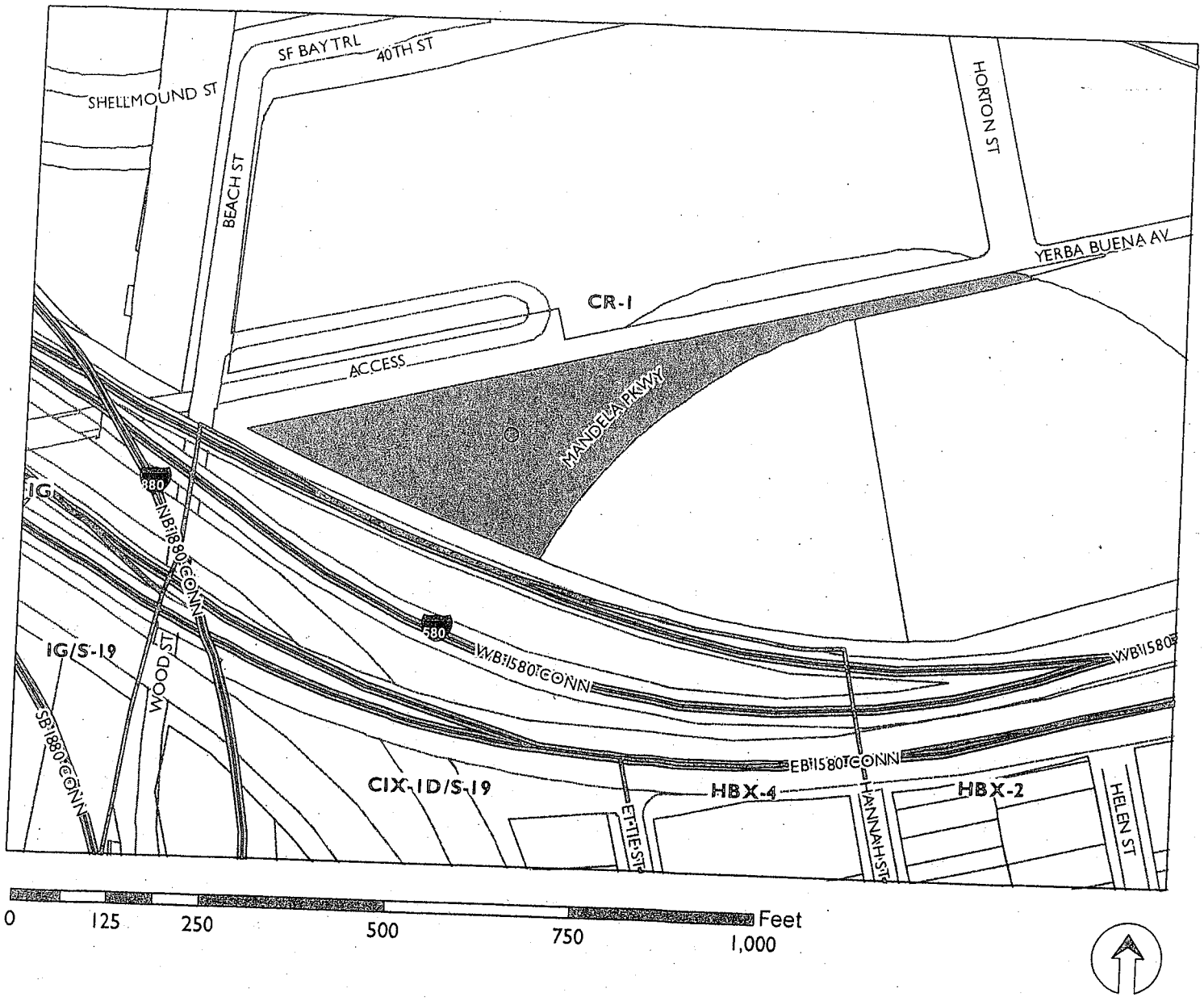
Project Location:	0 Mandela Parkway. The vacant parcel is located across from the neighboring property at 3650 Mandela Parkway and next to Beach Street and Target store.
Assessor's Parcel No:	007 061701405
Development Proposal:	To construct a six-story building "Mandela Hotel" consisting of 220 rooms measuring approximately 142,813 square feet of floor area with two-levels of underground parking garage and a small open parking area totaling 166 parking spaces.
Project Applicant / Phone Number:	Joanne Park, lead architect for Architectural Dimensions / (510) 463-8300
Hotel Operators:	Tulsee Nathu & Payal Nathu
Property Owner:	State of California
Case File Number:	**PLN16394**
Planning Permits Required:	1) Major Conditional Use Permit for non-residential projects with more than 25,000 square feet of floor area; 2) Minor Conditional Use Permits for transient habitation (Hotels) and non-residential tandem parking; 3) Regular Design Review for new building construction; and 4) Minor Variance for front yard setback reduction.
General Plan: Specific Plan	Regional Commercial / West Oakland Specific Plan Area (WOSP)
Zoning District:	CR-1, Regional Commercial Zone
Environmental Determination:	A detailed CEQA (California Environmental Quality Act) Analysis was prepared for this project which concluded that the proposed development satisfies each of the following CEQA Guidelines: (A) 15332- Urban Infill Development; (B) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; (C) 15183.3 - Streamlining for Infill Projects; (D) 15164 - Addendum to EIRs; and (E) 15168 and 15180 - Program EIRs and Redevelopment Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online. The CEQA Analysis document for the 0 Mandela Parkway Project can be viewed in the links below: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 (***Mandela Parkway CEQA Analysis / Item # 72***) The CEQA analysis relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document including the LUTE (Land Use Transportation Element), and West Oakland Redevelopment Plan EIRs that can be viewed here: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158 (***LUTE / Item #1***) http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd007642.pdf (***West Oakland Redevelopment Plan***)
Historic Status:	Non-Historic Property
City Council District:	3
Date Filed:	11/28/16 (revised design plans submitted 12/01/17)
Action to be Taken:	Decision based on staff report
For Further Information:	Contact Project Case Planner, Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandnet.com

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16394

Applicant: Joanne Park, Lead Architect, Architectural Dimensions

Address: 0 Mandela Parkway. Vacant parcel located across from the neighboring property at 3650 Mandela Parkway and next to Beach St and Target store.

Zone: CR-1

PROJECT BACKGROUND

On January 10, 2018, the Planning Commission first reviewed the project proposal that included a Staff Report, Findings. CEQA Findings, Conditions of Approval and Design Plans. At that meeting, the applicant was asked to address the Commission's comments and hold a community meeting. The Commission then continued the application to the February 21, 2018 meeting.

On February 21, 2018, the application was continued to the March 21, 2018 meeting. The February 21st staff report addressed the comments provided by the Commission and the applicant's efforts by holding the suggested community meetings **(See Attachment II)**

On March 6, 2018, the applicant submitted a second request asking the Planning Commission to continue the application to the April 4, 2018 meeting as they are still working through community benefit issues.

On March 27, 2018, the applicant submitted a third request asking the Planning Commission to continue the application. Due to agenda scheduling, the application was scheduled to the April 2, 2018 meeting as the applicant needed more time to work with the community groups.

On April 20, 2018, the applicant submitted a fourth request asking the Planning Commission to continue the application to the next available meeting. Due to agenda scheduling, the application was scheduled to the June 6, 2018 meeting.

PUBLIC COMMENTS

On March 12, 2018, UNITE HERE submitted an additional letter addressed to the Planning Commission. In this recent letter **(See Attachment I)** UNITE HERE raises the following issues:

- The inadequacy of the project's CEQA categorical exemptions on a contaminated site,
- Caltrans open case for the seismic retrofit of the San Francisco-Oakland Bay Bridge Distribution Structure project, and
- Why the project site was excluded from the hazardous waste analysis in the 2014 West Oakland Specific Plan EIR.

On March 20, 2018, the project environmental consultant, Lamphier-Gregory submitted a response memorandum on behalf of the City **(See Attachment I)**

Staff believes that this memorandum provides a thorough response and addresses each of the issues raised by UNITE HERE, thus concluding that the project proposal satisfies the provisions for exemptions under the CEQA guidelines. Staff has summarized Lamphier-Gregory's responses as follows:

- The Mandela Hotel project area was part of the former Oakland Terminal Railway (OTR) Site, and included areas where the Best Buy, Extended Stay America hotel properties, including part of the Mandela Parkway that exist today. Between 1990 and 2002 soil and groundwater investigation were made on the entire OTR site, which identified "hot spots" related to former aboveground and underground storage tanks, located east of the proposed Mandela hotel site. These tanks and contaminated soils were disposed off-site and a remedial cleanup process was performed. Because the former OTR site is no longer included in the Cortese list, and the Mandela hotel property was part of the entire OTR site then it is considered a closed case. Therefore, the project site is eligible for applying for a Class 32 exemption under Section 15332 and streamlined environmental review under Section 15183.3.

- The project site was not included in the Seismic Retrofit of the San Francisco-Oakland Bay Bridge structure because a partial area of the Mandela site was identified as a contractor's and vehicle staging area only. The seismic Retrofit work also included the relocation of a main sewer line "the Adeline Interceptor". This sewer line partially crossed over the hotel project site and testing were performed to the soils and groundwater. In addition to the testing made within the Seismic Retrofit project area, two test pits were also performed on the hotel project site, and did not report contamination levels that exceeded the threshold levels for contamination.

