects could be been made by or agreed to by the project
the pr	or EIR, and that no uniformly applicable de	evelop	ects that either have not been analyzed in a pent policies would substantially mitigate so ORT is required to analyze those effects that	uch et	fects. I find that those effects WOULD be
$\widehat{\mathcal{I}}$	Leve Renelliti				
	m / _		3),6/18		
Signat	ure		Date		<del>-</del>

EVALUATION OF THE ENVIRONMENTAL IMPACTS OF INFILL PROJECTS:

See attached the complete CEQA Exemption Package, which includes the environmental impact analysis for the Aspire ERES International Boulevard Project in accordance with the City of Oakland's Initial Study and Environmental Review Checklist.

### Aspire ERES Academy International Boulevard Project

### **Infill Environmental Checklist**

City of Oakland, California



### Prepared for:

City of Oakland Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612

#### **Technical Assistance:**

Stantec Consulting Services Inc. 1340 Treat Boulevard, Suite 300 Walnut Creek, California 94596

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Figure 5-1: Project Site Plan

Figure 5-2: Project Site Plan – Level 1

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Figure 5-6: North and East Elevations

Figure 5-7: South and West Elevations

Figure 5-8: Utility Site Plan

## LIST OF ATTACHMENTS

Attachment A: Standard Conditions of Approval Compliance

Attachment B: Project Consistency with Community Plans or Zoning, per CEQA Guidelines Section 15183

Attachment C: Infill Performance Standards, per CEQA Guidelines Section 15183.3

Attachment D: Air Quality and Greenhouse Gas Technical Report

Attachment E: Trip Impact Study

Attachment F: Transportation Demand Management Plan

Attachment G: Removal Action Work Plan



Attachment H: Historic Resources Evaluation Report and Impact Analysis

Attachment I: Geotechnical Investigation and Geologic Hazards Evaluation

Attachment J: Project Acoustic Technical Report

Attachment K: Previously Identified LUTE EIR and CCERP EIR Mitigation Measures

Attachment L: Construction Noise Reduction Memorandum



### Acronyms

AC Transit

Alameda County Transit

Air Basin San Francisco Bay Area Air Basin

Applicant Pacific West Communities, LLC

APN Assessor's Parcel Number

BAAQMD Bay Area Air Quality Management District

BART Bay Area Rapid Transit

BMP best management practices
CBC California Building Code

CCERP Central City East Redevelopment Plan
CDE California Department of Education
CEQA California Environmental Quality Act

CO carbon monoxide

CRHR California Register of Historic Resources

CUP Conditional Use Permit

DSA Division of the State Architect

DTSC Department of Toxic Substance Control

EBMUD East Bay Municipal Utility District
ECAP Energy and Climate Action Plan
EIR Environmental Impact Report

GHG greenhouse gas

HRA Health Risk Assessment

HRE Historic Resources Evaluation

Lea equivalent sound level

LOS Level of Service

LUTE Land Use and Transportation Element

µg/m³ micrograms per cubic meter

MTCO2e metric tons of carbon dioxide equivalent

NO<sub>x</sub> nitrous oxides

NPDES National Pollution Discharge Elimination System

NRHP National Register Historic Property

PE physical education

PEA Preliminary Environmental Assessment

PM<sub>x</sub> particulate matter

RM Mixed Housing Type Residential District

RAW Removal Action Workplan

ROG Reactive Organic Gas



ROW right-of-way

RWQCB Regional Water Quality Control Board SCA Standard Conditions of Approval

SSV sub-slab ventilation

TACs toxic air contaminants

TDM Transportation Demand Management

VMT Vehicle Miles Travelled





## 1.0 EXECUTIVE SUMMARY

The Pacific West Communities, LLC (Applicant) is proposing the redevelopment of three parcels in the San Antonio/Fruitvale neighborhood of the City of Oakland. The proposed project is within the Fruitvale/International Transit Priority Area, and within 0.50 mile of the Fruitvale Bay Area Rapid Transit (BART) Station. The project site consists of Assessor Parcel Numbers (APNs) 025-0720-001-00, 025-0720-002-001, and 025-0720-007-02. The project site is approximately 0.88 acres in size, and occupied by a parking lot and a vacant parcel.

The Applicant is proposing to develop the Aspire ERES Academy International Boulevard Project (proposed project). The proposed project would redevelop the project site with a three-story kindergarten through eighth (K-8<sup>th</sup>) grade public charter school with a total floor area of 48,559 square feet. The first floor area would be 18,297 square feet and would include kindergarten through second grade classrooms, as well as a multi-purpose room, kitchen, storage areas, reception/front offices, restrooms, and bicycle storage room; the second floor area would be 15,744 square feet and would include third through fifth grade classrooms, administrative offices, restrooms, storage areas, art classroom, group activities room, teacher lounge, reading room, learning center, storage, and restrooms; and, the third floor area would be 11,901 square feet and would include sixth through eighth grade classrooms, administrative offices, elective flex space, a science lab, restrooms, and an exterior recreation area. The proposed project would include a 2,617 square feet third floor rooftop outdoor recreation area, and a 9,500 square-foot outdoor play/recreation area; complete with a green living wall, play structure, and synthetic turf area. At full capacity, the proposed project would accommodate no more than 620 K-8<sup>th</sup> grade students and a staff of up to 51 employees.

This California Environmental Quality Act (CEQA) Analysis evaluates the proposed project, which is considered an urban infill development project. This analysis uses CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15183, Section 15183.3, and 15168 to tier from the program-level analyses completed in the Land Use Transportation Element (LUTE) Environmental Impact Report (EIR) (1998)<sup>1</sup>, and the Central City East Redevelopment Project (CCERP) EIR (2002)<sup>2</sup>—collectively referred to herein as the Program EIRs—that previously analyzed environmental impacts associated with the adoption and implementation of the LUTE and CCERP.

<sup>&</sup>lt;sup>2</sup> The Redevelopment Agency of the City of Oakland, 2002. The Central City East Redevelopment Project (CCERP) EIR



\_

<sup>&</sup>lt;sup>1</sup> City of Oakland, 1998. Oakland General Plan Land Use and Transportation Element EIR



## 2.0 INFILL ENVIRONMENTAL CHECKLIST

NOTE: This form is intended to assist lead agencies in assessing infill projects according to the procedures provided in Section 21094.5 of the Public Resources Code. The content satisfies the requirements in Section 15183.3 of the California Environmental Quality Act (CEQA) Guidelines.

### 2.1 PROJECT TITLE

Aspire ERES Academy International Boulevard Project

### 2.2 LEAD AGENCY NAME AND ADDRESS

City of Oakland Bureau of Planning 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, California 94612

#### 2.3 CONTACT PERSON AND PHONE NUMBER

Michael Bradley 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, California 94612 Phone: (510) 238-6935 mbradley@oaklandnet.com

#### 2.4 PROJECT LOCATION

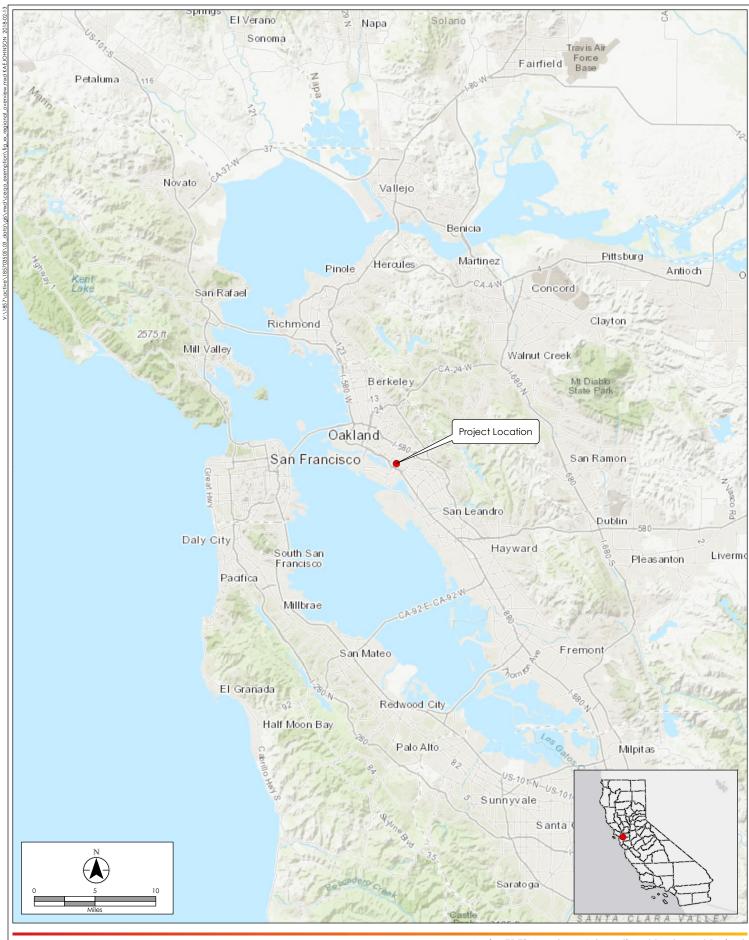
The Aspire ERES Academy International Boulevard Project (proposed project) is located southwest of the intersection of Derby Avenue and East 15<sup>th</sup> Street in the City of Oakland (City) (Figures 2-1 and 2-2)<sup>3</sup>. East 15<sup>th</sup> Street is a cul-de-sac that dead ends at the project site. The project site contains three parcels identified as Alameda County Assessor's Parcel Numbers (APNs) 025-0720-001-00; 025-0720-002-001; and, 025-0720-007-02, encompassing a total area of 0.88 acres. The proposed project is located within the Fruitvale/International Transit Priority Area, and located within 0.50 mile of the Fruitvale Bay Area Rapid Transit (BART) Station, which offers regional transit service (Figure 2-3). Alameda County Transit (AC Transit) offers regional and local bus transportation, with multiple bus stops within the project vicinity. In addition, the project site lies within the Central City East Redevelopment Plan (CCERP) area.

<sup>&</sup>lt;sup>3</sup> For the purposes of this document, the site plans are depicted in "site north" with the project site bound by East 15<sup>th</sup> Street to the north, International Boulevard to the south, the Native American Health Center to the west, and Derby Avenue to the east. The proposed project is referenced in terms of "site north" with exception of the Traffic Study and Traffic Demand Management (TDM) Plan (Attachment E and F, respectively). The roadway networks presented in the Traffic Study and TDM Plan are referenced in "true north" per the City of Oakland General Plan, Land Use and Transportation Element (LUTE) 1998. "True north" is approximately 30 degrees southwest of "site north".



3



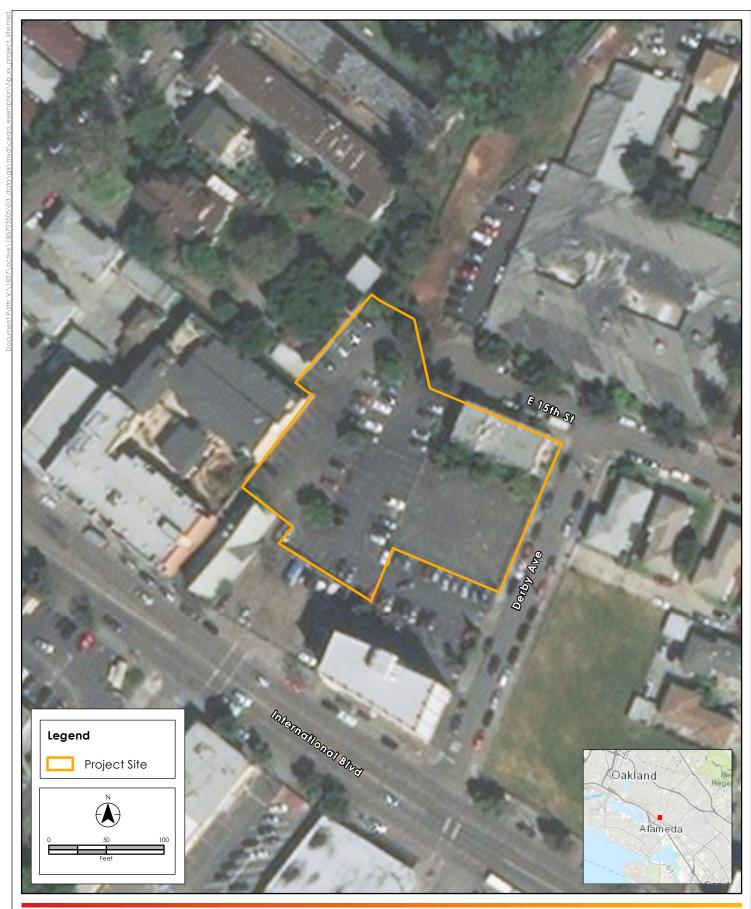




Aspire ERES Academy International Boulevard Project Oakland, California

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.





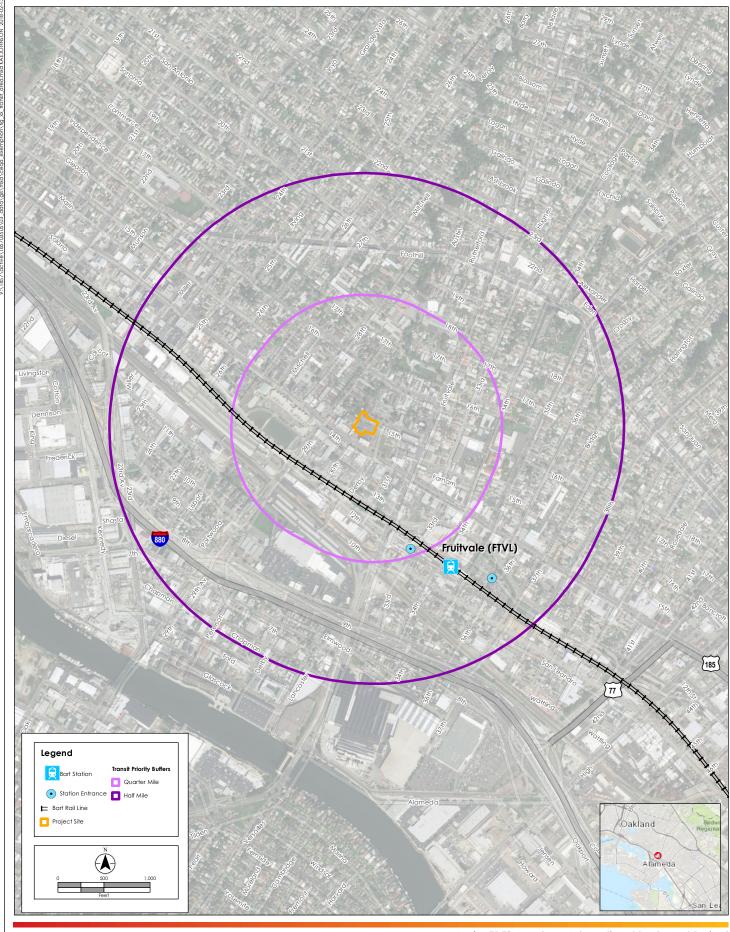


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Prepared by: K Johnson 7/26/2017







Aspire ERES Academy International Boulevard Project Oakland, California

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### 2.5 PROJECT SPONSOR'S NAME AND ADDRESS

Aspire Public Schools 1001 22nd Ave Oakland, California 94606

#### 2.6 GENERAL PLAN AND ZONING DESIGNATIONS

The General Plan designation for the project site is primarily Mixed Housing Type Residential, with a small portion of the site at the southern boundary near International Boulevard designated Community Commercial.

The Mixed Housing Type Residential General Plan designation is intended to create, maintain, and enhance residential areas typically near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings and neighborhood businesses where appropriate. Future development within this classification should be primarily residential in character, with live-work types of development, and small commercial enterprises, schools, and other small civic uses in appropriate locations.

The Community Commercial designation is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The desired character may include neighborhood center uses and larger scale retail and commercial uses, such as auto related business, business and personal services, health services and medical uses, educational facilities, and entertainment uses.

The Zoning Designation for the project site is Mixed Housing Type Residential District-4 (RM-4). The intent of the RM-4 Zone is to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate. Per section 17.17.030 of the Mixed Housing Type Residential Zones, Schools are permitted with approval of a Conditional Use Permit (CUP).





### 3.0 BACKGROUND

The following describes the Program EIRs that constitute the previous CEQA documents considered in this CEQA Analysis. Each of the following documents is hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California 94612.

#### Land Use and Transportation Element EIR

The City certified the EIR for its General Plan LUTE in 1998. The LUTE identifies policies to guide land use changes in the City and sets forth an action program to implement the land use policy through development controls and other strategies. The 1998 LUTE EIR is designated a "Program EIR" under CEQA Guidelines Section 15168. As such, subsequent activities under the LUTE are subject to requirements under each of the aforementioned CEQA Sections, which are described further in Section 7.0. The proposed project is within the San Antonio/Fruitvale/Lower Hills Area as described in the LUTE.

Applicable mitigation measures identified in the 1998 LUTE EIR are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or newer City of Oakland Standard Conditions of Approval (SCAs), the latter of which are described below.

#### <u>Environmental Effects Summary – 1998 LUTE EIR</u>

The 1998 LUTE EIR (including its Initial Study Checklist) determined that development consistent with the LUTE would result in impacts that would be reduced to a **less than significant level with the implementation of mitigation measures**: aesthetics (views, architectural compatibility and shadow only); air quality (construction dust [including PM10] and emissions, odors); cultural resources (except as noted below as less than significant); hazards and hazardous materials; land use (use and density incompatibilities); noise (use and density incompatibilities, including from transit/transportation improvements); population and housing (induced growth, policy consistency/clean air plan); public services (except as noted below as significant); and transportation/circulation (intersection operations).

Less Than Significant Impacts were identified for the following resources in the 1998 LUTE EIR and Initial Study: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway emissions, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed use projects and near transit); noise (roadway noise citywide, multifamily near transportation/transit improvements); population and housing (exceeding household projections, housing displacement from industrial encroachment); public services (water demand, wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand).

**No Impacts** were identified for agricultural or forestry resources and mineral resources.



**Significant Unavoidable Impacts** were identified for the following environmental resources in the 1998 LUTE EIR: air quality (regional emissions); public services (fire safety); transportation/circulation (roadway segment operations); and policy consistency (Clean Air Plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

#### City of Oakland Central City East Redevelopment Plan EIR

The City certified the EIR for the CCERP in April 2003 and the CCERP was adopted by the City of Oakland on July 29, 2003. The CCERP EIR describes the existing setting of the 3,340 acre CCERP project area, general environmental issues related to development and capital projects pursuant to, or in furtherance of the CCERP, and mitigation measures that may be applicable on a project-by-project basis to reduce impacts to a less than significant level. The CCERP EIR is designated a "Program EIR" under CEQA Guidelines Section 15168. As such, subsequent activities under the CCERP are subject to requirements under each of the aforementioned CEQA Sections, which are described further in Section 7.0.

On February 1, 2012 redevelopment project areas and redevelopment agencies were dissolved as a result of the constitutional Dissolution Act. However, the CCERP and CCERP EIR remain applicable to the proposed project since the City certified these documents prior to the Dissolution Act being signed into legislation.

#### Environmental Effects Summary - CCERP EIR

The CCERP EIR determined that development consistent with the CCERP would result in impacts that would be reduced to a less than significant impact with the implementation of mitigation measures identified by the CCERP EIR: air quality (construction activities), noise (construction noise, noise compatibility impacts of future development, transportation (alternative transportation, parking, motor vehicle, bicycle, and pedestrian safety), public services (parks and schools), water and wastewater (water and wastewater infrastructure), and cultural resources.

Less Than Significant Impacts were identified for the following resources in the CCERP EIR: land use (physical division of, or an incompatibility with an established community, conflicts with land use policies, conflict with habitat or community conservation plan), transportation (effects on study area intersections, addition of traffic, and AC transit and BART use), air quality (Clean Air Plan consistency, regional and local air quality), noise (traffic noise, noise compatibility of mixed use development), hazards and hazardous materials (except those found to have no impact below), and water and wastewater (water supply, wastewater treatment and disposal).

Effects Found Not to Be Significant were identified for the following environmental resources in the CCERP EIR: aesthetics (light and glare), agriculture and forestry resources, air quality (odors), geology (landslides), hazards and hazardous materials (airport hazards, emergency response plan, wildland fires), hydrology and water quality, mineral resources, noise (airport and aircraft noise), population and housing (housing or business displacement), and transportation (safety issues).



**Significant and Unavoidable Impacts** were identified for the following environmental resources in the CCERP EIR: cumulative traffic impacts, and impacts related to historic resources.

Potentially Significant Effects Previously Found to Be Mitigated to Less Than Significant Levels

According to CEQA Guidelines Section 15063 (c)(3)(D), earlier environmental analysis may be used where an effect has been adequately analyzed in an earlier EIR or negative declaration. The CCERP is intended to be consistent with, and assist in further implementation of specific improvement strategies as identified in the Oakland General Plan. Those portions of the Oakland General Plan that are particularly relevant to the CCERP include the Land Use and Transportation Element, the Open Space, Conservation, and Recreation (OSCAR) Element, and portions of the Estuary Policy Plan. Accordingly, certain impacts of the CCERP have been adequately addressed in previously certified EIRs. Mitigation Measures, or General Plan policies adopted for the purpose of mitigating environmental effects, have been identified in these previous environmental documents and have since been adopted by the City. The two primary EIRs that the CCERP relies on for this purpose includes the Oakland General Plan LUTE EIR. Any new development or redevelopment activity pursuant to the CCERP would be required to comply with these policies and/or mitigation measures.

The following environmental resources have been adequately analyzed in these previous EIRs, and were determined to result in an impact that would be reduced to a less than significant level with the implementation of mitigation measures identified by previous EIRs: aesthetics (scenic vistas and highways visual character), biological resources (habitat for special status species, wetlands, conflicts with City's Tree Preservation Ordinance, disturbance to resource conservation areas), geology (geologic hazards, erosion, soil hazards), hydrology (construction-related and stormwater runoff effects on water quality, flooding), and public services (police service, fire protection, solid waste). The mitigation measures recommended in these previous EIRs addresses the specific conditions of the CCERP.

#### City of Oakland Standard Conditions of Approval (SCAs)

The City of Oakland's Uniformly Applied Development Standards, adopted as Standard Conditions of Approval (SCAs), were originally adopted by the City in 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code Section 21083.3) and have been incrementally updated over time. These SCAs are incorporated into projects as conditions of approval, regardless of the determination of a project's environmental impacts. The SCAs incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, Green Building Ordinance, historic/landmark status, California Building Code, and Uniform Fire Code, among others). The SCAs are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects.

The SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area while referencing the City's SCA



number and title—e.g., **SCA AIR-1 (#19)**, Construction-Related Air Pollution Controls (Dust and Equipment Emissions). The full text of the applicable SCAs are included in Attachment A of this CEQA Analysis.

Consistent with the requirements of CEQA, a determination of whether the proposed project would have a significant impact must occur prior to approval of the proposed project. Where applicable, SCAs have been identified that will mitigate such impacts and will be incorporated into the proposed project. In some instances, exactly how the SCAs identified will be achieved awaits completion of future studies, an approach that is legally permissible where SCAs are known to be feasible for the impact identified, where subsequent compliance with identified federal, State, or local regulations or requirements apply, where specific performance criteria is specified and required, and where the proposed project commits to developing measures that comply with the requirements and criteria identified.

It should be noted, certain mitigation measures identified in the Program EIRs have since been adopted by the City as SCAs for all projects. Therefore, some of the previously identified applicable mitigation measures from the Program EIRs have been modified, and in some cases wholly replaced, to reflect the City's current standard language and requirements of its SCAs and have been found to be either as stringent or more stringent. Any mitigation measures applicable to the proposed project are captured in the SCAs and references to mitigation measures reflect standard language only. The full standard language of the previously identified mitigation measures from the Program EIRs are provided in Attachment K as reference.

#### **Project Site Remediation Efforts**

The project site is listed as an active school cleanup site on the State "Cortese" list pursuant to Government Code Section 65962.5. A Phase I Environmental Site Assessment was prepared for the project site, and concluded that the following potential contaminants of concern were identified within the project site: petroleum hydrocarbons in soil associated with runoff from a parking lot, a trench, and a former heating oil tank, and petroleum hydrocarbons and chlorinated solvents in groundwater associated with the former Walt's Transmission facility, located approximately 1,150 feet northeast (and potentially up-gradient) of the project site. A Preliminary Environmental Assessment (PEA) was prepared for the project site, which concluded that the Department of Toxic Substance Control's (DTSC's) Removal Action Workplan (RAW) process would need to be completed prior to redevelopment of the project site.

On September 6, 2016, Aspire Public Schools executed a School Cleanup Agreement with DTSC for review and approval of a RAW. Construction of the proposed project is required to implement the requirements of the RAW. The RAW was prepared on November 10, 2016, and approved by DTSC on June 30, 2017. The objectives, remedial actions, and discussion of the extent of the chemicals of concern are included in Attachment G. In compliance with the CEQA exemption, DTSC has prepared a Notice of Exemption, which determined that the proposed project would have no potential to have a significant impact on the environment, with implementation of the RAW. The Applicant is actively working with DTSC to remediate the project site prior to construction.



#### **City Owned Parcel**

The project site consists of three parcels, one of which (APN 025-0720-002-001) is owned by the City of Oakland. The City parcel is paved in asphalt and is approximately 9,000 square feet, located on the western side of Derby Avenue. The parcel fronts Derby Avenue for approximately 90 feet beginning approximately 50 feet south of East 15th Street and extending to the northern boundary of the six-story Fruitvale Medical Building property. The City parcel is rectangle in shape and extends west approximately 100 feet from Derby Avenue. According to aerial photographs in the 2015 Phase I Environmental Site Assessment prepared by Stantec, the parcel historically appears to be used for parking.

