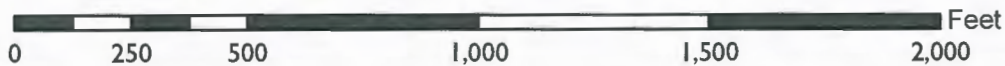
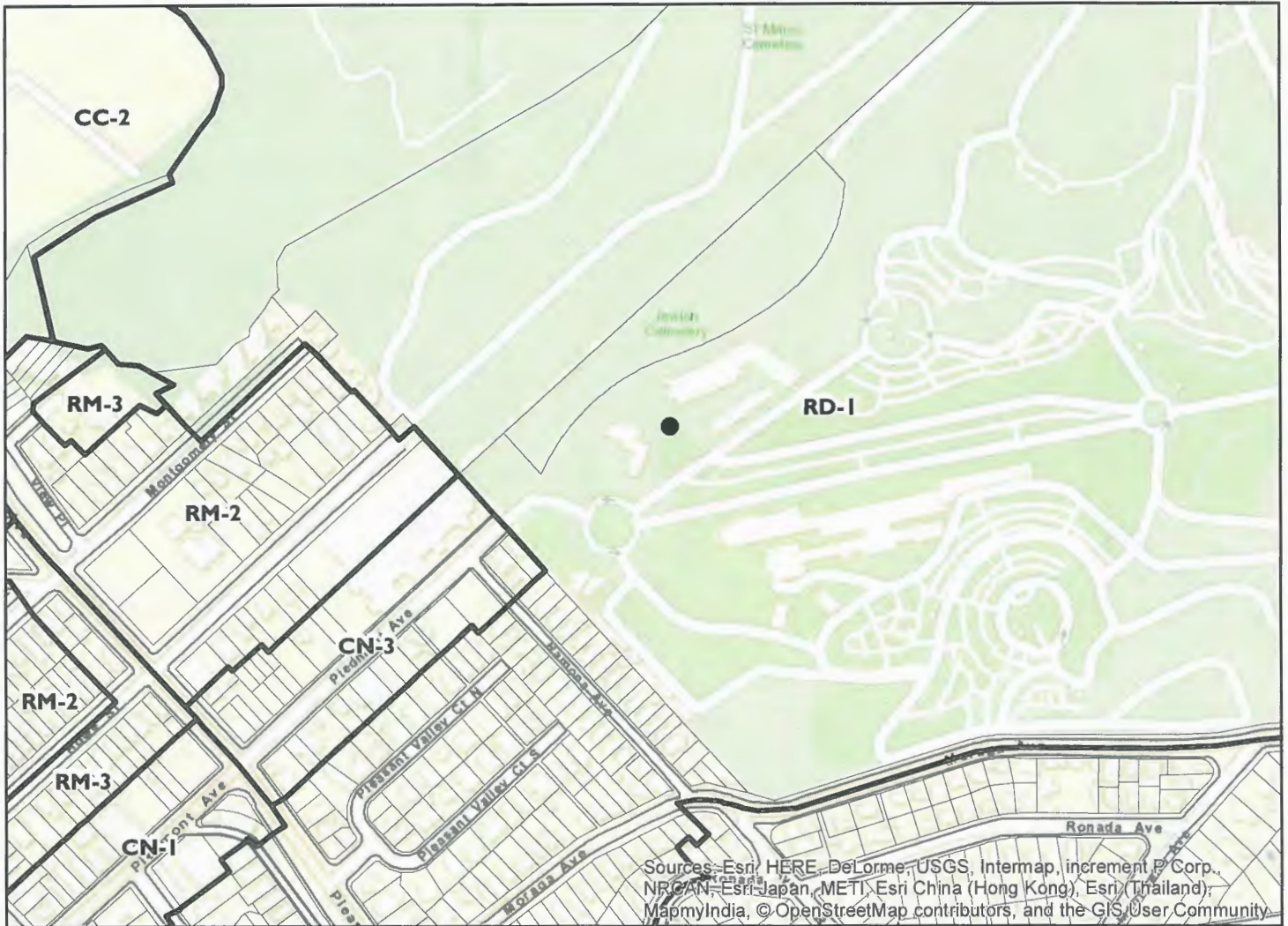


<b>Location:</b>	<b>5000 Piedmont Avenue (APN: 048A700200302)</b>
<b>Proposal:</b>	To construct a one-story, 8,500 square foot chapel, located near the southwest of the Mountain View Cemetery (approximately 400 feet from the main entry). Note: <i>This project was previously approved by the Planning Commission in 2013, but the Planning Permit (REV130001) had expired for the new construction. Under the new application (PLN16170), the applicant is requesting re-approval that includes minor building design modifications.</i>
<b>Applicant/Contact:</b>	Jeff Lindeman
<b>Phone Number:</b>	(510) 658-2588
<b>Property Owner:</b>	Mountain View Cemetery Association
<b>Case File Number:</b>	<b>PLN16170</b>
<b>Planning Permits Required:</b>	Major Variance to operate an undertaking activity (funeral services) in the RD-1 Zone; and Regular Design Review for new building construction.
<b>General Plan:</b>	Urban Open Space
<b>Zoning:</b>	RD-1 Detached Unit Residential Zone
<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning. Section 15064.5 (b)(3) of the State CEQA Guidelines: Determining the Significance of Impacts on Historical and Unique Archeological Resources. Projects that follow the Secretary of the Interior's Standards for the Treatment of Historic Properties.
<b>Historic Status:</b>	Local Register Property Area of Primary Importance (API); Survey Rating: A1+
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	1
<b>Date Filed:</b>	June 1, 2016
<b>Action to be Taken:</b>	Decision based on staff report
<b>Finality of Decision:</b>	Appealable to City Council within 10 calendar days
<b>For Further Information:</b>	Contact Case Planner: <b>Mike Rivera</b> at (510) 238-6417, or by email at <a href="mailto:mrivera@oaklandnet.com">mrivera@oaklandnet.com</a>

## PROJECT SUMMARY

The applicant seeks re-approval for the construction of a one-story, 8,500 square foot building to conduct funeral services in the Mountain View Cemetery. The "Water Pavilion" building would operate as a chapel, reception center and include related services, but will not operate mortuary services. This application is for the re-approval of a Planning permit that had expired on March 2015. Under this proposal there are no significant changes to the original approved Planning application (REV130001/VMD12072) for building site, footprint, size or mass, other than minor exterior building alterations and landscaping. The exterior alterations are for the upper roof, the building façade and the front terrace where a new water fountain and a garden fire pit have been incorporated. This application was reviewed by the City's Landmarks Preservation Advisory Board in May 2016 and provided

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16170  
Applicant: Jeff Lindeman  
Address: 5000 Piedmont Avenue  
Zone: RD-1

comments and are listed in this staff report. The proposal requires two Planning permits, a Major Variance to conduct a funeral facility (undertaking), and Regular Design Review for new building construction in the RD-1 zone. The Planning Commission is the final decision-making body for the re-approval of the application.

## **PROJECT BACKGROUND**

This application for the re-approval of the expired Planning permit was considered by the City's Landmarks Preservation Advisory Board (LPAB) on May 9, 2016. At that public meeting, Planning and Historic Preservation staff presented an oral report of the proposed application and asked the LPAB for comments and direction. The project applicant also made a presentation and explained the reasons for not being able to obtain building permits, and for proposing modifications to the building design. Upon review of the proposal, the LPAB provided comments and referred the matter for final review and determination by the Planning Commission. The following are the comments made by the LPAB:

- The upper roof needs to scale with the building design and include more articulation.
- The exterior barrel vaults need further development to relate to the overall building design.

## **PROPERTY DESCRIPTION**

The Mountain View Cemetery (MVC) is located in a 230 +/- acre property at the east end of Piedmont Avenue. The property is bounded to the west by the St. Mary's Cemetery, the Jewish Cemetery and the Claremont Country Club, to the north by Clarewood Drive, to the east by residential properties, and to the south by Moraga Avenue and other residential properties in the City of Piedmont. The main entry for the property is at the east end of Piedmont Avenue, and the cemetery has most of its existing buildings and/or structures located near the southwest and east sides of the property. Near the southwest of the property, the cemetery has the gothic and tower chapels, crematorium, administrative offices, outdoor garden mausoleums, and a hillside mausoleum located near the center of the cemetery. The cemetery also has burial sites segmented throughout level and hillside areas, and clustered in between medium and large trees. In addition to the services provided at the property, the MVC holds funeral service activities in one of the existing chapels, and in the main mausoleum. Mortuary services are provided on a separate building, located at 4498 Piedmont Avenue. The proposed off-street parking for the project will be provided along the main roads, and near the proposed one-story "Water Pavilion" chapel.

## **PROJECT DESCRIPTION / MODIFICATIONS**

The applicant seeks re-approval for the construction of a one-story, 8,500 square foot building to conduct funeral services that include a chapel, reception center and other related services, except mortuary services. The new building would be located near the southwest side of the property, between the gothic and tower chapels and the outdoor garden mausoleum. The building footprint would be constructed over an existing asphalt road and over a portion of an existing lawn and within a portion of the reflecting pool. The proposal would require the removal of a private road and improvements to the nearby lawn, located to the east of the existing gothic and tower chapels.

The applicant also proposes improvements to the reflecting pool, located northeast of the proposed "Water Pavilion" building. The reflecting pool will be renovated and enlarged to become a contemplative back drop to the new chapel. The project includes the installation of a striped crosswalk with curb ramps over the existing private roads and front lawn located southeast.

The proposed building contains the chapel, state rooms, loggia, lounges, kitchenettes, restrooms and a utility room. The proposal also includes the construction of a terrace to the south of the building, and the expansion

of the existing reflecting pool along the northeast side of the building. All mechanical equipment will be installed above the loggia and will not be visible from view.

The proposal also includes the allocation of required off-street parking, located to the southeast of the site and along the existing private roads. The applicant proposes a total of 27 uncovered off-street parking spaces for the chapel. Sixteen of the parking spaces will be located parallel on the two-way main road "Main Avenue", and eleven of the other parking spaces will be located parallel on a separate, but a nearby one-way road. The project also proposes two bicycle parking racks.

New landscaping is proposed and includes a row of six 36-inch box Red Maple trees along the east side of the Water Pavilion garden, a mix of seventeen 48-inch box and 60-inch box Crepe Myrtle, Mangolia and Strawberry trees including shrubs around the new front garden. The plan replaces the previous circular lawn area with a new reconfigured lawn that includes crush gravel paving, stepping stone, decompose granite, a fire pit, including a terrace fountain and a low seat-wall.

### **GENERAL PLAN ANALYSIS**

The property is located in the Urban Open Space Land Use Classification of the Oakland General Plan, which is intended to identify, enhance and maintain land for open space. The desired character and uses include cemeteries.

### **ZONING ANALYSIS**

The property is located in the RD-1 Detached Unit Residential Zone. The intent of the RD-1 zone is to "create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities." Per Section 17.148.020 (A)(1) of the Oakland Planning Code, a Major Variance is required for an activity type that is not allowed in the RD-1 Detached Residential zone.

The purpose of these provisions is to prescribe the procedure for the relaxation of any substantive provision of the zoning regulations, under specified conditions, so that the public welfare is secured and substantial justice done most nearly in accord with the intent and purposes of the zoning regulations. This procedure shall apply to all proposals to vary the strict requirements of the zoning regulations.

Per Sections 17.148.050, and 17.136.050(B) & (C) of the Oakland Zoning Regulations, the proposal for an Undertaking Service Activity and the construction of a building facility in a residential zone and in an Area of Primary Importance (A1+) requires the making of Major Variance, and Regular Design Review Findings. The purpose of these findings is to analyze the operating characteristics or potential adverse effects of a proposed development on the surrounding areas. Staff will evaluate these findings in the Findings section of this report and can justify approval of the proposed application. (**See Attachment A**)

### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as Categorical Exemptions from environmental review. The proposal is categorically exempt from the environmental review requirements pursuant to Section 15332 for In-Fill Development Projects and pursuant to Section 15183 for projects consistent with a Community Plan, General Plan or Zoning. The following CEQA categorical exemption criteria is summarized by staff in italic print below:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

*The development proposal is consistent with the General Plan designation for Urban Open Space, and the applicable zoning requirements, subject to the making of the required Design Review and Variance Findings being granted within the content of this report.*

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

*The proposal to construct a one-story funeral home ("Water Pavilion"), without mortuary functions is located within a 230 acre parcel. The construction site for the proposal is about 4,800 square feet of surface area, and is basically surrounded by urban uses.*

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

*The proposal will take place in an existing cemetery that has been in operation since 1863, and the new funeral home will be constructed over an existing asphalt road that is surrounded by similar facilities. The project proposal is located in an urbanized mixed-use neighborhood, and does not pose a value for habitat to endangered, rare or threatened species.*

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

*The proposal had included a Traffic Analysis report prepared by transportation consultant, Abrams Associates. In summary, the report states that the proposal will not result in any significant change in traffic conditions.*

- e) The site can be adequately served by all required utilities and public services.