- The Mandela hotel project site was included and analyzed in the West Oakland Specific Plan (WOSP) EIR. In the comprehensive Environmental Data Resources (EDR) map report for the Mandela/West Grand Opportunity Area, the Mandela project site was not identified as an open case. The WOSP EIR disclosed cases of suspected contamination sites that are not yet entered in the database of regulatory agency lists. The WOSP EIR also concluded that with the required City's Standard Conditions of Approval and compliance with local, State and federal regulations for treatment of contaminated soils or groundwater, the hazard to the public from hazardous materials sites would be less than significant.

STAFF RECOMMENDATION

Staff supports the responses made by the City's CEQA consultant (Lamphier-Gregory) and recommends the Planning Commission also consider the applicant's responses and approve the project based on the original staff report, dated January 10, 2018, including design plans, submitted on December 1, 2018. **(See Attachment III)**

ATTACHMENT-I

- City Consultant, Lamphier-Gregory Memorandum, dated March 20, 2018
- UNITE HERE letters, dated March 12, 2018 and January 5, 2018
- Project Applicant-Architectural Dimension letters (various dates)
- Letter from Gregory Tung, dated January 10, 2018

ATTACHMENT-II

- Staff Report, dated February 21, 2018

ATTACHMENT-III

Planning Staff Report with design plans (original), dated January 10, 2018

ATTACHMENT- I

URBAN PLANNING
ENVIRONMENTAL ANALYSIS

MEMORANDUM

Date: March 20, 2018

To: Mike Rivera, Project Case Planner

From: Sharon Wright, Environmental Planner

Subject: **Mandela Parkway Hotel Project – Response to UNITE HERE Local 2850 letter, dated March 12, 2018**

Lamphier-Gregory has prepared the following memo in response to the above referenced comment letter (with attachments) from UNITE HERE Local 2850.

The UNITE HERE Local 2850 letter raises specific questions about the toxicity of the Mandela Parkway Hotel project site, suggesting that "for the sake of the neighborhood, and future hotel workers and guests... require further study and mitigation of toxic contamination at the site." It is important to note that the Mandela Parkway Hotel project will be subject to, and required to follow all applicable laws and regulations, the related site analysis and any necessary remediation activities, as well as all applicable laws and regulations related to the transportation, use, and storage of all hazardous materials, to safeguard workers and the public. These requirements are found in the City of Oakland's Standard Conditions of Approval (SCAs), including SCA #39: Hazardous Materials Related to Construction, SCA #41: Hazardous Materials Business Plan, and SCA #40: Hazardous Building Materials and Site Contamination. Specifically, SCA #40 requires preparation of a Hazardous Building Materials Assessment; an Environmental Site Assessment, including a Phase I Environmental Site Assessment and a subsequent Phase II Assessment (if determined necessary by the Phase I); a Health and Safety Plan; and implementation of Best Management Practices during construction to minimize potential soil and groundwater hazards. Any remediation measures recommended in the Phase I or Phase II study shall be implemented by the project applicant, with evidence of approval for any proposed remediation activities and required clearances prior to issuance of a grading or building permit for the project. These SCAs were fully identified as being applicable to the project in the City's CEQA document, and are designed to, and will avoid or substantially reduce the project's environmental effects related to hazardous materials.

The UNITE HERE letter also raises an argument that the project site is "listed in databases of contaminated sites maintained by the State Water Resources Control Board and the Department of Toxic Substances Control" and therefore is not eligible for exemptions or streamlined review under CEQA. This issue is further discussed below.

CEQA Context

The CEQA Analysis conducted for the Mandela Parkway Hotel project consists of a Class 32 Exemption under CEQA Guidelines §15332, streamlined environmental review under §15183 (Consistency with a Community Plan), a Qualified Infill project pursuant to §15183.3, and an Addendum to the West Oakland Specific Plan under §15164.

Under the Class 32 Categorical Exemption, §15300.2 provides exceptions to otherwise applicable exemptions. Specifically, Criterion §15300.2(e) precludes Class 32 exemptions for projects that are located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code (i.e., the Cortese List). To qualify for streamlined environmental review under §15183.3, a project must meet all eligibility requirements, including the performance standards in CEQA Guidelines Appendix M. Specifically, these performance standards require a project to document remediation (if completed) if the project site is included on the Cortese List, or to "implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site."

The UNITE HERE letter calls into question the Project's eligibility for an exemption under §15332 and streamlined environmental review under §15183.3. Attachments to the UNITE HERE letter provide information which suggests the Mandela Parkway Hotel project is located on a site listed on the Cortese List, and these exemptions and streamlining provisions of CEQA should not apply. The following discussion addresses applicability of these exemptions and requirements.

Oakland Terminal Railway Site

The Oakland Terminal Railway (OTR) site encompassed approximately 14 acres in West Oakland near the Emeryville border, as shown on Parcel Map No. 2045 (August 1976) as provided by UNITE HERE. The western portion of this site includes the subject parcel, now owned by the California Department of Transportation (Caltrans), and is shown in Parcel Map No. 7572 (October 2000), also provided by UNITE HERE.

For approximately 10 years, beginning in 1990, Levine Fricke Recon conducted soil and groundwater investigations on the entire OTR site on behalf of the Oakland Terminal Railway. These investigations identified certain "hot spots" on the site (**Attachment 1**; c.f. Levine Fricke Recon Figures 3 through 6 provided by UNITE HERE) associated with the locations of former aboveground and underground storage tanks. A risk assessment was developed to determine appropriate remedial cleanup levels for the site; the hot spots were excavated and contaminated soils were disposed off-site in a Class II non-hazardous landfill pursuant to a "Workplan for Soil Excavation and Groundwater Monitoring," as approved by the RWQCB in June 2000; and four monitoring wells were installed and sampled through December 2001. Based upon the available information—including the commercial and industrial land use that had since developed at portions of the site—and the expectation that such use would not change in the foreseeable future, no further action related to the pollutant release at the subject site was required, as indicated in the RWQCB letter of February 8, 2002 to Oakland Terminal Railway. Although the required excavations and well monitoring activities occurred on properties that were ultimately conveyed to other third parties, Oakland Terminal Railway was identified as the responsible party for the entire site, and the "No Further Action" letter to Oakland Terminal Railway applied to the entire OTR site.

Contrary to UNITE HERE's suggestion, the proposed Mandela Hotel site was not "lost in the shuffle." The reason there is no administrative record or files maintained by the RWQCB or the Alameda County

Department of Environmental Health about cleanup efforts performed on the Mandela Hotel site is because no cleanup efforts were required on this portion of the OTR property pursuant to the Workplan for Soil Excavation and Groundwater Monitoring as approved by the RWQCB.

The City of Oakland's practice considers a closed case (cases that have received a Case Closure letter or a No Further Action letter) as no longer being on the Cortese List. Following this practice, the Mandela Parkway Hotel project site's location at the former OTR site is no longer included on the Cortese list. Thus, no exception to the CEQA exemption under §15300.2(e) applies pertaining to the OTR site, and the Class 32 Infill Exemption remains valid.

Seismic Retrofit of San Francisco Oakland Bay Bridge Distribution Structure

The Caltrans Seismic Retrofit of San Francisco Oakland Bay Bridge Distribution Structure project is currently identified as "Inactive – Needs Evaluation" (or an open case) as of 2010. There were two elements of work associated with the Caltrans Seismic Retrofit project: 1) the actual seismic retrofit efforts and 2) relocation of the East Bay Municipal Utility District's (EBMUD) Adeline Interceptor main sewer line. Each of these efforts are discussed below.

The seismic retrofit work conducted for the Bay Bridge Distribution Structure involved strengthening the I-580 viaduct where it crosses over Mandela Parkway. This project involved 17 distribution structure footings located within the I-580 right-of-way adjacent to, but not on the proposed Mandela Parkway Hotel project site. Soil from around the footings was removed so that additional piles could be driven to enlarge and strengthen the footings. Soil generated by this activity included the original structure backfill material, and contaminated levels of fill. The proposed Mandela Parkway Hotel Project site was only tangentially involved in the Seismic Retrofit project, in that the hotel project site was identified as a contractor staging and vehicle staging area (**Attachment 2**), and because Caltrans proposed that the hotel project site (known then as Area 2d, or Caltrans Parcel No. 56359-01-01) be used for the placement of alluvial material, if clean, from the Seismic Retrofit project. Use of the hotel project site for contractor staging, or for the placement of clean fill materials (if that activity did occur), would not have placed the hotel site itself on a listed database of contaminated sites.

The second portion of work associated with the Seismic Retrofit Project involved relocating approximately 560 linear feet of the Adeline Interceptor main sewer line, of which approximately 60 feet crossed the westerly corner of the hotel project site. Soil and groundwater sampling conducted at 8 different test pit locations for the Adeline Interceptor relocation work identified contamination related to total lead, soluble lead concentrations, total petroleum hydrocarbons in motor oil, and total petroleum hydrocarbons in gasoline and diesel. However, at the 2 test pits located on the proposed hotel site, contamination levels were not reported as exceeding applicable threshold levels for contamination (Adeline Interceptor Relocation - EBMUD SD #267 Soil and Groundwater Sampling and Analysis Report, JMB Construction, Inc., July 2005). Based on this data, it appears that contaminated soils and groundwater related to the Adeline Interceptor Relocation project were found and listed in the DTSC database of contaminated sites (i.e., the Cortese List). However, soils from the proposed hotel project site were not among those soils identified as a being contaminated beyond applicable threshold levels.