On October 6, 2015, the City of Oakland entered into an Exclusive Negotiating Agreement with the Applicant aimed at reaching agreement on price and terms for a sale of the parcel. The Applicant is proposing development of the Aspire charter school facility on an assemblage of three parcels (inclusive of the subject property) totaling approximately 0.88 acres.





### 4.0 PURPOSE AND SUMMARY OF THIS DOCUMENT

The purpose of this document is to provide required CEQA compliance for the proposed project. Applicable CEQA sections are described below.

1. Project Consistent with a Community Plan, General Plan, or Zoning. 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 that are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or the 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."

The analysis in the Program EIRs—the 1998 LUTE EIR and the 2003 CCERP EIR—are applicable to the proposed project and provide the basis for use of the Community Plan consistency provisions of CEQA.

- 2. **Qualified Infill Streamlining.** Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Infill projects are eligible if they are:
  - Located in an urban area and on a site that either has been previously developed, or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter.
  - Able to satisfy the performance standards provided in State CEQA Guidelines Appendix M; and
  - Consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects or if uniformly applicable development policies or standards would substantially mitigate such effects.

The analysis in the Program EIRs—the 1998 LUTE EIR and the 2003 CCERP EIR—are applicable to the proposed project and are the previous CEQA documents providing the basis for use of the streamlined environmental review pursuant to CEQA Guidelines Section 15183.3.



3. Program EIRs. CEQA Guidelines Section 15168 (Program EIRs) provides that Program EIRs can be used in support of streamlining and/or tiering provisions under CEQA. Section 15168 defines a "Program EIR" as an EIR prepared on a series of actions that can be characterized as one large project and are related geographically or by other shared characteristics. Section 15168 also states that "subsequent activities in the Program EIR must be examined in light of the Program EIR to determine whether an additional environmental document must be prepared." Section 15168(c) states, "If the agency finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the Program EIR and no new environmental document would be required."

This CEQA Analysis for the proposed project evaluates the specific environmental effects of the proposed project. Examination of the analysis, findings, and conclusions of the prior EIRs, as summarized in this CEQA analysis, indicates that the prior CEQA documents adequately analyzed and covered the potential environmental impacts associated with the proposed project and the streamlining and or/tiering provisions of CEQA apply to the proposed project. Therefore, no further review or analysis, under CEQA, is required.

This analysis incorporates by reference the information contained in the LUTE EIR and CCERP EIR. The proposed project is legally required to incorporate and/or comply with the applicable requirements of the mitigation measures identified in the LUTE EIR and CCERP EIR. Any applicable mitigation measures that apply to the project would need to be implemented as mitigation. However, as noted above and throughout the document, certain mitigation measures are not applicable to the project or these measures have since been adopted by the City as SCAs which have been found to be either as stringent or more stringent than the previous mitigation measure.

All applicable SCAs for the proposed project are listed in Attachment A to this document. The SCAs are mandatory City requirements. The impact analysis for the proposed project assumes that they will be imposed and implemented. If this CEQA Checklist or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected.



### 5.0 PROJECT DESCRIPTION

#### 5.1 PROPOSED PROJECT

The proposed project includes the construction of a three-story education center that provides education to a kindergarten through eighth (K-8th) grade public charter school on already disturbed land. The site historically was developed with a 5,264 square-foot 5-plex residential structure located on the northeast portion of the project site; in April 2017 the structure was demolished under a demolition permit issued by the City on January 19, 2017. The proposed project would include construction of a three-story campus building with a total floor area of 48,559 square feet (Figure 5-1). The structure has been designed to segregate the anticipated educational needs by floor. The first floor area would be 18,297 square feet and would include kindergarten through second grade classrooms, as well as a multi-purpose room, kitchen, storage areas, reception/front offices, restrooms, and bicycle storage room; the second floor area would be 15,744 square feet and would include third through fifth grade classrooms, administrative offices, restrooms, storage areas, art classroom, group activities room, teacher lounge, reading room, learning center, storage, and restrooms; and, the third floor area would be 11,901 square feet and would include sixth through eighth grade classrooms, administrative offices, elective flex space, science lab, restrooms, and an exterior recreation area. The third floor rooftop outdoor recreation area would be 2,617 square feet (Figure 5-2 through 5-5).

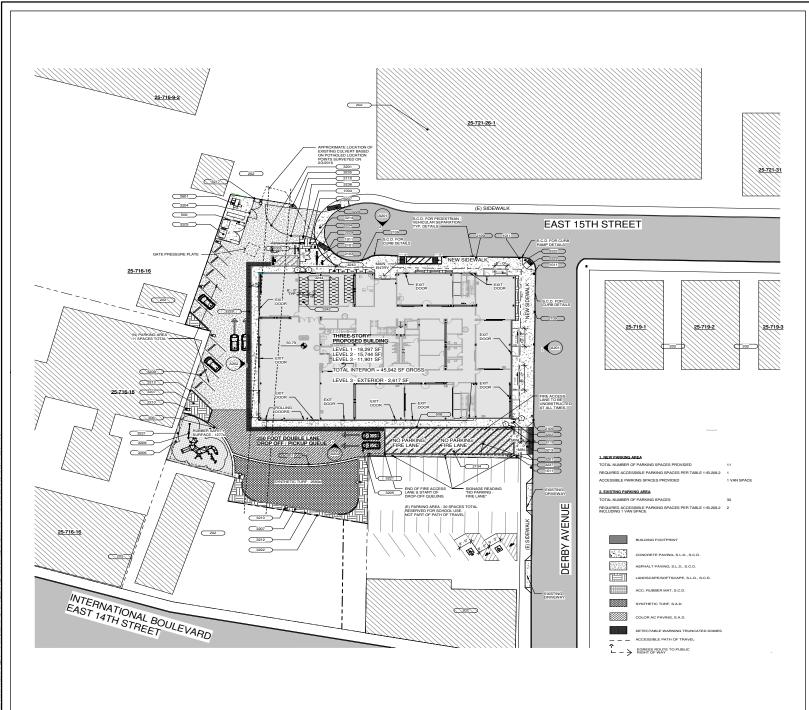
In addition to the three-story structure, the proposed project would include a 9,500 square-foot outdoor play/recreation area; complete with a green living wall, play structure and synthetic turf area, and a 3,013 square-foot indoor multi-purpose room.

At full capacity, the proposed project would accommodate no more than 620 K-8<sup>th</sup> grade students and a staff of up to 51 employees. As shown on Figures 5-6 and 5-7, the proposed education center building would be constructed at a maximum height of 49 feet. The building design and function have very little stylistic modification, which is typical of school architecture.

The proposed project would require Regular Design Review and a Major CUP to build a non-residential development over 25,000 square feet (48,559 square feet of floor area) on 38,700 square foot (0.88 acre) site as required by Chapter 17.134 of the Municipal Code. The proposed project would require Minor Variances to exceed the maximum height of 35 feet (, building in the front yard setback, street side yard setback, and exceed the maximum fence height of 8 feet (up to 23-foot green living wall height).







Figure

5-1

#### Project Site Plan

#### Project Name

Aspire Eres Academy International Boulevard Project Oakland, California

	KEYNOTE LEGEND
KEY VALUE	DESCRIPTION
	-
202	EXISTING BUILDING ON ADJACENT PROPERTY
301	CONCRETE BORDER, FLUSH W/ AC PAVING, SEE 8/A1.14
506	BOLLARD, PAINT TYP., SEE LANDSCAPE DWGS
508	STEEL GLIARDRAIL HANDRAIL AND INFILL PANEL
000	PAINT:PA-23, ICI, ICONIC GREY.
1004	ALUMINUM FLAG POLE, SEE SITE DETAILS, DTL 5/A1.13
1005	ACCESSIBLE PARKING & SIGNAGE, SEESITE DETAILS.
1000	DTL 6/A1.13
1011	NO PARKING SIGN "NO PARKING BETWEEN SIGNS"
2101	DETECTOR CHECK VALVE BACKFLOW PREVENTER.
2101	S.C.D.
2103	FIRE DEPARTMENT CONNECTION, S.C.D.
2104	FIRE ACCESS LANE: 4" RED BORDER AND 45° STRIPING
2104	WITH RED TEXT READING "NO PARKING FIRE LANE". 20'-0" CLR WIDTH. 13'-6" CLR VERTICAL.
2109	FIRE LANE RED CURB WITH THE WORDS 'NO PARKING
	FIRE LANE" PAINTED WHITE ON HORIZONTAL AND
	VERTICAL SURFACES, SPACED 25 FT O.C. PER CFC
	SECTION 503
2110	PROVIDE FIRE DEPARTMENT'S KEY BOX AT GATED
	ENTRIES TO SITE. ATTACH TO FENCE GATE POST.KEY
	BOX PER OAKLAND FIRE DEPARTMENT FIRE PROTECTION STANDARD 502. EXACT LOCATION
	PENDING APPROVAL OF FIRE DEPARTMENT.
2601	NEW TRANSFORM. MAINTAIN 8'-0" CLEAR IN FRONT AND 2'-0" ALL OTHER SIDES, S.E.D.
3201	MOTORIZED 20' STEEL VEHICULAR GATE WITH
3201	PROXIMITY CARD CONTROL PANEL AND KEY OVERRIDE
	PAINT BLACK.
3202	5'-10' ACCESSIBLE STEEL PEDESTRIAN DOUBLE GATE.
OLUL .	PANIC HARDWARE, SEE A1.11
3203	TRASH AND RECYCLING ENCLOSURE. 8'CHAIN LINK. 1"
0200	MESH, PVC COATED, SEE 3/A1,12
3204	CONCRETE PAD. S.C.D.
3205	AC PAVING
3206	ACC. 3' RUBBER SAFETY SURFACING S.C.D.
3207	LANDSCAPING/PLANTING, S.L.D. + BIORETENTION S.C.D.
3208	PLAY STRUCTURE, 5% ACCESSIBLE COMPONENTS
3209	WHEEL STOP
3210	SITE LIGHT, TYP. S.E.D., SEE SITE DETAILS
3212	RETAINING WALL, S.C.D.
3213	VEHICULAR ENTRY
3214	VEHICULAR EXIT
3217	TRANSFORMER ENCLOSURE, 8'CHAIN LINK, 1" MESH, PVC COATED.
3221	GUTTER, S.C.D.
3222	8'-0" CHAIN LINK FENCE @ ENTIRE PERIMETER OF
	PROPERTY EXCEPT WHERE STEEL FENCE/GATE
	OCCURS, SEE 1/A1.12 AND 3/A1.12 SIM.
3229	TRUNCATED DOMES DETECTABLE WARNINGS, 36" MIN PER CBC 11B-705.1
3232	1:12 MAX. SLOPE
3235	SWING GATE OPERATOR
3236	SWING GATE KEYPAD
3237	GATE KEYPAD
3242	NEW INTERIOR STEEL BICYCLE U-RACK, 2 SPACES PER
DE-TE	RACK.62 SPACES TOTAL
3243	NEW EXTERIOR STEEL BICYCLE LLBACK 1 SPACES PER
3243	NEW EXTERIOR STEEL BICYCLE U-RACK. 1 SPACES PER RACK. 5 SPACES TOTAL

#### Notes:

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RECEPTION / FRONT OFFICE KINDER CLASSROOM 1-2 CLASSROOM 111 814 SF 1-2 CLASSROOM 112 861 SF 1-2 CLASSROOM 102 842 SF LOBBY/ENTRY 101 293 SF 113 103 817 SF 291 SF STAIR 2 CORRIDOR A1 **STAIR 1** FAMILY 114 LELEM. DEAN ELEVATOR 110 A 115 106 SF 109 MECH CHASE FOOD SERVICE 110 B KINDER, RR. ELEC. CORR. D1 134 295 SF MDF CLOSET 119 A 179 SF GIRLS O D
121 C C KINDER CLASSROOM STAFF KINDER. RR. 132 123 D BOYS 120 119 170 SF ONDER, RR. MULTI-PURPOSE 110 3013 SF 118 76 SF 30"x48" 133 STAIR 3 KINDER CLASSROOM 105 827 SF 1-2 CLASSROOM 107 836 SF 1-2 CLASSROOM 108 793 SF 1-2 CLASSROOM 106 821 SF

Figure N

5-2

#### Project Site Plan - Level 1

#### Project Name

Aspire Eres Academy International Boulevard Project Oakland, California

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#### Project Site Plan - Level 2

#### Project Name

Aspire Eres Academy International Boulevard Project Oakland, California

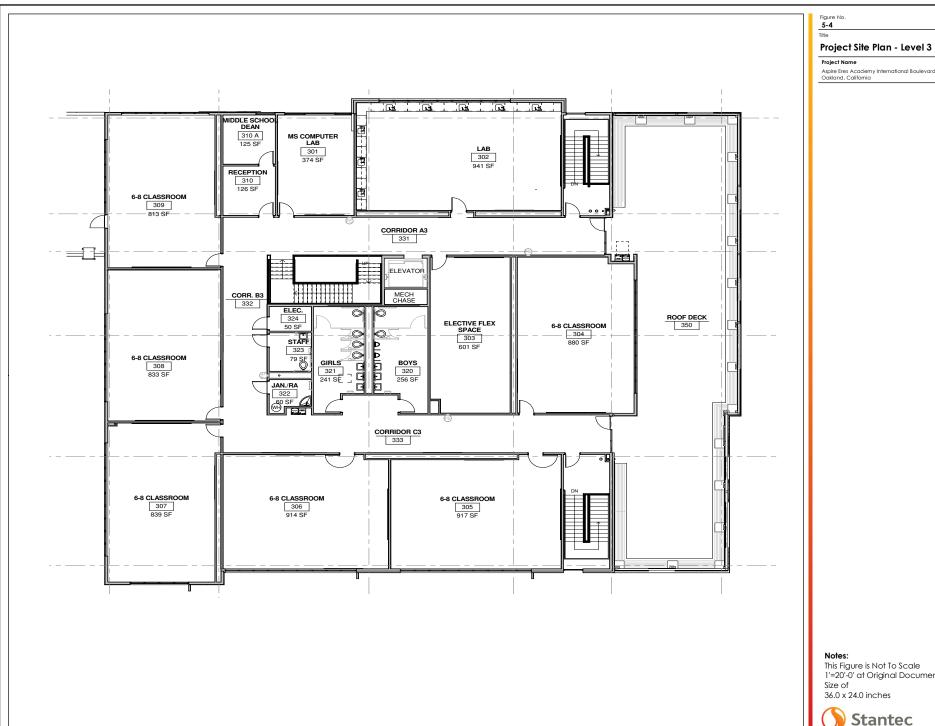
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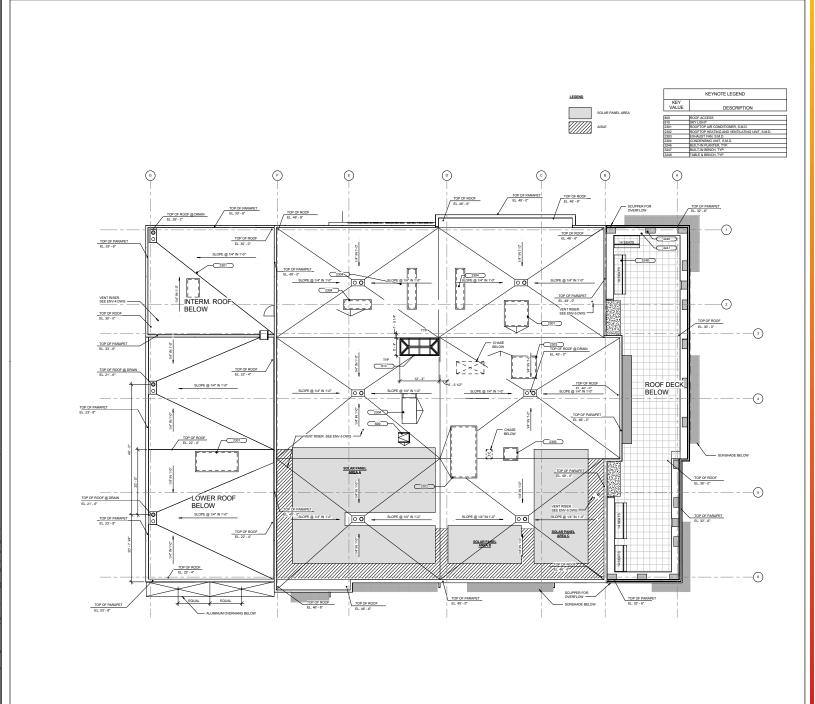
Aspire Eres Academy International Boulevard Project Oakland, California

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Figure N

Title

#### **Rooftop Plan**

#### Project Name

Aspire Eres Academy International Boulevard Project Oakland, California

#### Notes:

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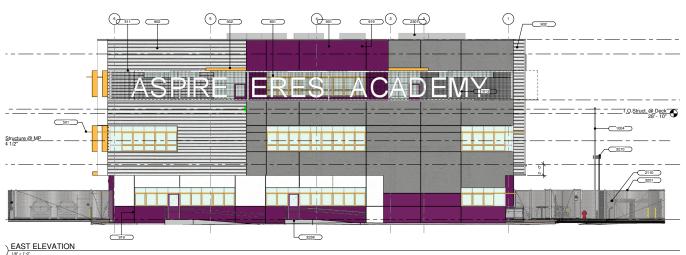
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	KEYNOTE LEGEND				
KEY VALUE	DESCRIPTION				
501	METAL LOUVERED SUN SHADE, PAINT: PA-21, ICI, SPICE ORANGE.				
502	METAL CANOPY, PAINT:PA-21, ICI, SPICE ORANGE.				
511	METAL SCREEN SHOWN AS DASHED LINE FOR CLARITY				
801	ALUMINUM STOREFRONT SYSTEM, HIGH PERFORMANCE ORGANIC COATING FINISH: MATCH PA-21, TYP				
811	CURTAIN WALL SYSTEM WITH HIGH PERFORMANCE ORGANIC COATING FINISH, TYP				
901	PORTLAND CEMENT PLASTER ON EXPANDED DIAMOND METAL MESH LATH, 7/8", 3-COAT, SMOOTH FINISH, PAINT.				
902	CORRUGATED SHEET METAL SIDING, ALUMINUM-ZINC ALLOY COATED, 22 GUAGE MIN.				
919	CEMENT PLASTER JOINTS: REVEAL JOINTS (9/A8.02) ARE REFERENCED ON EXTERIOR ELEVATIONS. VERTICAL & HORIZONTAL CONTROL JOINTS (10,14/A8.02) ARE NOT REFERENCED BUT SHALL BE LOCATED @ 30 FEET ON CENTER AND EQUIDISTANT FROM REVEAL JOINTS, TYP.				
1003	CANOPY MOUNTED SCHOOL SIGNAGE, METAL, PAINT: PA-23, ICI, ICONIC GREY.				

	KEYNOTE LEGEND
KEY VALUE	DESCRIPTION
1004	ALUMINUM FLAG POLE. DTL 5/A1.13
1006	MTL LADDER. SEE A8.00
1013	EXTERIOR REVEAL JOINT. SEE 9/A8.02
2108	FIRE ALARM SPEAKER
2110	PROVIDE FIRE DEPARTMENT'S KEY BOX AT GATED ENTRIES TO SITE. ATTACH TO FENCE GATE POST.KEY BOX PER OAKLAND FIRE DEPARTMENT FIRE PROTECTION STANDARD 502. EXACT LOCATION PENDING APPROVAL OF FIRE DEPARTMENT.
2209	HOSE BIB 24" FROM GROUND
2214	DOWNSPOUT NOZZLE, SEE PLUMBING DRAWINGS
2301	ROOFTOP AIR CONDITIONER, S.M.D.
2304	CONDENSING UNIT, S.M.D.
3201	MOTORIZED 20' STEEL VEHICULAR GATE WITH PROXIMITY CARD CONTROL PANEL AND KEY OVERRIDE, PAINT BLACK.
3210	SITE LIGHT, TYP. S.E.D., SEE 6/A1.12
3238	EXTERIOR EGRESS RAMP FROM CLASSROOM

Figure No. **5-6** 

#### North and East Elevations

#### Project Name

Aspire Eres Academy International Boulevard Project Oakland, California

Notes:

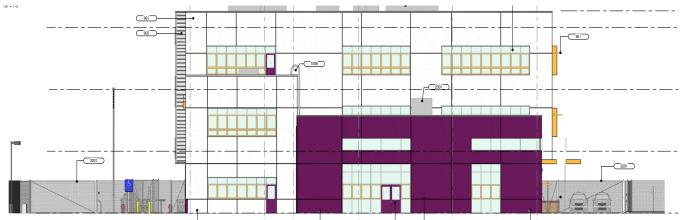
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KEYNOTE LEGEND				
KEY VALUE	DESCRIPTION			
501	METAL LOUVERED SUN SHADE, PAINT: PA-21, ICI, SPICE ORANGE.			
502	METAL CANOPY, PAINT:PA-21, ICI, SPICE ORANGE.			
512	METAL SCREEN			
801	ALUMINUM STOREFRONT SYSTEM, HIGH PERFORMANCE ORGANIC COATING FINISH: MATCH PA-21, TYP			
805	MOTORIZED ALUMINUM SECTIONAL OVERHEAD DOOR, CLEAR ANOZIZED FINISH, TYP.			
808	HOLLOW METAL DOOR, PAINT			
811	CURTAIN WALL SYSTEM WITH HIGH PERFORMANCE ORGANIC COATING FINISH, TYP			
901	PORTLAND CEMENT PLASTER ON EXPANDED DIAMOND METAL MESH LATH, 7/8", 3-COAT, SMOOTH FINISH, PAINT.			
902	CORRUGATED SHEET METAL SIDING, ALUMINUM-ZINC ALLOY COATED, 22 GUAGE MIN.			

KEYNOTE LEGEND				
KEY VALUE	DESCRIPTION			
919	CEMENT PLASTER JOINTS: REVEAL JOINTS (9/A8, 02) ARE REFERENCED ON EXTERIOR ELEVATIONS. VERTICAL & HORIZONTAL CONTROL. JOINTS (10,14/A8,02) ARE NOT REFERENCED BUT SHALL BE LOCATED @ 30 FEET ON CENTER AND EQUIDISTANT FROM REVEAL JOINTS, TYP.			
1006	MTL. LADDER, SEE A8.00			
2108	FIRE ALARM SPEAKER			
2209	HOSE BIB 24" FROM GROUND			
2214	DOWNSPOUT NOZZLE, SEE PLUMBING DRAWINGS			
2301	ROOFTOP AIR CONDITIONER, S.M.D.			
2302	ROOFTOP HEATING AND VENTILATING UNIT, S.M.D.			
2303	EXHAUST FAN, S.M.D.			
3201	MOTORIZED 20' STEEL VEHICULAR GATE WITH PROXIMITY CARD CONTROL PANEL AND KEY OVERRIDE, PAINT BLACK.			

Figure N 5-7

Title

#### South and West Elevations

#### Project Name

Aspire Eres Academy International Boulevard Project Oakland, California

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# 5.1.1 Proposed School Operation

Classes are anticipated to begin early-August and end in mid-June the following year. The proposed project is anticipated to operate Monday through Thursday between the hours of 7:15 a.m. and 3:30 p.m., and 7:15 a.m. and 12:00 p.m. on Friday, with faculty/staff members arriving to the school slightly earlier and departing after school hours. After school programs would be from 3:30 p.m. to 6:00 p.m. Monday through Thursday, and 12:00 p.m. to 5:00 p.m. on Friday, with an attendance of 100 students. An external bell system would be installed, and would be used during regular school operation hours to notify 6<sup>th</sup>-8<sup>th</sup> grade students only, from 7:45 a.m. to 3:30 p.m. to indicate the start and end of classes.

There would be staggered morning and afternoon recesses for each grade level. The K-5<sup>th</sup> graders would have a 15-minute morning and a 15-minute afternoon outdoor recess (divided up by grade level), weather permitting, in the ground floor outdoor play area. The  $6^{th}$ - $8^{th}$  grade students would have a 20-minute outdoor break before or after lunch (divided up by grade level), weather permitting, in the  $3^{rd}$  floor rooftop outdoor recreation area.

Additionally, all students (K-8<sup>th</sup>) would have 100 minutes of Physical Education (PE) each week, broken up into two 50-minute sessions, which would take place either in the ground floor outdoor play area or in the ground floor indoor multi-purpose room. PE would overlap with recess at certain points in the day. It is anticipated that there would be a maximum of 100 students in the ground floor outdoor play area at any point in time throughout the day, and 60 students in the rooftop outdoor recreation area at any point in time throughout the day.

#### **Special Event Plans and Operations**

Currently, the Aspire School is scheduled to host multiple after school special events that would result in non-standard parking demand and traffic operations at the project site. The Aspire School would provide instructions to the school community regarding traffic and parking related to special events and notify neighbors in advance of any special events. This information would be reviewed and prepared annually as part of the school's operating handbook, which would be distributed before each school year. Aspire would also provide this information on their website under a specific section dedicated to Special Events.

At events that require off-site parking spaces, the Aspire School would provide a minimum of four faculty members to assist with traffic operations to ensure that visiting vehicles are aware of available parking locations. Standard drop off and pick up procedures would be utilized for school dances. See the parking section below for further event parking information.