*The proposal is located on a developed site that currently serves similar uses and it is also surrounded by an urbanized area. The construction and size of the funeral home can be served by existing and/or improved utility and public services.*

#### **EXCEPTIONS TO CATEGORICAL EXEMPTIONS - HISTORICAL RESOURCES**

Per Section 15332 of the State CEQA Guidelines for In-Fill Development Projects, the proposed development is exempt. Mountain View Cemetery is an Oakland Cultural Historic Survey (OCHS) Potential Designated Historic District rated as an Area of Primary Importance (API). Therefore, per Policy 3.8 of the Historic Preservation Element, Mountain View Cemetery is a resource on Oakland's Local Register of Historical Resources and subject to Environmental Review.

Section 15064.5(b) (3) of the CEQA Guidelines as outlined below finds:

- (3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

Staff finds that the re-approval of a previously approved project, including the minor building and site modifications for the new one-story funeral home is consistent with the Secretary of the Interior's Standards. Therefore, the proposal provides less than a significant impact on the historic resource of the Mountain View Cemetery, an Area of Primary Importance.

## **KEY ISSUES**

### Major Variance (Undertaking Activity)

The proposal for the re-approval of a funeral home activity requires a major variance for an activity that is not permitted in the RD-1 Residential Zone. The proposal includes memorial services and related functions that falls within the definition of an undertaking activity. Staff believes that the variance proposal to conduct an Undertaking Service Activity can be justified because the funeral home and related services are closely related to the existing uses occurring at the Mountain View Cemetery. Therefore, staff believes that the variance proposal can be warranted as the undertaking activity type can be justified in the required variance findings included in this report.

### Design Review (Site)

The site modifications for the proposed project include the addition of a new terrace fountain, located between the terrace and the new reconfigured garden, which has a layout that is more curvilinear and thus creates an interesting outdoor area. These modifications are considered minor and continue to provide an attractive feature that would complement the intended uses of the funeral services of the Water Pavilion, and to the Mountain View Cemetery as a whole.

### Design Review (Building Exterior)

The proposal includes exterior modifications to the raised flat roof and to the front and rear façades of the one-story building. First, the modified raised roof which is over the chapel has a deeper fascia with a bronze cladding finish that extends to the eaves and soffit. The raised roof still contains the clerestory windows that were part of the original design. However, the modified plan replaces the chapel flat plaster ceiling with a series of barrel vaults that are visible along the front and rear of the raised roof. The purpose for the barrel vaults is to create an interesting play of light into the chapel. The exterior of the barrel vault would have a wood finish to match the color of the bronze fascia on the raised roof.

Second, the modified façade along the front and rear of the building shows a much deeper, but recessed fascia along the upper side of the walls. This modification is designed to accommodate new HVAC equipment under the loggia, so that the equipment will not be visible above the roof or from ground view. The modified plan also replaces the height of the entry doors from 18 feet to 12 feet, and changes the door type from pivot to slide and stack panels. The proposed metal entry doors facing the front terrace will include decorative louver independent leafs for shading. The proposed metal entry doors facing the rear pond will also include curtains or shades for screening and privacy.

Third, the project modifications introduces new exterior building finish materials, but the stone cladding color palate remains unchanged. The stone cladding along the overhead at the doorways would be a mix of smaller tiles of honed or textured limestone or travertine finish materials.

## **CONCLUSION**

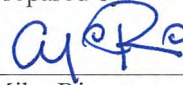
Staff believes that the proposal for the operation of funeral services and related activities is compatible to the existing undertaking services in the Mountain View Cemetery. The proposal makes a good use of the site and fulfills the vision of the General Plan for enhancing and maintaining such activities that are typically found within a cemetery. While staff believes that the modifications to the site and building are minor, we recommend that further design refinements are needed to articulate and make the raised roof more architecturally prominent and include COA #42 to have the project go to DRC post approval. Staff determines that the application meets the required Variance and Design Review findings (**See Attachment A**), and recommends approval to the Planning Commission, subject to the Conditions of Approval. (**See Attachment B**)



RECOMMENDATIONS

1. Affirm staff's Environmental Determination.
2. Approve Major Variance and Regular Design Review application PLN16170, subject to the attached findings Condition of Approval.

Prepared by:



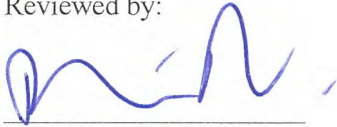
Mike Rivera  
Planner II, Major Projects  
Bureau of Planning

Reviewed by:



Robert D. Merkamp  
Development Planning Manager  
Bureau of Planning

Reviewed by:



Darin Ranelletti, Deputy Director  
Bureau of Planning

Approved for forwarding to the  
City Planning Commission:



Rachel Flynn, Director  
Planning and Building Department

ATTACHMENTS

- A. Project Findings
- B. Conditions of Approval
- C. Original 2013 and Modified 2016 Design Plans, received June 22, 2016

## ATTACHMENT A

The findings required for granting this application a Major Variance and Regular Design Review found in Sections 17.148.050 and 17.136.050(B) & (C) of the Oakland Zoning Regulations, and the reasons this proposal satisfy these findings, are as follows:

### SECTION 17.148.050 – MAJOR VARIANCE FINDINGS

1. 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.

**The proposal for the operation of a funeral home and related activities is located within the 230 acre Mountain View Cemetery that contains cremation, columbarium, and mausoleum facilities. The cemetery already provides funeral services in the existing chapel. Given that the existing undertaking facilities and the proposed funeral home facility are related, the strict compliance of the RD-1 zone would result in an unnecessary hardship. Staff finds that the proposal can be justified because it will provide services or functions that are essential and complimentary to the current uses on the property.**

2. 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.

**While the intent of the RD-1 residential zone is to create single residential units, and supporting activities, the property was established as a cemetery in 1863 that later included additions of similar uses to respond to demographic changes and needs of the general public. Staff finds that the proposal for a funeral home and related services would be complimentary to the current uses on the property, and will contribute to the well-being and needs of the general public.**

3. 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 variance will not adversely affect the character of the surrounding area, and will not be detrimental to the public welfare because the funeral home services would be located within an existing cemetery. The proposal is within a 230 acre property and it is surrounded by other cemeteries, and is far distant from residential properties. The nearest residential property is located southeast and about 500 feet from the proposed site.**

4. 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.

**Although similar Planning permits have been issued for a funeral home and related mortuary services on similar and nearby facilities on Piedmont Avenue, the variance proposal for a funeral home and related services at 5000 Piedmont Avenue will not constitute a grant of**



special privilege. The proposal can be justified because there are related operation services at the Mountain View Cemetery.

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

**The proposal conforms to the City's General Plan and design criteria as listed in the content of this report.**

**SECTIONS 17.136.050(B) and (C) REGULAR DESIGN REVIEW FINDINGS**  
**For Nonresidential 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 would maintain a group of facilities that are well-related to one another and are in context with the surrounding buildings in the cemetery. The site, design, height, architectural features, materials, landscaping and exterior lighting are all unique and compatible with the specific site and with the existing buildings at the Mountain View Cemetery. For the project to achieve a well-composed design, staff believes that the proposed raised roof needs further development to scale with the one-story building, so that it creates an interesting design feature that compliments the overall building. Staff recommends a condition that further review of the proposed raised roof is reviewed by the Design Review Committee. See Condition of Approval # 42.**

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 investment in the area.

**The proposal provides a contemporary quality design that is compatible with the different type of architecture from the surrounding buildings in the cemetery. The one-story building has a segmented footprint configuration, articulated façade arcades, recessed upper walls, quality materials and interesting design features to protect value and 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 proposal conforms with the City's General Plan and to the applicable design review criteria as described in the content of this report.**

**For Local Register Properties that are not Landmarks or located in the S-7 or S-20 zone**

1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, detailing and ornamentation, landscaping, Signs, and any other relevant

design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

**The proposal will not substantially impair the visual, architectural or historic value of the site because the proposal is consistent with the Secretary of the Interior's Standards, and thus it is less than a significant impact on the historic resource for the Mountain View Cemetery.**

## ATTACHMENT B

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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, and the approved plans, submitted to the City on June 22, 2016, 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, Public Works Department and City Surveyor. 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 service to the City 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 as-needed basis.

11. **Public Improvements**

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

12. **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, Army Corps of Engineers and Bay Area Rapid Transit (BART) and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

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

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

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**15. 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

**16. Lighting**

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**17. 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).

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- 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

**18. 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

**19. Tree Permit**

**a. *Tree Permit Required***

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

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: Bureau of Building

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

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

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- 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*

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

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

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

20. **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

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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

21. **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

22. **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



**23. 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

**24. Hazardous Materials Business Plan**

Requirement: The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:

- a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b. The location of such hazardous materials.
- c. An emergency response plan including employee training information.
- d. A plan that describes the manner in which these materials are handled, transported, and disposed.

When Required: Prior to building permit final

Initial Approval: Oakland Fire Department  
Monitoring/Inspection: Oakland Fire Department

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**27. State Construction General Permit**

Requirement: The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall

submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: State Water Resources Control Board

**28. Source Control Measures to Limit Stormwater Pollution**

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 source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

- a. Stencil storm drain inlets “No Dumping – Drains to Bay;”
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

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,

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the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**31. Construction Noise**

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

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

Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**32. Extreme Construction Noise**

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

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall

implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

***b. Public Notification Required***

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**33. 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

Monitoring/Inspection: 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

Monitoring/Inspection: Bureau of Building

37. **Construction and Demolition Waste Reduction and Recycling**

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by

which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at [www.greenhalosystems.com](http://www.greenhalosystems.com) or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

**38. 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

**39. 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

**40. Green Building Requirements**

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

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

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

- Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
- Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.

- Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
- Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
- Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
- Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.

Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

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

- CALGreen mandatory measures.

All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.

The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

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

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

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

When Required: During construction

Initial Approval: N/A

**c. *Compliance with Green Building Requirements After Construction***

Requirement: Prior to finalizing 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

## ***CONDITIONS OF APPROVAL***

Monitoring/Inspection: Bureau of Building

**41. 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

**PROJECT SPECIFIC CONDITIONS:**

**42. Further Review of Building Exterior by the Design Review Committee.**

*Prior to issuance of a building permit*

The applicant shall submit revised design plans for review and approval by the Design Review Committee for design improvements to the raised roof above the one-story building.

**43. Landscape Maintenance.**

*Ongoing*

All required planting and landscape improvements installed on-site and off-site shall be permanently maintained in good condition and, whenever necessary, replaced to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

**44. Review of Proposed Materials**

*Prior to Historic Preservation Sign Off of the Building Permit Drawings*

All design development and materials selections for the new construction, including building materials, signage, lighting, etc. shall be submitted to historic preservation staff for review and approval, with referral to the Landmarks Preservation Advisory Board as appropriate. This includes, but is not limited to, the exterior final exterior stone selection, pavement color and material samples of the fire pit, etc.

**45. Public Art for Private Development Condition of Approval**

*Prior to issuance of Final Certificate of Occupancy and Ongoing*

The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in-lieu contribution, or provide proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations that are verified by the City to either hold a valid Oakland business license and/or be an Oakland-based 501(c) (3) tax designated organization in good standing.

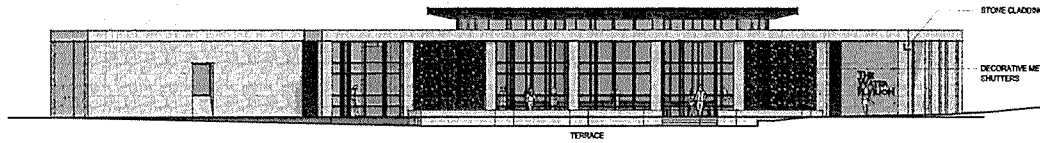
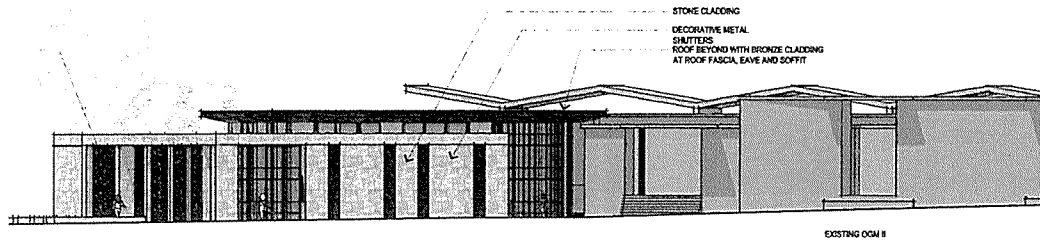
**Applicant Statement**

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval for the 5000 Piedmont Avenue, Project (PLN16170), as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

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

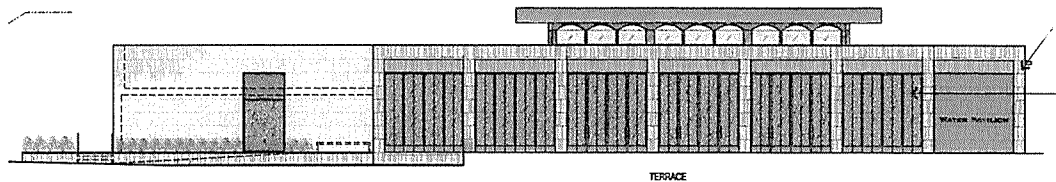
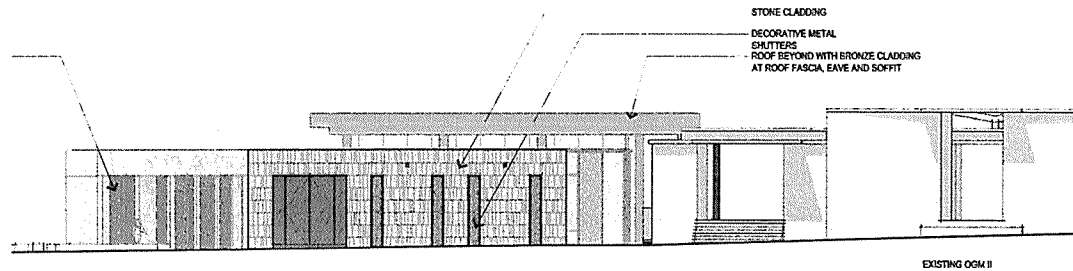
\_\_\_\_\_  
Signature of Project Applicant

Date: \_\_\_\_\_



2013

2016



Mountain View Cemetery Association  
5000 Piedmont Avenue  
Oakland, CA 94611

**Project Name: Water Pavilion - Reapproval of expired design review and variance permit.**

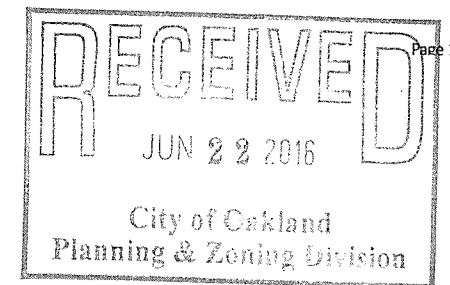
**Background:** A Variance and Design Review were approved in 2013 for The Water Pavilion. The Water Pavilion is a new chapel and reception center intended to host funerary and event services. Those permits expired. Since 2013 the Cemetery has made minor changes to the plan and the Cemetery is submitting the modified plan for reapproval.