The public record documenting the ultimate disposal or reuse of contaminated soils from the Seismic Retrofit Project and the Adeline Interceptor Relocation project is not conclusive. A July 2005 letter from JMB Construction, Inc. to EBMUD includes recommendations for characterizing and profiling excavated soil from the Adeline Interceptor Relocation project for off-site disposal. A subsequent August 2006 letter

from Caltrans to DTSC indicates that Caltrans believed that all of the contaminated material could be safely reused on or near the site instead of being disposed offsite, provided that an appropriate cap is placed over the soil. DTSC's response to Caltrans in September 2006 indicated that DTSC might approve on-site reuse and capping of the contaminated soil, provided that Caltrans enter into a land use covenant which restricts the use of the property, and that an Operation and Maintenance Plan for inspection, maintenance, and repair of the cap be prepared and implemented under DTSC oversight and approval. The September 2006 letter concluded with the request to "Please inform DTSC if Caltrans intends to reuse the contaminated soil onsite and proceed with submittal of the cap design. Otherwise, proceed with its disposal at a permitted, off-site disposal facility."

Beyond this 2006 letter from DTSC, there is no readily accessible information regarding the specific actions that Caltrans may have taken to address the contaminated soil—whether they disposed of the contaminated soils off-site or capped the contaminated soil on-site within the I-580 right-of-way, and/or whether any clean fill materials were placed on the hotel project site. It is possible that during the 11½ years since the final public record on this project, resolution of the Seismic Retrofit Project has occurred and the case is now closed. However, absent such public record, the case appears to remain listed as "Inactive – Needs Evaluation." Although a portion of the proposed Mandela Parkway Hotel site is included within a portion of the Adeline Interceptor Relocation project, it does not appear that soils from the hotel project site contributed to the Adeline Interceptor Relocation project/Seismic Retrofit project's listing on the Cortese list.

West Oakland Specific Plan

The UNITE HERE letter also notes that the Caltrans Seismic Retrofit project case was not specifically identified or analyzed in the West Oakland Specific Plan EIR. As shown in the comprehensive EDR Radius Map Report for the Mandela/West Grand Opportunity Area (**Attachment 3**), neither the Seismic Retrofit project nor the Mandela Parkway Hotel project site were identified as an Open Case in the search of available environmental records conducted by Environmental Data Resources, Inc. (EDR) in October of 2011. That EDR Report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312) and the ASTM Standard Practice for Environmental Site Assessments (E 1527-05). However, as noted in the West Oakland Specific Plan EIR (page 4.5-5), "The status of each case changes with time, and new cases are periodically added to the databases. There are also cases of suspected or identified contamination at sites that are not yet entered into regulatory agency lists."

The West Oakland Specific Plan EIR also indicates (on page 4.5-42) that,

> [t]he Planning Area, including the Opportunity Sites previously described and shown in Table 4.5-2, contain numerous sites which are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the Cortese list). The Cortese list identifies public drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release, and all solid waste disposal facilities from which there is known migration. Additional properties within the Planning Area may be placed in environmental agency databases in the future due to the discovery of as yet unknown previous releases or new releases of hazardous substances. Continued use or future

development of these hazardous materials release sites in accordance with the Specific Plan could create a significant hazard to the public or the environment.

The West Oakland Specific Plan EIR concludes that, "With required implementation of [City of Oakland] SCAs and required compliance with local, State and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater, the hazard to the public or the environment from hazardous materials sites would be less than significant."

Conclusion

Based on this detailed review of site conditions at the proposed Mandela Parkway Hotel site, and associated environmental documents, the following conclusions can be reached:

- The former OTR site is no longer included on the Cortese list, and no exception to the Class 32 CEQA exemption applies to the project as a result of the OTR site's previous listing, and the Class 32 Infill Exemption remains valid as to this case.
- The Seismic Retrofit Project appears to remain listed as "Inactive – Needs Evaluation" (i.e., an open case still included on the Cortese list), but it does not appear that soils from the proposed Mandela Parkway Hotel project site contributed to the Adeline Interceptor Relocation project/Seismic Retrofit project's listing on the Cortese list. It is also possible that the Seismic Retrofit Project's status has changed over time (i.e., this case may have been closed), but this changed status may not yet be identified on the DTSC database. In either case, it does not appear that an exception to the Class 32 CEQA exemption applies to the project as a result of the Seismic Retrofit/Adeline Interceptor Relocation project's Cortese listing, and the Class 32 Infill Exemption remains valid as to this case.
- If residual contamination from the OTR site, the Seismic Retrofit Project, or other past uses of the site remain, the Mandela Parkway Hotel project will be required (pursuant to City of Oakland SCAs) to implement recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site, and thus qualifies for streamlined environmental review under CEQA Guidelines §15183.3 and Appendix M.
- The Mandela Parkway Hotel project site was included as part of the Mandela/West Grand Opportunity Area of the West Oakland Specific Plan, and development of this site as a hotel is consistent with the Specific Plan, which was fully analyzed in the West Oakland Specific Plan EIR. As such, the Mandela Parkway Hotel project remains qualified for CEQA streamlining pursuant to a project consistent with a Community Plan pursuant to the provisions of CEQA Guidelines §15183.
- The West Oakland Specific Plan EIR fully disclosed that there are cases of suspected or identified contamination at sites that are not yet entered into regulatory agency lists, that additional properties within the Planning Area may be placed in environmental agency databases in the future due to the discovery of as yet unknown previous releases or new releases of hazardous substances, and that future development of these hazardous materials release sites could create a significant hazard to the public or the environment. The West Oakland Specific Plan EIR also concludes that, with required implementation of City of Oakland SCAs and required compliance with local, State and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater, the hazard to the public or the environment from hazardous materials sites would be less than significant.

- If the Mandela Parkway Hotel project is ultimately found to contain contaminated soils or groundwater pursuant to a required Phase I or Phase II study, this is not "new information" within the context of CEQA. Hazardous substances have been found to likely be present within West Oakland due to existing or historical land uses. The identification of contaminants related to past uses on infill development sites is not peculiar, as their existence is not different from the usual or normal. Implementation of the City required SCAs would provide for the treatment, remediation or disposal of contaminated soil or groundwater, such that the hazard to the public or the environment from hazardous materials sites would be less than significant. As such, the identification of the Mandela Parkway Hotel project as a development project with potential contamination is fully consistent with the provisions of CEQA Guidelines §15164 as an Addendum to the West Oakland Specific Plan EIR.

List of Attachments:

Attachment 1. Figure 4: Total Petroleum Hydrocarbons as Diesel and Motor Oil, and Total Oil and Grease in Soil Samples. Source: Levine Fricke Recon. Notations by Lamphier-Gregory.

Attachment 2. Figure 1: Site Location Map. Source: East Bay Municipal Utility District.

Attachment 3. EDR Detail Map for Mandela/West Grand Opportunity Area.

TRACTOR MAY STAGE EQUIPMENT AND STORE MATERIALS ONLY IN THE CATED "MATCHED" STAGING AREA.

LE ACCESS TO WORK AREAS MAY BE ALONG INDICATED ACCESS ROUTES ONLY.

TRACTOR SHALL UTILIZE TEMPORARY FENCING IN STAGING AREA AS NEEDED TO RE EQUIPMENT AND MATERIALS DURING CONSTRUCTION.