A summary list of the special events is provided below in Table 5.1-1:

Table 5.1-1: Aspire Eres Academy Events Summary

Event	Frequency / Timing	Estimated Attendance	Estimated Parking Demand <sup>2</sup>	Parking Accommodation <sup>2</sup>
Elementary Town Hall	Every other Friday morning	Up to 40 families	35	11 On-site spaces 24 Off-site spaces



Event	Frequency / Timing	Estimated Attendance	Estimated Parking Demand <sup>2</sup>	Parking Accommodation <sup>2</sup>
Middle School Town Hall	Every other Friday morning (alternating w/ Elementary Town Hall)	Up to 20 families	20	11 On-site spaces 9 Off-site spaces
Elementary School Back to School Night	Once a year in August, weeknight, 5:30-7:30 pm	Up to 135 families	110	11 On-site spaces 99 Off-site spaces
Middle School Back to School Night	Once a year in August, weeknight, 5:30-7:30 pm	Up to 65 families	55	11 On-site spaces 44 Off-site spaces
Elementary School Literacy Night	Twice a year, weeknight, 5:30-7:30 pm	Up to 135 families	110	11 On-site spaces 99 Off-site spaces
Middle School Literacy Night	Twice a year, ool acy weeknight, 5:30-7:30 Up to 65 families 55		55	11 On-site spaces 44 Off-site spaces
Middle School Dance	School Twice a year, including students, 30		30	11 Onsite spaces 19 Off-Site spaces
Musical Performance  Once a year in May/June, weeknight, 5:30-6:30 pm		200 attendees, including students, staff, and up to 100 families in the audience	100	11 On-site spaces 89 Off-site spaces

 $<sup>^{\</sup>mbox{\tiny 1}}$  It is assumed that 80% of the attending families and staff members will arrive in SOV

# 5.1.2 School Parking, Circulation, and Drop-Off

#### **Parking**

As shown on Figure 5-1, the proposed project would include a total of fifteen (15) parking stalls (including one Americans with Disabilities Act compliant space); eleven would be on-site and four would be available at the Fruitvale Medical Building (located directly south of the project site) through an executed shared agreement.

Additional off-site parking would be provided for special events and as required to prevent Aspire users from parking on the local neighborhood roadways. Aspire would be responsible for securing agreements with neighboring commercial establishments such as Goodwill, A Better Way, and the commercial complex to the south for temporary access to 80-120 spaces that are within



<sup>&</sup>lt;sup>2</sup>Off-site parking locations are within walking distance to the School.

walking distance of the school (< 0.25 miles), for special events. Aspire would not hold special events if sufficient temporary offsite parking cannot be secured.

The proposed project would also provide 67 bicycle racks with 36 short-term and 31 long-term spaces.

#### Circulation

Vehicular traffic would be directed onto the on-site queuing area in one direction with the drop-off/pick-up entrance on Derby Avenue and drop-off/pick-up exit on East 15<sup>th</sup> Street. Students would be picked-up and dropped-off along the street curb area of the pick-up and drop-off lane on the north side of the school building along East 15<sup>th</sup> Street, in front of the school's main entrance (Figure 5-1).

Perimeter sidewalks would be replaced with new sidewalks, and pedestrian access and circulation would be enhanced with the addition of marked pedestrian walkways throughout the project site. The main entry to the campus would be located at the north side of the new school building, facing East 15<sup>th</sup> Street, with an additional pedestrian gate entrance to gain access to the campus from Derby Avenue (likely primarily to be used by staff with card access) in addition to emergency exits along the south, east, and west sides of the building.

## Student Drop-off and Pick-up

The morning drop-off time would occur from 7:15 a.m. to 8:15 a.m., and the afternoon pick-up time would occur from 3:15 p.m. to 3:45 p.m. Gates would open at 7:15 a.m. for cars to queue for morning drop-off, and at 3:00 p.m. for cars to queue for afternoon pick-up. Pick-up time for after school programs would occur from 6:00 p.m. to 6:30 p.m. (Monday through Thursday) and 5:00 p.m. to 5:30 p.m. (Friday). Pick-up and drop-off activities would be distributed and staggered with the proposed staggered start time between Grade K-5<sup>th</sup> and Grade 6<sup>th</sup>-8<sup>th</sup> (e.g., 6<sup>th</sup>-8<sup>th</sup> grade breakfast starts at 7:15 a.m. and classes starts at 7:45 a.m. and K-5<sup>th</sup> grade breakfast starts at 7:45 a.m. and classes starts at 8:15 a.m.). There would be no bus transport provided to the students.

# 5.1.3 Lighting

Exterior lighting and security lighting for parking and walkways is planned as needed. Minimal lighting would be required for operations and would be limited to safety and security functions. Motion sensitive, directional security lights would be installed to provide adequate illumination at points of ingress/egress pursuant to City Code Requirements. All lighting would be directed downward and shielded to focus illumination on the desired areas only and to minimize light trespass in accordance with applicable City requirements. If additional lighting should be required for nighttime maintenance, portable lighting equipment may be used.

## 5.1.4 Landscaping

The proposed project would incorporate low volume irrigation and drought tolerant plant material in all landscape areas. Landscape elements would include bio-retention basins, planters, a green living wall, and planting along the exterior recreation area fence.



# 5.1.5 School Security

Site related security features would include an 8-foot fence around the perimeter of the project site, and a 10-foot fence along the perimeter of the rooftop outdoor recreation area. Site access would be controlled by two pedestrian gates and two vehicular gates. There would be interior and exterior cameras installed throughout the campus. A security system would also be installed and in use 24 hours a day, 7 days a week, and would be activated in case of a security breach, or fire.

# 5.1.6 Emergency Evacuation

In the event of an emergency evacuation, students and staff would exit from the building and site to the adjacent public right-of-way (ROW). The two pedestrian gates from the outdoor play area/parking lot area, two emergency exit stairs, four classroom doors, and one main entrance door would provide emergency exits.

#### 5.1.7 Utilities and Infrastructure

Stormwater runoff from the project site would be directed to the proposed on-site bio-retention basins, where the stormwater would be treated and then directed to the existing on-site Alameda County Flood Control and Water Conservation District culvert (Figure 5-8). Water supply facilities for the proposed project would connect to the existing City water main facilities to provide water to the project site. Water service for the proposed project would be served by East Bay Municipal Utility District (EBMUD). Sanitary sewer facilities for the proposed project would connect to existing facilities located in Derby Avenue, which ultimately connects to the 24-inch sewer line in International Boulevard.

The proposed project would incorporate a renewable energy component that could potentially consist of but not be limited to rooftop solar, and/or solar site parking lot light, and/or an onsite renewable battery energy storage system (Figure 5-5).

# 5.1.8 Proposed Project Construction

#### **Project Site Remediation Efforts**

The project site is listed as an active school cleanup site on the State "Cortese" list pursuant to Government Code Section 65962.5. A Phase I Environmental Site Assessment was prepared for the project site, and concluded that the following potential contaminants of concern were identified within the project site: petroleum hydrocarbons in soil associated with runoff from a parking lot, a trench, and a former heating oil tank, and petroleum hydrocarbons and chlorinated solvents in groundwater associated with the former Walt's Transmission facility, located approximately 1,150 feet northeast (and potentially up-gradient) of the project site. A PEA was prepared for the project site, which concluded that the DTSC's RAW process would need to be completed prior to redevelopment of the project site.

On September 6, 2016, Aspire Public Schools executed a School Cleanup Agreement with DTSC for review and approval of a RAW. Construction of the proposed project is required to implement



the requirements of the RAW. The RAW was prepared on November 10, 2016, and approved by DTSC on June 30, 2017. The objectives, remedial actions, and discussion of the extent of the chemicals of concern are included in Attachment G. In compliance with the CEQA exemption, DTSC has prepared a Notice of Exemption, which determined that the proposed project would have no potential to have a significant impact on the environment, with implementation of the RAW. The Applicant is actively working with DTSC to remediate the project site prior to construction.

#### **Project Demolition and Site Preparation**

Other site preparation activities would include removal of the existing paved surfaces, and existing vegetation including trees and shrubs on-site and along the frontage of East 15th Street and Derby Avenue. In addition, site preparation activities would include minor grading and trenching for installation of utilities. All construction staging would be within the project boundaries. Sediment barriers would be installed along the perimeter of the project site catch basins, and would be maintained throughout construction. Construction of the proposed project would involve minimal grading including one-foot maximum cut and two-foot maximum fill. Soils would be transported to a permitted off-site facility. Construction would occur during hours compliant with the City's Municipal Code.



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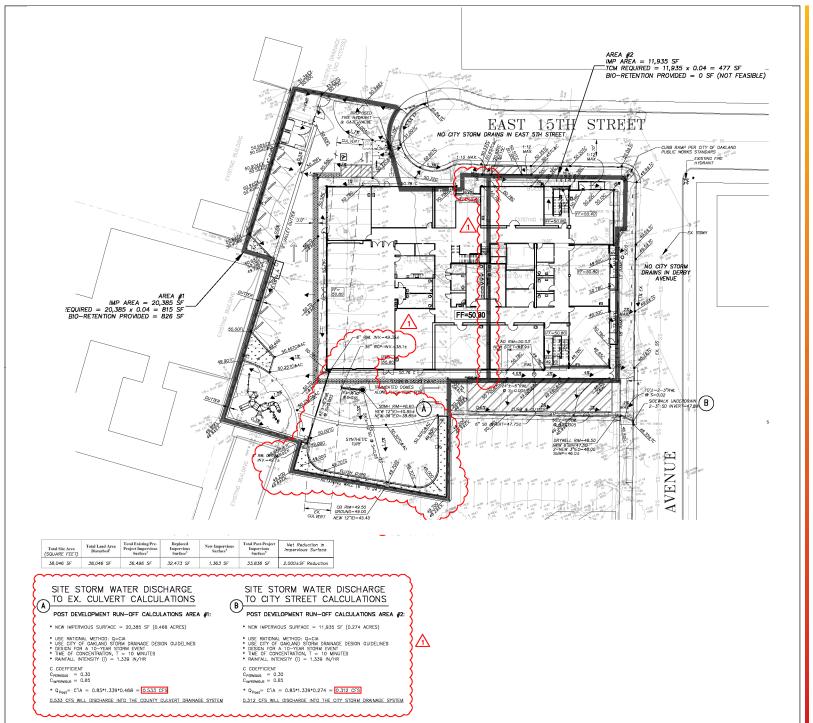


Figure 5-8

Title

**Utility Site Plan** 

Project Name

Aspire Eres Academy International Boulevard Project Oakland, California

Notes

This Figure is Not To Scale 1'=20'-0' at Original Document Size of

36.0 x 24.0 inches



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#### **Construction Timeline**

Construction of the proposed project is anticipated to begin in the second quarter of 2018 and would commence over a 10-month period, ending in summer 2019.

# 5.1.9 Surrounding Land Uses

The project site is surrounded by various land uses, including medical and multi-family residential to the north; commercial and medical to the south; multi-family residential and medical to the west; and multi-family residential to the east. The medical and commercial uses surrounding the project site primarily consist of single- and two-story structures, while the multi-family residential structures primarily consist of two- to four-story buildings. The Fruitvale Medical Building (3022 International Boulevard) is a six-story structure located on the parcel immediately south of the project site. There is a previously disturbed vacant parcel located directly east of the project site across Derby Avenue. The Alfred H. Cohen House (Cohen-Bray House), a designated City of Oakland Local Landmark, abuts the northwest boundary of the project site.

# 5.1.10 Other Public Agencies Whose Approval is Required (e.g., Permits, Financing Approval, or Participation Agreement.)

The proposed project requires the following discretionary actions/approvals, including but not limited to:

#### Actions by the City of Oakland

- Regular Design Review
- Major Conditional Use Permit
  - o Non-residential development over 25,000 square feet
- Minor Conditional Use Permit
  - School facility
- Minor Variances
  - o Building height
  - o Building in the front yard setback
  - Street side yard setback
  - o Green living-wall height
- Shared Parking Agreement for parking on the adjacent lot
- Parcel Map Wavier (Condition of Approval)



# **Actions by Other Agencies**

- Division of the State Architect (DSA) Building permit (for public school construction).
- DTSC Approval of RAW.
- Alameda County Flood Control and Water Conservation District Approval to discharge to the County's stormwater drainage system via the culvert.
- Regional Water Quality Control Board (RWQCB) Acceptance of a Notice of Intent to obtain coverage under the General Construction Activity Storm Water Permit, and Notice of Termination after construction is complete. Granting of required clearances to confirm that all applicable standards, regulations, and conditions for all previous contamination at the site have been met.
- EBMUD Approval of new service requests and water meter installation.



# 6.0 SUMMARY OF FINDINGS

An evaluation of the proposed project is provided in the CEQA Analysis below. This evaluation concludes that the proposed project qualifies for an exemption from additional environmental review and the proposed project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the applicable Program EIRs, which are the 1998 LUTE EIR and the CCERP EIR.

The proposed project would be required to comply with the applicable mitigation measures identified in the Program EIRs, as modified, and in some cases wholly replaced, to reflect the City's current standard language and requirements of its SCAs, as well as any applicable City of Oakland SCAs (Attachment A). With implementation of the applicable SCAs, the proposed project would not result in a substantial increase in the severity of significant impacts that were previously identified in the General Plan or any new significant impacts that were not previously identified in the prior EIRs. The Applicant has agreed to incorporate and/or implement the required SCAs as part of the proposed project.

In accordance with Public Resources Code Sections 21083.3 and 21094.5, and State CEQA Guidelines Sections 15183 and 15183.3, and as set forth in the CEQA Checklist below, the proposed project qualifies for an exemption because the following findings can be made:

- Community Plan Exemption: The analysis within Attachment B demonstrates the proposed project is consistent with the development density established by existing zoning and General Plan policies for which an EIR was certified (e.g., the Program EIRs), and therefore qualifies for a community plan exemption. The analysis herein considers the Program EIRs and concludes that the proposed project would not result in significant impacts that (1) would be peculiar to the proposed project or its site, (2) were not previously identified as significant project-level, cumulative, or off-site effects in the Program EIRs, or (3) were previously identified as significant but as a result of substantial new information that was not known at the time the Program EIRs were certified would increase in severity above the level described in the EIR. The proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083 and 21083.05, and CEQA Guidelines Section 15183.
- Qualified Infill Exemption: The following analysis demonstrates that the proposed project is in an urban area on a site that has been previously developed; satisfies the performance standards provided in CEQA Guidelines Appendix M. The proposed project is proposed on a developed site, surrounded by urban uses, and is consistent with the land use, density, building intensity, and applicable policies for the site. The proposed project meets the requirements for an infill exemption, as evidenced in Attachment C to this document. This CEQA Analysis concurs that the proposed project would not cause any new specific effects or more significant effects than previously identified in applicable Program EIRs and that uniformly applicable development policies or standards (SCAs) would substantially mitigate the proposed project's effects.



• **Program EIRs:** The analyses in the Program EIRs, and this CEQA Analysis demonstrate that the proposed project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15162, because the level of development proposed for the site is within the broader development assumptions analyzed in the previous EIRs. The effects of the proposed project have been addressed in those EIRs and no further environmental documents are required in accordance with CEQA Guidelines Section 15168 (c).

Each of the above findings provides a separate and independent basis for CEQA compliance.

Signature

Date

3/16/18

Darin Ranelletti, Deputy Director, Bureau of Planning

**Environmental Review Officer** 

# 7.0 CEQA CHECKLIST

#### Overview

This CEQA Checklist provides a summary of the potential environmental impacts that may result from adoption and implementation of the proposed project. This CEQA checklist also summarizes the impacts and findings of the Program EIRs that covered, specifically or as part of the cumulative analyses; the environmental effects of the proposed project and that are still applicable to the proposed project.

This CEQA Checklist provides a determination of whether the proposed project would result in:

- Equal or Lesser Severity of Impact previously identified in the 1998 LUTE EIR or CCERP EIR;
- Substantial Increase in Severity of previously identified significant impact in EIR; or
- New Significant Impact.

No Substantial Increase in Severity of previously identified significant impact in the Program EIRs, or New Significant Impact was identified.



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# 7.1 AESTHETICS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Have a substantial adverse effect on a public scenic vista ( <b>NOTE</b> : Only impacts to scenic views enjoyed by members of the public generally [but not private views] are potentially significant.)?	$\boxtimes$		
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings located within a state or locally scenic highway?	$\boxtimes$		
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?			
d)	Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?			
e)	Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986)?	$\boxtimes$		
f)	Cast shadow that substantially impairs the function of a building using passive solar head collection, solar collectors for hot water heating, or photovoltaic solar collectors?			
g)	Cast shadow that substantially impairs the beneficial use of any public is quasi-public park, lawn, garden, or open space?			
h)	Cast shadow on a historic resource, as defined by CEQA Guidelines section 15064.5(a), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on eligibility for listing in the National Register of Historical Resources, California Register of Historical Resources, Local Register of Historical Resources, or a historical resource survey form (DPR Form 523) with a rating of 1-5?			
i)	Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or California Building Code, and the exception cause a fundamental conflict with policies and regulations in the General Plan, Planning Code, and California Building Code addressing the provision of adequate light related to appropriate uses?			
j)	Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year?			



Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
(NOTE: The wind analysis only needs to be done if the project's height is 100 feet or greater [measured to the roof] and one of the following conditions exist: (a) the project is located adjacent to a substantial water body [i.e., Oakland Estuary, Lake Merritt, or San Francisco Bay]; or (b) the project is located in Downtown 5. The wind analysis must consider the project's contribution to wind impacts to on- and off-site public and private spaces. Only impacts to public spaces [on- and off-site] and off-site private spaces are considered CEQA impacts. Although impacts to on-site private spaces are considered a planning-related non-CEQA issue, such potential impacts still must be analyzed.)			

#### **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR determined impacts to scenic vistas and scenic highway corridors would be less than significant with the incorporation of the following OSCAR Element policies: OS-9.1, OS-9.2, OS-9.3, OS-10.1, and OS-10.2.

The LUTE EIR determined potential impacts related to visual character, visual quality, and shadows would be less than significant with the incorporation of Downtown Policies: D2.1, D8.1, D10.3, D10.5, D12.5, Neighborhood Policies: N1.8, N3.8, N3.9, N3.10, and N8.2, and mitigation measures. The LUTE EIR identifies the following six mitigation measures: F.2a, F.2b, F.2c, F.3a, F.3b, and F.3c, to reduce potential visual character, visual quality, and shadow impacts to a less than significant level. These mitigation measures are summarized in the following paragraph. Full descriptions of these previously identified mitigation measures are provided in Attachment K.

Mitigation Measure F.2a pertains to developing a "step back" ordinance for height and bulk for new development projects in the downtown area. Mitigation Measure F.2b pertains to analyzing the desired height of downtown office development and to develop zoning regulations that support the preferred skyline design. Mitigation Measure F.2c pertains to defining view corridors and designating appropriate height limits. Mitigation Measure F.3a pertains to developing standard design guidelines for all Neighborhood Commercial areas that require continuous or nearly continuous storefronts along the front yard setback. Mitigation Measure F.3b pertains to designing structures in an attractive manner which harmonizes with or enhances the visual appearance of the surrounding environment by adopting industrial and commercial design guidelines. Mitigation Measure F.3c pertains to developing design guidelines for parking facilities of all types.



#### **CCERP EIR**

The CCERP EIR determined impacts to scenic vistas, scenic highways, and visual character were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined impacts to scenic vistas and scenic highways would be less than significant with adherence to the following General Plan policies, as derived from the LUTE EIR: Policy OS-10.1 and Policy OS-10.2.

The CCERP EIR concluded impacts to visual character would be less than significant with the incorporation of the following General Plan policies and mitigation measures, as derived from the LUTE EIR: Policy OS-10.2, Policy N1.8, Policy N3.8, Policy N3.10, Policy N8.2, Mitigation Measure F.3a, and Mitigation Measure F.3b. Due to the nature of the proposed project LUTE EIR Mitigation Measure F.3a and Mitigation Measure F.3b are not applicable, as discussed below.

The CCERP EIR determined implementation of the CCERP would not create new sources of substantial light or glare. The CCERP Project Area is highly urbanized and is already subject to extensive lighting for security reasons. The CCERP EIR determined the introduction of new sources of light and glare would not result in a significant effect.

#### **Project Analysis and Conclusion**

- a) The project site is in an urban commercial and residential area with generally flat topography. Construction of the project, and site improvements as well as the removal of trees at the project site would not result in a substantial effect on a scenic vista. The area surrounding the project area is substantially built out, and existing views of the surrounding hillsides and the shoreline, northeast and southwest are obscured by the surrounding development. Furthermore, private scenic vistas are not protected under the City of Oakland General Plan. The proposed project would have no impact on scenic vistas.
- b) The proposed project would have adverse effects if it would "substantially damage" scenic resources within a state scenic highway. State Route 580 is the only scenic highway within the City, located over 1.5 miles north of the project site, across town. The project site is not visible from a State scenic highway, and there are no such highways within the project vicinity. Furthermore, the project site is fully disturbed, and is currently occupied by a parking lot and vacant parcel. Therefore, by definition, the proposed project would have no impact on scenic resources within a state scenic highway.
- c) The project site is currently a disturbed site consisting of a parking lot and vacant parcel. The proposed project would involve the development of a three-story public charter school, and does not involve the development of an industrial, office, commercial use, or parking facility. Furthermore, the proposed project is not located in a Neighborhood Commercial area, the City's Downtown Showcase District, or Coliseum Showcase District. Therefore, previously identified LUTE EIR Mitigation Measure F.3a, Mitigation Measure F.3b, Mitigation Measure F.2a, Mitigation Measure F.2b, Mitigation Measure F.2c, and Mitigation Measure F.3c are not applicable to the proposed project.



The exterior of the new school building would consist of a combination of metal siding, metal grate awnings, and aluminum clad windows. The project design would introduce a new architectural style in the area, but would not conflict with the design of the surrounding land uses, as the surrounding vicinity already contains a large mix of architectural styles. The proposed project would be visually more massive than what currently exists on the project site, although would not exceed the height of the adjacent medical and residential buildings. The proposed project would be required to meet the findings for approval of a Regular Design Review Permit. With the compliance of these findings, the proposed project would be designed in an attractive manner which harmonizes with or enhances the visual appearance of the surrounding environment. Additionally, the proposed project would be required to comply with City SCA AES-1 (#17), Landscape Plan. As discussed in the project description, the proposed project would incorporate low volume irrigation and drought tolerant plantings in all landscape areas, bioretention basins, and a green living wall. With the incorporation of landscaping and compliance with the City's Regular Design Review Permit, the design and appearance of the proposed project would have a less than significant impact on the visual character of the project site and its surroundings.

- d) The proposed project would incorporate exterior lighting for parking and walkways as needed. The lighting for the proposed project would be required to comply with City **SCA AES-2 (#18)**, Lighting, ensuring that the proposed project is consistent with the City's design review requirements. Compliance with SCA AES-2 (#18) would require new exterior lighting fixtures to be adequately shielded to point below the light bulb and reflector to prevent unnecessary light or glare onto adjacent properties. Project impacts related to light and glare would be less than significant with implementation of SCA AES-2(#18).
- e) There are no existing solar collectors within the vicinity of the project site. Landscaping introduced by the proposed project would not cast substantial shadows on existing solar collectors, or conflict with California Public Resource Code sections 25980-25986. The proposed project would have no impact on existing solar collectors.
- f) The construction of the proposed project would result in an increase in shadows on the project site, but would not cast shadows on existing solar collectors. There are no buildings near the project site that are using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors. The proposed project would not cast shadows that would result in the impairment of solar collectors, and no impact would occur.
- g) The project site is in a densely urban, residential, and commercial area in the City. There are no public or quasi-public parks, lawns, gardens, or open space areas located near the project site that would receive shadows from the proposed project. No shadow impact would occur.
- h) The Cohen-Bray House, located northwest of the project site, and the six-story Fruitvale Medical are listed on the National Register of Historic Places, and are considered historic resources. The Cohen-Bray House is setback more than 200 feet from the west boundary



of the project site, as well as screened from the project site by a row of mature trees. The six-story Fruitvale Medical Building is approximately 50 feet from the southeast corner of the project site. The proposed project would be constructed as a three-story public charter school and would introduce new shadows on the project site. However, the proposed project would not affect the historical significance of the nearby structures since these structures are already located in a compact urban area and already subject to shadows from adjacent structures and landscaping during certain periods of the day. As such, shadows introduced by the proposed project would not impair the historic significance of the nearby buildings, and impacts would be less than significant.

- i) The proposed project includes minor variances for building height, height of the green living wall, street side yard setback, and building in the front yard setback. The variances requested for the proposed project would not conflict with the policies and regulations in the General Plan, Planning Code, or Building Code regarding the provision of adequate light related to appropriate uses, and no impact would occur.
- j) The proposed project would be a maximum height of approximately 49 feet. The proposed project would not exceed 100 feet in height nor are the surrounding buildings greater than 100 feet, located in Downtown, or near a substantial body of water. As such, the proposed project would not create winds that exceed 36 miles per hour, and no wind impacts would occur.

Both the LUTE and CCERP EIRs noted aesthetic impacts would be less than significant with the incorporation of mitigation measures. As discussed above, these mitigation measures do not apply to the proposed project because the project is not located in the Downtown Showcase District, or Coliseum Showcase District; does not involve the development of a commercial, office, parking facility, or industrial use; and is not located in a Neighborhood Commercial area. Furthermore, the project will adhere to the City's design review findings. The proposed project would be required to implement City SCA AES-1 (#17) and SCA AES-2 (#18) related to landscaping and lighting plans, and SCA AES-3 (#16), Graffiti Control. Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to aesthetics that were not identified in the Program EIRs.