**Not changing:** Plan elements that are not changing or are changing in a minor way include location, footprint, floor plan, use and building mass.

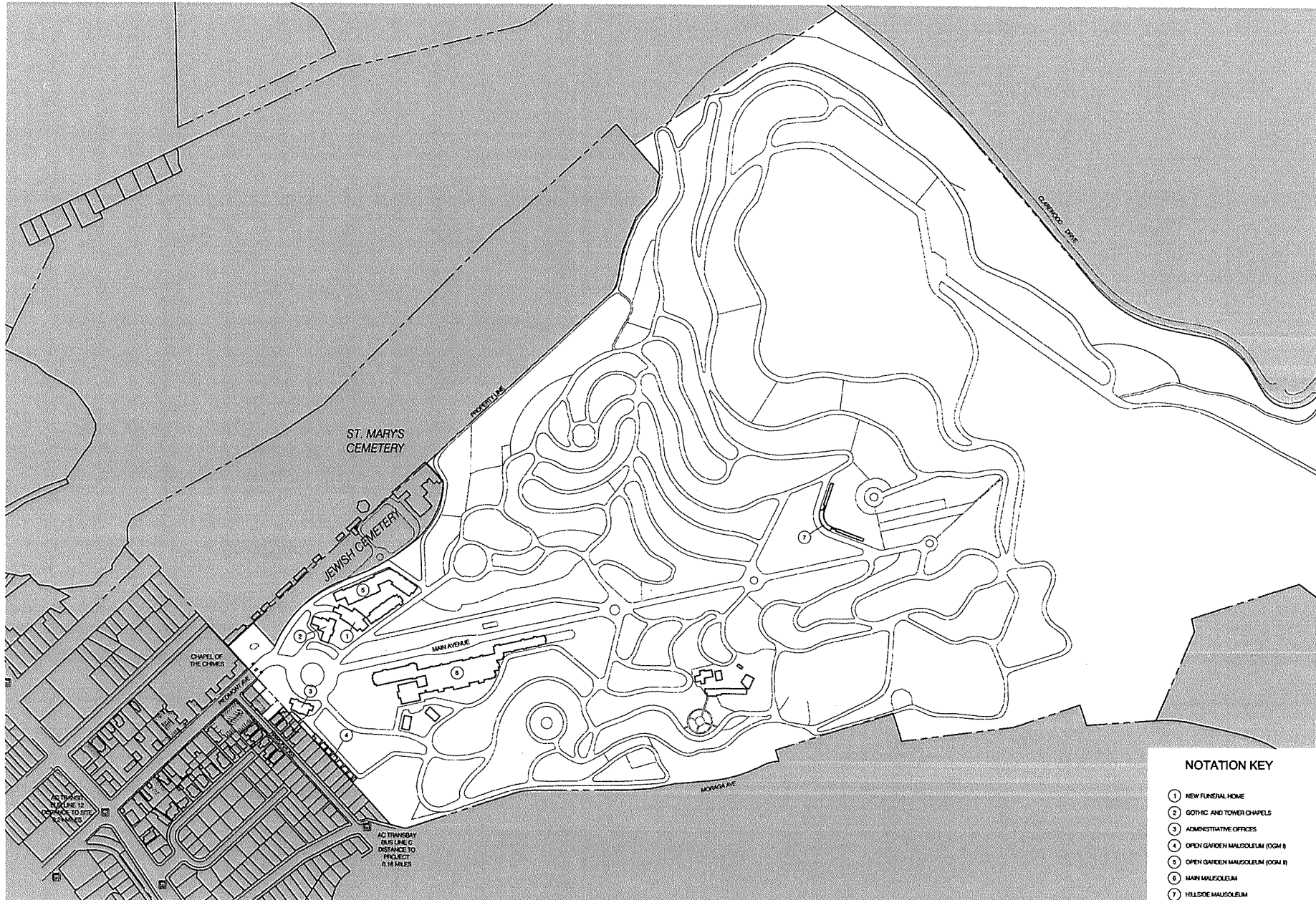
**Changing:**

- \* Code requires additional of a mechanical, electrical and plumbing plenum
- \* Chapel ceiling from a flat plaster ceiling to a series of barrel vaults
- \* Lighten fenestration for pond side doors; garden side fenestration to remain at 12' height but may require 10' doors and a 2' transom instead of 12' doors
- \* Stone cladding color palate remains unchanged, but finish will be a combination of honed and textured finish. Piece height remains at 24" but widths are reduced to a random pattern of widths.
- \* The west garden layout is made to be more curvilinear and fire place and water fall options are added to it.
- \* Clarification that chapel roof line overhangs the pond 8' to 10'

# ATTACHMENT C







# Funeral Home at Mountain View Cemetery

5000 Piedmont Avenue  
Oakland, CA

- 02.09.2012 PRE-APP PACKAGE
- 05.25.2012 LANDMARKS BOARD
- 05.29.2012 ZONING SUBMITTAL
- 06.27.2012 ZONING REVISION
- 02.18.2013 ZONING MODIFICATIONS

JOB: \_\_\_\_\_  
SHEET: \_\_\_\_\_

## MOUNTAIN VIEW CEMETERY SITE PLAN

# A0.4

Page 2

### NOTATION KEY

- ① NEW FUNERAL HOME
- ② GOTHIC AND TOWER CHAPELS
- ③ ADMINISTRATIVE OFFICES
- ④ OPEN GARDEN MAUSOLEUM (EOM I)
- ⑤ OPEN GARDEN MAUSOLEUM (EOM II)
- ⑥ MAIN MAUSOLEUM
- ⑦ HILLSIDE MAUSOLEUM

①  
A0.4

### MOUNTAIN VIEW CEMETERY SITE PLAN

1"=400' @ 11X17      1"=200' @ 24X36



**Funeral Home at Mountain View Cemetery**

5000 Piedmont Avenue  
Oakland, CA

- 02.09.2012 PRE-APP PACKAGE
- 05.26.2012 LANDMARKS BOARD
- 05.29.2012 ZONING SUBMITTAL
- 08.27.2012 ZONING REVISION
- 02.18.2013 ZONING MODIFICATIONS

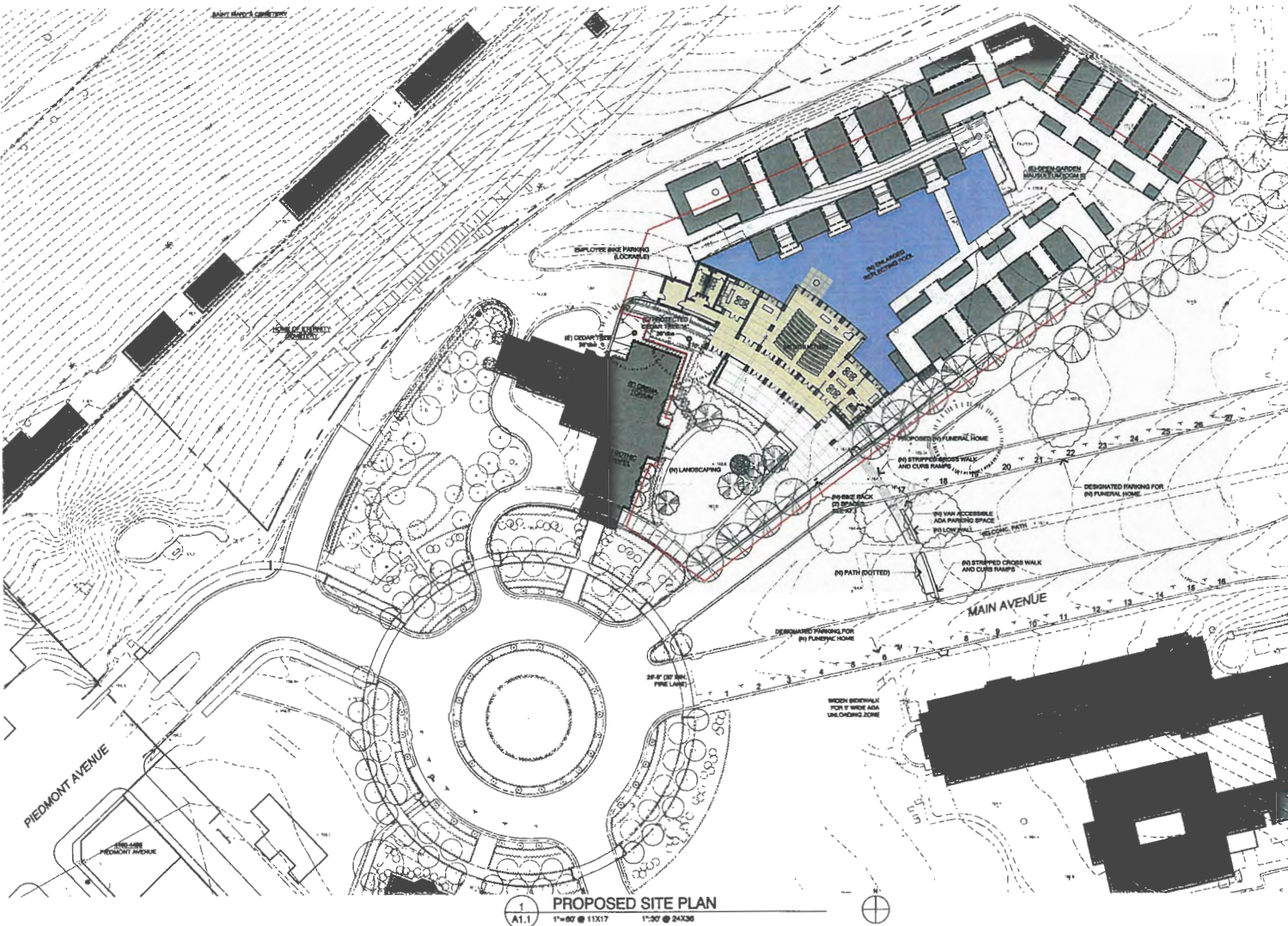
SHEET

PROPOSED  
SITE PLAN

**A1.1**

Key Changes:  
Site Plan- There are no changes to the locations of the pond, Water Pavilion building and patio or garden projects.

Building mass, square foot-ages of project elements, and use are unchanged. Further developments of design components may be found in the attached reapplication sheets.



**PROPOSED SITE PLAN**  
1"=50' @ 11X17 1"=20' @ 24X36

**Mountain View Cemetery Association – New Funeral Home  
Revised Applicant Statement – February 15, 2013**

**The Need**

Mountain View Cemetery Association, a not-for-profit organization established in 1863, proposes the development of funeral home facilities. Due to increases in rates of cremation and changes in cultural demographics, the development of additional funerary services are vital to the long-term ability of Mountain View Cemetery Association to serve the community and maintain its historic buildings and grounds.

**The Project**

This project proposes the construction of a funeral home and supporting events building, called “The Water Pavilion” on the grounds of Mountain View Cemetery Association. The proposed structure is a single-story building of about 8,500 square feet of floor area. The funeral home will include areas for memorial services and support thereof and some mortuary tasks.

**Project Benefits**

The design for the proposed new building has evolved in a series of meetings with Oakland Heritage Association during the course of the past year. We believe that the proposed new building will be a beautiful and dignified enhancement to Mountain View Cemetery Association. We plan on spending about \$10M to construct this project during this recessionary time and will create four to five new full time jobs during the next five years. Most importantly, through improving services offered by Mountain View Cemetery, the project will bring families to the cemetery who are otherwise going to cemeteries outside of Oakland. This is vital to the long-term maintenance of Mountain View Cemetery Association, which receives no tax revenue funding.