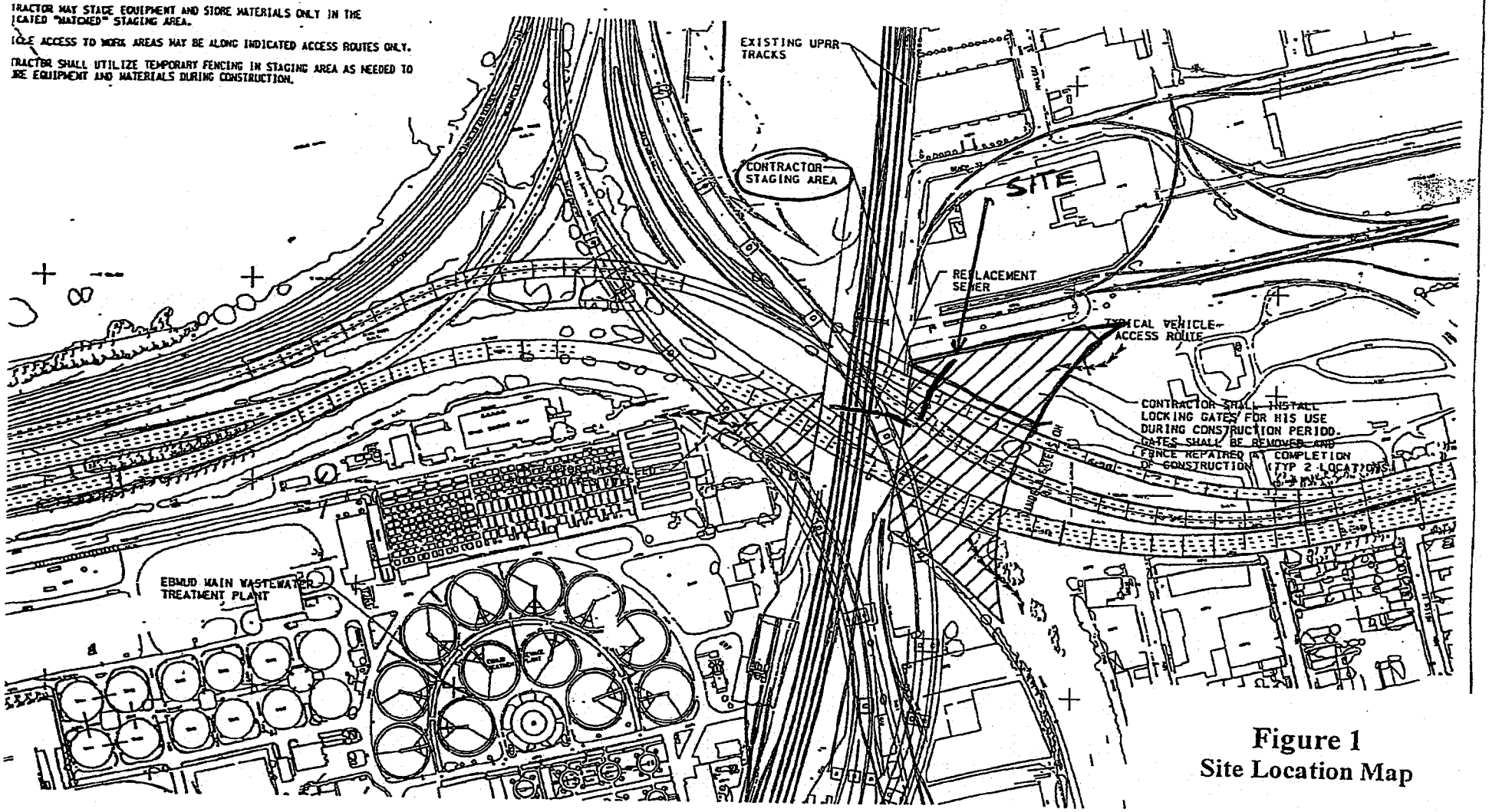


Figure 1
Site Location Map

CONSTRUCTION ACCESS PLAN
SCALE: 1"=228'

1" ON ORIGINAL DOCUMENT

LEE & RO, Inc.
WALNUT CREEK, CALIFORNIA

ADELINE INTERCEPTOR RELOCATION

EAST BAY MUNICIPAL UTILITY DISTRICT
SPECIAL DISTRICT No. 1
OAKLAND, CALIFORNIA

CONSTRUCTION ACCESS AND STAGING AREA PLAN

FACILITY: 9-29
SCALE: AS SHOWN
DATE: SEP. 3, 2004
DRAWING No.: SD283-G-002
SHEET 3 OF 12

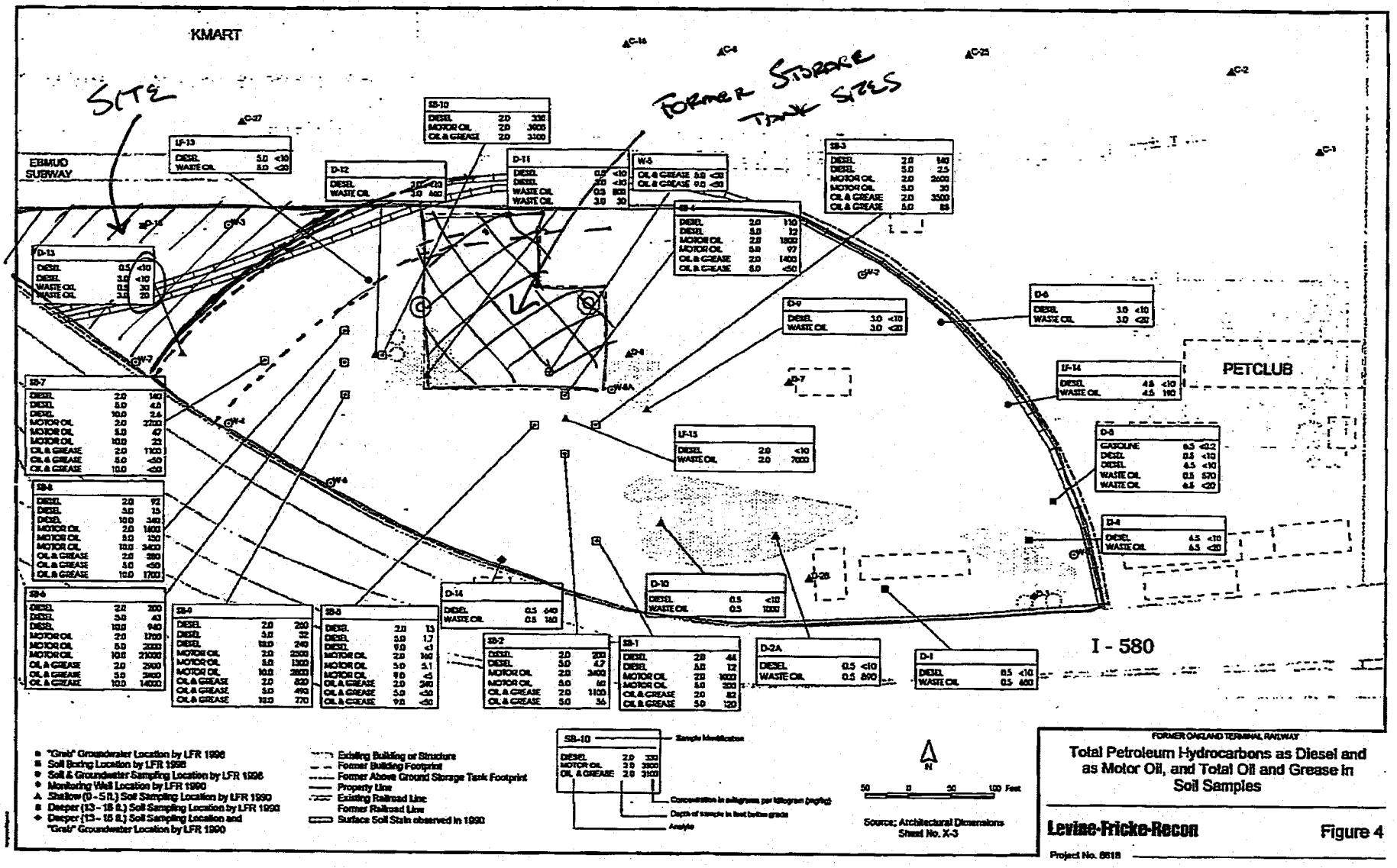
NOT IN EDR REPORT

DETAIL MAP - 3185445.2s

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: MANDELA PKWY & W GRAND AVE ADDRESS: MANDELA PKWY & W GRAND AVE Oakland CA 94607 LAT/LONG: 37.8168 / 122.2896	CLIENT: Lamphier-Gregory CONTACT: Scott Gregory INQUIRY #: 3185445.2s DATE: October 12, 2011 12:58 pm

MOTOR OIL = 500 MG/KG
DIESEL = 1,000 MG/KG



FORMER OAKLAND TERMINAL RAILWAY

Total Petroleum Hydrocarbons as Diesel and as Motor Oil, and Total Oil and Grease in Soil Samples

Levine-Fricke-Recon

Figure 4

Project No. 6618

Rivera, Mike

From: Ty Hudson <thudson@unitehere.org>
Sent: Monday, March 12, 2018 4:46 PM
To: Rivera, Mike
Subject: Mandela Hotel
Attachments: Mandela hotel letter re DTSC and SWRCB sites.pdf; Levine-Fricke-Recon maps.pdf; parcel maps 2045 and 7572.pdf; Grant deeds 2000261171 and 2000324864.pdf; SFBRWQCB to Best Buy 1.pdf; SFBRWQCB to Best Buy 2.pdf; SFBRWQCB to OTR NFA February 8, 2002 (1).pdf; SFBRWQCB to Wilcox 1.pdf; SFBRWQCB to Wilcox 2.pdf; SFBRWQCB to Wilcox 3.pdf; SFOBB seismic retrofit Figures 2 and 5.pdf; SFOBB soil sampling plan.pdf

Mike,

Please see the attached letter regarding the Mandela Hotel, and please make sure the letter and attachments are distributed to the Planning Commissioners prior to next week's hearing.

Thank you.

Ty Hudson
Senior Research Analyst
UNITE HERE Local 2850
http://www.unitehere.org
cell: 213-509-9114

UNITEHERE! Local 2850
1440 Broadway, Suite 208, Oakland, CA 94612 510/893-3181 Fax: 510/893-5362

March 12, 2018

Planning Commission
City of Oakland
1 Frank H Ogawa Plaza
Oakland, CA 94612

Dear Commissioners:

This letter presents important new information that supplements UNITE HERE Local 2850's previous letter, dated January 5th, 2018, regarding the CEQA analysis for the Mandela-Parkway hotel (PLN16394). In short, the new information indicates that the CEQA exemptions sought for the project are not appropriate because the project is proposed for **a site that is listed in databases of contaminated sites maintained by the State Water Resources Control Board and the Department of Toxic Substances Control.**

The presence of the site on these lists, as well as the apparent incompleteness of cleanup efforts, helps explain why the Environmental Site Investigation Report prepared by Kleinfelder in 2016 (which is included in an attachment to the CEQA analysis) noted several contaminants above their respective Environmental Screening Levels (ESL) in soil and/or groundwater testing, including **arsenic, lead, and petroleum hydrocarbons** (diesel and motor oil). The ESL's are thresholds set by the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) as guidance for determining risk to human health and the environment. In addition, Kleinfelder reported several substances detected at over *ten times* the Soluble Threshold Limit Concentration (STLC), including **mercury and lead**. The STLC is a threshold set by Title 22 of the California Code of Regulations to define toxic waste (22 CCR § 66261.24).