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# 7.2 AGRICULTURE AND FORESTRY RESOURCES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?			
b)	Conflict with existing zoning for agricultural use or a Williamson Act contract?			
c)	Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			
d)	Result in the loss of forestland or conversion of forestland to non-forest use?	$\boxtimes$		
е)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?	$\boxtimes$		

#### **Previously Completed Environmental Analysis**

#### LUTE EIR and CCERP EIR

The LUTE EIR and CCERP EIR determined there are no significant agricultural resources in the project area. The project area has been urbanized since the mid-1800s, and therefore no agricultural resources or prime agricultural soils are located within the project area. Furthermore, there are no Williamson Act contracts in effect in the project area. As such, both the LUTE EIR and CCERP EIR determined implementation of the LUTE and CCERP would have no impact on agricultural or forestry resources.

#### **Project Analysis and Conclusion**

a-e) The project site and vicinity are located within an urban area in the City of Oakland. There are no agricultural resources, Williamson Act-contracted lands, or forestlands located on or near the project site. The site and all surrounding properties are classified as "Urban and Built-Up Land" on the State Department of Conservation's Farmland Mapping and Monitoring Maps (2010). The proposed project would not conflict with existing zoning for farmland or forestlands, or result in the conversion of farmland or forestlands to an urban use. The proposed project would have no impact on agricultural or forestlands.



The LUTE EIR and CCERP EIR did not identify any impacts related to agriculture and forestry resources, and no mitigation measures related to agriculture and forestry were identified. As such, the project's agriculture and forestry impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or CCERP EIR.



# 7.3 AIR QUALITY

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	During project construction result in average daily emissions of 54 pounds per day of ROG, NO <sub>x</sub> , or PM <sub>2.5</sub> or 82 pounds per day of PM <sub>10</sub> ?	$\boxtimes$		
b)	During project operation result in average daily emissions of 54 pounds per day of ROG, NOx, or $PM_{2.5}$ , or 82 pounds per day of $PM_{10}$ ; or result in maximum annual emissions of 10 tons per year of ROG, NOx, or $PM_{2.5}$ or 15 tons per year of $PM_{10}$ ?			
c)	Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour [NOTE: Pursuant to BAAQMD CEQA Guidelines, localized CO concentrations should be estimated for projects in which (a) project-generated traffic would conflict with an applicable congestion management program established by the county congestion management agency or (b) project-generated traffic would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour (or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited, such as tunnels, parking garages, bridge underpasses, natural or urban street canyons, and below-grade roadways). In Oakland, only the MacArthur Maze portion of Interstate 580 exceeds the 44,000 vehicles per hour screening criteria.]?			
d)	For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter?; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter [NOTE: Pursuant to the BAAQMD CEQA Guidelines, when siting new TAC sources consider receptors located within 1,000			



	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
e)	feet. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers. The cumulative analysis should consider the combined risk from all TAC sources.]  Expose new sensitive receptors to substantial ambient levels of (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter (NOTE: Pursuant to the BAAQMD CEQA Guidelines, when siting new sensitive receptors consider TAC sources located within 1,000 feet including, but not limited to, stationary sources, freeways, major roadways [10,000 or greater vehicles per day], truck distribution centers, airports, seaports, ferry terminals, and rail lines. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers.)?			
f)	Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people? [NOTE: For this threshold, sensitive receptors include residential uses, schools, daycare centers, nursing homes, and medical centers (but not parks).]			

#### **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR identified implementation of the LUTE would not be consistent with population and vehicle miles traveled assumptions used in air quality planning, and would result in increased regional emissions of criteria air pollutants. The LUTE EIR determined this impact would remain significant and unavoidable.

The LUTE EIR determined the LUTE would be consistent with the objectives and transportation control measures outlined in the Clean Air Plan, and potential impacts would be less than significant.

The LUTE EIR identified mixed commercial and residential developments could result in odor nuisance problems at residential receptors. To mitigate this impact to a less than significant level, the LUTE EIR calls for the implementation of Mitigation Measure E.4. Mitigation Measure E.4 requires residential development located above commercial uses, parking garages, or other uses with the potential to generate odors to be properly ventilated.



The LUTE EIR also determined construction impacts in the Downtown Showcase District and Coliseum Showcase District would be less than significant with incorporation of Mitigation Measure E.5a, Mitigation Measure E.5b, and Mitigation Measure E.5c. Incorporation of these mitigation measures would require the implementation of basic control measures and BAAQMD dust control measures to reduce dust and combustion emissions, specifically in the Downtown Showcase District and Coliseum Showcase District. Full descriptions of these previously identified LUTE EIR mitigation measures are provided in Attachment K.

# **CCERP EIR**

The CCERP EIR determined the projected population and VMT growth under the CCERP would be consistent with the Clean Air Plan and would result in a less than significant environmental effect.

The LUTE EIR determined the objectives and policies of the LUTE are consistent with the objectives and transportation control measures of the Clean Air Plan. The CCERP is consistent with the LUTE; therefore, redevelopment activity in the CCERP Project Area would also be consistent with the Clean Air Plan. The CCERP EIR determined implementation of the CCERP would result in a less than significant impact.

The CCERP EIR identified traffic increases associated with the CCERP would not exceed BAAQMD thresholds for reactive organic gases (ROG), nitrous oxides (NO<sub>x</sub>), or PM<sub>10</sub>. The CCERP EIR determined implementation of the CCCERP would have a less than significant impact on regional air quality.

The CCERP EIR also identified redevelopment activities would not significantly increase CO emissions along roadways or at intersections within the Plan Area or its vicinity. The CCERP EIR determined implementation of the CCERP would have a less than significant impact on local air quality.

The CCERP EIR determined implementation of the CCERP would result in no impact related to the generation of objectionable odors.

The CCERP EIR determined the generation of dust and combustion emissions from construction activities would be less than significant with the implementation of Mitigation Measure 6-5: Construction. Mitigation Measure 6.5 recommends contractors to implement BAAQMD dust control measures as outlined in BAAQMD CEQA Guidelines, or any subsequent applicable BAAQMD updates to reduce construction-related air quality impacts. A full description of Mitigation Measure 6-5 is provided in Attachment K.

# **Project Analysis and Conclusion**

a) The City of Oakland utilizes screening criteria to provide a conservative indication for whether a project would result in potentially significant air quality impacts related to construction emissions. To determine the proposed project's potential air quality impact related to construction, Stantec Consulting Services Inc. (Stantec) prepared an Air Quality and Greenhouse Gas Technical Report (Attachment D).



Construction activities associated with development of the proposed project would include site preparation, grading, paving, building construction, and painting. Generally, the most substantial air pollutant emissions would be dust generated from site preparation and grading. If uncontrolled, these emissions could lead to both health and nuisance impacts. Construction activities would also temporarily create emissions from equipment exhaust and other air contaminants. To reduce temporary emissions from construction activities, the proposed project would be required to comply with City SCAs ADMIN-1 (#13), Construction Management Plan, and SCA AIR-1 (#19), Construction-Related Air Pollution Controls (Dust and Construction Emissions), which require application of appropriate emissions control measures recommended by the BAAQMD.

The project construction emissions are shown in Table 8 in Attachment D, by construction phase in annual tons and provides the average daily emissions. As shown in Table 8 in Attachment D, the proposed project's average daily construction-emissions would be 1.61 pounds for ROG, 15.95 pounds for NO<sub>x</sub>, 0.97 pounds for PM<sub>2.5</sub>, and 0.41 pounds for PM<sub>10</sub>. As such, the proposed project's average daily construction emissions would not exceed the City's thresholds of 54 pounds per day for ROG, NO<sub>x</sub>, or PM<sub>2.5</sub>; or 82 pounds per day for PM<sub>10</sub> for construction. Impacts associated with project construction emissions would be less than significant.

b) Long-term operation of the proposed project would generate an increase in traffic volumes on local roadways within the project vicinity and as such would increase localized emissions. Note that operational emissions have not been estimated for potential stationary source equipment such as generators since none have currently been proposed. The proposed project's annual, and daily summer and winter operational emissions are presented below in Tables 7.3-1 through 7.3-3.

Table 7.3-1: Annual Operational Emissions (2019)

	Annual Emissions (tons)			
	ROG	NOx	PM <sub>10</sub>	PM <sub>2.5</sub>
Project Operations	0.45	1.36	0.53	0.15
BAAQMD Threshold of Significance	10	10	15	10
Exceed Significance Threshold?	No	No	No	No

Note: Operational emissions were based on an earlier operational date of 2019; actual operational emissions will decrease in later operational years as vehicle fleets become cleaner.

Table 7.3-2: Daily Operational Emissions (2019) (Summer)

	Overall Operational lbs./day (Maximum Daily Emissions – Criteria Pollutants)			
	ROG	NOx	PM <sub>10</sub>	PM <sub>2.5</sub>
Project Operations	3.16	10.11	4.21	1.19
City of Oakland Thresholds of Significance	54	54	82	54



	Overall Operational lbs./day (Maximum Daily Emissions – Criteria Pollutants)			
	ROG	NOx	PM <sub>10</sub>	PM <sub>2.5</sub>
Exceed Significance Threshold?	No	No	No	No

Note: Operational emissions were based on an earlier operational date of 2019; actual operational emissions will decrease in later operational years as vehicle fleets become cleaner.

Table 7.3-3: Daily Operational Emissions (2019) (Winter)

	Overall Operational lbs./day (Maximum Daily Emissions – Criteria Pollutants)			
	ROG	NOx	PM <sub>10</sub>	PM <sub>2.5</sub>
Project Operations	2.93	10.53	4.21	1.19
City of Oakland Threshold of Significance	54	54	82	54
Exceed Significance Threshold?	No	No	No	No

Note: Operational emissions were based on an earlier operational date of 2019; actual operational emissions will decrease in later operational years as vehicle fleets become cleaner.

As shown in these tables, the proposed project's average daily operation emissions would not exceed the City's daily thresholds of 54 pounds per day for ROG,  $NO_x$ , or  $PM_{2.5}$ , or 82 pounds per day for  $PM_{10}$  for operation. Additionally, the proposed project would not exceed the City's annual thresholds of 10 tons for ROG,  $NO_x$ , or  $PM_{2.5}$ , or 15 tons for  $PM_{10}$ . Impacts related to operational emissions generated by the proposed project would be less than significant.

- c) Localized high levels of carbon monoxide (CO) are associated with traffic congestion, idling, or slow-moving vehicles. The BAAQMD recommends a screening analysis to determine if a project has the potential to contribute to a CO hotspot. The screening criteria identifies when site-specific CO dispersion modeling is necessary. The proposed project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:
  - The proposed project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; or
  - The proposed project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or
  - The proposed project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal



mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The proposed project is consistent with the 2015 Congestion Management Plan for Alameda County. According to the Traffic Impact Study prepared by Stantec (Attachment E) the proposed project would generate approximately 318 new net trips during the a.m. peak hour and 212 new net trips during the p.m. peak hour and would not substantially increase traffic volumes on nearby roadways above 44,000 vehicles per hour. Furthermore, the adjacent roadways are not located in an area where vertical and/or horizontal mixing, or the free movement of the air mass, is substantially limited by physical barriers such as bridge overpasses, or urban/natural canyon walls. The proposed project would not significantly contribute to an existing or projected CO hotspot, and impacts would be less than significant.

d, e) During construction, the proposed project would implement SCAs ADMIN-1 (#13) and AIR-1 (#19) to reduce emissions of both criteria air pollutants and toxic air contaminants (TACs). SCAs ADMIN-1 (#13) and AIR-1 (#19) require the preparation of a Construction Management Plan that would implement basic control measures to minimize construction health risks from TACs and fugitive dust by requiring exposed surfaces to be watered; trucks hauling sand, soil, and other loose materials to be covered; visible dirt track-out to be removed daily; new roads, driveways, sidewalks to be paved within one month of grading or as soon as possible; stockpiles to be enclosed, covered, and water twice daily; vehicle speeds on unpaved roads to be limited; and idling time to be limited. Therefore, with implementation of SCAs ADMIN-1 (#13) and AIR-1 (#19) temporary construction emissions would be minimized and the potential health risk impact from TACs would be less than significant.

Operation of the proposed project would locate new sensitive receptors (students and staff) in an area where they could be subject to existing sources of TACs. A quantitative Health Risk Assessment (HRA) to assess the proposed project's exposure to TACs was prepared by Placeworks (2016). The HRA identified two stationary sources within a quartermile of the project site, three high volume roadways (average annual daily traffic counts more than 10,000 vehicles per day), and emissions generated by diesel locomotives from Amtrak passenger trains and UP freight trains to the southwest of the site. The results of the HRA from individual and cumulative emission sources are provided in Table 7.3-4.



Table 7.3-4: Health Risk Assessment Results

		Risk (per lion)	Chronic	A 4 -		
Source	Staff Exposure	Student Exposure	Hazard Index	Acute Hazard Index	PM2.5 (μg/m³)	
		Refined Mo	odeling Values			
Pro Speed Auto Body	0.00	0.00	< 0.001	< 0.001	N/A	
H&H Auto Collision, Inc.	0.00	0.00	< 0.001	< 0.001	N/A	
Amtrak/UP Railroad	0.03	0.06	< 0.001		N/A	
		Screen	ing Values			
International Boulevard	2.65	2.86	0.030	0.030	0.14	
Fruitvale Avenue	0.33	0.35	0.030	0.030	0.02	
East 12 <sup>th</sup> Street	0.56	0.61	0.030	0.030	0.03	
City of Oakland Project-level Threshold	10	10	1.0	1.0	0.30	
Exceed City of Oakland Project- level Threshold?	No	No	No	No	No	
Cumulative Total	3.57	3.88	0.09	0.09	0.19	
City of Oakland Cumulative Threshold	100	100	10	10	0.80	
Exceed City of Oakland Cumulative Threshold?	No	No	No	No	No	

N/A = not applicable Source: Placeworks 2016

The HRA determined that the excess cancer risk from each individual stationary and mobile source within a quarter-mile of the project site is less than the City's project-level threshold of 10 in a million for a lifetime cancer risk and less than the non-carcinogenic chronic hazard index of 1.0. The PM<sub>2.5</sub> concentrations for all individual emission sources are below the City's threshold of 0.3 micrograms per cubic meter ( $\mu$ g/m³). In addition, the cumulative health risks from all evaluated emission sources are below the City's cumulative significance thresholds of 100 in a million for a lifetime cancer risk, non-carcinogenic chronic hazard index of 10, and PM<sub>2.5</sub> concentrations for all individual emission sources are below the City's threshold of 0.8  $\mu$ g/m³. Hazardous air emissions generated from the stationary and mobile sources within a quarter-mile of the project site are not anticipated



to pose an actual or potential endangerment to students and staff. Potential impacts associated with the exposure of TACs to new sensitive receptors would be less than significant, and the proposed project would not require implementation of City **SCA AIR-2** (#20), Exposure to Air Pollution (Toxic Air Contaminants), because TACs would be below the City's thresholds.

f) The proposed project does not involve the development of a mixed-use (residential above commercial), which would expose residences to odors. Therefore, previously identified LUTE EIR Mitigation Measure E.4 would not be applicable to the proposed project.

The construction of the proposed project would emit ROG during construction, the odors of which are objectionable to some. However, these odors would disperse rapidly from the project site, and would not create objectionable odors that affect a substantial number of people. The proposed project does not include the development of a land use that would emit objectionable odors. Furthermore, the project site is not located within the recommended screening distances of any typical sources of objectionable odors, which typically include agricultural operations (e.g., dairies, feedlots, etc.), landfills, wastewater treatment plants, refineries, and other types of industrial land uses. Odor impacts would be less than significant during the construction and operation of the proposed project.

Both the LUTE EIR and CCERP EIR noted potential air quality impacts would be less than significant with incorporation of mitigation measures. The project is not located above a parking garage or an odor generating business. Furthermore, the City has since adopted SCAs which further clarify and expand on the mitigation measures identified in the previous EIRs and have been found to be equivalent or more stringent. The proposed project would be required to comply with City SCA ADMIN-1 (#13) and SCA AIR-1 (#19). Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to air quality.



# 7.4 BIOLOGICAL RESOURCES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish or U.S. Fish and Wildlife Service?			
c)	Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?			
d)	Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			
e)	Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?			
f)	Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances [NOTE: Factors to be considered in determining significance include the number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) protected trees to remain, with special consideration given to native trees.12 Protected trees include Quercus agrifolia (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and Pinus radiata (Monterey pine); provided, however, that Monterey pine trees on City property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be protected trees.];?			



	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
g)	Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources. [NOTE: Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of riparian and/or aquatic habitat through (a) discharging a substantial amount of pollutants into a creek, (b) significantly modifying the natural flow of the water, (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability, or (d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat.]			

### **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR determined impacts to habitat for special status species, resource conservation areas, special status plants and wildlife, and the loss of mature trees would be less than significant. The LUTE EIR did not identify any mitigation measures pertaining to biological resources.

#### **CCERP EIR**

The CCERP EIR determined impacts to the loss of habitat for special status species, wetlands, resource conservation areas, and conflicts with the City of Oakland Tree Preservation Ordinance were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined impacts to special status species, wetlands, resource conservation areas, and conflicts with the City of Oakland Tree Preservation Ordinance would be less than significant with adherence to the following General Plan policies, as derived from the LUTE EIR: Policy CO-5.3, Policy-6.4, Policy-6.5, Policy CO-7.4, Policy CO-8.1, Policy CO-9.1, and Policy W3.1.

All development/redevelopment within the CCERP Project Area is required to adhere to the City of Oakland's Protected Tree Ordinance, which is intended to protect and preserve trees by regulating their removal and preventing unnecessary tree loss. All redevelopment activities would be required to obtain a permit for the removal of a protected tree, or if construction is to occur within 10 feet of a protected tree on the project site. The CCERP EIR determined compliance with the requirements of the City's Protected Tree Ordinance would reduce potential biological impacts to protected trees to a less than significant level.



## **Project Analysis and Conclusion**

a-g) The project site and vicinity are located within an urban area in the City of Oakland and within the CCERP project area. The project site consists of paved parking lots, landscape, and previously developed areas. No wetlands, riparian or other habitat, or suitable habitat for special-status wildlife occur on-site or adjacent to the site. The project site does not provide a suitable corridor for wildlife movement, as it is completely disturbed with a parking lot and a vacant parcel and not adjacent to habitat, or wildlife movement areas. However, migratory birds and raptors may be disturbed if they are occupying nearby trees and shrubs. The project would incorporate City SCA BIO-1 (#26), Tree Removal During Bird Breeding Season, which would require that the removal of any tree and/or other vegetation suitable for nesting of birds does not occur during the bird breeding season from February 1 to August 15. If tree removal must occur during the bird breeding season, the trees proposed to be removed would be surveyed by a qualified biologist 15 days prior to the start of construction. Impacts on species identified by the Migratory Bird Treaty Act would be less than significant with implementation of SCA BIO-1 (#26).

The proposed project would involve the removal of 24 trees; however, only 11 of these trees meet the protection requirement (larger than nine inches diameter breast height) under the City's tree protection guidelines and were included in the Tree Permit. None of the trees to be removed are native trees. A Tree Permit was submitted to the City on December 20, 2015. The proposed project would be required to comply with **SCA BIO-2** (#27), Tree Permit, in accordance with the City's Tree Protection Ordinance. The proposed project would not conflict with the City's Tree Ordinance, and potential impacts from the removal of trees would be less than significant.

An arched concrete culvert, constructed to convey stormwater from Sausal Creek, is located beneath and upstream of the project site. According to the project site plan, the western portion of the project site would be located over the culvert. There are no open sections of the Creek near or within the project site and the site has not been designated a creek fronting parcel due to the underground (culverted nature of the creek. Therefore, the proposed project would not conflict with the City's Creek Protection Ordinance, or with the provisions of an adopted Habitat Conservation Plan because the City does not have any such adopted plan, and the site is fully disturbed.

The LUTE EIR and CCERP EIR determined impacts to biological resources would be less than significant, and no mitigation measures were identified. The proposed project would be required to comply with City **SCAs BIO-1** (#26) and **BIO-2** (#27). Therefore, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to biological resources.



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# 7.5 CULTURAL RESOURCES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Cause a substantial adverse change in the significance of a historical resource as identified in Section 15064.5? Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired." The significance of an historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)?			
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	$\boxtimes$		
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			
d)	Disturb any human remains, including those interred outside of formal cemeteries?	$\boxtimes$		

#### **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR determined impacts to undiscovered paleontological remains would be less than significant. The LUTE EIR determined impacts related to the demolition of historical resources would be less than significant with adherence to the following existing policies from the City's Historic Preservation Element: Policy 1.3, Policy 2.1, Policy 2.4, Policy 2.5, Policy 2.6, Policy 3.4, and Policy 3.5.

The LUTE EIR determined potential impacts to undiscovered archeological resources would be less than significant with the implementation of Mitigation Measure G.2. Mitigation Measure G.2 calls for establishing criteria and interdepartmental referral procedures for determining when discretionary City approval of ground-disturbing activities should be subject to special conditions to safeguard potential archaeological resources.

The LUTE EIR identified historic resources located downtown and along transit corridors could be at risk for demolition or removal for new redevelopment and high density uses. The LUTE determined this impact would be less than significant with implementation of Mitigation Measure



G.3a and Mitigation Measure G.3b. These mitigation measures call for the City to amend the Zoning Regulations text to incorporate new preservation regulations and incentives, and adopt design guidelines for Landmarks and Preservation Districts. Full descriptions of these mitigation measures are provided in Attachment K.

## **CCERP EIR**

The CCERP EIR determined impacts to historic buildings would be less than significant. The CCERP EIR identified the potential for subsurface archaeological resources, and human remains to occur within the CCERP project area. The CCERP EIR determined redevelopment activities would have a less than significant impact on archaeological resources, paleontological resources, and human remains with the implementation of Mitigation Measure 11-1. Mitigation Measure 11-1 calls for work in the vicinity to stop immediately if previously unidentified cultural resources are encountered during development. If the resource is found to be significant under CEQA, Mitigation Measure 11-1 recommends an appropriate mitigation plan to be developed. A full description of Mitigation Measure 11-1 is provided in Attachment K.

## **Project Analysis and Conclusion**

a-e) A Historic Resources Evaluation (HRE) (Attachment H) was conducted for the proposed project by Stantec on June 23, 2017. The HRE noted the Cohen-Bray House, located on a parcel adjacent to the project site, is listed on the National Register Historic Property (NRHP) and is also identified as a City of Oakland Local Landmark. Additionally, the HRE noted the six-story Fruitvale Medical building, located directly south of the project site, appears eligible for listing on the NRHP under Criterion A and California Register of Historical Resources (CRHR) Criterion 1 and Criterion C, and CRHR Criterion 3 (Stantec 2017). There was one building located within the project site, a 1926 multi-family dwelling located at 3007 East 15th Street, that has since been demolished. As indicated in the HRE report, this multi-family dwelling is not designated a historic resource or landmark per City policies, and is not eligible for listing on the NRHP or the CRHR (Attachment H). As such, the multi-family dwelling is not considered a CEQA historic resource per City thresholds, and its demolition is considered a less than significant impact.

As identified in Section 15064.5, a substantial adverse change in the significance of a historic resource is defined as the "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." The proposed project would not cause a substantial adverse change in terms of physical demolition, destruction, or relocation of the Fruitvale Medical Building, or Cohen-Bray House. As such, the proposed project would have no direct or indirect impacts on a historical resource.

Unidentified archaeological or paleontological resources may be discovered during construction. If so, the proposed project would be required to comply with **SCA CUL-1** (#29), Archaeological and Paleontological Resources- Discovery During Construction, to avoid potential impacts. Compliance with SCA CUL-1 (#29) would fulfill the requirements



of previously identified CCERP EIR Mitigation Measure 11-1. As such, impacts to archeological and paleontological resources would be less than significant.

Human remains may be discovered on the project site during construction activities. If so, the proposed project would be required to comply with **SCA CUL-2 (#31)**, Human Remains-Discovery During Construction, which would stop all construction activities immediately to reduce impacts. As such, impacts related to the discovery of human remains would be less than significant.

Both the LUTE and CCERP EIRs noted that impacts to paleontological, archeological, human remains, and historic resources would be less than significant with the incorporation of mitigation measures. Implementation of the LUTE EIR Mitigation Measures are to be carried out by the City not project applicants, and therefore are not applicable to the proposed project. The Mitigation Measure identified in the CCERP has been replaced by adopted SCAs which further clarify and expand on the Mitigation Measures and have been found to be equivalent or more stringent. The proposed project would be required to comply with City SCA CUL-1 (#29) and SCA CUL-2 (#31). The project's cultural impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR and CCERP EIR.



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# 7.6 GEOLOGY AND SOILS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving:			
	(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? [NOTE: Refer to California Geological Survey 42 and 117 and Public Resources Code section 2690 et. seq.]?			
(ii)	Strong seismic ground shaking?	$\boxtimes$		
	(iii) Seismic-related ground failure, including liquefaction?	$\boxtimes$		
	(iv) Landslides?	$\boxtimes$		
b)	Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creeks/waterways?	$\boxtimes$		
c)	Be located on expansive soil, as defined in Table 18-1-B of the California Building Code, creating substantial risks to life or property?			
d)	Be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property	$\boxtimes$		
e)	Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property.	$\boxtimes$		
f)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	$\boxtimes$		

# **Previously Completed Environmental Analysis**

## **LUTE EIR**

The LUTE EIR determined potential impacts related to ground failure and other earthquake-related hazards would be less than significant. Additionally, the LUTE EIR determined that implementation of the LUTE would result in a less than significant impact related to geologic hazards, landslides, expansive soils, and soil erosion. The LUTE EIR did not identify any mitigation measures related to geology and soils. The geologic setting of the project area has not changed since the certification of the LUTE EIR.