**The Plan**

Existing conditions (see attached) include two minor and infrequently used driveways situated between the Gothic Chapel and Crematory and the Outdoor Garden Mausoleum. We propose replacing these driveways with The Water Pavilion. The existing reflection pool (north façade), needing repairs, will be renovated to become a contemplative back drop to The Water Pavilion. The south façade will open to an active garden that reflects the both linear and non-linear aspects of the existing Olmsted landscape. The classic shape, use of stone and siting of the new building makes the building a landscape element that mediates the differences between the mausoleum and chapels, makes existing unrefined landscapes into well-defined outdoor rooms, will be environmentally efficient and make for safe and intuitive way-finding. The plan allows the cemetery to keep two existing mature cedar trees. Last, as a sculptural landscape element The Water Pavilion will be refined from all sides (and top).

**Changing Demographics**

The changing demographics of Mountain View Cemetery Association’s customers require a different kind of architectural experience than that currently offered by the existing Gothic and Tower Chapels. For many of the Cemetery’s customers, the Anglican nature of the Gothic and Tower Chapels is at odds with their Buddhist, Hindi, Jewish, Muslim, Atheist or other cultural and ethnic identities.

**Palette/Energy Green Funeral Building**

The Water Pavilion is proposed to be clad in stone. Metal or wood shutters at each of the building openings in the south facing portico will provide shade and privacy as needed. The roof, which can be viewed from

above at neighboring sites, will be absent of mechanical equipment. The Water Pavilion will meet or exceed all required energy and green building standards.

**Community Process**

In the course of developing the schematic design for this project we have met with representatives of Oakland Heritage Association and with PANIL on several occasions beginning in May, 2011. Over the course of the many months in which we have engaged with these groups the design has changed and evolved a great deal. We feel that the exchange has been fruitful and process exemplary. A letter of support for the project from OHA was attached to our original application.

**Revisions to The Water Pavilion approved application.**

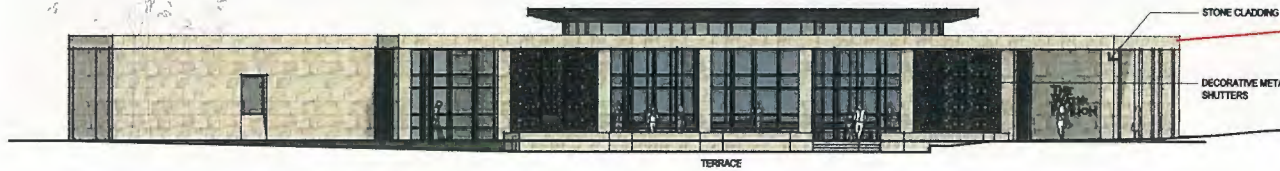
The process to bring funeral establishment and related activities at the Cemetery has evolved through two phases. Our first application proposed housing the new funeral home entirely through re-modeling the existing historic Gothic Chapel. Through working with the Oakland Historical Association and PANIL, we revised our proposal to house funeral establishment activities in The Water Pavilion. That application resulted in Planning Commission approval of plans for The Water Pavilion and associated plans for bringing funeral establishment activities to the Cemetery.

Subsequent to receiving design approval in 2012, we learned that cost revisions are necessary to sustain the high quality design intent for The Water Pavilion. To achieve that aim, we have eliminated the second floor of The Water Pavilion, which was intended to house non-public mortuary functions. Most of those mortuary tasks will be moved to another location at the Cemetery and we have initiated discussions regarding same with OHA and PANIL. During the development of a new long term location for mortuary functions, those functions will be handled at a combination of The Water Pavilion and the existing Office building. The purpose of this application is to seek approval for a revised (single story) Water Pavilion.

Key Changes:

None





- 2013 Key elements:**
- \* 2' deep roof to ceiling layer
  - \* Chapel roof lifted above
  - \* No air-conditioning

2013



**PROPOSED SOUTH-WEST ELEVATION**

3/64"=1'-0" @ 11X17    3/32"=1'-0" @ 24X36

2016

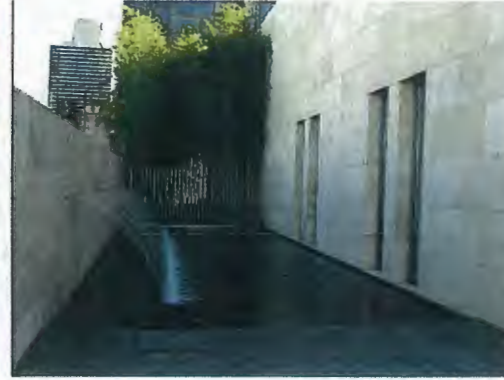
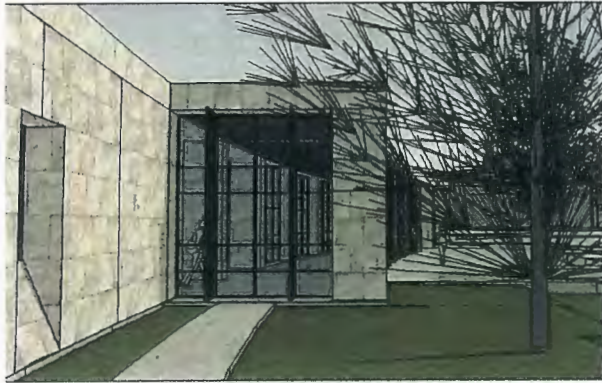


- 2016 Key changes:**
- \* Addition of a recessed 2' deep mechanical (HVAC), electrical, plumbing and sprinkler plenum (this is an interior addition and not an addition of visible mechanical equipment to the roof)
  - \* Addition of barrel vaults to chapel ceiling

**Reasons:**

- \* Mechanical plenum is required by code and various engineering combined with the original CUP intent prevent the utilities plenum from either going below the floor or on top of the roof
- \* Barrel vaults both create an attractive play of light and form and create channels for placement of fire, electrical and similar utilities in a form that maximizes

2013



- 2013 Key elements:
- \* 16" to 24" stone modules
  - \* Cleft stone, mechanically affixed
  - \* Color palate mediating between existing chapel and outside garden mausoleum buildings

2016



2 PROPOSED SOUTH-EAST ELEVATION  
3/64"=1'-0" @ 11X17 3/32"=1'-0" @ 24X36

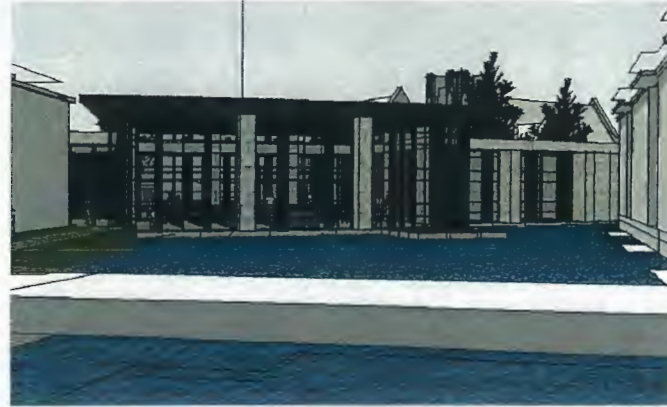
- 2016 Key changes:
- \* Stone cladding to be a smaller random tile of honed or textured limestone or travertine
  - \* Stone, honed finish- 2" to 3" depth, limestone or travertine, overhead at doorways

- Reasons:
- \* Cost inflation from 2013 to 2016
  - \* A smaller stone module is sympathetic to the curved shape of the building to avoid a faceted appearance
  - \* Larger blocks aesthetically conveys structure and ties to mass of large door frames





2013



- 2013 Elements:
- \* 12' to 18' operable metal screens
  - \* 18' pond side pivot doors

2016



2016 Key changes:

- \* Pond side of building - curtains or shades replace metal pivot gates
- \* Reduction of door height from 18' to 12' and change in door type from pivot to slide and stack panels

Reasons:

- \* Pond side- design intent to open the chapel view to the koi pond and resolve feasibility and operability.



Water Pavilion

- (1) There are no existing Protected Trees anywhere on the subject property or within 10 feet of the proposed construction activities\*\* (including neighbor's properties or the adjacent public right-of-way).
- (2) There are Protected Trees on the subject property or within 10 feet of the proposed construction activities\*\*, and their location is indicated on the site plan and landscape plan and (check one);
  - (a) No Protected Trees are to be removed and No construction activity\*\* will occur within 10 feet of any Protected Tree.
  - (b) No Protected Trees are to be removed and Construction activity\*\* will occur within 10 feet of any Protected Tree.
  - (c) Protected Trees will be removed.

If you checked (2b) or (2c), a Tree Preservation/Removal Permit is required. Please complete the section below.

DESCRIPTION OF TREES (Identification numbers and letters must be consistent with the Tree Survey, see submittal requirements in Section 5)

Trees proposed for removal			Trees <u>not</u> proposed for removal but located within 10 feet of Construction Activity**		
#	Species	dbh*	#	Species	dbh*
1			A	Cedar	~36"dbh
2			B		
3			C		
4			D		
5			E		
6			F		
7			G		

Reason for removal/impacting of trees: \_\_\_\_\_  
 Construction of new structure. Existing trees are to remain.  
 \_\_\_\_\_  
 \_\_\_\_\_

Key Changes:

None



2013



- 2013 Key elements:
- \* Oval garden lawn
  - \* Shrubs and Trees

**SWA**

San Francisco Office  
55 New Montgomery Street, Suite 800  
San Francisco, California 94105  
Tel: 415.224.8778

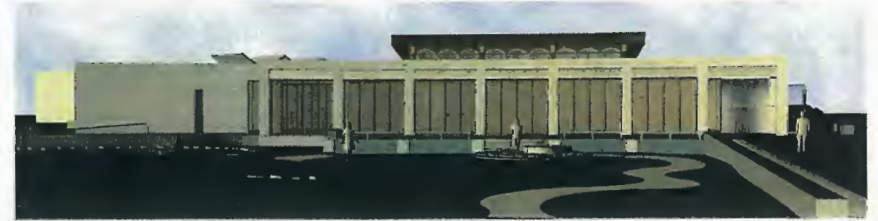
**Funeral Home at Mountain View Cemetery**

5000 Piedmont Avenue  
Oakland, CA

02.08.2012 PRE-APP PACKAGE  
03.08.2012 LANDMARKS BOARD  
03.08.2012 ZONING SUBMITTAL  
04.27.2012 ZONING REVISION  
05.18.2012 ZONING MODIFICATIONS

Image prepared by MVCA for  
conceptual presentation,  
May 8, 2016. Not for permit.

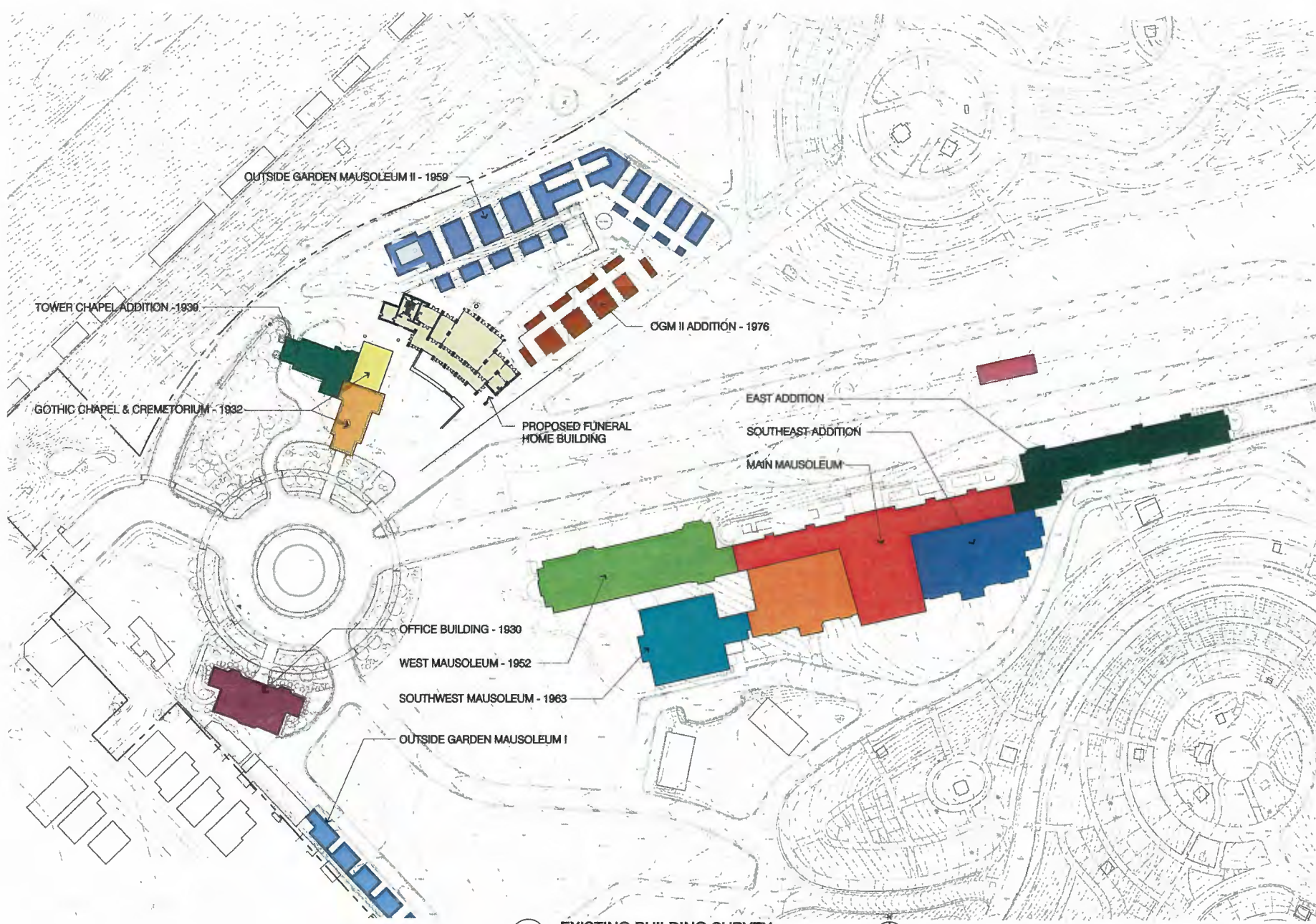
2016



2016 Changes

- \* Addition of a gas fire seating area as gathering focal point; draws visitors into the garden
- \* Curvilinear shape to make interesting nodes for sculpture and/ or ornamental trees; reduced turf maintenance shifts water use to shrubs and trees
- \* Water-fall from patio to garden enhances the visitor's experience with motion and sound and thematically ties patio and pond sides together