The Cortese List

The project seeks the Class 32 categorical exemption for infill projects. We have previously argued that this project is not eligible for that exemption because it is not consistent with the applicable zoning regulations. This letter presents an additional reason this categorical exemption is not appropriate for the project. CEQA Guidelines Section 15300.2 lists several circumstances under which projects cannot qualify for categorical exemptions (including the Class 32 infill exemption), even if they would otherwise be eligible. Subsection 15300.2(e) states, "A categorical exemption shall not be used for a project located on a site which is

included on any list compiled pursuant to Section 65962.5 of the Government Code." The provisions of Government Code Section 65962.5 are commonly known as the "Cortese List." The Cortese List is actually composed of multiple lists compiled by various state agencies, including the State Water Resources Control Board (SWRCB) and Department of Toxic Substances Control (DTSC).[1] The CEQA analysis prepared for the Mandela Parkway hotel claims that the project site does not appear on any such list. However, in fact, the hotel is proposed at a location where two listed sites overlap: the Oakland Terminal Railway site (listed by the SWRCB) and the Seismic Retrofit SFOBB Distribution Structure (listed by the DTSC).

Oakland Terminal Railway

The CEQA analysis cites the SWRCB's Geotracker online database in support of its claim that the project site is not on the "Cortese List." However, this database includes a site known as the Oakland Terminal Railway Property ("OTR Site") identified as SFBRWQCB Case # 01S0542. The map provided on the Geotracker website indicates this site with an icon located on the parcel occupied by the Extended Stay America hotel at 3650 Mandela Parkway, across the street from the proposed hotel. However, the Extended Stay parcel is not the entirety of the OTR Site. The Geotracker website describes the location of the OTR Site as "Hwy 80/ Hwy 580 interchange south of Emeryville"—exactly where the new Mandela Hotel is proposed.

The attached "Site Location Map," prepared in 1999 by Levine-Fricke-Recon, comes from the Alameda County Environmental Health Department's case file for the OTR Site. The shaded area on the map clearly indicates that the parcel where the new hotel is proposed is part of the OTR Site. Alameda County Parcel Maps 2045 and 7572, as well as four more detailed maps from Levine-Fricke-Recon, all of which are also attached to this letter, show this even more clearly. On Parcel Map 7572, the triangular parcel to the west of the future Nelson Mandela Parkway and marked "State of California Dept. of Transportation" is the proposed location of the Mandela Hotel. As shown on Parcel Map 2045, this triangle of land was part of the OTR property before it was transferred to the State of California.

The History of the Oakland Terminal Railway Site

The two parcel maps and Grant Deeds 2000261171 and 2000324864 (also attached) help describe the history of the ownership of the various pieces of the OTR Site. Parcel Map 2045 shows the property as of 1976. Parcel Map 7572 shows the property as of October 2000, after it has been subdivided and sold to various buyers.

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[1] https://calepa.ca.gov/SiteCleanup/CorteseList/Background/

The westernmost portion of the site, which includes the Mandela Hotel project site as well as a section of Mandela Parkway itself, was transferred to Caltrans in 1999, and the sale recorded in Grant Deed 2000261171. The remainder of what Parcel Map No. 2045 calls "Parcel A" was sold to a developer in October 2000, per Grant Deed 2000324864. This portion of the site is indicated as Parcel 1 and Parcel 2 on Parcel Map No. 7572. Parcel 1 is now the location of the Extended Stay America hotel, and Parcel 2 is the location of the Best Buy store.

This history is important because it relates to the cleanup of the site. The private developers who purchased Parcels 1 and 2 undertook measures to clean up their respective portions of the site, supervised by the SFBRWQCB. The attached letters from the SFBRWQCB to Wilcox Development (then owner of Parcel 1), Best Buy Company (Parcel 2), and the Oakland Terminal Railway provide partial documentation of these cleanup efforts. However, the portion of the site that was purchased by Caltrans—the site of the proposed Mandela Hotel—seems to have gotten lost in the shuffle. None of these letters refers to any cleanup of the Caltrans portion of the site. The letter from the SFBRWQCB to Oakland Terminal Railway which documents the closure of the case (dated February 8, 2002) refers to Parcel 1 (the Extended Stay hotel parcel) as the "western portion of the OTR site" and to Parcel 2 (the Best Buy parcel) as the "eastern portion of the OTR site," suggesting that the Caltrans portion of the site, which lies to the west of the Extended Stay hotel, had been forgotten. By contrast, the documents prepared in 1999 by Levine-Fricke-Recon—before the sale of the property—clearly indicate the future Caltrans parcel as part of the OTR Site.

There is nothing in the administrative record or in the files maintained by the SFBRWQCB or the Alameda County Department of Environmental Health that indicates that any cleanup efforts were performed on the Caltrans portion of the OTR Site. This may explain the levels of lead, mercury, petroleum hydrocarbons, and other contaminants reported by Kleinfelder.

Seismic Retrofit of San Francisco Oakland Bay Bridge Distribution Structure

In addition to the SWRCB Geotracker database, the CEQA analysis cites the DTSC Envirostor database in support of its claim that the hotel project site does not appear on the Cortese List. But the Envirostor database contains a site known as the Seismic Retrofit SFOBB Distribution Structure, which includes the parcel where the Mandela Hotel is proposed. According to the site history summarized on the Envirostor website, "The Seismic Retrofit Project consists of strengthening the I-580 viaduct to the west of where it crosses over Mandela Parkway, at kilometer 74.5, in the City of Oakland, in Alameda County.... This wetland was filled in over time with discarded material such as municipal waste, ruble, and earth. This artificial fill material is believed to be the source of most of the contaminants discovered at the

site."[2] The Mandela Hotel project site is immediately adjacent to the I-580 viaduct, immediately to the west of where it crosses over Mandela Parkway. The retrofit of the SFOBB Distribution Structure required the relocation of an EBMUD pipe known as the Adeline Interceptor, and the attached maps labeled "Figure 2 EBMUD Adeline Interceptor Relocation Project - Location Map 1" and "Figure 5 Map of Proposed Soil Reuse Sites" show that the proposed hotel parcel is part of this project site.

The relocation of the Adeline Interceptor required the excavation of over 3,000 cubic meters of material, including "artificial fill material with moderate levels of lead contamination."[3] The Caltrans parcel where the Mandela Hotel is proposed (Caltrans Parcel No. 56359-0101) was one of the disposal sites for this material.[4] Although this parcel was designated for the relatively clean portion of this excavated material, the criteria for material to be clean enough to be disposed of on this site included a lead concentration threshold (150 mg/kg) that is nearly double the SFBRWQCB ESL (80 mg/kg). This also may explain the elevated levels of lead indicated by the Kleinfelder report.

CEQA Implications

The inclusion of a site on the Cortese List disqualifies it from the Class 32 categorical exemption from CEQA, which the Mandela Hotel project seeks. It also has implications for the infill streamlining process under CEQA Guidelines Section 15183.3, which the project also claims to qualify for. If a project site is included in the Cortese List, the project must document how the site has been remediated, or implement the recommendations of the preliminary endangerment assessment, per the performance standards of CEQA Guidelines Appendix M. The Mandela Hotel CEQA analysis neither provides documentation of remediation, nor proposes specific mitigation measures to remediate the site.

The presence of elevated levels of lead, mercury, arsenic, and other contaminants on the site constitutes new, site-specific information that requires further review and mitigation, beyond what is included in the West Oakland Specific Plan (WOSP) EIR. It should be noted that the WOSP EIR, though it lists and discusses many contaminated sites in West Oakland, does not list either of the sites discussed in this letter. The OTR Site may have been left out of the WOSP EIR because it is listed as closed, but, as discussed above, it appears that the cleanup of that site may have excluded the portion that was sold to Caltrans, rather than to private

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[2] http://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60000492

[3] California Department of Transportation, "Data Quality Objectives & Soil Sampling Plan, San Francisco Oakland Bay Bridge Distribution Structure in the City of Oakland in the County of Alameda on Interstate 580 at kilometer post 74.5, for use with the Seismic Retrofit Project Caltrans Contract No. 04-143554," March 31, 2006, page 2. (Document attached.)