### **CCERP EIR**

The geologic setting of the project area has not changed since the certification of the CCERP EIR. The CCERP EIR determined impacts related to potential geologic hazards, erosion, and soil hazards were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined potential geologic and soil impacts would be less than significant with the incorporation of the following General Plan policies, as derived from the LUTE EIR: Policy CO-2.2, Policy CO-2.3, Policy CO-1.1, Policy CO-2.4, and Policy CO-2.3. The CCERP EIR determined potential impacts related to landslides would be less than significant. The CCERP EIR did not identify any mitigation measures related to geology and soils.

# **Project Analysis and Conclusion**

- a) (i-ii) A Geotechnical Investigation and Geologic Hazards Evaluation was completed for the proposed project by Cornerstone Earth Group (Cornerstone) in December 2015 (Attachment I). The Geotechnical Investigation concluded that the project site is not located within an Alquist-Priolo Earthquake Fault Zone and risk of fault rupture on the project site is low. However, the project site is, like the rest of the San Francisco Bay Area, located in an area subject to high risk from seismic shaking. The Geotechnical Report recommends that the proposed project be designed in accordance with the seismic design criteria outlined in the California Building Code (CBC). The Geotechnical Investigation Report finds that with reasonable site preparation such as, grading and excavating for foundations, the proposed project is geotechnically feasible (Cornerstone 2015). In addition, the proposed project would be required to implement SCA GEO-1 (#33), Construction-Related Permit(s), which requires the proposed project to comply with all standards, requirements, and conditions contained in the City's construction-related codes to ensure structural integrity and safe construction. Therefore, with implementation of SCA GEO-1 (#33) and compliance with the recommendations of the Geotechnical Investigation Report, impacts related to the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking would be less than significant. The proposed project would also be required to comply with SCA GEO-2 (#36), Seismic Hazards Zone, which would further reduce potential seismic impacts by submitting a geotechnical report, and incorporating any site-specific design measures. Impacts related to the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking would be less than significant with implementation of SCA GEO-1 (#33) and SCA GEO-2 (#36).
  - (iii) The Geotechnical Investigation Report determined that several soil layers could potentially experience liquefaction or loss of undrained shear strength, which could result in post-liquefaction total settlement at the ground surface, ranging from 0.50 inch to 0.75 inch. As such, the Geotechnical Investigation Report concluded that the project site is within a State-designated Liquefaction Hazard Zone (Cornerstone 2016). As outlined in the Geotechnical Evaluation and required under SCA GEO-2 (#36), the proposed project would be designed to adhere to the DSA strict design standards



- and designed to meet CBC seismic design parameters. Impacts related to liquefaction would be less than significant with implementation of **SCA GEO-2 (#36)**.
- (iv) The project site is not within an area subject to landslides. Therefore, no impact related to landslides would occur.
- b) The proposed project could result in potential impacts related to soil erosion and loss of topsoil. During construction activities, the proposed project would be required to adhere to SCA HYD-1 (#45), Erosion and Sedimentation Control Plan for Construction, and SCA HYD-2 (#50), NPDES C.3 Stormwater Requirements for Regulated Projects. Compliance with SCA HYD-1 (#45) and HYD-2 (#50) would require the Applicant to implement standard stormwater pollution prevention and erosion control measures, and comply with the City's Municipal Regional Stormwater Permit. Impacts related to soil erosion and loss of the topsoil would be less than significant with implementation of SCAs HYD-1 (#45) and HYD-2 (#50).
- c) The Geotechnical Investigation Report concluded that highly expansive surficial soils blanket the project site. The Geotechnical Investigation Report recommends that slabs-on-grade be sufficiently reinforced by a layer of non-expansive fill, and footings should extend below the zone of seasonal moisture fluctuation. The Geotechnical Investigation Report also recommends moisture changes in the surficial soil be limited by using positive drainage, directed away from the building, and limited landscaping watering. Furthermore, as determined in the CCERP EIR, impacts related to expansive soils would be less than significant with compliance to the City of Oakland's Grading Ordinance, Sediment, and Erosion Control Ordinance, and the NPDES permit program. As such, the proposed project would implement SCAs HYD-1 (#45) and HYD-2 (#50) to ensure the proposed project would not be located on expansive soil in a manner that would create substantial risks to life or property. Impacts related to expansive soils would be less than significant with implementation of City SCAs HYD-1 (#45) and HYD-2 (#50).
- d) The project site is flat, and disturbed with a parking lot and vacant parcel. According to the Phase 1 report, there is no evidence of mounds, pits, or swamps. There is an arched concrete culvert, which was constructed to convey stormwater from Sausal Creek, located upstream of the project site. According to the project site plan, the western portion of the project site would be located over the culvert (Figure 5-1). The proposed project would adhere to the recommendations set forth in the Geotechnical Investigation and Geologic Hazards Evaluation conducted by Cornerstone (Attachment I), which include that the school building foundation system be designed to span the culvert. As such, the proposed project would not create a substantial risk to life or property, and impacts would be less than significant.
- e) The proposed project would not create a substantial risk to life or property related to landfills as one is not located close to the site. No impact would occur.
- f) The project site is served by a sanitary sewer system maintained and operated by the City, and discharged to the EBMUD sewer interceptor system. The proposed project would have



access to these systems, and the use of septic systems would be neither required nor permitted. The project would have no impact in this regard.

Both the LUTE EIR and CCERP EIR determined geologic and soil impacts would be less than significant, and no mitigation measures were identified. The proposed project would be required to comply with City SCAs GEO-1 (#33), GEO-2 (#36), HYD-1 (#45), and HYD-2 (#50). Therefore, the project's geological and soils impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or the CCERP EIR.



# 7.7 GREENHOUSE GAS AND EMISSIONS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically:  i. For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO2e annually [NOTE: Stationary sources are projects that require a BAAQMD permit to operate.]  ii. For a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO2e annually AND more than 4.6 metric tons of CO2e per service population annually [NOTE: Land use developments are projects that do not require a BAAQMD permit to operate. The service population includes both the residents and the employees of the project. The project's impact would be considered significant if the emissions exceed BOTH the 1,100 metric tons threshold and the 4.6 metric tons threshold. Accordingly, the impact would be considered less than significant if the project's emissions are below EITHER of these thresholds.]  [NOTE: The project's expected greenhouse gas emissions during construction should be annualized over a period of 40 years and then added to the expected emissions during operation for comparison to the threshold. A 40-year period is used because 40 years is considered the average life expectancy of a building before it is remodeled with considerations for increased energy efficiency. The thresholds are based on the BAAQMD thresholds were originally developed for project operation impacts only. Therefore, combining both the construction emissions and operation emissions for comparison to the threshold represents a conservative analysis of potential greenhouse gas			
b)	impacts.]  Fundamentally conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing greenhouse gas emissions?	$\boxtimes$		



## **Previously Completed Environmental Analysis**

#### LUTE EIR and CCERP EIR

Climate change and greenhouse gas (GHG) emissions were not expressly addressed in the LUTE EIR or the CCERP EIR prepared in 2002. Since information on climate change and GHG emissions were known, or could have been known when the Program EIRs were certified, it is not new information as specifically defined under CEQA. This is consistent with the First District Court of Appeal's ruling in Concerned Dublin Citizens v. City of Dublin, 214 Cal.App.4th 1301 (2013).

# **Project Analysis and Conclusion**

a) The proposed project is in Alameda County, which is a part of the San Francisco Bay Area Air Basin (Air Basin). The Air Basin is regulated by the BAAQMD. Greenhouse gas emissions were estimated for construction and operation of the proposed project using the California Emissions Estimator model version 2013.2.2 (Attachment D). The proposed project would emit GHG emissions during construction from off-road equipment, worker vehicles, and from any hauling activities that may occur. Greenhouse gas emissions from project construction equipment and worker vehicles are shown below in Table 7.7-1.

Table 7.7-1: Construction Greenhouse Gas Emissions

Year	Emissions (MTCO <sub>2</sub> e)
2017	76
2018	104
Total Construction Emissions	180
Amortized emissions (40-year life expectancy)	4.5

Construction of the proposed project would generate GHGs. However, the project's construction emissions in addition to the operational emissions are less than 1,100 MTCO<sub>2</sub>e annually, and 4.6 MTCO<sub>2</sub>e per service population annually. As such, construction emissions would not conflict with the City's screening thresholds, which are based on the BAAQMD thresholds. Project construction emissions would have a less than significant impact on the environment.

Long-term operational GHG emissions would result from project generated vehicular traffic, on-site combustion of natural gas, operation of any landscaping equipment, offsite generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, and the emissions associated with the hauling and disposal of solid waste from the project site. Operational emissions for the proposed project are shown below in Table 7.7-2.



Table 7.7-2: Operational Greenhouse Gas Emissions (2019)

Emission Source	Emissions (MTCO <sub>2</sub> e)
Area Sources	0.01
Energy	119
Mobile (Motor Vehicles)	660
Waste	57
Water	8
Total Operational Emissions	844
Amortized Construction Emissions	4.5
Total GHG Emissions	849
City of Oakland Screening Threshold	1,100
Significant Impact?	No

As shown in Table 7.7-2, total operational emissions for the proposed project would be approximately 849 MTCO2e, and would not exceed the City of Oakland's screening threshold of 1,100 MTCO2e. Additionally, project operation emissions would be 4.5 MTCO2e, and would not exceed the City of Oakland's screening threshold of 4.6 MTCO2e per service population annually. The City of Oakland set the thresholds of 1,100 MTCO2e and 4.6 MTCO2e per service population as a screening mechanism for determining whether projects would have significant GHG emissions. Projects that are below the screening thresholds would not have the potential to cause a significant GHG impact. Impacts related to project operation emissions would be less than significant.

b) The City of Oakland's adopted Energy and Climate Action Plan (ECAP) provides strategies to reduce GHG emissions. The purpose of the ECAP is to identify and prioritize actions the City can take to reduce energy consumption and GHG emissions associated with the City. The ECAP outlines a 10-year plan including more than 150 actions that will enable the City to achieve a 36% reduction in GHG emissions below the 2005 level by 2020. These measures support implementation of the green planning policies in the City of Oakland's General Plan by promoting energy efficiency and minimizing vehicle emissions. The proposed project is consistent with, and would not hinder, the GHG reduction goals set forth in the ECAP and the green planning policies of the General Plan because the proposed project would promote transit use, pedestrian activity, and bicycling by incorporating bicycle racks into the project design. There is also a public transit stop located within 200 feet of the project site and additional public transit via BART nearby. The Fruitvale BART station is within a half mile of the project site. The proposed project would also be required to comply with the City's Green Building Ordinance, which supports the goals, policies, and actions of the ECAP and General Plan.

The proposed project is subject to the City's SCAs, some of which reduce GHG emissions. These include but are not limited to SCAs TRAN-1 (#71), Transportation and Parking Demand Management; UTIL-3 (#74), Construction and Demolition Waste Reduction and Recycling; and UTIL-4 (#76), Recycling Collection and Storage Space. The proposed project would not be subject to a GHG Reduction Plan under City SCA #38, because estimated GHG emissions are below the City's thresholds of significance and the proposed



project is not large enough to trigger the requirement for a GHG Reduction Plan. Therefore, it can be concluded that the proposed project complies with the applicable Assembly Bill 32 Scoping Plan. The proposed project would not conflict with applicable GHG plans, policies, or regulations and this impact would be less than significant.

Neither the LUTE EIR nor the CCERP EIR analyzed climate change or GHG emissions. The proposed project would not result in new significant impacts related to GHG emissions during construction or operation, and no mitigation measures are required. The proposed project would be required to comply with City SCA TRAN-1 (#71), SCA UTIL-3 (#74), and SCA UTIL-4 (#76).



# 7.8 HAZARDS AND HAZARDOUS MATERIALS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			
c)	Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors [NOTE: Per the BAAQMD CEQA Guidelines, evaluate whether the project would result in persons being within the Emergency Response Planning Guidelines (ERPG) exposure level 2 for acutely hazardous air emissions either by siting a new source or a new sensitive receptor. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers]?			
d)	Emit hazardous emissions or handle hazardous or acutely-hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			
e)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			
f)	Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions.			
g)	Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a significant safety hazard for people residing or working in the project area?			
h)	Be located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			
i)	Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			
j)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			



### **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR determined potential impacts related to the release, transport, use, or exposure to hazardous waste and materials would be less than significant with compliance to existing City policies and applicable regulatory requirements. The LUTE EIR identified the following City policies to reduce potential impacts to a less than significant level: Policy I/C4.2, Policy N5.1, Policy W1.2, Policy W6.2, Policy I/C2.2, Policy CO-1.2, Action CO-1.2.1, Policy I/C2.1, and Policy I/C.3. The LUTE EIR did not identify any mitigation measures related to hazards and hazardous materials.

## **CCERP EIR**

The CCERP EIR determined potential impacts related to the release, transport, use, or exposure to hazardous waste and materials would be less than significant with compliance to existing General Plan policies and applicable regulatory requirements. The following General Plan policies, as derived from the LUTE EIR, would reduce potential impacts from development within the CCERP: Policy I/C4.1, Policy W1.3, Policy W2.2, Policy W9.1, Policy N5.1, Policy N5.2, Policy T1.6, Policy I/C2.1, Policy CO-1.2, and Action CO-1.2.1. The CCERP EIR did not identify any mitigation measures related to hazards and hazardous materials.

# **Project Analysis and Conclusion**

a-c, e) The project site is listed as an active school cleanup site on the State "Cortese" list pursuant to Government Code Section 65962.5. The project site is listed on the DTSC EnviroStor Database as case number 60002285.

Pursuant to City **SCA HAZ-1 (#40)**, Hazardous Building Materials and Site Contamination, a Phase I Environmental Site Assessment was prepared for the project site, and concluded that the following potential contaminants of concern were identified within the project site: petroleum hydrocarbons in soil associated with runoff from a parking lot, a trench, and a former heating oil tank; and petroleum hydrocarbons and chlorinated solvents in groundwater associated with Walt's Transmission facility, located approximately 1,150 feet northeast (and potentially up-gradient) of the project site.

On January 6, 2016, DTSC issued a Phase I Determination Letter requiring a PEA to further investigate the project site. An Environmental Oversight Agreement was fully executed on February 4, 2017. DTSC approved the PEA Workplan on May 4, 2016 and the PEA fieldwork was conducted the week of May 9, 2016. On October 25, 2016, DTSC approved the PEA Report, which concluded that DTSC's RAW process would need to be completed prior to redevelopment of the site. On September 6, 2016, the Applicant entered into a School Cleanup Agreement to address contaminants of concern in surface soil and volatile organic carbons in groundwater impacting soil vapor. A RAW was prepared by Cornerstone on November 10, 2016, and approved by DTSC on June 30, 2017 (Attachment G).



The RAW presents removal action objectives, evaluates alternatives, and describes the proposed alternative for the project site. The major elements of the RAW would include the following:

- Removal of approximately 22 truckloads of contaminated soil and transport to offsite disposal facility;
- Implementation of dust control measures during soil excavation and loading activities within work zone;
- Monitoring of dust generated during soil removal activities;
- Collection of soil confirmation samples from floor and sidewalls of excavation;
- Capping of soil containing naturally occurring asbestos across entire project site;
   and
- Installation of a vapor mitigation system beneath the planned school building.

The RAW would be conducted in accordance with protocols of the Comprehensive Environmental Response, Compensation, and Liability Act and the National Oil and Hazardous Substances Pollution Contingency Plan codified in Part 300 of Code of Federal Regulations, and Title 40 (40 CFR 300). The Applicant is required to comply with City **SCA GEN-1 (#15)**, Regulatory Permits and Authorizations from Other Agencies. **SCA GEN-1 (#15)** would require the Applicant to comply with all requirements and conditions of the RAW, and submit evidence of the approvals/authorizations from DTSC to the City.

As part of the approval process for the RAW, a Notice of Exemption was prepared to comply with CEQA. Implementation of the RAW would address remedial action and the general steps that would be taken to remediate the project site, and reduce potential impacts to human health and the environment from the identified contaminants of concern impacted soil, soil vapor, and groundwater to less than significant levels. Although the project site is listed on the DTSC EnviroStor Database, the Applicant is actively working with DTSC to remediate the site. As such, impacts related to on-site contamination would be less than significant with compliance to City SCA HAZ-1(#40) and SCA GEN-1 (#15).

The construction of the proposed project would involve the use, transport, and handling of hazardous materials such as diesel fuels, lubricants, solvents, asphalt, paints, building materials, finishing materials, pesticides, and fertilizers. The transportation and handling of these materials could result in the exposure of workers to hazardous materials, or could be inadvertently spilled or otherwise spread if not properly handled. The transportation and handling of hazardous materials would be required to follow all applicable laws and regulations related to the transportation, use, and storage of all hazardous materials to safeguard workers and the public. The construction of the proposed project would be required to comply with City **SCA HAZ-2 (#39)**, Hazardous Materials Related to Construction, which would ensure best management practices (BMPs) are implemented



by the contractor to properly maintain, store, and transport hazardous materials. Impacts associated with the transport, use, disposal, or storage of hazardous materials during construction would be less than significant with compliance with **SCA HAZ-2 (#39)**.

Operation of educational and administrative functions at the project site would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. Schools do not generate or use significant amounts of hazardous materials and require only limited storage of materials for use in education labs, routine cleaning of buildings, or landscape maintenance. These materials would be used, stored, and disposed of in accordance with applicable federal, state, and local procedures and regulations. Impacts related to the transport, use, disposal, or storage of hazardous materials during operation would be less than significant.

d) Operation of a public K-8<sup>th</sup> grade charter school would not generate or use significant amounts of hazardous materials, and would only require limited storage of materials for use in education labs, and for routine cleaning of buildings, or maintenance of landscaping. Hazardous materials associated with educational and administrative activities, as well as maintenance activities would comply with the applicable federal, State, and local regulations and standards.

During operation of the proposed project, accumulated soil vapor would have the potential to migrate through cracks in the foundation, drain tiles, utility pipes, sumps, and conduit penetrations if the pressure underneath the slab is greater than the pressure inside the building. As a result, vapors may be inhaled posing potential health risks. The proposed project would comply with **SCA HAZ-1** (#40), which would incorporate a vapor intrusion mitigation plan and install a passive sub-slab ventilation (SSV) system. The purpose of the SSV system is to inhibit the accumulation of soil vapors underneath the building slab using a soil vapor vent pipe, which is routed outside the building and into the outdoor air. Activities related to the long-term operation and maintenance of the passive SSV mitigation system are further described in Attachment G. As such, impacts related to the handling of hazardous materials within one-quarter mile of an existing or proposed school would be less than significant with implementation of City **SCA HAZ-1** (#40).

- f, h) The project area is not within an airport land use planning area, or within two miles of a public airport or private airstrip. The nearest airport is the Oakland International Airport, located more than four miles to the south. The proposed project would not result in a safety hazard for people residing or working in the project area. The proposed project would remain consistent with the findings of the CCERP EIR, and no impact would occur.
- g, i) Operation of the proposed project would not involve any physical changes to streets, access, evacuation routes, or incorporate unusual design features that could result in traffic hazards. Internal circulation is expected to be adequate for the proposed project, and project traffic would not spill over to Derby Avenue; assuming student pick-up and drop-off times are staggered. If any temporary roadway closures are required during construction of the proposed project, the Applicant would be required to comply with SCA ADMIN-1 (#13), and submit a construction management plan to the City for review



and approval. The construction management plan would contain measures to minimize potential impacts from construction traffic. As such, impacts related to emergency access would be less than significant with implementation of the proposed project.

j) The project area is not within an area subject to wildland fire hazards. No impact related to wildland fire hazards would occur.

Both the LUTE EIR and CCERP EIR determined that impacts related to hazards and hazardous materials would be less than significant, and no mitigation measures were identified. As discussed above, contamination does exist on-site and a RAW was prepared and approved by DTSC on June 30, 2017 to address the remediation activities (Attachment G). The proposed project would be required to comply with the requirements of the RAW and implement City SCA HAZ-1 (#40), SCA GEN-1 (#15), SCA HAZ-2 (#39), and SCA ADMIN-1 (#13) to further reduce potential hazards and hazardous materials impacts to less than significant levels. As such, the proposed project would result in an equal or less severe impact than previously identified in the LUTE EIR or CCERP EIR.



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# 7.9 HYDROLOGY AND WATER QUALITY

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Violate any water quality standards or waste discharge requirements?			
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there should be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			
c)	Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	$\boxtimes$		
d)	Result in substantial flooding on- or off- site?			
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?			
f)	Create or contribute substantial runoff which would be an additional source of polluted runoff?			
g)	Otherwise substantially degrade water quality?			
h)	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows?			
i)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	$\boxtimes$		
j)	Expose people or structures to a significant risk of loss, injury or death involving flooding?	$\boxtimes$		
k)	Expose people or structures to a substantial risk of loss, injury, or death as a result of inundation by seiche, tsunami, or mudflow?			
I)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site?			



Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
m) Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources. [Note: Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek, (b) significantly modifying the natural flow of the water or capacity, (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability, or (d) substantially endangering public or private property or threatening public health or safety?]			

### **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR identified that implementation of the LUTE would result in increased development activity at various locations throughout the city, including locations adjacent to creeks and waterways, which could result in water quality impacts during construction. The LUTE EIR determined that this impact would be less than significant.

The LUTE EIR also identified that implementation of the LUTE would result in increased development activity that could alter drainage patterns, could increase impermeable surfaces leading to increased volume of runoff, and could potentially affect the quality of stormwater runoff. The areas proposed for the greatest change are already developed with similar uses, the changes in runoff patterns, volume, and quality would be negligible. The LUTE EIR determined that this impact would be less than significant.

The LUTE EIR did not identify any mitigation measures pertaining to hydrology and water quality.

#### **CCERP EIR**

The CCERP EIR concluded impacts related to groundwater; inundation by seiche, tsunami, or mudflow; flooding from dam or reservoir failure; and increase in runoff and drainage were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined potential hydrology and water quality impacts would be less than significant. The CCERP EIR did not identify any mitigation measures related to hydrology and water quality



## **Project Analysis and Conclusion**

- The project site is currently a disturbed site consisting of a parking lot and one vacant a, g) parcel. The proposed project would consist of a three-story school structure and associated outdoor space and would not substantially increase impervious surfaces since the majority of the site is paved under existing conditions. As presented on Figure 5-8, the total site area is approximately 38,046 square feet. The total existing/pre-project impervious surface area is approximately 36,496 square feet (which included the multi-family building). The proposed project would result in approximately 33,836 square feet of replaced impervious surface. Implementation of the proposed project would result in a net reduction of impervious surface by approximately 2,000 square feet. Therefore, postconstruction runoff is not expected to exceed runoff from existing conditions. Although the building site is less than one acre in size and post-construction runoff is not expected to significantly exceed existing runoff conditions, both construction and operational activities have the potential to violate water quality standards or otherwise degrade water quality unless proper measures are taken. The City of Oakland requires implementation of SCA HYD-1 (#45): Erosion and Sedimentation Control Plan; and SCA HYD-2 (#50): NPDES C.3 Stormwater Requirements for Regulated Projects, which include measures to prevent the significant degradation of water quality. Impacts to water quality would be less than significant with implementation of SCA HYD-1 (#45) and HYD-2 (#50).
  - b) The project site does not represent a major groundwater recharge source because it is already disturbed, primarily covered by impervious surface, and surrounded by urban development. In 2015, the groundwater depth at the project site was measured between 20.5 and 42 feet below current grades, with a historic high depth mapped at 10 feet below current grades (Cornerstone 2016). Excavation for the proposed project would not exceed 2.5 feet in depth, and therefore it is unlikely that excavation for the proposed project would encounter groundwater. The proposed project would have no impact on groundwater supplies, recharge, or local groundwater table levels.
- c-f, I) The project site is almost entirely covered by impervious surface (including the previous multi-family building) and is topographically flat. The proposed project would replace approximately 33,836 square feet of impervious surface, and incorporate landscaped areas, bioretention basins, and permeable paving to incrementally increase the site's permeability. The proposed project would not cause an increase in runoff. The proposed project would also not introduce new uses that would produce an increase in polluted runoff compared to the existing uses.

Stormwater runoff from the project site would be directed to the proposed on-site bioretention basins and then to the existing on-site Alameda County Flood Control and Water Conservation District culvert, which connects to the County's stormwater drainage system. Water on the proposed perimeter curb and gutters would be directed to the City's stormwater drainage system (Figure 5-8). A stormwater drain is currently present atop the culvert, on the project site. The proposed project would include abandonment of this stormwater drain, and construct a new stormwater drain to collect stormwater from the proposed on-site bio-retention basins, and discharge to the culvert. The culvert was



constructed in the 1800s to convey stormwater from Sausal Creek, located upstream of the project site. There are no creeks, streams, or rivers in the immediate vicinity or on the project site that would be altered with implementation of the proposed project.

The proposed project would be required to implement erosion and sedimentation control measures to prevent excessive stormwater runoff or the carrying by stormwater of sediments onto adjacent lands, public streets or to creeks due to grading operations. The proposed project would not result in substantial erosion or siltation that would affect the quality of receiving waters. Furthermore, the proposed project would not significantly alter the site's drainage patterns or increase impervious surface area over existing conditions. To ensure that the proposed project does not contribute significant amounts of substantially polluted post-construction runoff, the City of Oakland requires the incorporation of site-specific design measures for post-construction stormwater pollution management. Examples of such measures include minimizing impervious surfaces, the appropriate replacement of impervious paving surfaces with permeable paving, and establishing vegetated buffer areas. In addition, the City requires the implementation of operational BMPs for structural source control measures to limit the generation, discharge, and runoff of stormwater pollution. The proposed project would implement SCA HYD-2 (#50) to further reduce impacts to a less than significant level.