**Funeral Home  
at Mountain  
View Cemetery**

5000 Piedmont Avenue  
Oakland, CA

- 02.09.2012 PRE-APP PACKAGE
- 05.25.2012 LANDMARKS BOARD
- 05.29.2012 ZONING SUBMITTAL
- 06.27.2012 ZONING REVISION
- 02.18.2013 ZONING MODIFICATIONS

JOB: 1007

SHEET:

EXISTING  
BUILDING SURVEY

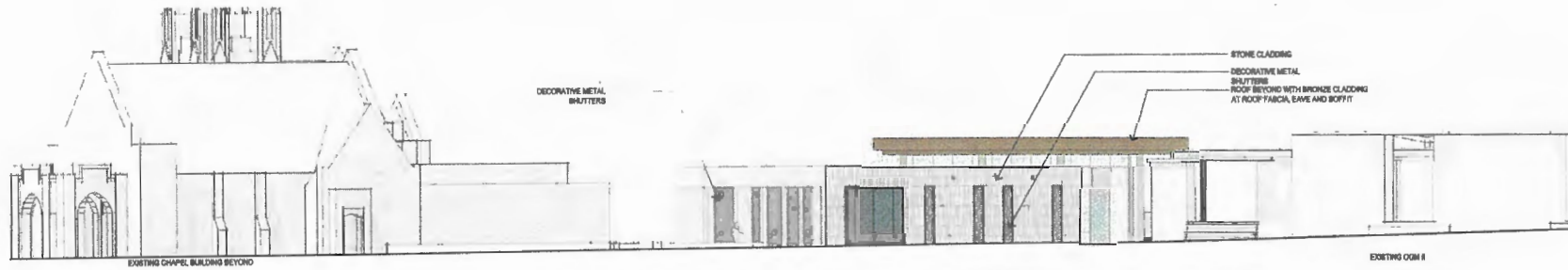
**A0.5**  
Page 9

1  
0.5  
EXISTING BUILDING SURVEY  
1"=100' @ 11X17      1"=20' @ 24X36









2  
PROPOSED SOUTH-EAST ELEVATION  
3/84"=1'-0" @ 11X17    3/32"=1'-0" @ 24X36



1  
PROPOSED SOUTH-WEST ELEVATION  
3/84"=1'-0" @ 11X17    3/32"=1'-0" @ 24X36

Water Pavilion at  
Mountain View  
Cemetery  
  
5000 Piedmont Ave.  
  
Exterior Elevations

8.33.14 PERMIT SUBMITTAL  
2.5.16 PERMIT RESUBMITTAL

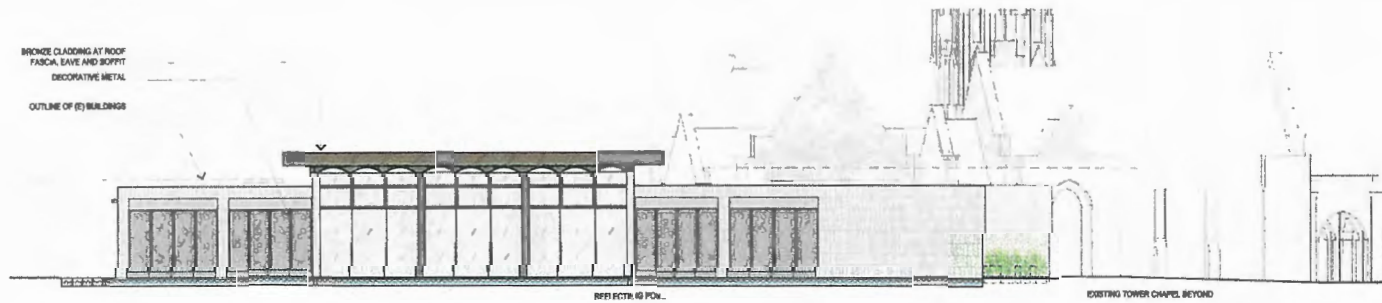
EXTERIOR SITE  
ELEVATIONS

1.1288A - A.M.B.ang

Water Pavilion  
at  
Mountain View Cemetery  
5000 Piedmont Ave.  
Elevations



2  
**PROPOSED NORTH-WEST ELEVATION**  
3/8"=1'-0" @ 11X17 3/32"=1'-0" @ 24X36

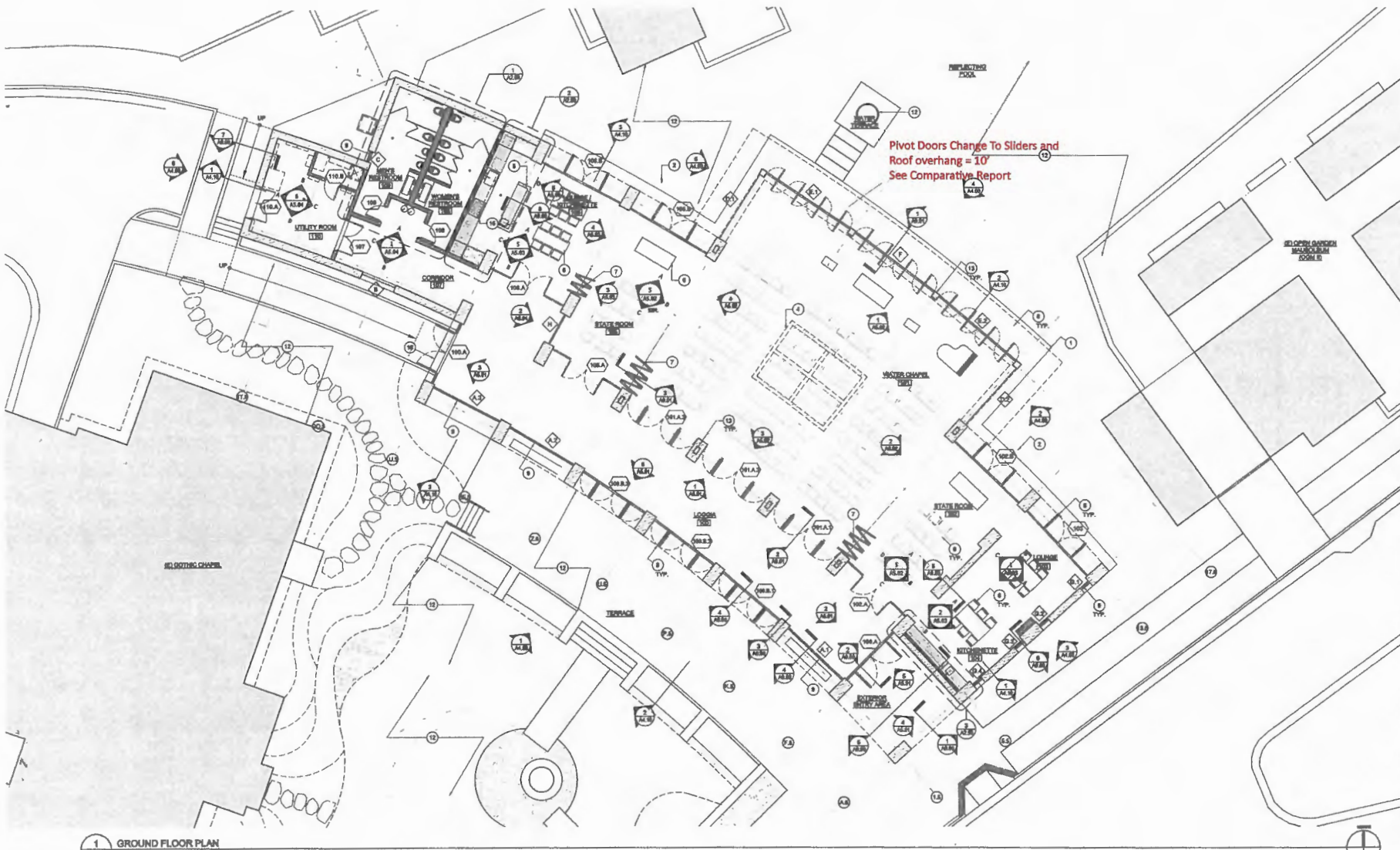


1  
**PROPOSED NORTH-EAST ELEVATION**  
3/8"=1'-0" @ 11X17 3/32"=1'-0" @ 24X36

6.23.16 PERMIT SUBMITTAL  
2.5.16 PERMIT RESUBMITTAL

EXTERIOR SITE  
ELEVATIONS

1.13884 - A1.06.dwg



**FLOOR PLAN**

PROJECT NAME  
**HEATHER PAVILION  
 SKYWAY VIEW CEMETERY  
 3000 PIEDMONT AVE  
 OAKLAND, CA**

REVISION	DESCRIPTION
6.23.14	PERMIT SUBMITTAL
6.01.16	Permit Reapproval

SHEET TITLE  
**GROUND FLOOR PLAN**

**1**  
**A2.00**  
**GROUND FLOOR PLAN**  
 1/8" = 1' @ 34" x 28"

**GENERAL NOTES:**

- SEE SHEET A4.01 FOR SYMBOL DEFINITIONS
- SEE EXISTING AND CODE PLANS FOR FIRE RATED WALLS. SHEET A0.05
- PLAN DIMENSIONS, UNLESS OTHERWISE NOTED OTHERWISE ARE SHOWN TO: CENTER LINE OF COLUMN GRID FACE OF INTERIOR OF PULPIT BOARD FACE OF INTERIOR OF PULPIT BOARD
- ROOM NUMBERS: THE ROOM NUMBERS ARE ASSIGNED ON THE FOLLOWING BASIS: THE FIRST DIGIT DESIGNATES THE FLOOR AND THE REMAINING DIGITS DESIGNATE THE ROOM NUMBERS ON THE FLOOR.
- DOORS: ALL DOORS ARE NUMBERED ACCORDING TO THE CORNER-ORIGIN ROOM NUMBERS. WHERE ROOMS HAVE MORE THAN ONE DOOR, SEQUENTIAL LETTERS FOLLOW THE ROOM NUMBERS. SEE SHEET A1.01 FOR THE DOOR SCHEDULE.
- INTERIOR WALLS: REFER TO SHEET A1.01 FOR INTERIOR PARTITION TYPES. FINISHES: REFER TO SHEET A1.01 FOR INTERIOR FINISH SCHEDULE.
- REFER TO ENLARGED FLOOR PLANS ON A2.00 FOR ADDITIONAL INFORMATION NOT NOTED ON THE 1/8" PLAN. SEE ENLARGED PLANS FOR INTERIOR ELEVATION TAGS IN THOSE AREAS.
- REFER TO A1.00 FOR WINDOW TAGS.