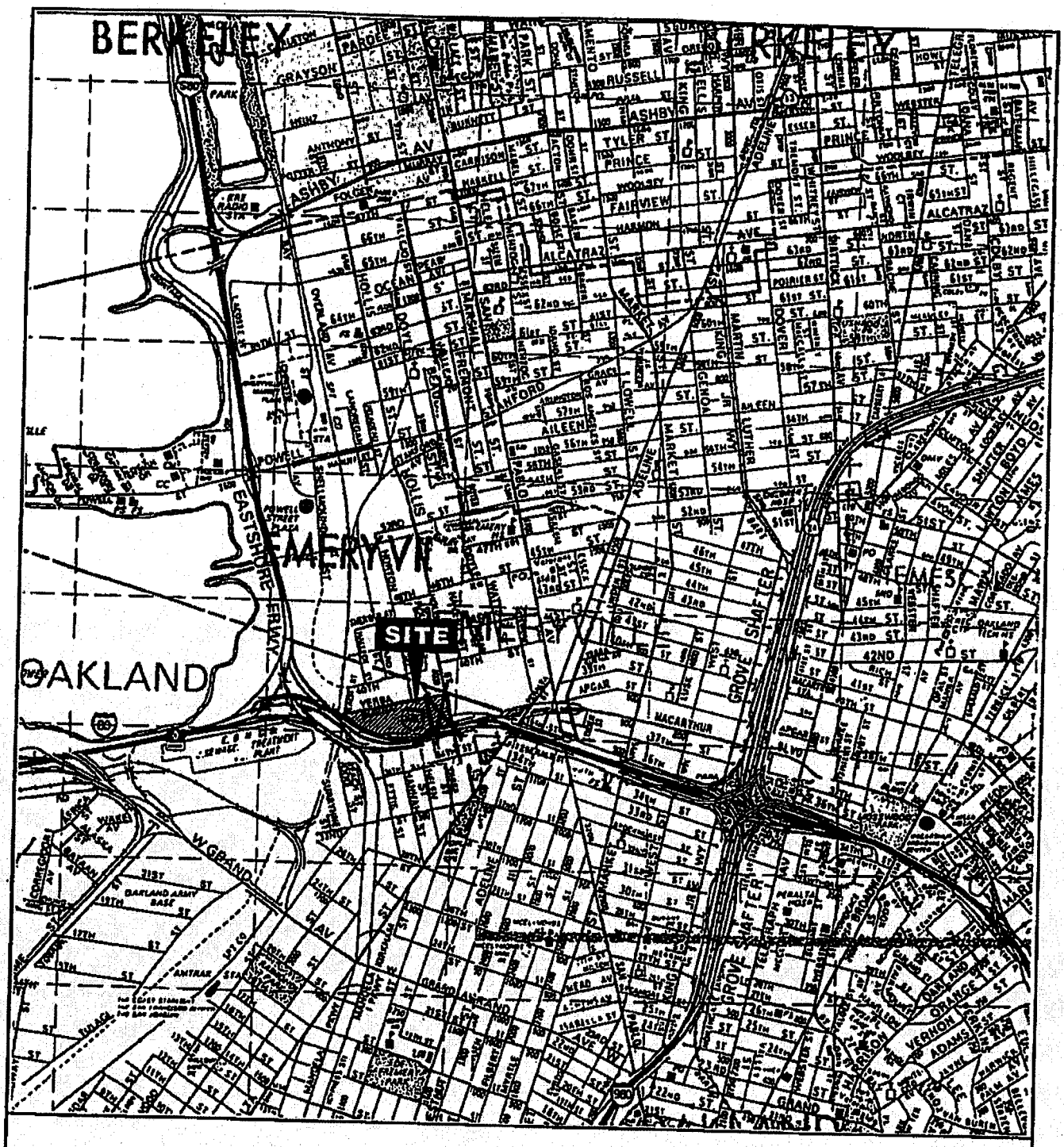
[4] Ibid., page 3.

developers. The Seismic Retrofit of the SFOBB Distribution Center is listed in the DTSC database as "Inactive – Needs Evaluation." It is not clear why it was excluded from the hazardous waste analysis in the WOSP EIR.

Our January 5th letter discusses in more detail the inadequacy of the CEQA analysis of the proposed Mandela Hotel. For the sake of the neighborhood and of future hotel workers and guests, we hope you will require further study and mitigation of the toxic contamination at the site.