- h-i) The proposed project does not include a residential component, and is not within a 100-year or 500-year flood hazard zone. No impacts would occur related to flood hazards.
  - j) EBMUD has four reservoirs located to the east (topographically higher) of the project area that could potentially cause flooding within the project area in the event of failure. However, flood waters would normally follow existing stream beds or drainage courses, and would not likely affect redevelopment areas. The proposed project would not expose people or structures to a significant risk of loss, injury or death involving flooding, and impacts would be less than significant.
  - k) The project site is not mapped within an area susceptible to mud flows, seiches, or tsunamis. The proposed project would not expose people or structures to a substantial risk of loss, injury, or death from inundation by seiche, tsunami, or mudflow, and no impact would occur.
  - m) There is an arched concrete culvert constructed to convey stormwater from Sausal Creek, and located upstream of the project site. According to the project site plan, the western portion of the project site would be located over the culvert. There are no open sections of the creek near or within the project site, and the project is not designated as a creek fronting property. The proposed project would implement SCAs HYD-1 (#45) and HYD-2 (#50) to minimize or eliminate indirect water quality impacts on Sausal Creek. The proposed project would not conflict with the City's Creek Protection Ordinance. Potential impacts related to hydrological resources, as defined by the City's Creek Protection Ordinance, would be less than significant with implementation of City SCAs.



Both the LUTE EIR and CCERP EIR determined that impacts related to hydrology and water quality would be less than significant. The proposed project would be required to comply with City **SCAs HYD-1** (#45) and **HYD-2** (#50). Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to hydrology and water quality that were not identified in the Program EIRs.



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# 7.10 LAND USE AND PLANNING

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Physically divide an established community?			
b)	Result in a fundamental conflict between adjacent or nearby land uses.			
c)	Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment?			
d)	Fundamentally conflict with any applicable habitat conservation plan or natural communities' conservation plan?			

### **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR determined impacts regarding conflicts with nearby or adjacent land uses would be less than significant with adherence to General Plan policies I/C4.1, I/C4.2, (Industrial/Commercial Policies) D10.7 (Downtown Policies), W1.2, W2.2, W3.2, W7.1, W8.7, W9.6, W10.7, W10.5, (Waterfront Policies) N1.5, N2.7, N3.9, N5.1, N8.2, and N12.6 (Neighborhood Policies) including those neighborhoods within the CCERP project area. The LUTE EIR determined all other potential impacts related to land use would be less than significant. The LUTE EIR did not identify any mitigation measures related to land use and planning.

#### CCERP EIR

The CCERP EIR determined impacts related to land use would be less than significant. The CCERP is intended to be consistent with and assist in further implementation of specific improvement strategies of the LUTE for each sub-area within the project area. All new development and redevelopment activity pursuant the CCERP is required to be consistent with the land use designations and planning policies of the City of Oakland General Plan. The CCERP EIR did not identify any mitigation measures related to land use and planning.

# **Project Analysis and Conclusion**

a) The proposed project would result in the infill development of a K-8<sup>th</sup> public charter school. The proposed project would occupy a portion of an existing city block that was previously disturbed and is now vacant. The project site is surrounded by medical and residential development. The proposed project would not involve construction of a physical feature (e.g., a highway or rail line), or the removal of an existing means of access (e.g., a road or



bridge linking different portions of a community) that would physically divide an established community. Instead, the proposed project would represent the continuation of an already developed area on the block, and no impact would occur.

b, c) The proposed project would be consistent with the LUTE and the CCERP. The strategies contained in the LUTE are intended to strengthen multiple-unit neighborhoods and preserve, maintain, and strengthen single family areas through zoning, housing rehabilitation, and code enforcement. These strategies also include bringing vacant and underutilized properties back into productive use to increase employment opportunities and improve economic vitality.

As discussed in further detail in Attachment B, the proposed project is aligned with policies N1.8, N3.2, and N12.2 set forth in the LUTE and CCERP. The proposed project would be consistent with the findings of the Program EIRs, and would revitalize an underutilized parcel to create employment opportunities, and accommodate Oakland's growing community. The proposed project is generally consistent with the surrounding land uses that include a mix of commercial, multi-family, and medical land uses. The proposed project would be consistent with the development density/intensity in the Planning Code for RM-4 Zone upon approval of a CUP. The building height limit for RM-4 zone is 35 feet. The proposed project would require a variance to exceed the 35 feet height. Additionally, the proposed project design includes a green living wall up to 23 feet in height near the southwest boundary of the project site and would require a variance to exceed the maximum fence height of 8 feet, and a variance for building in the front yard setback and street side yard setback. The increased building height and green living wall height would be compatible with the surrounding land uses as there are two- to six-story structures in the project area. Furthermore, the proposed project would be required to comply with the City's design standards and surrounding streetscape, as specified in the Planning Code and City's design review process.

Additionally, the California Department of Education (CDE) standards are required to be implemented for all proposed school construction projects. Considerations that factor into this determination include standards for school site selections (Title 5 California Code of Regulations) including:

- The site's net usable acreage and projected enrollment must be consistent with the standards published in the CDE's document, "School Site Analysis and Development." If less than the recommended acreage is available, the proposed project must explain how the students will be provided an adequate educational program, including physical education.
- All school buildings and play areas must be setback at least a minimum distance from power lines, ranging from 100 feet for lines of 133 kilovolts or less, to 350 feet for lines of 500 kilovolts or more.
- Sites normally must be at least 1,500 feet from a railroad track easement or highpressure transmission line.



- The site cannot be adjacent to a road or freeway posing safety problems or generating sound levels that would adversely affect the educational program.
   Particular attention must be paid to student ingress and egress and crossing at or near heavily trafficked arteries.
- The site must not contain an earthquake fault or fault trace.
- It should not be within a flood or dam flood inundation area, unless the cost mitigating this impact is reasonable.
- It must not be located near an above-ground water or fuel storage tank posing a safety hazard.
- It should not be subject to liquefaction or landslide problems.
- The site should be roughly proportionate in dimensions to the projected layout of buildings, fields, and other facilities, so that the time required to reach classes is kept reasonable.
- It should be easily accessible by road and allow safe visibility at site entrances and exits
- It should not be located on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossing.
- Existing and proposed zoning of surrounding properties should be compatible with school presence and pose no health or safety risks to students or staff.
- The site should be located within the proposed attendance area to encourage students to walk to school and to minimize the need for busing, except where used to promote diversity.
- It should promote joint use of parks, libraries, museums, and other public services.
- It should be conveniently located for fire and police protection, public transit, and trash disposal.
- Other considerations include a range of environmental factors such as light, wind, noise, aesthetics, and air pollution as well as potential complications as easements that might restrict access, the costs of bringing utility service to the site, site preparation and eminent domain costs, landscaping and maintenance expenses, and existence of protected wildlife habitat, wetlands, or environmentally sensitive vegetation.



• If a proposed site is on or within 2,000 feet of a significant hazardous waste disposal site, the district must contact DTSC to determine whether the property should be considered a Hazardous Waste Property or Border Zone Property.

Potential conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant.

d) There are currently no approved Habitat Conservation Plans or Natural Community Conservation Plans applicable to the project site, or its immediate surroundings. The proposed project would not conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan. No impact would occur.

Both the LUTE EIR and CCERP EIR determined land use and planning impacts would be less than significant. The Program EIRs did not identify any mitigation measures or SCAs related to land use and planning, and none would be required for the proposed project. The project's land use and planning impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or CCERP EIR.



## 7.11 MINERAL RESOURCES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to region and the residents of the State?	the 🔀		
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?			

#### **Previously Completed Environmental Analysis**

## LUTE EIR and CCERP EIR

The LUTE EIR and CCERP EIR determined that there are no known mineral deposits of local importance, or value to the region or residents of the State, nor are there locally-important mineral resource recovery sites within the central and east portions of Oakland. The CCERP EIR determined that there would be no impact to mineral resources with implementation of the LUTE or the CCERP.

## **Project Analysis and Conclusion**

a-b) The project site is in a highly-urbanized area without known mineral resources of value. As previously determined under the LUTE EIR and CCERP EIR, the proposed project would have no impact on mineral resources. The Program EIRs did not identify any mitigation measures or SCAs related to minerals, and none would be required for the proposed project.

The LUTE EIR and CCERP EIR determined no impacts would occur to mineral resources. The Program EIRs did not identify any mitigation measures or SCAs related to minerals, and none would be required for the proposed project. The project's minerals impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or CCERP EIR.



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# **7.12 NOISE**

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommended measures to reduce potential impacts? During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard?			
b)	Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise?			
c)	Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise?			
d)	Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3 dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project) [NOTE: Outside of a laboratory, a 3 dBA change is considered a just-perceivable difference. Therefore, 3 dBA is used to determine if the project-related noise increases are cumulative considerable. Project-related noise should include both vehicle trips and project operations.]?			
e)	Expose persons to interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24)?	$\boxtimes$		
f)	Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan	$\boxtimes$		



	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
	after incorporation of all applicable Standard Conditions of Approval?			
g)	Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA])?			
h)	During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA)?			
i)	Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	$\boxtimes$		
j)	Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	$\boxtimes$		

## **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR determined impacts related to General Plan map changes to allow a mix of commercial and residential uses would be less than significant with adherence to the following General Plan policies and mitigation measures: Policy I/C4.1, Policy I/C4.2, Policy N1.5, Mitigation Measure L.3a, Mitigation Measure L.3b, and Mitigation Measure L.4. Mitigation Measure L.3a calls for establishing buffers between residential uses and large-scale commercial development. Mitigation Measure L.3b calls for rezoning to consider compatible land uses, specifically mixed residential and non-residential neighborhoods. Mitigation Measure L.4 calls for high density residential developments adjacent to low density residential developments to be designed in a manner that minimizes potential noise impacts.

The LUTE EIR identified General Plan map changes to allow live-work and other forms of housing in transitional industrial areas could result in future noise compatibility problems. The LUTE EIR determined such impacts would be less than significant with the implementation of Mitigation Measure L.5a, Mitigation Measure L.5b, Mitigation Measure L.5c, and Mitigation Measure L.5d. Mitigation Measure L.5a pertains to the city establishing distinct definitions of live/work operations and defining appropriate locations for such uses. Mitigation Measure L.5b pertains to eliminating residential zoning within predominantly industrial areas. Mitigation Measure L.5c pertains to establishing performance-based standards for noise, odors, light/glare, and traffic volumes for industrial activities located near residential or commercial areas. Mitigation Measure L.5d pertains to developing performance zoning regulations that permit industrial and commercial uses based on their compatibility with adjacent land uses.



The LUTE EIR identified implementation of the LUTE could result in future transportation improvements that could create aggravate noise compatibility problems with sensitive receptors. The LUTE EIR determined such noise impacts would be less than significant with implementation of Mitigation Measure L.7. Mitigation Measure L.7 calls for future transit improvements to be designed sufficiently to estimate noise levels along streets. Full descriptions of these mitigation measures are provided in Attachment K.

The LUTE EIR determined construction noise impacts in the Downtown Showcase District and Coliseum Showcase District would be significant and unavoidable.

#### **CCERP EIR**

The CCERP EIR determined short-term increases in noise and vibration during redevelopment construction activities would be less than significant with implementation of Mitigation Measure 7-1: Construction Noise. Mitigation Measure 7.1 calls for projects to comply with the City Noise Ordinance and implement noise reduction measures to minimize potential vibration and noise impacts to adjacent sensitive receptors during project construction.

The CCERP EIR determined potential impacts from increased traffic noise would be less than significant. The CCERP EIR determined noise compatibility impacts of mixed use developments would be less than significant.

The CCERP EIR identified potential noise compatibility impacts could occur from future development. To mitigate potential impacts, the CCERP EIR calls for the incorporation of Mitigation Measure N-3: Noise Compatibility. Mitigation Measure N-3 requires future residential development proposals within 5,000 feet of the I-880 freeway, or along major arterials and collectors identified in the LUTE, to complete a detailed analysis of noise reduction requirements. Full descriptions of Mitigation Measure 7.1 and Mitigation Measure N-3 are provided in Attachment K.

## **Project Analysis and Conclusion**

a-b) Construction of the proposed project is expected to occur over six months. Construction noise would typically be generated from the use of concrete saws, graders, compactors, dozers, cranes, backhoes, and construction-related traffic. The project construction noise analysis results are provided in Attachment J, Acoustic Technical Report, prepared by Stantec. As discussed in Attachment J, noise impacts associated with project construction would result in temporary or periodic increases in ambient noise levels which range from 71 equivalent sound level (Leq) to 86 Leq based on the type of construction equipment in use (Table 12 of Attachment J). A reasonable worst-case noise condition for general construction activity is that the two loudest pieces of equipment for each construction phase would operate simultaneously. This represents a conservative scenario, as it assumes that the two loudest pieces of equipment would be operating simultaneously at the exact location of the project site closest to the nearest receptor (approximately 35 feet from the project site). The results of this worst-case scenario are provided in Table 13 of Attachment J, and show that the worst-case total noise level at the nearest receptor would range from



77 L<sub>eq</sub> to 87 L<sub>eq</sub> depending on the construction phase and the two loudest pieces of equipment for each phase. Noise impacts during construction would be temporary and occur during daylight hours. The proposed project would be required to comply with City SCA NOI-1 (#61), Project Specific Noise Reduction Measures; SCA NOI-2 (#58), Construction Days/Hours, to limit the days and hours of construction; SCA NOI-3 (#59), Construction Noise, to implement noise reduction measures; SCA NOI-4 (#60), Extreme Construction Noise, to implement a Construction Noise Management Plan to reduce extreme noise generating construction activities; and SCA NOI-5 (#62), Construction Noise Complaints, to provide measures to respond and track noise complaints, if any. Therefore, with implementation of the City SCAs, noise generated from temporary construction activities would not exceed the City of Oakland's maximum outdoor noise threshold and ensure project construction noise impacts would be less than significant.

Construction-related traffic would pass within 30 feet of several residences located along the access roads. Traffic noise levels for the proposed project were calculated using FTA methodology, which determined project construction-related traffic would generate maximum hourly noise levels of 53 dBA at the nearest receptor (Attachment J). Noise generated by construction-related traffic would meet the daytime maximum exterior residential noise standard of 60 dBA and would result in a less than significant impact.

Additionally, in accordance with **SCA NOI-1** (#61), a draft construction noise reduction memo has been prepared for the proposed project (Attachment L). As shown in Table 13 of Attachment J, estimated noise levels at the nearest sensitive receptors are not expected to exceed 90 dB(A) (i.e., "extreme noise" levels per the SCAs). Therefore, the Applicant and its contracting team would incorporate site-specific measures consistent with those cited in the City SCAs to ensure construction noise is minimized to the greatest extent feasible at the closest receptors.

c-d) An acoustic technical study (Attachment J) was prepared to evaluate noise generated by the operation of the proposed project.

#### **Existing Noise Conditions**

To evaluate the project site's existing noise environment, noise surveys were conducted at the project site on March 28, 2017 and September 17, 2017. On March 28, 2017 and September 17, 2017, ambient noise measurements were taken at four locations and one location (Location 3), respectively, to assess existing noise conditions at the project site and at nearby sensitive receptors. Readings were taken during daytime hours (7:00 a.m. to 10:00 p.m.) and nighttime hours (10:00 p.m. to 6:00 a.m.). Results of the ambient noise measurements are presented in Table 7.12-1.



Table: 7.12-1: Ambient Noise Levels at Sensitive Receptor

	Lec						
Measurement Location	Daytime Hours (7:00 a.m. to 10:00 p.m.)	Nighttime Hours (10:00 p.m. to 6:00 a.m.)	Estimated Ldn (dBA)				
Location 1 (1442 Derby Avenue)	60	58	65				
Location 2 (3022 International Boulevard)	59	54	62				
Location 3 (2950 International Boulevard)	57	54	61				
Location 4 (3020 E 15 <sup>th</sup> Street)	60	52	61				
Note: Measurements were conducted between the hours of 5:00 a.m. and 6:00 p.m.							

In accordance with Section 17.120.050, Noise, of the City Planning Code the maximum allowable receiving noise level standards for civic uses is 60 dBA for a 20 minute cumulative period during daytime hours, and 45 dBA during nighttime hours. Recess periods for the proposed project would exceed 20 minutes in any hour; therefore, the receiving noise limit would be 60 dBA per the City Planning Code. However, because most of the project's operational noise would be generated by outdoor activities, which includes recess and PE; sources consisting primarily of speech, each noise level is reduced by 5 dB in accordance with Section 17.120.050 of the City's Planning Code. As such, by applying the 5 dBA penalty this would reduce the receiving noise level standard from 60 dBA to 55 dBA.

However, during the noise survey, Stantec measured average ambient noise levels during daytime hours at 2950 International Boulevard (Location 3) at 57 dBA and 60 dBA at 1442 Derby Avenue (Location 1). As these ambient noise levels exceed the receiving noise level standard (55 dBA), Stantec adjusted the maximum noise limit to equal the measured ambient noise levels of 57 dBA, and 60 dBA, respectively.

## **Operation Noise**

During operation of the proposed project, noise would be generated from site maintenance, children playing during recess, the bell system, and student pickup and drop-off.

#### <u>Site Maintenance</u>

Site maintenance activities would typically consist of landscape maintenance equipment, and small power tools. Site maintenance activities would be temporary and occur only during daytime hours between 7 a.m. and 9 p.m. While ambient noise levels in the vicinity of these tools would temporarily increase, the noise levels are generally expected to be



similar to site maintenance activities at the adjacent receptors. Noise impacts from temporary site maintenance activities would be less than significant.

### Bell System

The proposed project would install a bell system to notify 6<sup>th</sup>-8<sup>th</sup> grade students of school events/schedule. Bell systems to notify students of school events/schedule are exempt from the City's municipal code (City of Oakland 2017), and would be a less than significant impact.

## Playground Noise Analysis

The proposed project would include a playground with a climbing playset, located approximately 50 feet from the nearest residential receptor at 2950 International Boulevard; and a turf field designed for sports activities and general play, located approximately 116 feet from the same receptor. Playground activity would typically consist of 70 students at recess during daytime hours and 30 students outside for PE classes. To support the project's operational noise modeling, Stantec collected additional operational noise data at four existing Aspire Charter Schools in the City of Oakland that are comparable in size to the project's proposed recess and PE classes. Noise measurements were taken at the four existing schools with and without students at recess and/or PE classes. The measurements with students present were evaluated and compared to the corresponding measurements without students present to determine the overall student noise contribution, and then averaged to add existing background ambient levels at the Aspire ERES site. Based on these results, noise levels at 2950 International Boulevard with the added project contributions from sport activities, recess, and PE is expected to be, on average, 57 dBA with the green living wall feature (Figure 5-1). As the measured exterior ambient noise level at this receptor was 57 dBA (Attachment J), the playground activity with the green living wall feature in place would not generate an increase in ambient noise levels and impacts from recess activities at the project site would be less than significant.

The proposed project would also include an exterior rooftop recreation area on the eastern facade of the school building. The center of the rooftop recreation area would be approximately 65 feet from the multi-family residential receptor at 1442 Derby Avenue, and 105 feet from the multi-family residential receptor at 3020 E. 15th Street. Lunch-time break activities would typically take place on the exterior rooftop and consist of approximately 60 students. The new noise level at 1442 Derby Avenue with added contributions from student break-time activities is expected to be, on average, 60 dBA with a minimal number of students near the eastern border of the rooftop area and with outdoor seating provisions, as shown in the site plan (Figure 5-5). As the recorded ambient noise level at both of these receptors was 60 dBA (Attachment J), the student activities would not generate an increase in ambient noise levels, and operation noise impacts from the exterior rooftop recreation area would be less than significant.



Operation of the proposed project would be required to comply with City **SCA NOI-6 (#64)**, Operation Noise. SCA NOI-6 (#64) calls for operation of the project to adhere to the performance standards in Chapter 17.120 of the Oakland Planning Code, and Chapter 8.18 of the Oakland Municipal Code. As such, the proposed project would not violate the City of Oakland operational noise standards, or Section 17.120.050 of the City's Planning Code with implementation of SCA NOI-6 (#64).

#### Project Traffic Noise

Long-term operation of the proposed project would slightly increase traffic volumes on the local roadways within the project vicinity. As discussed in Attachment J, based on the existing peak traffic volume per hour of 1668 on International Boulevard and the expected project peak traffic volume per hour (Table 7.16-3) noise levels along International Boulevard would increase by approximately 1 dB with implementation of the proposed project. In addition, noise at the four measurement locations (Table 7.12-1) from project traffic along Derby Avenue and within the project site is also expected to increase peak hourly noise by 1 to 7 dB (Attachment J). However, the highest predicted level would still be several decibels less than the contribution from traffic along International Boulevard. Therefore, the expected peak hourly noise increase from project traffic at all receptor locations is approximately 1 dB. Per the Federal Transit Authority, a 0 to 2 dB increase would result in no impact when the existing background noise levels are already 60 dBA Ldn. Additionally, the expected Ldn values would meet the City of Oakland thresholds for residential and commercial land uses. Impacts from the increase in noise levels at the receptors from project traffic would be less than significant.

Furthermore, because project roadway noise and other exterior operational noise conditions are below the City's exterior thresholds the proposed project would not result in a cumulative noise impact. Cumulative noise impacts would be less than significant with implementation of the proposed project

e-f) The proposed project does not include the development of a residential use, hotels, motels, dormitories, or long-term care facilities. Therefore, there is no impact due to exposure of residents to interior noise greater than 45 dBA Ldn or CNEL.

As shown in Table 7.12-1, occupants of the proposed project would be subject to ambient outdoor noise levels that range from 61 to 65 Ldn. This noise environment is regarded as a "conditionally acceptable" exposure level for educational facilities. The City of Oakland General Plan indicates that development within a "conditionally acceptable" environment requires an analysis of noise-reduction requirements, and if necessary, noise-mitigation features in the design. Pursuant to standards established by DSA the design of the proposed project would incorporate noise reduction features to ensure long-term interior noise levels are below the City's thresholds. The proposed project would also be required to comply with City **SCA NOI-7 (#63)**, Exposure to Community Noise, which would require incorporation of noise reduction measures into the building design based upon the recommendations of a qualified acoustical engineer. As such, future occupants of the proposed project would not be exposed to unacceptable interior noise levels. The design



of the proposed project would be in accordance with the City's land use compatibility guidelines, and therefore impacts would be less than significant with implementation of **SCA NOI-7 (#63)**.

- g) The construction and operation of the proposed project would not result in noise levels, which exceed applicable standards established by a regulatory agency. The proposed project would be required to comply with City SCAs NOI-1 (#61), NOI-2 (#58), NOI-3 (#59), NOI-4 (#60), NOI-5 (#62), NOI-6 (#64), and NOI-7 (#63). Compliance with these SCAs would reduce potential noise impacts from project construction and operation activities, and would not expose sensitive receptors to excessive noise levels. The proposed project would comply with the applicable regulatory agency standards, and construction and operation noise impacts would be less than significant.
- h) During construction of the proposed project, equipment such as backhoes, cranes, dozers, graders, loaders, and rollers may be used as close as 35 feet from the nearest sensitive receptor, and 200 feet from the historic Cohen-Bray House. As shown in Attachment J, Table 14, construction equipment that would be used during project construction would generate vibration levels between 0.002 and 0.127 PPV as measured at 35 feet from the operating machinery, which is below the Caltrans cosmetic damage vibration threshold of 0.3 PPV for older residential buildings at the nearest receptor. The Cohen-Bray House is located approximately 200 feet from the project site. Groundbourne vibration levels at 200 feet would be between 0.0001 and 0.009 PPV, which is below the threshold of 0.1 PPV for fragile buildings (e.g., Cohen-Bray House). At the nearest residential receptor, the vibration levels are also below the human annoyance threshold of 0.1 PPV, except for the vibratory compactor (roller), which would be 0.210 PPV. Operation of the roller would occur for less than 5 days during daytime hours. Construction-related groundborne vibration impacts would be less than significant.
- i-j) The proposed project is not located within an airport land use planning area, or within the vicinity of a private airstrip. The proposed project would not expose people working in the project area to excess noise levels, or conflict with an airport land use plan. No impact would occur.

Both the LUTE EIR and CCERP EIR determined noise impacts would be less than significant with incorporation of mitigation measures. As discussed above, the previously identified LUTE EIR and CCERP mitigation measures are not applicable to the proposed project. Specifically, Mitigation Measures L.3a, L.3b, L4 L.5a, L.5b, L.5c, L.5d and L.7 relate to noise and large-scale commercial uses, high-scale residential, rezoning, live/work operations, incompatible industrial uses, and transit which are not applicable to the school. The City has since adopted SCAs which further clarify and expand on the mitigation measures in the previous EIRs and have been found to be equivalent or more stringent. As such Mitigation Measure 7.1 and N-3 are no longer applicable. The proposed project would be required to comply with City SCA NOI-1 (#61), SCA NOI-2 (#58), SCA NOI-3 (#59), SCA NOI-4 (#60), SCA NOI-5 (#62), SCA NOI-6 (#64), and SCA NOI-7 (#63). As such, the project's noise impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or the CCERP EIR.



## 7.13 POPULATION AND HOUSING

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?			
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?			
c)	Displace substantial numbers of people necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?			

## **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR determined impacts to population and housing would be less than significant, and no mitigation measures are required.

## CCERP EIR

The CCERP EIR determined redevelopment activities would not result in the displacement of substantial numbers of existing housing, or populations that would necessitate the construction of replacement housing elsewhere, and no mitigation measures are required.