**LEGEND**

- STUO PARTITION OR FINISH
- CONCRETE WALL
- AREA NOT IN SCOPE
- 1 HOUR FIRE RATED CORRIDOR WITH 20 MIN OPENINGS, SEE A1.01.05
- 2 HOUR FIRE RATED WALL WITH 90 MIN OPENINGS, SEE A1.01.05

**KEYNOTES**

- NOT ALL KEYNOTES MAY APPEAR ON THIS SHEET.
- |  |   |                                 |
|--|---|---------------------------------|
| 1 LINE OF ROOF ABOVE, BROWN DASHED         | 1 DOOR, REFER TO DOOR SCHEDULE  | 16 PLUMBING EQUIPMENT, S.P.D.   |
| 2 HONED CONCRETE, EDGE OF SLAB             | 1 WINDOW, REFER TO WINDOW SCHEDULE  | 17 6" THRESHOLD                 |
| 3 STONE WALL CLADDING                      | 1 NOT USED  | 18 4" RAIN WATER LEADER IN WALL |
| 4 OUTLINE OF BICYCLIST ABOVE, BROWN DASHED | 11 NOT USED   | 19 NOT USED                     |
| 5 ENGINEERED STONE COUNTER                 | 12 SEE LANDSCAPE ARCH. DRAWINGS FOR SITE HANDBOOK, SITE GRADING AND LANDSCAPE | 20 NOT USED                     |
| 6 FURNITURE, OWNER PROVIDED                | 13 STRUCTURAL MEMBER, S.P.D.  | 21 NOT USED                     |
| 7 TOP HURL, BROWABLE ACOUSTICAL PARTITIONS | 14 MECHANICAL EQUIPMENT, S.M.D.   | 22 NOT USED                     |

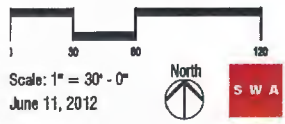
FILE
BY:
SCALE:
SHEET:

**A2.00**  
 Page 13

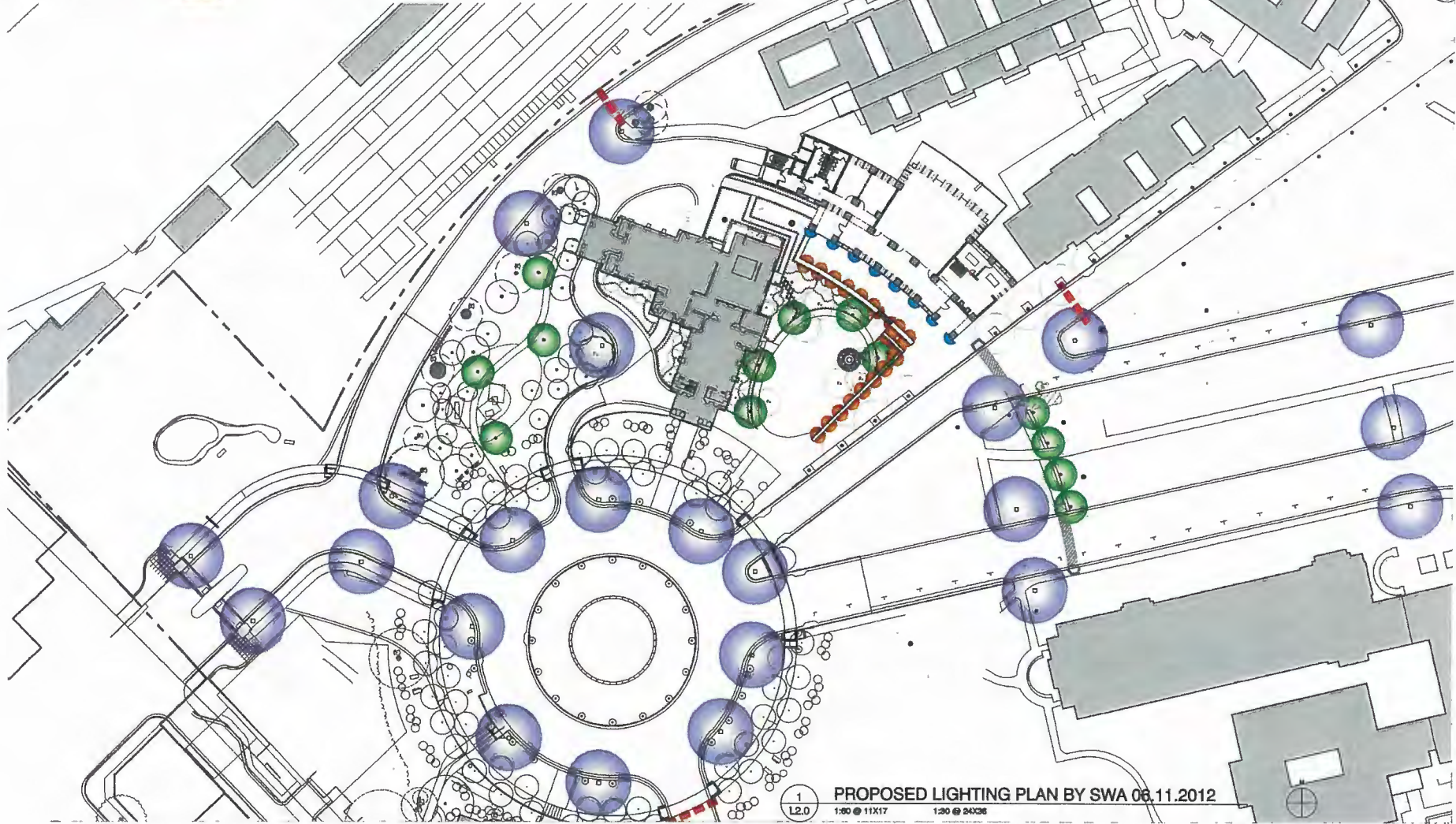


# MOUNTAIN VIEW CEMETERY

## OAKLAND, CALIFORNIA



-  STREET POLE LIGHT  
APPROX. 12'-14" HEIGHT
-  PEDESTRIAN PATH LIGHT  
APPROX. 18"-24" HEIGHT
-  BARRICADE
-  WALL / STEP LIGHT  
MOUNTED AT BASE OF WALL
-  BUILDING UPLIGHT  
MOUNTED AT BASE OF COLUMN




San Francisco Office  
55 New Montgomery Street, Suite 808  
San Francisco, California 94105  
Tel: 415.836.8770

### Funeral Home at Mountain View Cemetery

5000 Piedmont Avenue  
Oakland, CA

- 02.08.2012 PRE-APP PACKAGE
- 05.25.2012 LANDMARKS BOARD
- 05.29.2012 ZONING SUBMITTAL
- 06.27.2012 ZONING REVISION
- 02.18.2013 ZONING MODIFICATIONS

JOB:  
SHEET:

PROPOSED LIGHTING PLAN

1  
L2.0  
PROPOSED LIGHTING PLAN BY SWA 06.11.2012  
1:30 @ 11X17      1:30 @ 24X36

**L2.0**  
Page 14



WATER PAVILION  
SOUTHWEST ELEVATION  
0/16/2016



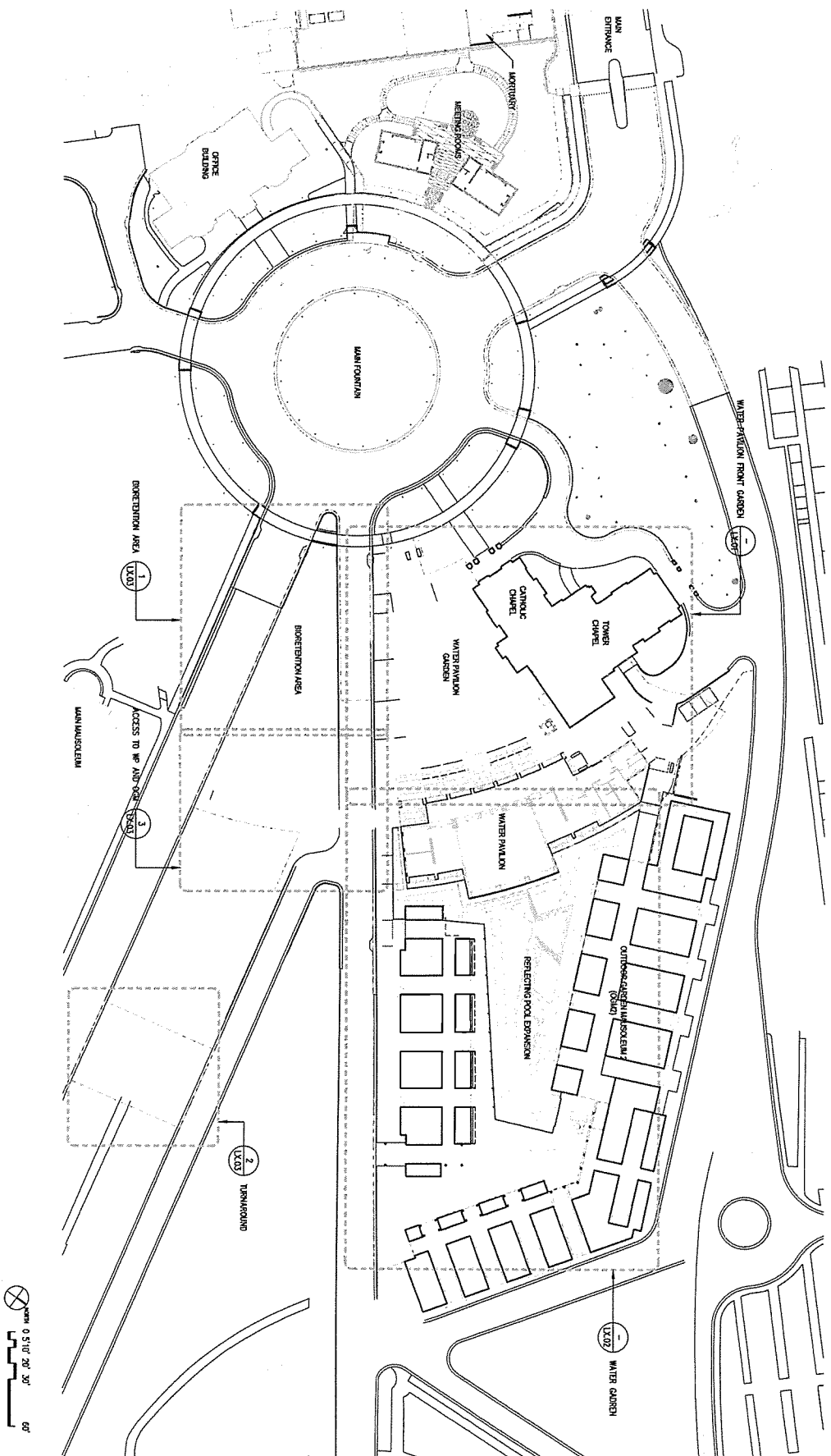




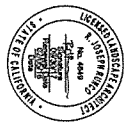




WATER PAVILION  
Point of View - Chapel to Water  
Shimizu/Popko Design for View  
02/07/2010



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 Seattle, CA 98185  
 +1 415.332.8100  
 www.swagroup.com



PROJECT NAME  
**WATER PAVILION  
 HORTON HEN CENTER  
 5000 PIEDMONT AVE  
 OAKLAND, CA**

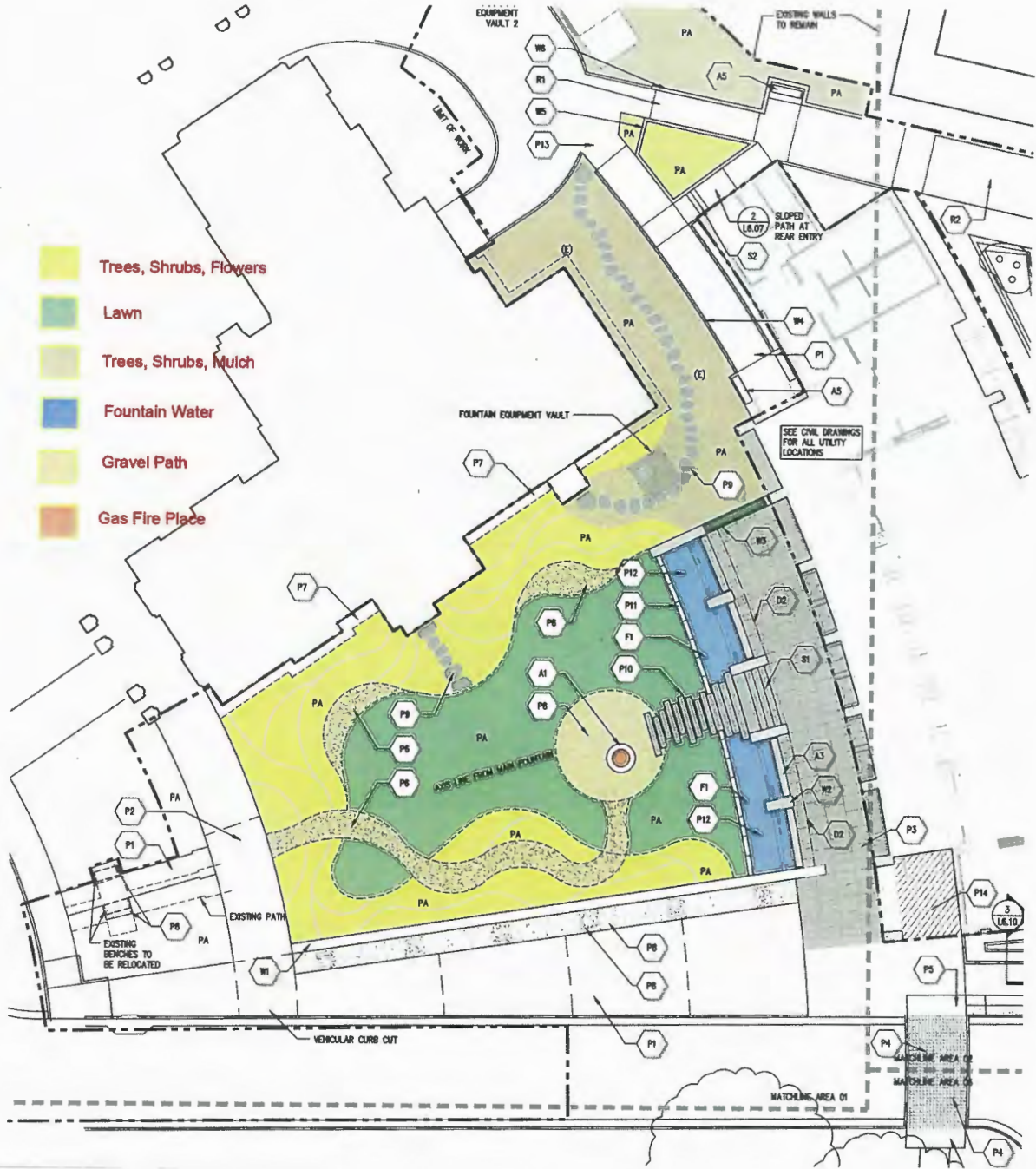
DESIGN DESCRIPTION  
 LANDSCAPE ARCHITECTURE  
 PRELIMINARY PLAN SUBMITTAL

SHEET TITLE  
**OVERALL SITE PLAN**

FILE	7/24/11
DRAWN	SW
CHECKED	SW
DATE	12/20/12
SCALE	AS SHOWN ON SHEET
PROJECT	WATER PAVILION
NOT FOR CONSTRUCTION	

**L1.00.A**  
 Page 19





- Trees, Shrubs, Flowers
- Lawn
- Trees, Shrubs, Mulch
- Fountain Water
- Gravel Path
- Gas Fire Place