Sincerely,

Ty Hudson
Senior Research Analyst



FORMER OAKLAND TERMINAL RAILWAY

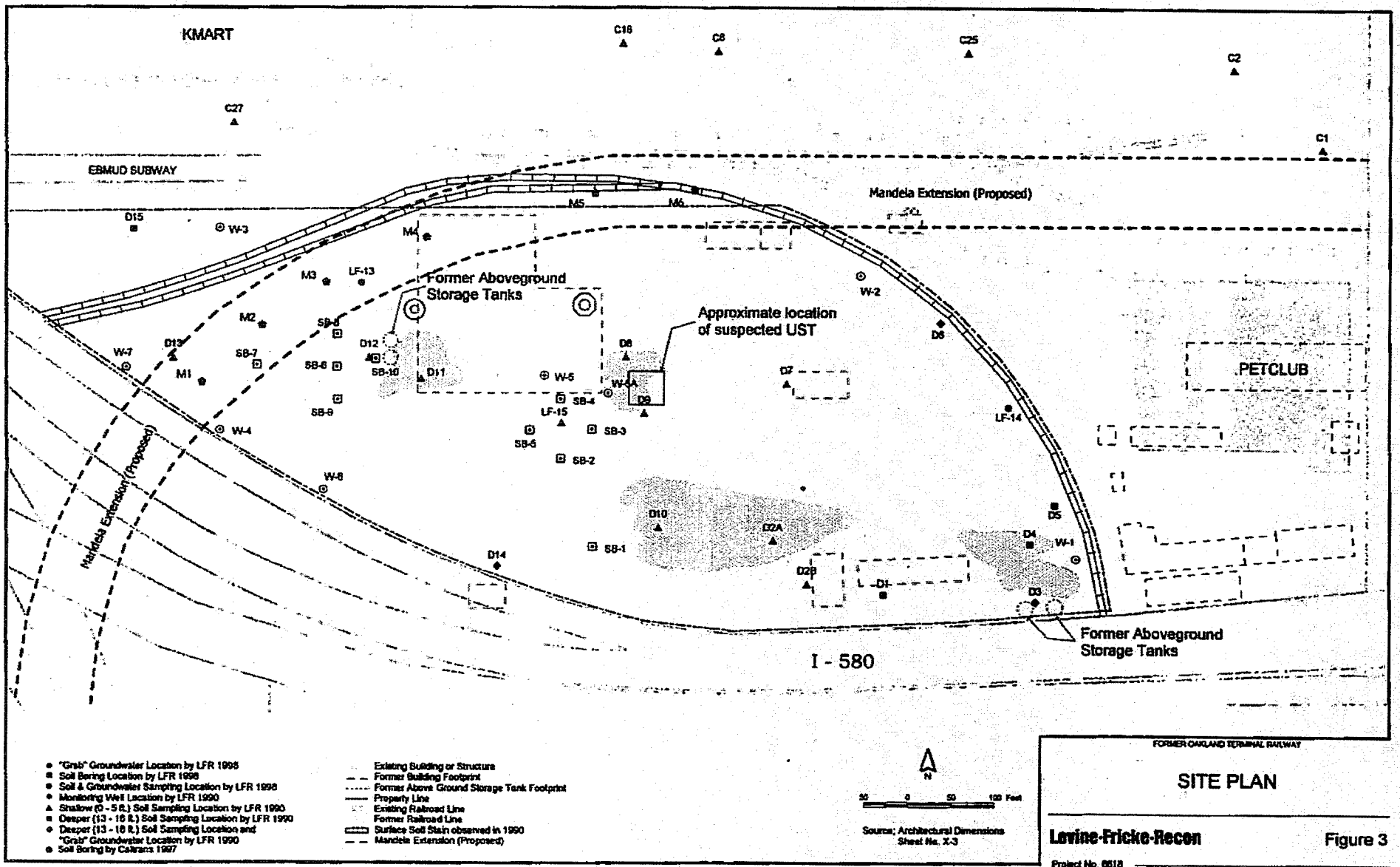
Site Location Map

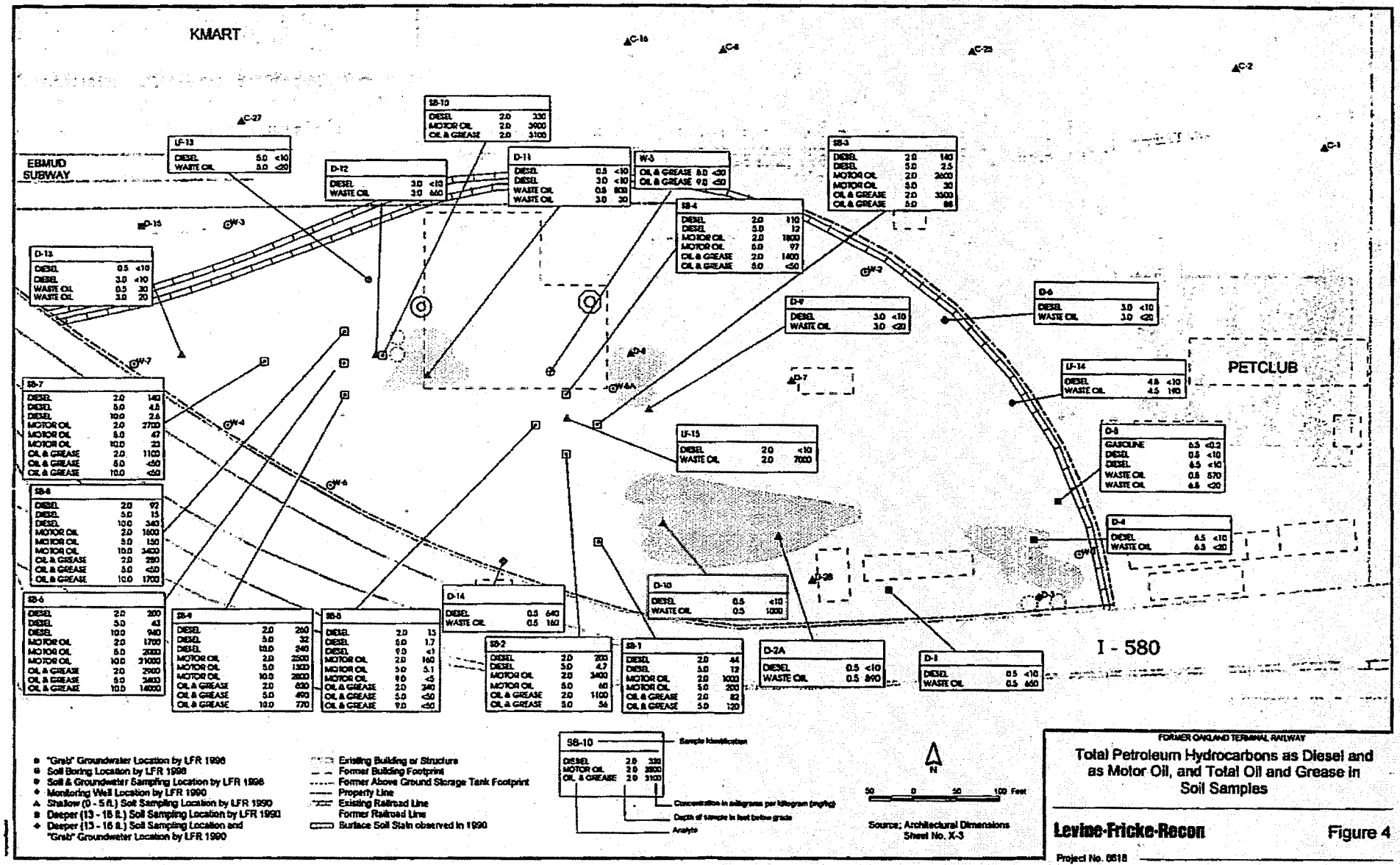
Levine-Fricke-Recon

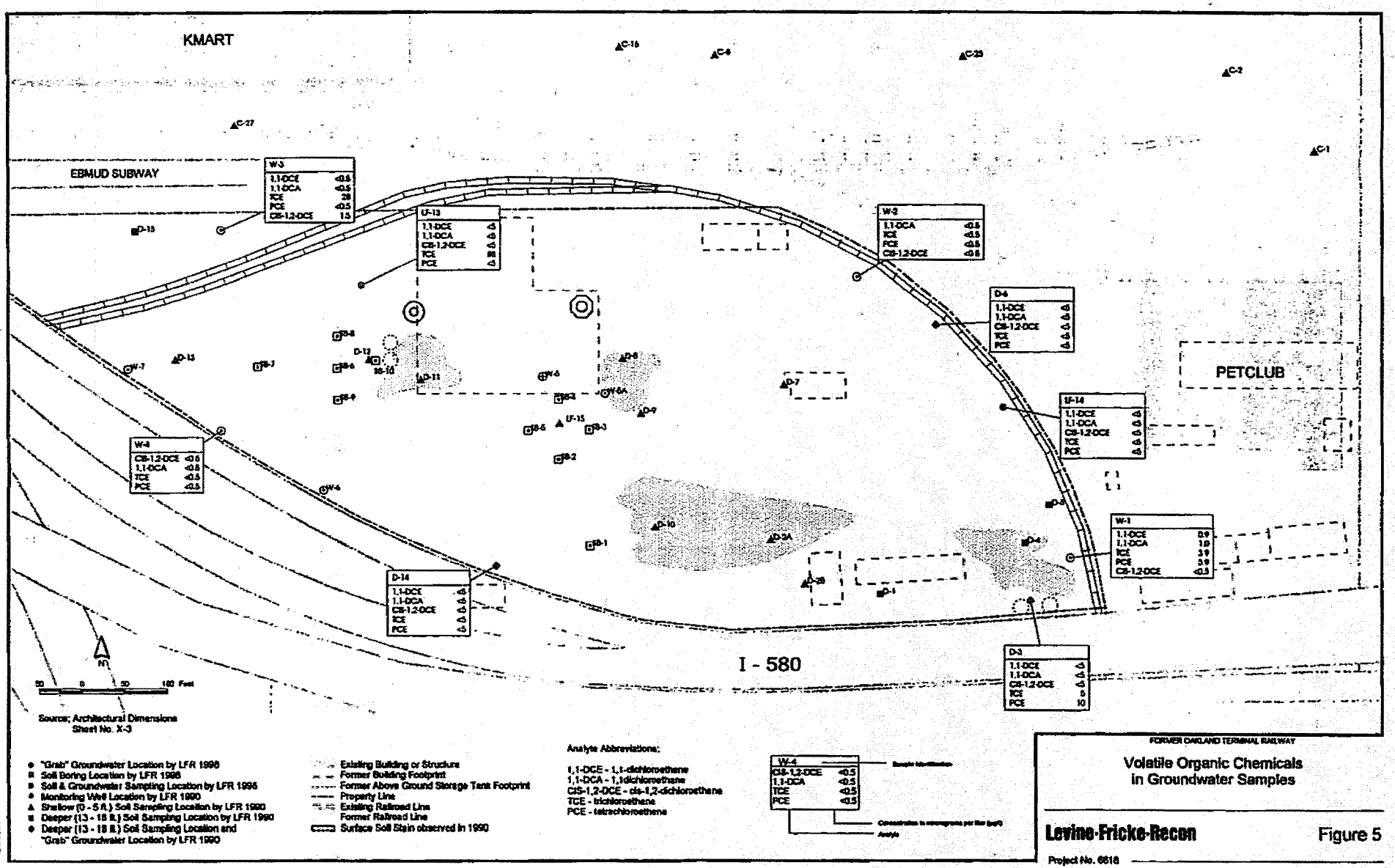
Project No. 6618

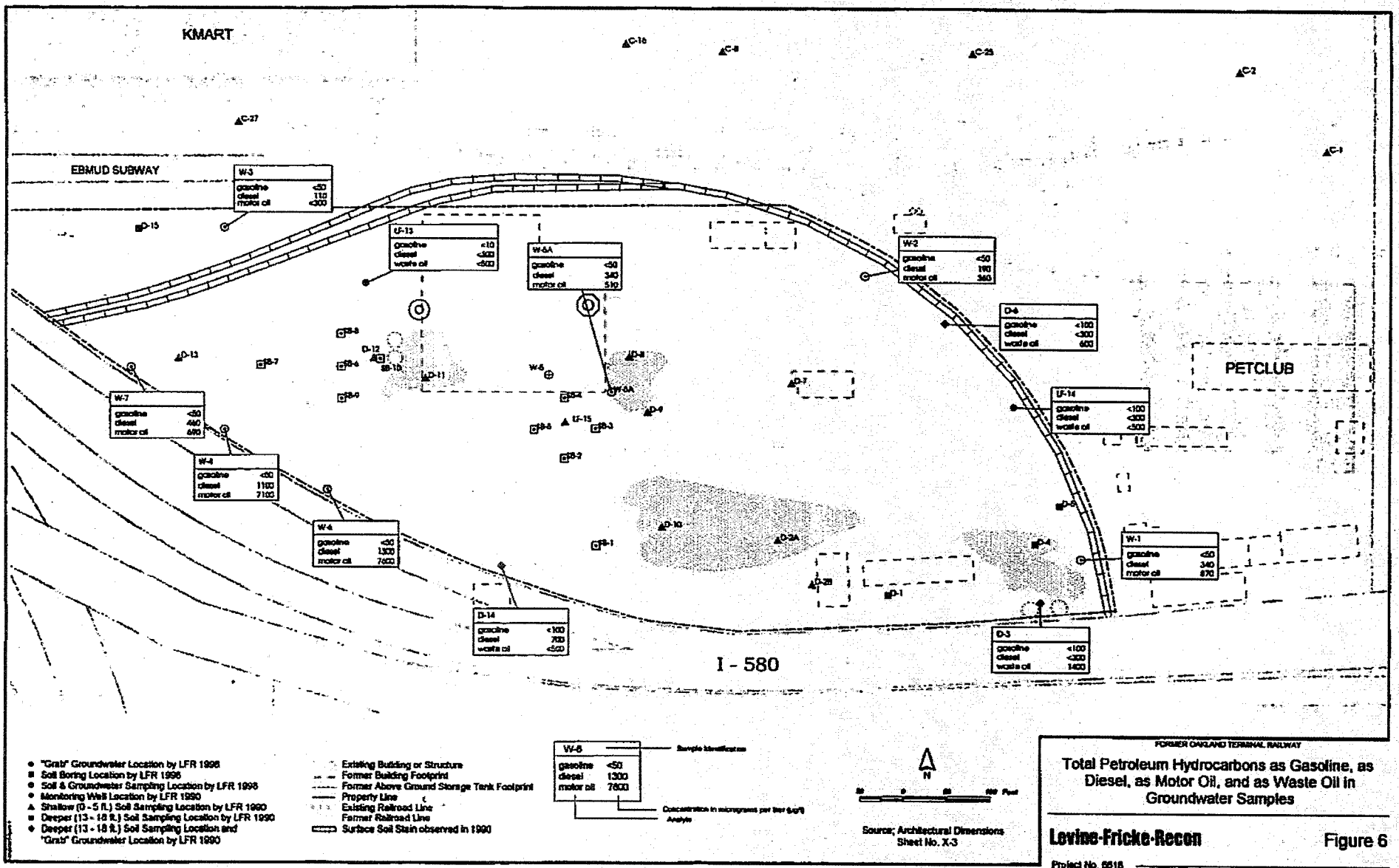
Figure 1

6618SV01.CDR 102398

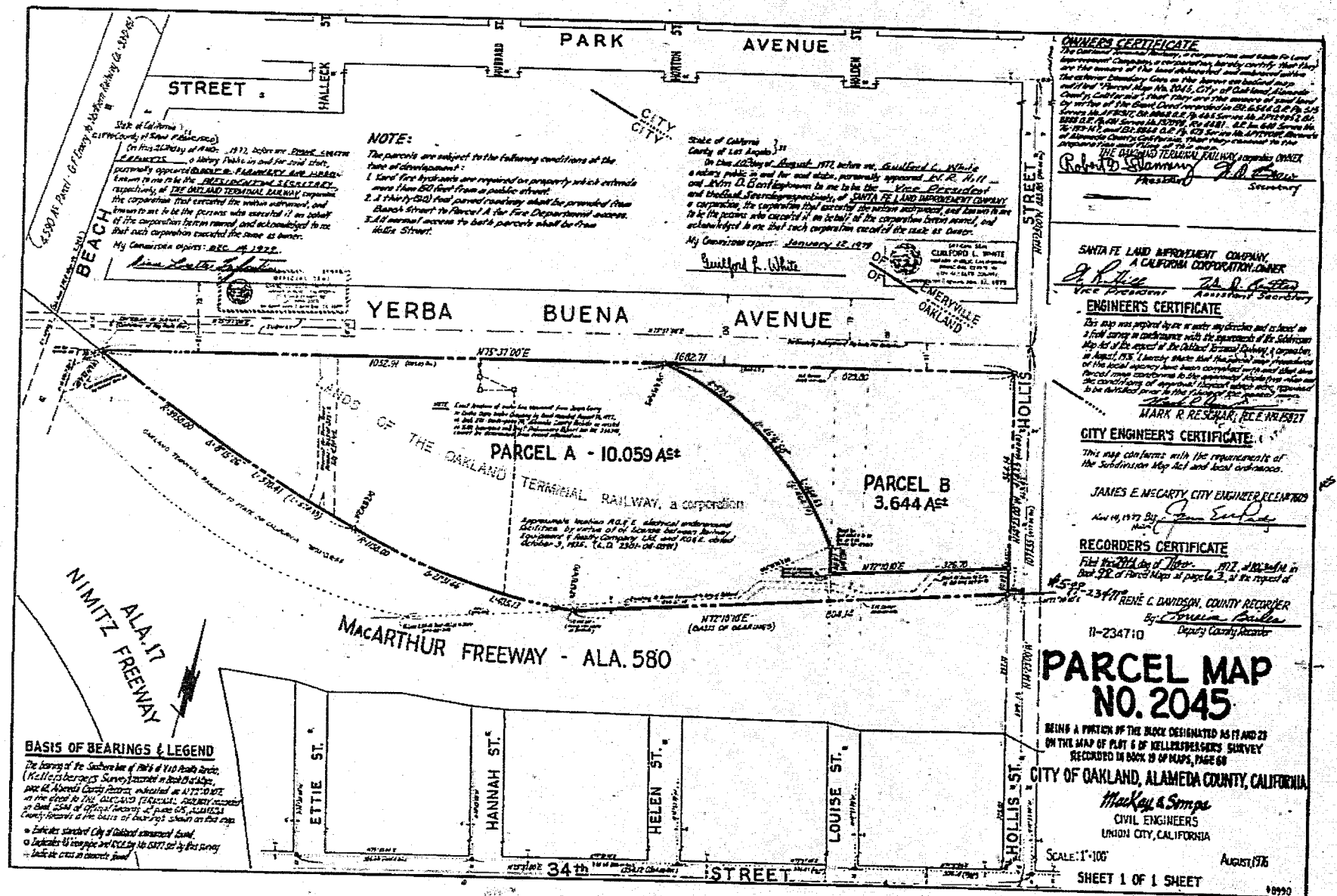

KMART
C16
C8
C25
C2
C27
C1
EBMUD SUBWAY
Mandela Extension (Proposed)
M5
M6
M4
D15
W-3
M3
LF-13
Former Aboveground
Storage Tanks
W-2
M2
SB-9
Approximate location
of suspected UST
D6
W-7
D13
SB-7
D12
D8
PETCLUB
M1
SB-8
SB-10
D11
W-5
W-4A
D7
SB-4
D9
LF-14
W-4
LF-15
SB-3
SB-5
SB-2
Mandela Extension (Proposed)
W-6
D10
D5
D2A
D4
W-1
SB-1
D14
D2B
D1
D3
Former Aboveground
Storage Tanks
I - 580
"Grab" Groundwater Location by LFR 1998
Soil Boring Location by LFR 1998
Soil & Groundwater Sampling Location by LFR 1998
Monitoring Well Location by LFR 1990
Shallow (0 - 5 ft.) Soil Sampling Location by LFR 1990
Deeper (13 - 18 ft.) Soil Sampling Location by LFR 1990
Deeper (13 - 18 ft.) Soil Sampling Location and
"Grab" Groundwater Location by LFR 1990
Soil Boring by Caltrans 1997
Existing Building or Structure
Former Building Footprint
Former Above Ground Storage Tank Footprint
Property Line
Existing Railroad Line
Former Railroad Line
Surface Soil Stain observed in 1990
Mandela Extension (Proposed)
N
50 0 50 100 Feet
Source; Architectural Dimensions
Sheet No. X-3
FORMER OAKLAND TERMINAL RAILWAY
SITE PLAN
Levine-Fricke-Recon
Figure 3
Project No. 0618


KMART
EBMUD SUBWAY
PETCLUB
I - 580
SB-10
DIESEL 2.0 330
MOTOR OIL 2.0 3900
OIL & GREASE 2.0 3100
LF-13
DIESEL 5.0 <10
WASTE OIL 5.0 <20
D-12
DIESEL 3.0 <10
WASTE OIL 3.0 660
D-11
DIESEL 0.5 <10
DIESEL 3.0 <10
WASTE OIL 0.5 830
WASTE OIL 3.0 30
W-5
OIL & GREASE 8.0 <20
OIL & GREASE 9.0 <20
SB-3
DIESEL 2.0 140
DIESEL 5.0 2.5
MOTOR OIL 2.0 2600
MOTOR OIL 5.0 30
OIL & GREASE 2.0 3500
OIL & GREASE 5.0 86
SB-4
DIESEL 2.0 110
DIESEL 5.0 12
MOTOR OIL 2.0 1800
MOTOR OIL 5.0 97
OIL & GREASE 2.0 1400
OIL & GREASE 5.0 <50