#### **Project Analysis and Conclusion**

a) The proposed project does not propose the construction of any new housing. The proposed school would accommodate up to 620 students and employ up to 51 faculty and staff. New students may come from within the City or outside, but it is not likely that students would relocate just to attend the proposed school as there are other public schools located in Oakland. Any demand for new housing would be minor and would not be considered substantial. Employment of 51 faculty and staff by the school would be small, and thus no substantial population growth related to employment would be induced by the proposed project.

The construction phase would not result in construction workers relocating their place of residence. Additionally, the proposed project is located adjacent to existing development



and would not require new services, roads, or utilities that might induce growth. Implementation of the proposed project would result in less than significant impacts related to project-induced population growth.

- b) The project site is currently disturbed with a parking lot and vacant parcel. The vacant parcel was historically developed with a 5,264 square-foot 5-plex residential structure located on the northeast portion of the project site. In April 2017 the multi-family structure was demolished. The building was unoccupied at the time of demolition. Therefore, the proposed project would not result in a substantial decrease in the number of housing units that would necessitate the construction of replacement housing elsewhere, and no impact would occur.
- c) A 5-plex residential structure was previously located on the project site, and demolished in April 2017. The building was unoccupied and previous inhabitants were already relocated. The proposed project would not displace any existing population, and no impact would occur.

As discussed above, the proposed project would result in an equal or a less severe impact than previously identified in the LUTE EIR or the CCERP EIR. The Program EIRs did not identify any mitigation measures or SCAs related to population and housing, and none would be required for the proposed project.



## 7.14 PUBLIC SERVICES

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:			
	Fire protection?	$\boxtimes$		
	<ul> <li>Police protection?</li> </ul>	$\boxtimes$		
	• Schools?	$\boxtimes$		
	<ul> <li>Other public facilities?</li> </ul>	$\boxtimes$		

## **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR concluded that development consistent with the LUTE would result in higher levels of population and employment, thereby increasing the demand for police services, fire protection services, schools, and other public services. The LUTE EIR determined these impacts would be less than significant with the incorporation of the following policies from the LUTE: N13.1, N2.2, N7.2, N13.5, and T3.8. Additionally, the LUTE EIR identified 18 mitigation measures to further reduce potential impacts should such impacts not be reduced to a less than significant level with the adherence to the identified LUTE policies. Implementation of these 18 mitigation measures call for the City to implement specific parameters for the review and development of additional public services. Full descriptions of these 18 previously identified mitigation measures are provided in Attachment K.

## **CCERP EIR**

The CCERP EIR determined potential impacts to police and fire protection services were adequately analyzed under the previously certified LUTE EIR. As such, the CCERP EIR determined impacts to police and fire protection services would be less than significant with implementation of the following policies and mitigation measures, as derived from the LUTE EIR: N13.1, N13.5, Mitigation Measure D.5-1a, Mitigation Measure D.5-1b, Mitigation Measure D.5-1c, Mitigation Measure D.5.1-e, Mitigation Measure D.6.1a, Mitigation Measure D-6.1b, and Mitigation Measure D-6.1d. The incorporation of these mitigation measures calls for the City to consider the availability of fire and police services when reviewing new projects, develop target ratios based on the City's



population, and for the Oakland Police and Fire Departments to review new developments to ensure adequate fire and police services are provided.

The CCERP EIR identified implementation of the CCERP would generate an increase in students attending public schools in the CEERP Plan Area. The CCERP EIR determined the increase in students would result in a less than significant impact. All new development is required to pay school impact fees to offset the costs of new school facilities, and to mitigate potential impacts from the increased school capacity demand to a less than significant level.

The CCERP EIR identified the addition of new students would contribute to a deficit in the availability of classrooms to serve student populations, and result in a potential cumulative impact. The CCERP EIR determined this potential impact would be less than cumulatively considerable with incorporation of Mitigation Measure 10.2-1, Mitigation Measure 10.2-2, and Mitigation Measure 10.2-3. These three mitigation measures call for the Redevelopment Agency to coordinate with the Oakland Unified School District to identify additional school sites, form joint use agreements with the City Parks Department for shared school grounds/public park space, and to pursue local funding opportunities. Full descriptions of the CCERP EIR previously identified mitigation measures are provided in Attachment K.

## **Project Analysis and Conclusion**

a) The proposed project involves the construction of a three-story school structure that would require fire protection services. Since fire services needs are calculated based on the number of residents in an area, the proposed project does not technically generate an additional need. The CCERP EIR indicates that fire protection response times within the CCERP project area are acceptable from existing fire stations and that redevelopment in the CCERP project area is not expected to result in the need for new or physically altered fire stations, the construction of which could cause significant environmental impacts. The Oakland Fire Department aims to provide emergency service within seven minutes of notification 90% of the time, and can generally provide service in that timeframe to areas within 1.5 miles of a fire station. The proposed project would be served by Oakland Fire Department Station #13, located at 1225 Derby Avenue, approximately 0.10 mile south of the project site. According to the CCERP EIR, redevelopment activity within the CCERP project area could also reduce certain fire hazards by constructing new buildings that incorporate sprinkler systems and other fire prevention measures. Furthermore, any increases in the need for fire protection facilities or services would be less than significant with adherence to General Plan Policies N.12.1, N.12.2, and N.12.5.

The proposed project is a school facility and no housing would be constructed as part of the project. However, the proposed project involves uses that would require police services, and may, though unlikely, generate a minimal additional need for expansion of facilities, the development of which may have adverse environmental impacts. The Oakland Police Department would serve the proposed project. Calls for police service are defined and dispatched based on their urgency. Priority A calls are dispatched within one to two minutes, Priority B calls are dispatched within five to ten minutes, and Priority C and D calls take lower priority and can exceed to one hour. The Oakland Police Department is



approximately 3.1 miles northwest of the project site. Any increases in the need for police protection facilities would be less than significant with adherence to General Plan Policies N.12.1, N.12.2, and N.12.5.

The proposed project would result in the construction of a K-8<sup>th</sup> grade public charter school. The proposed project would improve school facilities available for residents within the area. As such, the proposed project would have a less than significant impact on schools.

Both the LUTE EIR and CCERP EIR determined impacts related to public services would be less than significant with incorporation of mitigation measures. However, most of these mitigation measures are to be carried out by the City not project applicants, and are not applicable to the proposed project. The project complies with Mitigation Measure D.7-1d as a school use and because the project includes before and after school programs. In addition, the project complies with Mitigation Measure D.7-1g and 10.2-1 as the project will be purchasing City property for a school-use. The Program EIRs did not identify any SCAs related to public services, and none would be required for the proposed project. Furthermore, the proposed project would be required to pay the City's Capital Improvement Impact Fees, which has recently been adopted by the City Council for this purpose. Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to public services that were not identified in the Program EIRs.



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## 7.15 RECREATION

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			
b)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			

## **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR determined impacts associated with recreation would be less than significant with adherence to the following existing policies outlined in the City's OSCAR Element: Policy REC-3.1, Policy REC-3.2, Policy REC-3.3, Policy REC-4.1, Policy REC-6.1, Policy REC-6.2, Policy REC-6.3, Policy REC-7.1, Policy REC-10.1, Policy REC-10.2, and Policy OS-2.5. The LUTE EIR did not identify any mitigation measures related to parks or recreation facilities.

#### CCERP EIR

The CCERP EIR determined impacts associated with park facilities and park demand would be less than significant.

The CCERP EIR determined new development would contribute to the City's deficit in the availability of parks and recreation facilities, and result in a potential cumulative impact. To mitigate this impact to a less than cumulatively considerable impact, the CCERP EIR identified the following mitigation measures: Mitigation Measure 10.1-1, Mitigation Measure 10.1-2, and Mitigation Measure 10.1-3. These three mitigation measures call for the Redevelopment Agency to coordinate with the Office of Parks and Recreation to identify new park sites for acquisition, promote joint use agreements for the use of non-park recreational facilities, and identify local funding opportunities to augment the existing General Fund. Full descriptions of these mitigation measures are provided in Attachment K.

#### **Project Analysis and Conclusion**

a) At project completion, the site would accommodate up to 620 K-8th grade students, and 51 staff members for a total population of 671 people. The proposed project would include approximately 9,500 square-foot outdoor play/recreation area; complete with a green living wall, play structure and synthetic turf area, a 2,617 square-foot rooftop outdoor recreation area, and a 3,013 square-foot indoor multi-purpose room. While the increase in



student population has the potential to increase demand for recreation facilities, the proposed project improvements would likely reduce the demand for off-site recreation by providing on-site recreational facilities. Most of the students are likely to reside in Oakland. Accordingly, the proposed project is not likely to result in an increased demand for use of neighborhood and regional parks that could result in physical deterioration of existing facilities, and impacts associated with the proposed project would be less than significant.

b) The proposed project includes the construction of recreational facilities associated with the school. The proposed project includes a 9,500 square feet exterior play area and a 3,013 square feet interior play area. The exterior play area includes a play structure surrounded by a rubber safety surface. All proposed recreational facilities would be constructed in a previously disturbed area that is currently covered by an asphalt parking lot. The recreational facilities include synthetic turf, which would improve the precipitation percolation, thereby reducing stormwater run-off from the site. Construction of the proposed recreational facilities would not have an adverse physical effect on the environment and would provide additional stormwater drainage facilities. The proposed project would not require the construction or expansion of recreation facilities, and impacts would be less than significant.

The LUTE EIR determined impacts related to parks and recreation facilities would be less than significant, and no mitigation measures were identified. The CCERP EIR determined implementation of the CCERP would contribute to the City's parks and recreation deficit and result in a less than cumulatively considerable impact with the incorporation of Mitigation Measure 10.1-1, 10.1-2, and 10.1-3. However, these mitigation measures are to be carried out by the Redevelopment Agency (which was dissolved), not project applicants, and therefore, are not applicable to the proposed project. The proposed project would provide on-site recreation facilities, and would not contribute to a cumulatively considerable impact. Based on the project-specific analysis and the findings and conclusions in the Program EIRs, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts, or result in new significant impacts related to recreation that were not identified in the Program EIRs.



## 7.16 TRAFFIC AND TRANSPORTATION

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle, and pedestrian facilities (except for automobile level of service or other measures of vehicle delay)?			
b)	Cause substantial additional vehicle miles traveled (per capita, per servic population, or other appropriate efficiency measure)?	e 🗵		
c)	Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas or by adding new roadways to the network.			

#### **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR identified implementation of the LUTE would degrade intersection levels of services (LOS) on several roadway segments. The LUTE EIR determined this impact would remain significant and unavoidable.

The LUTE EIR identified projects in the Coliseum Showcase District would result in the degradation of LOS. The LUTE EIR determined this impact would be less than significant with implementation of previously identified Mitigation Measure B.4a, Mitigation Measure B.4b, Mitigation Measure B.4c, and Mitigation Measure B.4d. These mitigation measures call for the installation of a traffic signal at the intersection of 66<sup>th</sup> Avenue and I-880 southbound and northbound ramps, installation of a traffic signal at the intersection of 66<sup>th</sup> Avenue and Oakport Street, and to widen the northbound approach at the High Street and Coliseum Way intersection.

The LUTE EIR identified development of Downtown Showcase District projects would result in degradation of intersection levels of service. The LUTE EIR determined this impact would be less than significant with implementation of Mitigation Measure B.3. Mitigation Measure B.3 calls for the intersection of 12<sup>th</sup> Street and Brush Street cycle length to be increased to 120 seconds. Full descriptions of these mitigation measures are provided in Attachment K.

#### **CCERP EIR**

The CCERP EIR identified that although redevelopment activities would increase traffic on roadway segments, the amount of traffic would be relatively small. The CCERP EIR determined this impact would be less than significant.



The CCERP EIR identified the combination of past, current, and future projects would cause some signalized intersections to operate at unacceptable levels of service, and result in a potential cumulative impact. To mitigate this cumulative impact, the CCERP EIR identified the following mitigation measures: Mitigation Measure 5.2A, Mitigation Measure 5.2B, Mitigation Measure 5.2C, and Mitigation Measure 5.2D. These mitigation measures call for the modification of traffic signal phasing at the High Street/International Boulevard intersection, addition of a right turn lane and left turn lane at the 73rd Avenue and Bancroft Avenue, and increase traffic signal cycle length at the 98th Avenue and MacArthur Boulevard intersection.

The CCERP EIR identified redevelopment activity would increase traffic at two non-signalized intersections: Embarcadero/5<sup>th</sup> Avenue and Embarcadero/ I-880 NB off-ramp. The CCERP EIR determined this would result in a less than significant impact with implementation of Mitigation Measure 5.3A and Mitigation Measure 5.3B. These mitigation measures call for the installation of a traffic signal at the Embarcadero/5<sup>th</sup> Avenue intersection, and Embarcadero/I-880 northbound off-ramp intersection, respectively.

The CCERP EIR identified redevelopment activities in the CCERP project area would increase AC Transit and BART transit ridership. The CCERP EIR determined this would result in a less than significant impact. However, the CCERP EIR identified the increase in AC Transit ridership in combination with past, current, and future projects could result in a cumulative impact. To mitigate this cumulative impact, the CCERP EIR recommends the incorporation of Mitigation Measure 5.4. Mitigation Measure 5.4 calls for developers to provide funding for AC Transit if redevelopment would exceed the average load factor on any specific AC Transit line by 125 percent during a peak thirty-minute period. The CCERP EIR identified the CCERP's contribution of peak hour ridership on BART trains would result in a less than cumulatively considerable impact.

The CCERP identified implementation of the CCERP with other transit oriented development proposed near the Fruitvale BART station would likely result in a cumulative impact on BART service fare gates. The CCERP EIR calls for the implementation of Mitigation Measure 5.5 to reduce such impacts. Mitigation Measure 5.5 requires the City to work with BART to assure adequate fare gate capacity is available at the Fruitvale BART station.

The CCERP EIR identified redevelopment activities could result in traffic hazards to motor vehicles, bicycles, or pedestrians due to inadequate design features or incompatible uses. The CCERP EIR determined this impact would be less than significant with implementation of Mitigation Measure 5.6. Mitigation Measure 5.6 requires redevelopment projects to be designed in accordance with City of Oakland Design Standards.

The CCERP EIR identified redevelopment activities could conflict with applicable plans, policies, or programs supporting alternative transportation. To mitigate this potential significant impact, the CCERP EIR recommends implementation of Mitigation Measure 5.7. Mitigation Measure 5-7 calls for the review of individual redevelopment projects to conform to City of Oakland development standards and support alternative transportation modes.

The CCERP EIR identified redevelopment projects could result in inadequate parking supply. To mitigate this impact, the CCERP EIR recommends implementation of Mitigation Measure 5.8.



Mitigation Measure 5.8 calls for new redevelopment projects to comply with the City's parking code. Full descriptions of these mitigation measures are provided in Attachment K.

#### **Project Analysis and Conclusion**

a) The proposed project is consistent with applicable plans, ordinances, and policies, and would not cause a significant impact by conflicting with adopted plans, ordinances, or policies addressing the safety and performance of the circulation system including transit, roadways, bicycle lanes, and pedestrian paths. The proposed project is located within a half mile of the Fruitvale BART station and is served by AC Transit service. The proposed project would be required to implement **SCA TRAN-1 (#71)** and prepare a Transportation Demand Management (TDM) Plan (Attachment F). The TDM Plan would implement various strategies, outline in Attachment F, which encourage the use of non-automobile transportation modes such as public transit, bicycling, and walking. The proposed project would be consistent with the City's Bicycle Master Plan and Pedestrian Master Plan. The proposed project would not result in major modifications to the existing pedestrian or bicycle facilities in the surrounding areas, and would not adversely affect the installation of future facilities. Furthermore, the proposed project would provide on-site bicycle parking facilities, and incorporate features that would facilitate pedestrian access to the project site. The proposed project would be generally consistent with the City's Planning Code and would meet the property development standards and code requirements for driveway width, and vehicle parking with the approval of a minor variance. As such, the proposed project would not conflict with applicable plans, ordinances, or policies, and project impacts would be less than significant with compliance with SCA TRAN-1 (#71). Compliance with SCA TRAN-1 (#71) would fulfill the requirements of previously identified CCERP EIR Mitigation Measure 5-7.

#### b) Vehicle Miles Travelled

The City recently adopted new thresholds of significance on September 21, 2016, to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The new thresholds replace LOS with VMT criteria to determine whether a project causes a significant impact on the environment related to transportation.

The City provides screening criteria for land use development projects, based on project size, project location in a low-VMT area, and project location near transit stations, to apply as an initial step in assessing the potential significance of impacts from VMT. If the project meets any one of the screening criteria, its impacts on transportation are presumed to be less than significant and detailed VMT analysis is not required. A Traffic Impact Study was prepared by Stantec to assess the project's potential VMT impact (Attachment E). The screening guidelines used for the VMT analysis are as follows, and accompanied by the applicability of each criterion to the proposed project:



1. **Presumption of Less Than Significant Impact for Small Projects**: Projects that generate fewer than 100 vehicle trips per day.

<u>Project:</u> The proposed project would generate more than 100 vehicle trips per day, and therefore does not meet the presumption of less than significant impacts based on project site.

2. Presumption of Less Than Significant Impact for Residential, Retail, and/or Office Projects in Low-VMT Areas:

<u>Project:</u> As shown in Table 7.16-1, in 2020 the average daily VMT per worker in TAZ 927 is 20.7 miles. This is 10.8% below the regional average daily VMT per capita of 23.2 in 2020. Given the project site is in an area where the VMT is less than 15% below the regional average, the proposed project does not meet this screening criteria.

 Land Use
 Bay Area
 TAZ 927

 Regional Average
 Regional Average minus 15%
 23.2

 Office (workers)
 23.2
 19.7
 20.7

Table 7.16-1: Year 2020 Daily Vehicle Miles Travelled

3. Presumption of Less Than Significant Impact Near Transit Stations: Presume that residential, retail, and office projects, as well as mixed use projects, proposed within 0.5 mile of an existing major transit stop or an existing stop along a high-quality transit corridor will have a less than significant impact on VMT. The presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT.

<u>Project:</u> The proposed project site is located within 0.5 mile of Fruitvale BART Station, which is an existing major transit stop. However, the proposed project would still generate significant levels of VMT since students typically come by vehicles. Therefore, the proposed project does not meet this screening criteria. However, the proposed project is required to implement **SCA TRAN-1 (#71)**, which would include the development of a Transportation and Parking Demand Management Plan (Attachment F) to reduce VMT impacts to a less than significant level. The Transit Demand Management Plan would be prepared with the goal of reducing automobile trips by 20% and improving traffic circulation in the vicinity of the proposed project. Therefore, transportation impacts are presumed less than significant and a detailed VMT analysis is not required.



## <u>Transportation Demand Management Plan</u>

Pursuant the City's SCAs, all land use projects that generate more than 50 net new AM or PM peak-hour vehicle trips must prepare a TDM Plan. The project TDM Plan was developed for the proposed project to develop a set of strategies to reduce the number of single occupancy vehicle trips to and from the project site. The Aspire Public School and staffing faculty would implement the TDM Plan with a 20% reduction in single occupancy vehicle trips by promoting users to select alternate modes of transportation, including: walking, bicycling, transit, carpooling, and/or other modes.

As shown in Table 7.16-2, the 20% reduction results in decreasing the peak hour a.m. and p.m. trips to a total of 241 and 164 trips, respectively, through the use of the TDM programs and measures. The TDM programs and measures are described in more detail in Attachment F.

Table 7.16-2: TDM Measures

	Target User	SOV Trip and	Estimated SOV	Estimated Vehicle Trip Reduction <sup>3</sup>	
TDM Strategy <sup>1</sup>	Group	VMI REQUESTION I INDIAN		AM Peak Hour	PM Peak Hour
School Pool and Bike/Walk Program	/Walk All Students 7.2 – 15.8% 14%		42	27	
Transit Subsides and Pre-Tax Commuter Benefits	Grades 6-8 and Staff	.3% to 20%	15%	19	13
Bike Parking	All	0.625%	0.625%	2	2
TDM Coordinator	All	-	2.5%	8	6
			71	48	
Total Proje	ct Trips (Estimat	eductions)	241	164	
Total T	OM Strategy Red		22.3%		

#### Notes:



<sup>&</sup>lt;sup>1</sup> The TDM strategies and estimated vehicle trip reduction rate were obtained from CAPCOA and the BAAQMD TDM Tool.

<sup>&</sup>lt;sup>2</sup> Vehicle trip reduction rate estimated based on the estimated level of adoption and aggressiveness of implementation of a given strategy.

<sup>&</sup>lt;sup>3</sup> Vehicle trip reduction estimated by applying the estimated vehicle trip reduction rate to the vehicle trips generated by the target user group.

As shown in Table 7.16-2, it is expected the project VMT would be reduced up to 22.3%, by deploying the measures described above. Therefore, the 20% reduction in vehicle trips would be achieved by the proposed project, and impacts related to VMT would be less than significant.

c) Access and circulation for various travel modes in and around the project site are described below.

#### Vehicle Access and On-Site Circulation

The project site is located at the terminus of E. 15th Street and Derby Avenue. The proposed project would result in an increased vehicular activity on a confined project site. The proposed site plan was reviewed to evaluate on-site circulation and access. The site plan shows that the project driveway on the north side of Derby Avenue between International Boulevard and E. 15th Street would be used as entry only for pick-up and drop-off activities and the cul-de-sac on E. 15th Street north of Derby Avenue would be used to exit the project site during pick-up and drop-off. This two-lane access driveway is proposed to be 20 feet wide, which would provide adequate access for cars and small trucks to the site. The proposed project would not involve any changes to the roadway network.

A queuing assessment was conducted for the project site during the morning peak hour to evaluate impacts to nearby streets and to determine adequate capacity for queuing without impacting the circulation system. As shown in Table 7.16-3, the proposed project would generate a total of 318 vehicle arrival trips to the school during the morning peak hour. This comprises of vehicle trips by parents/guardians of students to drop off their kids and vehicle trips by faculty/staff and part-time staff. Similarly, the afternoon pick-period would result in an estimated approximately 212 vehicle arrival trips to the school. It is reasonable to assume that most faculty/staff would arrive and depart the school before and after business hours and would not arrive/depart during student drop-off/pick-up periods.

Table 7.16-3: Project Trip Generation

Land Use (ITE	S:	S:		A.M. Peak Hour		P.M. Peak Hour			Daily Trips		
Code)	Size	Rate	In	Out	Total	Rate	In	Out	Total	Rate	Total
Private School (K-8) (534)	620 Students	0.9	307	251	558	0.6	175	197	372	2.48	1538
Transit/Bike/W alk Trips Reduction	43.0%	-	132	108	240	-	75	85	160	1	661
Totals		-	175	143	318	-	100	112	212	-	877

**Source**: ITE Trip Generation, 9<sup>th</sup> Edition, 2012; City of Oakland Transportation Impact Study Guidelines, City of Oakland Transportation Planning and Funding Division, November 26, 2013; Stantec, 2017.

**Note:** \* The proposed Project would include program from Kindergarten to eighth grade. ITE land use category "Private School (K-8)" would provide closest trip generation estimates compared to other public school land use categories.



The school would provide a drop-off window between 7:15 a.m. and 8:15 a.m., and assign specific drop-off times for students by grade. Typically, during the morning drop-off period, the highest amount of arrivals typically occurs within the last 15-minute window before the classes start. However, the start time and end time for grades would be staggered to avoid all vehicles arriving at the same time (e.g., middle school breakfast starts at 7:15 a.m. and the school starts at 7:45 a.m., kindergarten breakfast starts at 7:45 a.m., and school starts at 8:15 a.m.). Current analysis assumed that 10% of the students would attend the breakfast program and there would be 422 students total in grades K-5 and 198 students total in grades 6-8. Due to staggered school timing, it is estimated that about 52 vehicles would arrive between 8:00 a.m. – 8:15 a.m. This assumes that kindergarten school starts at 8:15 a.m. and middle school starts at 7:45 a.m. During this 15-minute window, the estimated number of vehicles to arrive at the school would equate to about three vehicles per minute.

Based on an average arrival of three vehicles per minute and a drop-off time of approximately 15 seconds, the expected queuing at the drop-off area is 7 cars. According to the latest project site plan, the proposed drop-off area would be designed to accommodate 32 cars within the school boundaries, without spilling over to Derby Avenue. Also, the proposed project would implement **SCA TRAN-1 (#71)**, which would include a detailed Transportation and Parking Demand Management Plan that would encourage students to use transit, bike, or walk to school and utilize car sharing and carpooling to school. All vehicles would use the intersection of Derby Avenue and E. 15th Street either to drop-off or pick-up students. Therefore, a school crossing guard should be present at this intersection during the a.m. and the p.m. peak hours.

Additionally, independent of CEQA all projects within the City of Oakland are required to obtain an Obstruction Permit from the City prior to placing any temporary construction-related obstruction in the public ROW, including City streets and sidewalks; submit a Traffic-Control Plan to the City, for implementation during construction; and repair any damage to the public ROW, including streets and sidewalks caused by project construction. During construction, the proposed project would be required to comply with **SCA TRAN-2 (#68)**, Construction Activity in the Public Right-of-Way, to reduce project construction activity impacts in the public ROW.

#### Bicycle Access and Bicycle Parking

There is a Class III bike route that runs on Fruitvale Avenue east of E. 12th Street. The shared lane marking is placed on the outer land or Fruitvale Avenue for both directions. West of E. 12th Street, Fruitvale Avenue becomes a Class II bike route with one striped bike lane in each direction. According to the Bicycle Master Plan Recommended Network for the City, International Boulevard and 35th Avenue are designated as corridors for future Class II (onstreet) striped bicycle facilities in the project vicinity.