**LEGEND**

- |      |  |   |        |
|------|--|---|--------|
| P1   | 4" THICK PEDESTAL CONCRETE PAVING                | 1 | (L&01) |
| P2   | 6" THICK VEHICULAR CONCRETE PAVING               | 2 | (L&01) |
| P3   | TERRACE STONE PAVING                             | 4 | (L&01) |
| P4   | COBBLE 1   | 4 | (L&03) |
| P5   | COBBLE 2   | 4 | (L&03) |
| P6   | CRUSHED GRAVEL PAVING                            | 6 | (L&01) |
| P7   | GRAVEL STRIP                                     | 7 | (L&01) |
| P8   | DECOMPOSED GRANITE                               | 8 | (L&01) |
| P9   | STEPPING STONE                                   | 9 | (L&01) |
| P10  | STONE SLAB PAVING AT FRONT GARDEN                | 2 | (L&02) |
| P11  | TYPICAL FOUNTAIN EDGE AND BASIN                  | 2 | (L&12) |
| P12  | TYPICAL STONE WAVING REFLECTING POOL EDGE        | 1 | (L&10) |
| P13  | DETECTABLE WAVING PAVERS                         |   |        |
| P14  | PEDESTAL PAVING                                  |   |        |
| S1   | STAIR 1 AT TERRACE FOUNTAIN                      | 3 | (L&12) |
| S2   | STAIR 2 AT SIDE ENTRANCE                         | 3 | (L&04) |
| S3   | STAIR 3 AT WATER GARDEN TO LOWER LEVEL           | 1 | (L&05) |
| S4   | STAIR 4 AT WATER GARDEN AT EXISTING BUILDING     | 2 | (L&04) |
| S5   | STAIR 5 AT WATER GARDEN STREET FRONTAGE          | 1 | (L&04) |
| W1   | SEATWALL 1 AT FRONT GARDEN                       | 4 | (L&04) |
| W2   | WALL 2 COLUMN AT TERRACE FOUNTAIN                |   |        |
| W3   | WALL 3 PLANTER WALL AT TERRACE LEVEL             | 1 | (L&08) |
| W4   | WALL 4 AND PATH AT LOGGIA ENTRY                  | 5 | (L&04) |
| W5   | WALL 5 PLANTER WALL AT SIDE ENTRANCE             | 6 | (L&04) |
| W6   | WALL 6 AT RAMP 1                                 |   |        |
| W7   | WALL 7 EXISTING PLANTER WALL TO BE REMOVED       |   |        |
| W8   | WALL 8 AT STAIR 3                                | 2 | (L&05) |
| W9   | WALL 9 AT STAIR 3 AND PLANTING                   | 1 | (L&08) |
| W10  | WALL 10 PLANTER WALL AT WATER GARDEN UPPER LEVEL | 3 | (L&08) |
| W11  | WALL 11 PLANTER WALL AT STAIR 5                  | 2 | (L&08) |
| W12  | NICHE WALL                                       | 1 | (L&15) |
| R1   | RAMP 1   | 1 | (L&07) |
| R2   | RAMP 2   | 3 | (L&08) |
| F1   | TERRACE FOUNTAIN                                 |   |        |
| F2   | REFLECTING POOL BASIN AT WATER GARDEN            | 1 | (L&08) |
| A1   | FIREPIT AT WATER PAVILION GARDEN                 |   |        |
| A2   | FIREPIT AT REFLECTING POOL                       | 1 | (L&02) |
| A3   | PRECAST CONCRETE BENCH AT TERRACE                | 5 | (L&12) |
| A4   | PRECAST CONCRETE CANTILEVER BENCH                | 2 | (L&14) |
| A5   | PRECAST CONCRETE BENCH AT SIDE ENTRANCE          | 1 | (L&14) |
| ---  | STEEL HEADER                                     | 1 | (L&04) |
| PA   | PLANTING AREA                                    |   |        |
| ○(X) | EXISTING TREE                                    |   |        |
| ●    | TREE TRUNK                                       |   |        |
| ○    | SLOT DRAIN IN TERRACE PAVING                     | 8 | (L&04) |



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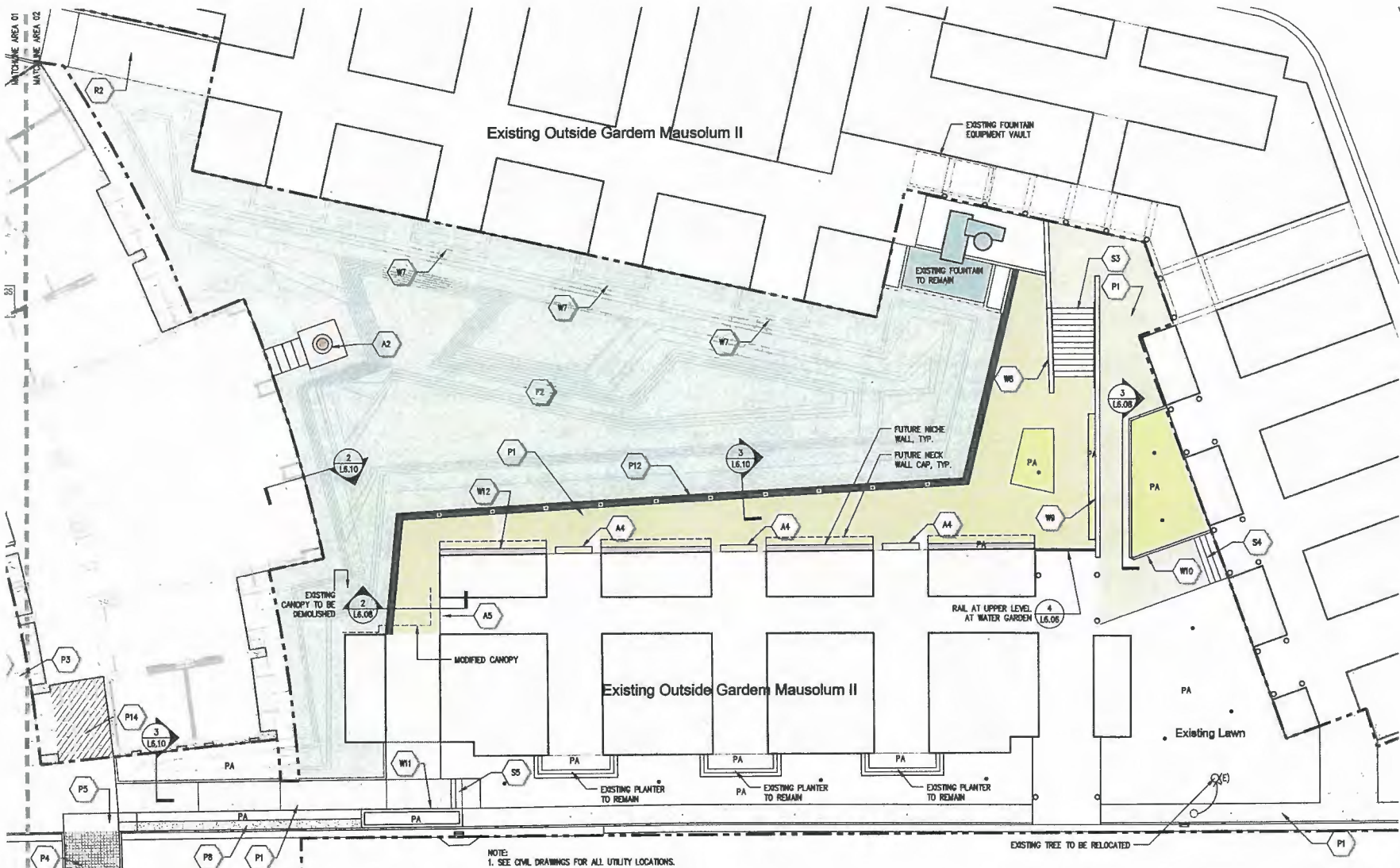


PROJECT NAME  
**WATER PAVILION**  
 BOUNTY VIEW CENTER  
 3000 PIEDMONT AVE  
 OAKLAND, CA

ISSUED DESCRIPTION  
 30-04-25 FRONT ELEVATION  
 30-04-26 FRONT ELEVATION

SHEET TITLE  
 LAYOUT PLAN - WATER PAVILION FRONT GARDEN

FILE  
 TS/SL/AN /  
 SCALE AS SHOWN  
 SHEET  
 NOT FOR CONSTRUCTION



NOTE:  
1. SEE CIVIL DRAWINGS FOR ALL UTILITY LOCATIONS.

LEGEND

P1 4" THICK PEDESTAL CONCRETE PAVING	1 L6.01	P5 CRUSHED GRAVEL PAVING	6 L6.01	P12 TYPICAL STONE WAVING REFLECTING POOL EDGE	1 L6.10	S3 STAIR 3 AT WATER GARDEN TO LOWER LEVEL	1 L6.06	W3 WALL 3 PLANTER WALL AT TERRACE LEVEL	1 W8 WALL 8 AT STAIR 3	2 R1 RAMP 1	1 A1 FIREFIT AT WATER PAVILION GARDEN	PA PLANTING AREA
P2 6" THICK VEHICULAR CONCRETE PAVING	2 L6.01	P7 GRAVEL STRIP	7 L6.01	P13 DETECTABLE WAVING PAVERS	7 L6.01	S4 STAIR 4 AT WATER GARDEN AT EXISTING BUILDING	2 L6.04	W4 WALL 4 AND PATH AT LOGGIA ENTRY	5 W9 WALL 9 AT STAIR 3 AND PLANTING	1 R2 RAMP 2	3 A2 FIREFIT AT REFLECTING POOL	O(X) EXISTING TREE
P3 TERRACE STONE PAVING	4 L6.01	P9 DECOMPOSED GRANITE	8 L6.01	P14 PEDESTAL PAVING	8 L6.01	S5 STAIR 5 AT WATER GARDEN STREET FRONTAGE	1 L6.04	W5 WALL 5 PLANTER WALL AT SIDE ENTRANCE	6 W10 WALL 10 PLANTER WALL AT WATER GARDEN UPPER LEVEL	3 R3 RAMP 3	5 A3 PRECAST CONCRETE BENCH AT TERRACE	● TREE TRUNK
P4 COBBLE 1	4 L6.03	P8 STEPPING STONE	8 L6.01	S1 STAIR 1 AT TERRACE FOUNTAIN	8 L6.01	W1 SEATWALL 1 AT FRONT GARDEN	4 L6.04	W6 WALL 6 AT RAMP 1	2 W11 WALL 11 PLANTER WALL AT STAIR 5	2 F1 TERRACE FOUNTAIN	5 L6.12	○/n SLOT DRAIN IN
P5 COBBLE 2	4 L6.03	P10 STONE SLAB PAVING AT FRONT GARDEN	2 L6.02	S2 STAIR 2 AT SIDE ENTRANCE	2 L6.02	W2 WALL 2 COLUMN AT TERRACE FOUNTAIN	3 L6.04	W7 WALL 7 EXISTING PLANTER WALL TO BE REMOVED	2 W12 NICHE WALL	2 F2 REFLECTING POOL BASIN AT WATER GARDEN	2 L6.14	
										1 L6.15	1 A4 PRECAST CONCRETE CANTILEVER BENCH	
										1 F2	1 A5 PRECAST CONCRETE BENCH AT SIDE ENTRANCE	
										1 L6.08	1 L6.14	



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**LANDSCAPE ARCHITECT**  
 No. 6649  
 STATE OF CALIFORNIA

PROJECT NAME  
**WATER PAVILION  
 MOUNTAIN VIEW CEMETERY  
 8000 FREDERICK AVE  
 OAKLAND, CA**

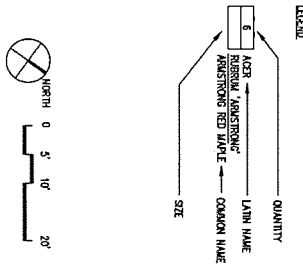
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 2014.05.22 PRINT SUMMARY  
 2014.05.26 PRINT REVISIONAL

SHEET TITLE  
**LAYOUT PLAN - WATER GARDEN**

FILE  
 BY TS/PL/WH  
 SCALE 1/8"=1'-0"  
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 NOT FOR CONSTRUCTION

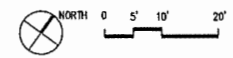
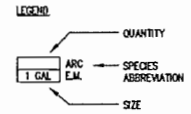
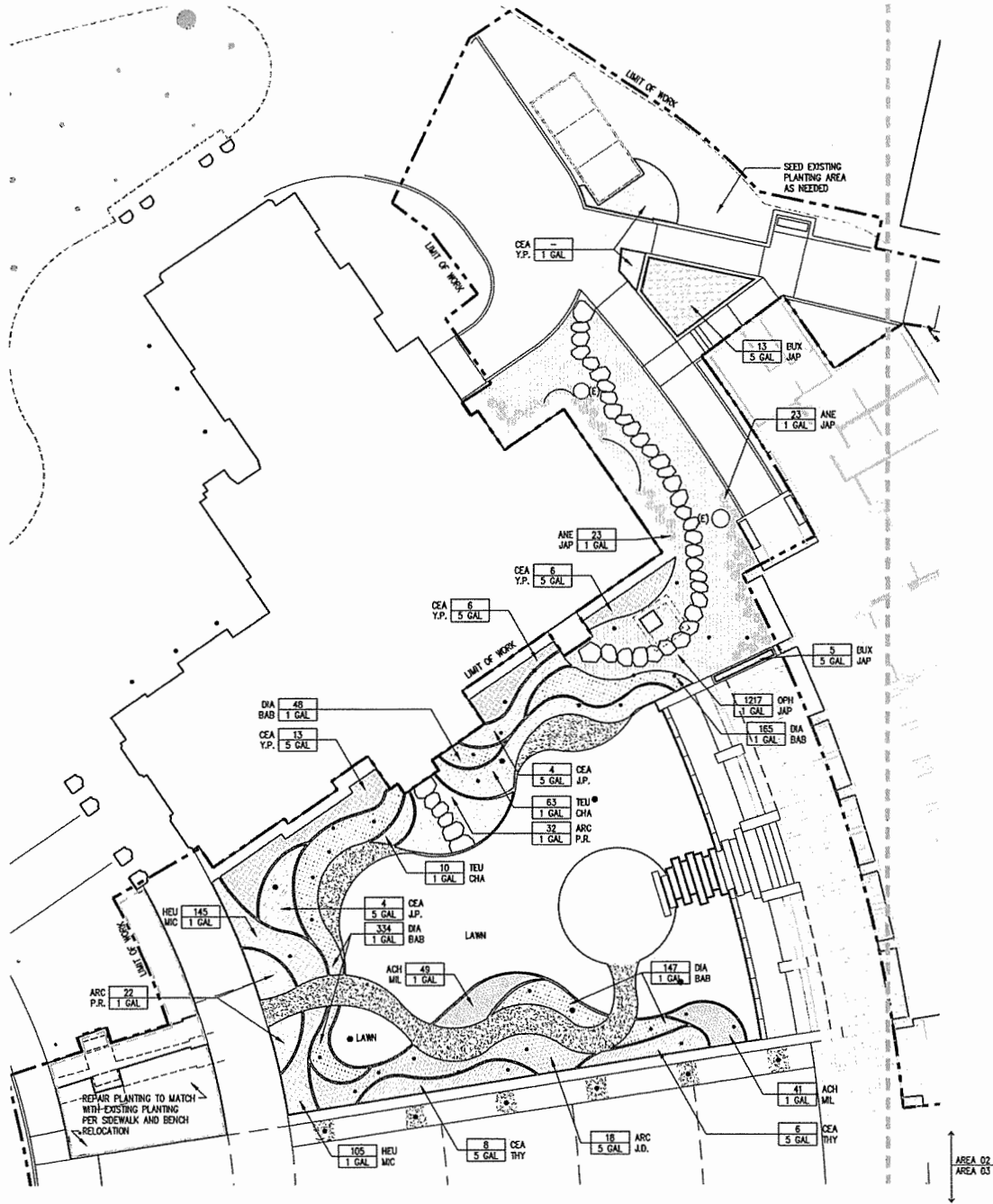
**L1.02**  
 Page 21





<b>PROJECT NAME:</b> WATER PAVILION ROYALTON VILLAGE CENTER 5000 PIEDMONT AVE OAKLAND, CA	
<b>DESIGN DESCRIPTION:</b> Pavilion Planting	
<b>SHEET TITLE:</b> TREE PLANNING PLAN - WATER PAVILION FRONT COURSE	
<b>DATE:</b> 12/29/14	<b>SCALE:</b> AS SHOWN
<b>NOT FOR CONSTRUCTION</b>	
<b>L3.01.A</b> Page 22	

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PROJECT NAME  
**WATER PAVILION  
 MOUNTAIN VIEW CEMETERY  
 5000 PIEDMONT AVE  
 OAKLAND, CA**

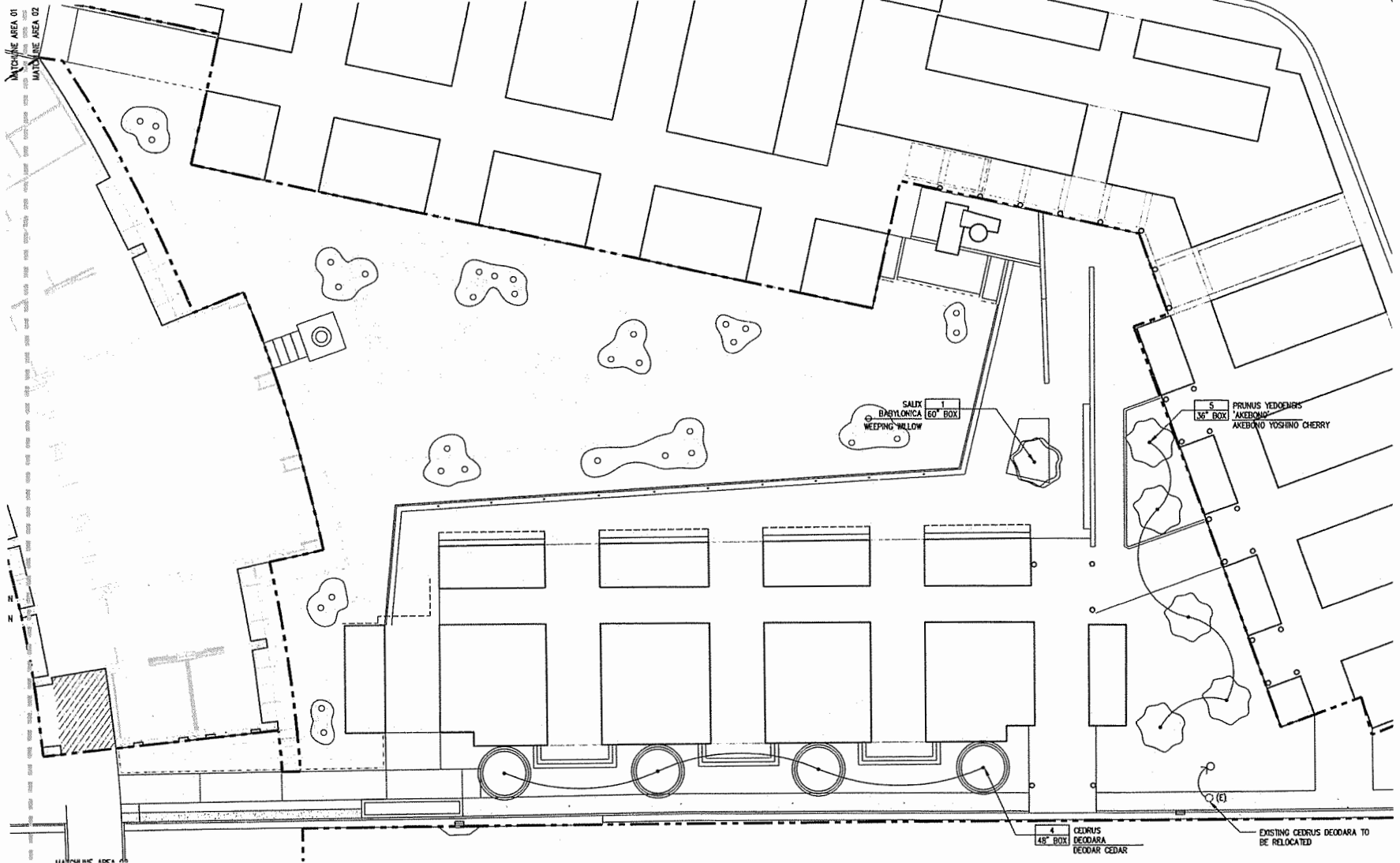
ISSUED	DESCRIPTION
ISSUED	FINAL SUBMITTAL
ISSUED	FINAL PERMITS

SHEET TITLE  
**UNDERSTORY PLANTING  
 PLAN - WATER PAVILION  
 FRONT GARDEN**

FILE  
 BY TS/RL/AH  
 SCALE AS SHOWN  
 SHEET

**NOT FOR CONSTRUCTION**

**L3.01.B**  
 Page 23



DITCHLINE AREA 01  
 MAINLINE AREA 02

**swa**

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 Sausalito, CA 94965  
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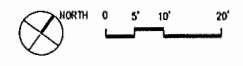
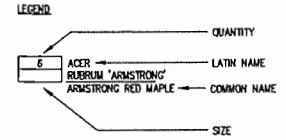
PROJECT NAME  
**WATER PAVILION**  
**MOUNTAIN VIEW CEMETERY**  
**3000 PIEDMONT AVE**  
**OAKLAND, CA**

ISSUED DESCRIPTION  
 2014.06.23 POINT BARRACKS  
 2014.02.05 POINT BARRACKS

SHEET TITLE  
**TREE PLANTING PLAN -**  
**WATER GARDEN**

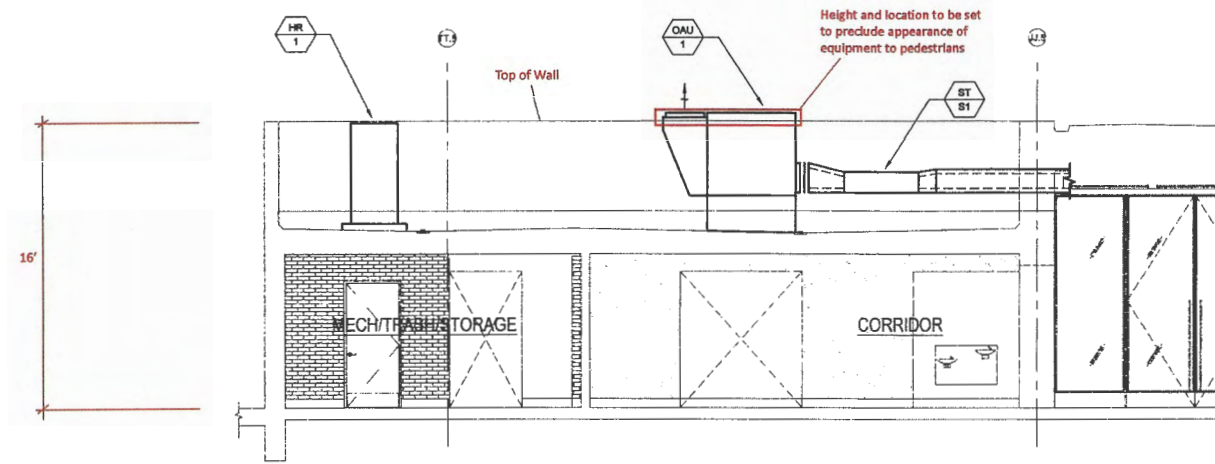
FILE  
 BY TS/SL/AN  
 SCALE AS SHOWN  
 SHEET  
 NOT FOR CONSTRUCTION

**L3.02.A**  
 Page 24







**HVAC Section at Mechanical Roof Well Behind Parapet**  
 (No mechanical resides on top of the roof outside the mechanical well, which is screened by the parapet top of wall at 16')



1 SECTION PLAN - HVAC  
 M4.03 1/4" = 1'-0"

LUCY MARIE MARTINEZ  
 Drawing File: C:\A-2017\14000.dwg  
 Drawing Date: 2/21/2018 11:51:11 AM  
 Last Saved By: JIMMY TICE, Wednesday, February 03, 2018 8:00:31 PM

	
	
PROJECT NAME <b>WATER PAVILION                  BOWTOWN VILLAGE GOLF COURSE                  4000 PIEDMONT AVE                  OAKLAND, CA</b>	
ISSUED 02-03-2018	DESCRIPTION PERMIT SET 00-23-2018 - adds to red by JMGCA All unapproved applications
SHEET TITLE SECTIONS - HVAC	
FILE BY SCALE NONE SHEET	M4.03 Page 25