Chapter 17.117 of the Oakland Municipal Code requires long-term and short-term bicycle parking for new buildings. Long-term bicycle parking includes lockers or locked enclosures and short-term bicycle parking includes bicycle racks. The City's Municipal Code



requirements for long-term parking includes one space for each 10 employees plus one space for each 20 students of planned capacity. The requirement for short-term parking includes one space per each 20 students of planned capacity. The proposed project would provide approximately 67 bicycle spaces total with 62 interior bicycle spaces on the ground level of the building, and 5 short-term exterior bicycle spaces adjacent to the main entrance of the building. The proposed project would meet the long-term and short-term parking requirements defined in the City's Municipal Code and **SCA TRAN-3 (#69)**: Bicycle Parking.

#### Parking Requirements

In accordance with the City's Off-Street Parking and Loading Update (as of August 29, 2016), the proposed project is required to provide 0.5 space per 1 classroom (City of Oakland 2016). In accordance with the City's updated parking requirements, the proposed project would include 15 parking spots. Eleven of these parking spots would be provided on-site, and four would be provided offsite via the shared parking agreement with the adjacent property owner. In addition, the Applicant would have joint use of the adjacent property owner's remaining 26 parking spaces during special events. Aspire will also be responsible for securing agreements with neighboring commercial establishments such as Goodwill, A Better Way for temporary access to 80-120 spaces for special events that are within walking distance of the project site (< 0.25 Miles). Aspire will not hold special events if sufficient temporary offsite parking cannot be secured. The proposed project would also comply with SCA TRAN-1 (#71) and incorporate TDM measures and programs that would manage parking demand (Attachment F). The proposed project would comply with the City's Parking Code, and would not require the implementation of previously identified Mitigation Measure 5.8. Parking shortage impacts would be less than significant.

#### **Conclusion**

The proposed project would not add any new roadways to the area, or incorporate new design features which could result in traffic hazards to motor vehicles, bicycles, or pedestrians.

As discussed above, the proposed project would comply with **SCA TRAN-1** (#71), **SCA TRAN-2** (#68), and **SCA TRAN-3** (#69). Impacts related to traffic congestion would be less than significant.

Both the LUTE EIR and CCERP EIR determined traffic and transportation impacts would be less than significant with incorporation of mitigation measures. As discussed above, several previously identified LUTE EIR and CCERP EIR mitigation measures are not applicable to the proposed project. Specifically, the project is not located near any intersection that was previously identified requiring Mitigation Measures or the Mitigation is requirement of the City and not project applicants. In addition, the project as a K-8 school would not cause transit impacts regarding loads. The project would need to meet the City's Design Review Guidelines, parking requirements (with a Shared Parking Agreement) and includes a TDM



to address alternative modes. Furthermore, the City has since adopted SCAs which further clarify and expand on the mitigation measures in the previous EIRs and have been found to be equivalent or more stringent. The proposed project would be required to comply with City SCA TRAN-1 (#71), SCA TRAN-2 (#68), and SCA TRAN-3 (#69). The project's traffic and transportation impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or the CCERP EIR.



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# 7.17 UTILITIES AND SERVICE SYSTEMS

	Would the Project:	Equal or Less Severity of Impact Previously Identified in LUTE or CCERP EIRs	Substantial increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a)	Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	$\boxtimes$		
b)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	$\boxtimes$		
c)	Exceed water supplies available to serve the proposed project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?			
d)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?			
e)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?			
f)	Violate applicable federal, State, and local statutes and regulations related to solid waste?			
g)	Violate applicable federal, State, and local statutes and regulations relating to energy standards?	$\boxtimes$		
h)	Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects?			



## **Previously Completed Environmental Analysis**

#### **LUTE EIR**

The LUTE EIR identified that implementation of the LUTE would allow for the continued development of hill area subdivisions and additional development of vacant land in the Oakland Hills, which could increase stormwater drainage problems. The LUTE EIR determined that this impact would be less than significant with the incorporation of previously identified Mitigation Measure D.3-2a, Mitigation Measure D.3-2b, Mitigation Measure D.3-2c, and Mitigation Measure D.3-2d. These mitigation measures call for the City to review new development proposals within the Oakland Hills area to determine project water, wastewater, and storm drainage loads. Additionally, these mitigation measures call for the preparation of a comprehensive drainage study for the Oakland Hills area and identify additional drainage policies for the area in the City's Safety Element.

The LUTE EIR also found that new development consistent with the LUTE would increase the demand for solid waste services. The LUTE EIR determined that this impact would be less than significant with incorporation of Mitigation Measure D.4-1a, Mitigation Measure D.4-1b, and Mitigation Measure D.4-1c. These mitigation measures call for the City to continue to implement programs and incentives that reduce the amount of solid waste by encouraging recycling, composting, and other activities consistent with the City's Source Reduction and Recycling Element.

The LUTE EIR identified that development consistent with the LUTE would result in an increase in water demand, flows to the regional wastewater treatment plant, and an increase in stormwater runoff. The LUTE EIR determined these potential impacts would be less than significant.

The LUTE EIR identified that increased water demand and sanitary sewer flows would require localized improvements to the water delivery system and sewage collection systems. These increases could require the addition of new infrastructure. The LUTE EIR determined that these impacts would be less than significant with implementation of Mitigation Measure D.1-2 and Mitigation Measure D.2-2. Mitigation Measure D.2-2 calls for the review of new major development projects to determine projected water, wastewater, and storm drainage loads.

Full descriptions of Mitigation Measure D.1-2, Mitigation Measure D.2-2, Mitigation Measure D.3-2a, Mitigation Measure D.3-2b, Mitigation Measure D.3-2c, Mitigation Measure D.3-2d, Mitigation Measure D.4-1a, Mitigation Measure D.4-1b, and Mitigation Measure D.4-1c are provided in Attachment K.

#### CCERP EIR

The CCERP EIR identified that redevelopment activities could result in an increased demand for water supply. The CCERP EIR determined that these potential impacts would be less than significant.

The CCERP EIR identified redevelopment activities may require localized improvements to the water delivery and wastewater collection systems to provide adequate pipeline capacity,



particularly along major transit corridors. The CCERP EIR determined these potential impacts would be less than significant with the implementation of Mitigation Measure 9.2. Mitigation Measure 9.2 calls for the review of major new development projects to determine projected water and wastewater loads compared to available capacity. A full description of previously identified Mitigation Measure 9.2 is provided in Attachment K.

The CCERP EIR identified that redevelopment activities could result in an increased demand for wastewater treatment and disposal. The CCEERP EIR determined these potential impacts would be less than significant.

#### **Project Analysis and Conclusion**

#### a-h) <u>Water Supply and Wastewater Facilities</u>

Water supply is provided to the project site by EMBUD. EBMUD has accounted for the water demand projections associated with redevelopment in the project area. EBMUD determined redevelopment would have a less than significant impact on existing water supplies. Water supply facilities for the proposed project would connect to the existing City water main facilities to provide water to the project site. The proposed project would have a less than significant impact on existing water supplies and facilities

EBMUD has adequate wastewater treatment capacity to accommodate increased sewer generation in the project area and redevelopment activity would not require or result in the construction of new wastewater treatment facilities or the expansion of existing treatment facilities. The project could increase sewer capacity demand and impact localized sewer transmission infrastructure. The proposed project would accommodate up to 620 students and 51 faculty/staff, creating a potential impacting on sanitary sewer facilities. Sanitary sewer facilities for the proposed project would connect to the existing facilities located in Derby Avenue, which ultimately connects to the 24-inch sewer line in International Boulevard. To address impacts on sanitary sewer infrastructure, the proposed project would be required to comply with City SCA UTIL-1 (#79): Sanitary Sewer System, and provide an Impact Analysis of estimated pre-project and post-project wastewater flow from the project site. Impacts on localized sewer infrastructure would be less than significant with implementation of SCA UTIL-1 (#79).

## Stormwater Drainage

The proposed project would not substantially increase impervious surfaces since most of the site is paved under existing conditions. As presented on Figure 5-8, the total site area is approximately 38,046 square feet. The total post-project impervious surface would be approximately 33,836 square feet, resulting in a net reduction in impervious surface of approximately 2,000 +/- square feet from the proposed project. Stormwater runoff from the project site would be directed to bio-retention swales for treatment prior to discharge to the existing on-site culvert. The proposed perimeter curbs and gutters would be designed to direct stormwater into the city's stormwater drainage system. The proposed project would implement **SCA UTIL-2 (#80)**: Storm Drain System, **HYD-1 (#45)**, and **HYD-2** 



(#50) to address potential impacts on stormwater drainage facilities. Impacts on stormwater drainage facilities would be less than significant with implementation of the City's UTIL-2 (#80), HYD-1 (#45), and HYD-2 (#50).

#### Solid Waste and Recycling

Solid waste collection service at the project site is provided by Waste management. Trash from the project site would be disposed of at the Altamont Landfill. The Altamont Landfill has sufficient capacity to accommodate solid waste generated by the project. California Waste Solutions provides recycling service, upon request, and recycling service at the project site is an open market in Oakland. To reduce and recycle waste from project construction and operation activities, the proposed project would implement the City's SCAs UTIL-3 (#74): Construction and Demolition Waste Reduction and Recycling, and UTIL-4 (#76): Recycling Collection and Storage Space. Impacts pertaining to solid waste services and landfill capacity be less than significant with implementation of City SCAs UTIL-3 (#74) and UTIL-4 (#76).

#### Energy

The proposed project would be required to comply with the standards of Title 24 of the California Code of Regulations. In addition, the proposed project would implement **SCA UTIL-5 (#75):** Underground Utilities, which require all construction projects to underground utilities. All new utilities would be installed in accordance with standard specifications of the utility provider. The proposed project would have a less than significant impact on energy resources with implementation of City **SCA UTIL-5 (#75).** 

Both the LUTE EIR and CCERP EIR noted that impacts to utilities and service systems would be less than significant with the incorporation of mitigation measures. Since the project site is not located in the Oakland Hills area, and therefore previously identified LUTE EIR Mitigation Measures D.3-2c, and D.3-2d are not applicable to the proposed project. Furthermore, the City has since adopted SCAs which further clarify and expand on the mitigation measures identified in the previous EIRs, and have been found to be equivalent or more stringent. Specifically, compliance with SCA UTIL-1(#79) would fulfill the requirements of previously identified LUTE EIR Mitigation Measure 1-2, Mitigation Measure D.2-2, D.3-2a, D.3-2b and CCERP EIR Mitigation Measure 9.2. Compliance with SCA UTIL-3 (#74) and UTIL-4 (#76) would fulfill the requirements of previously identified LUTE EIR Mitigation Measure D.4-1a, Mitigation Measure D.4-1b, and Mitigation Measure D.4-1c. The proposed project would be required to comply with City SCA UTIL-1 (#79), SCA UTIL-2 (#80), SCA UTIL-3 (#74), and SCA UTIL-4 (#76). City SCA UTIL-5 (#75), SCA HYD-1 (#45), and SCA HYD-2 (#50) would also be required. As such, the project's utility and service systems impacts would result in an equal or a less severe impact than previously identified in the LUTE EIR or CCERP EIR



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### 9.0 LIST OF PREPARERS

Principal / Project Manager	Trevor Macenski
Deputy Project Manager	Anna Radonich
Senior Air Quality Scientist	Elena Nuno
Senior Transportation Engineer	Joy Bhattacharya
Architectural Historian	Garret Root
Senior Environmental Planner	Tina Garg
Environmental Planner	





Our Vision: Empower students to be life-long learners, go to college, and contribute to their communities.



Current Location: 1936 Courtland Ave.

New Location 3050 Derby Ave.

Serving Grades: Kindergarten – 8<sup>th</sup>

# **Quick Facts About Our School**

#### **Our students:**

- 220 Students
- 94% Latino
- 94% qualify for free/ reduced lunch
- 45% English
   Language Learners

#### Our teachers and classrooms:

- On average, our teachers have 6yrs plus of teaching experience
- Our curriculum is aligned CA Common Core State standards & supports independent, authentic learning
- Our API score rose in the first few years of existence, going from 592 in 2009 to 833 in 2013!



## SAVE the Date:

Community Meet & Greet Tuesday, April 26<sup>th</sup> at 4pm

Come meet some of our amazing teachers, staff, students & families and learn more about our school community!

QUESTIONS? Please contact Principal Walker at 510-436-9760 or Courtney. Walker @Aspirepublicschools.org



# **ERES Academy**

Nuestra Visión: Capacitar a los estudiantes para ser aprendices por vida, ir a la universidad, y contribuir a sus comunidades



Ubicación actual: 1936 Courtland Ave.

Nueva ubicacion: 3050 Derby Ave.

Grados: Kinder – 8<sup>vo</sup>

# Datos Interesantes Sobre Nuestra Escuela:

## **Nuestros Estudiantes:**

- 220 Estudiantes
- 94% Latinos
- 94% califican para almuerzo gratis/reducido
- 45% Aprendices de Inglés

# Nuestras Maestros Y Aprendizaje:

- Nuestros maestros tienen un promedio de 6 años o más de experiencia en la enseñanza
- Nuestro currículo está alineado a las normas de CA Common Core & apoya un aprendizaje independiente e auténtico.
- ¡Nuestra calificación de API aumentó en los primeros años de nuestra existencia, yendo de 592 en 2009 a 833 en 2013!



# Anote la fecha:

Venga a conocer nuestra comunidad el 🌦 Martes, 26 de abril a las 4pm

¡Ven a conocer algunos de nuestros maestros, personal, estudiantes y familias de nuestra comunidad escolar!

¿PREGUNTAS? Por favor comuníquese con la Directora Walker al 510-436-9760 o por correo electrónico Courtney.Walker@Aspirepublicschools.org

#### FRUITVALE UNITY

Neighborhood Coalition for Positive Change "Building Stronger Communities" (Beat 20X, 23X, 24X)

Thursday, February 18, 2016, 6:30-8:00pm
Fruitvale/ San Antonio Senior Center, 3301-E12 Street, Suite 201

Welcome to the Fruitvale Unity Meeting!

Purpose of Meeting: Provide a forum for gathering resources to connect, network and strengthen the greater Fruitvale community.

Topic	Who	Time	Notes/ Contact Information	
Welcome and Introductions	Angelica Lopez & Maria Sanchez	6:30-6:35		
Officer Update				
Beat Officers		6:35-7:00		
Community Resource Officers	Officer Yslava, Beat 20 Officer L. Baker, Beat 24		kyslava@oaklandnet.com lbaker@oaklandnet.com	
BART Police				
OHA Police				
Guest Speakers	Maribel Sainez Family &			
New Aspire Public School	Community Outreach	7:00-7:20	Maribel.Sainez@aspirepublicschools.org	
	Manager			
Council Office of Noel Gallo	Victoria Herrera	7:20-7:35	vherrera@oaklandnet.com	
Announcements	A P	7:35-7:50		
Josie De La Cruz Park	Angelica Lopez		alopez@oaklandnet.com	
Unity Council	Maria Sanchez Janet McGill		msanchez@unitycouncil.org	
<ul><li>Oakland Housing Auth.</li><li>Measure Z</li></ul>	Janet McGiii		e.jmcgill@oakha.org	
2016 NCPC		7:50-8:00		
<ul><li>Establish Priorities</li><li>Outreach</li></ul>	Angelica Lopez			
Next Meeting date/agenda	Ana Martinez	8:00	Our next meeting is THURSDAY, April 21, 2016	

Vision: A stronger community through shared wisdom and resources.

#### Fruitvale Unity Mission:

As budgets shrink for quality-of-life and safety issues in our Fruitvale community, we provide a forum for pooling our resources, connecting with our neighbors, and working together. We believe that as a united community, we can build on our existing strengths and skills, and focus our collective resources to meet the challenges before us. No one among us need feel isolated or helpless. We mentor and guide each other as we create a safer environment everywhere in our community: on our streets, in our homes, our parks, and our schools.

If you would like to discuss any case in private please contact Ana Martinez: (510) 238-7683, amartinez@oaklandnet.com

#### FRUITVALE UNIDA

"Construyendo Comunidades Fuertes" (Rondas Policiacas 20X, 23X, 24X)

#### Reunión Mensual

Jueves, 18 de febrero de 2016, 6:30-8:00 pm Fruitvale/San Antonio Senior Center, 3301-E12th Street, segundo piso

#### BIENVENIDOS, a la junta de Fruitvale Unida!

Esta junta es un foro de recursos para fortalecer nuestra comunidad

Tema	Quién	Horario	Notas
Bienvenida Propósito de la junta	Angelica Lopez y Maria Sanchez	6:30-6:35	amartinez@oaklandnet.com
Reporte Policiaco	Oficial K. Yslava Ronda(Beat) 20	6:35-7:00	kuglava@aaklanda.at.aan
Policías Comunitarios Policía de BART Policía de OHA	Oficial L. Baker Ronda (Beat) 24	0.30-7.00	kyslava@oaklandnet.com lbaker@oaklandnet.com
Presentacion Nueva Escuela Aspire	Maribel Saineż	7:00-7:20	Maribel.Sainez@aspirepublicschoo ls.org
Oficina del Consejal Noel Gallo	Victoria Herrera	7:20-7:35	vherrera@oaklandnet.com
<ul> <li>Announcements</li> <li>Parque Josie De La Cruz</li> <li>Unity Council</li> <li>Oakland Housing Auth.</li> <li>Measure Z</li> </ul>	Angelica Lopez Maria Sanchez Janet McGill	7:35-7:50	alopez@oaklandnet.com msanchez@unitycouncil.org e.jmcgill@oakha.org
NCPC 2016  Establecer Prioridades  Nuevos miembros	Angelica Lopez	7:50-8:00	
Próxima reunion y agenda	Maria Sanchez	8:00	Nuestra próxima junta es el 21 de abril, 2016

Visión: Una comunidad más fuerte a través de la experiencias exitosas y recursos compartidos.

#### Misión de la Unidad Fruitvale:

Como se han reducido los recursos que la ciudad tiene disponibles, ofrecemos este foro para poner en común nuestros recursos, conectar con nuestros vecinos, y trabajar juntos para resolver problemas de la calidad de vida y temas de seguridad en nuestra comunidad de Fruitvale. Creemos que como una comunidad unida, podemos aprovechar nuestras fortalezas y capacidades existentes, y centrar nuestros recursos colectivos para afrontar los retos que tenemos ante nosotros. Ninguno de nosotros debe sentirse aislado o impotente. Todos somos mentores y guías mientras creamos una comunidad más segura: en nuestras calles, en nuestras casas, nuestros parques y nuestras escuelas.

Si a usted le gustaría hablar de algún asunto en privado por favor, póngase en contacto con Ana Martínez al 238-7683, amartinez@oaklandnet.com

#### April 26, 2016

**Community Meet & Greet,** Native American Health Center, 2950 International Blvd ~handful of community members, plus NAHC staff in attendance

Time	Topic
4:00pm	Sign-in & name tags
4:10pm	Welcome & ERES introductions
4:15pm	Quick overview of ERES
4:25pm	Overview of new building
4:35pm	Q & A
5:00pm	Conclude

#### March 17, 2016

**Fruitvale Unity Meeting,** Fruitvale/San Antonio Senior Center, 3301-E12 St, Ste 201 ~a dozen community members, plus Councilman Gallo & staff in attendance

#### Courtney & Elvira, Principal and Business Manager (10 minutes)

- Introductions
- Quick overview of Aspire
  - o Who we are
  - 11 Bay Area Schools/ 7 Oakland based schools
  - Overall student population
- History, demographics, school culture
- Challenges with current facility (images of current facility)
- Hopes for new facility (images of new building)
- Save the date: Community Meet & Greet on April 26 at 4 pm

#### Family Leaders (5 minutes)

- Hopes & dreams for new facility
- What families & students are excited about

#### **Q&A questions**

- Is Aspire a public school?
- Is Aspire aware of/planning for partnership opportunities with Carmen Flores Recreation Center?
- What is the construction schedule?
- Is Aspire aware of Sausal Creek running through property?

#### 2015

#### **General Outreach**

Staff conducted two community walks to identify:

- · Local neighbors/ business
- · Meet and introduce Aspire to business owners & local organizations
- · Observe the neighborhood traffic and surrounding neighborhood patterns
- · Capture the time it takes to drive from the actual ERES location to the new proposed location
- · Have informal conversation with local orgs and business establishments to inform them of the proposed building and identify a lead person to invite to an upcoming community meeting with Bay Area Aspire leaders

#### In these interactions we learned:

- · None of the orgs or businesses are opposed to the new location of ERES.
- Many local residents shared enthusiasm for the project and were happy to learn that the lot would house a school.
- · Some businesses seem indifferent about the project and none were against the project.

#### Below are the places and people visited:

#### **Organizations**

- · Centro Legal de La Raza (Barbara C. Pinto & Monika Langarcia)
- · Native American Health Center (Charlene Harrison, site director)
- Think College Now (office staff)
- · The Goodwill (Simone, store manager)
  - Prime Time Nutrition (store manager)

#### **Businesses**

- Todo One 3035 International (Jacky, owner & Lonnie, security)
- · Farmers 3028 International (Margarita Rodriguez, owner)
- Chicas Fresas 3071 International (store staff)
- · Kick City 3134 International (store staff)



#### CITY OF OAKLAND

#### BUREAU OF PLANNING

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Phone: 510-238-3911 Fax: 510-238-4730

#### PLANNING COMMISSION PUBLIC NOTICE

Location:	2956 International Blvd, 3007 E 15th St, and 1443 Derby St
Assessor's Parcel Number(s):	025-0720-007-02; 025-0720-001-00; and 025-0720-002-01
Proposal:	To construct a 45,942 square foot three-story Kindergarten-8th Grade public charter school for up to 620
	students and 51 employees with a roofton deck, outdoor field and playground space as well as an ansite double
	lane driveway for drop-off and pick-up queuing.
Applicant:	Aspire Schools
Contact Person/ Phone Number:	Chris Grant (208) 577-2768 and Casey Hoffman (510) 434-5522
Owner:	TCP CS Holdings I LLC, CS Campur 17 LLC, and City of Oakland
Case File Number:	PLN15398
Planning Permits Required:	Regular Design Review to construct a public charter school. Major Conditional Use Permit for construction of
	more than 25,000 square feet of non-residential floor area. Minor Conditional Use Permit to establish a
	Community Education Activity in the RM-4 Zone. Minor Variances for (1) a proposed building height of 40
	1 leet where 35 feet is permitted; (2) a front yard setback of three feet where 15 feet is required. (3) a street side
	yard serback of zero feet where four feet is required; and (4) a 23-foot-high living wall on the side and rear
	property line where 8 feet is permitted. A Shared Parking Agreement for required parking on the adjacent lot
General Plan:	Mixed Housing Type and Community Commercial
Zoning:	RM-4 Mixed Housing Type Residential
Environmental Determination:	Section 15183.3: Streamlining for Infill Projects and Section 15183: projects consistent with a community plan,
	general plan, or zoning.
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· ·	The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa
) A	Flaza, 2nd Floor or online. The CEOA Analysis document for the Aspire Project can be viewed here.
	http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 (Aspire CEQA Analysis)
	Alialysis)
	The CEOA analysis relied was in a 1' of B
9	The CEQA analysis relied upon in making the Environmental Determination and incorporated by reference
· · ·	within the CEQA Analysis document including the LUTE (Land Use Transportation Element), and Central City East Redevelopment Plan EIRs that can be viewed here:
2.0	http://www2.oaklandnet.com/government/o/DDN/Overcoming / A 11 11 12 DOWN control of Average Control of Avera
	http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158 (LUTE / Item #1)
	http://www2.oaklandnet.com/oakca1/groups/ceda/documents/webcontent/dowd007548.pdf (Central City East
	Redevelopment Plan)
Historic Status:	No historic record
City Council District:	5
Date Filed:	12/15/15 (Revised plans submitted 3/5/18)
Finality of Decision:	Appealable to City Council
For Further Information:	Contact Case Planner Michael Bradley at (510) 238-6935 or by email at mbradley@oaklandnet.com.

Your comments and questions, if any, should be directed to the Bureau of Planning, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, California 94612-2031 at or prior to the public hearing to be held on April 4, 2018, at Oakland City Hall, Council Chambers, 1 Frank H. Ogawa Plaza, Oakland, California 94612. The public hearing will start at 6:00 p.m.

If you challenge the Planning Commission decision on appeal and/or in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Bureau of Planning, at, or prior to, the public hearing on this case. If you wish to be notified of the decision of any of these cases, please provide the case planner with a regular mail or email address.

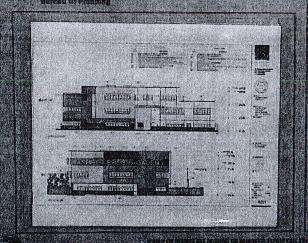
Please note that the description of the application found above is preliminary in nature and that the project and/or such description may change prior to a decision being made. Except where noted, once a decision is reached by the Planning Commission on these cases, they are appealable to the City Council. Such appeals must be filed within ten (10) calendar days of the date of decision by the Planning Commission and by 4:00p.m. An appeal shall be on a form provided by the Bureau of Planning, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City of Oakland or wherein the decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to file a timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record prior to or at the public hearing mentioned above. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

POSTING DATE: March 16, 2018





CITY OF OAKLAND Planning and Building Department Bertan of Ptenping



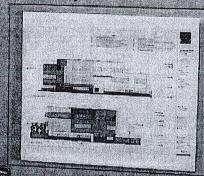
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# PUBLIC NOTICE CITY OF OAKLAND

CITY OF OAKLAND Planting and Burling Department Bulletin of Planting



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