D-13
DIESEL 0.5 <10
DIESEL 3.0 <10
WASTE OIL 0.5 30
WASTE OIL 3.0 20
D-9
DIESEL 3.0 <10
WASTE OIL 3.0 <20
D-6
DIESEL 3.0 <10
WASTE OIL 3.0 <20
LF-14
DIESEL 4.5 <10
WASTE OIL 4.5 190
SB-7
DIESEL 2.0 140
DIESEL 5.0 4.5
DIESEL 10.0 2.4
MOTOR OIL 2.0 2700
MOTOR OIL 5.0 47
MOTOR OIL 10.0 23
OIL & GREASE 2.0 1100
OIL & GREASE 5.0 <50
OIL & GREASE 10.0 <50
LF-15
DIESEL 2.0 <10
WASTE OIL 2.0 7000
D-8
GASOLINE 0.5 <0.2
DIESEL 0.5 <10
DIESEL 8.5 <10
WASTE OIL 0.5 570
WASTE OIL 8.5 <20
SB-6
DIESEL 2.0 92
DIESEL 5.0 15
DIESEL 10.0 340
MOTOR OIL 2.0 1600
MOTOR OIL 5.0 150
MOTOR OIL 10.0 3400
OIL & GREASE 2.0 280
OIL & GREASE 5.0 <50
OIL & GREASE 10.0 1700
D-4
DIESEL 0.5 <10
WASTE OIL 0.5 <20
D-10
DIESEL 0.5 <10
WASTE OIL 0.5 1000
SB-1
DIESEL 2.0 44
DIESEL 5.0 12
MOTOR OIL 2.0 1000
MOTOR OIL 5.0 200
OIL & GREASE 2.0 82
OIL & GREASE 5.0 120
D-2A
DIESEL 0.5 <10
WASTE OIL 0.5 890
D-1
DIESEL 0.5 <10
WASTE OIL 0.5 660
SB-2
DIESEL 2.0 200
DIESEL 5.0 4.7
MOTOR OIL 2.0 3400
MOTOR OIL 5.0 40
OIL & GREASE 2.0 1100
OIL & GREASE 5.0 56
SB-9
DIESEL 2.0 260
DIESEL 5.0 32
DIESEL 10.0 240
MOTOR OIL 2.0 2500
MOTOR OIL 5.0 1300
MOTOR OIL 10.0 2800
OIL & GREASE 2.0 600
OIL & GREASE 5.0 400
OIL & GREASE 10.0 770
SB-5
DIESEL 2.0 15
DIESEL 5.0 1.7
DIESEL 9.0 <1
MOTOR OIL 2.0 160
MOTOR OIL 5.0 5.1
MOTOR OIL 9.0 <5
OIL & GREASE 2.0 340
OIL & GREASE 5.0 <50
OIL & GREASE 9.0 <50
D-14
DIESEL 0.5 640
WASTE OIL 0.5 160
"Grab" Groundwater Location by LFR 1998
Soil Boring Location by LFR 1998
Soil & Groundwater Sampling Location by LFR 1998
Monitoring Well Location by LFR 1990
Shallow (0 - 5 ft.) Soil Sampling Location by LFR 1990
Deeper (13 - 18 ft.) Soil Sampling Location by LFR 1990
Deeper (13 - 18 ft.) Soil Sampling Location and "Grab" Groundwater Location by LFR 1990
Existing Building or Structure
Former Building Footprint
Former Above Ground Storage Tank Footprint
Property Line
Existing Railroad Line
Former Railroad Line
Surface Soil Stain observed in 1990
SB-10
DIESEL 2.0 330
MOTOR OIL 2.0 3900
OIL & GREASE 2.0 3100
Sample Identification
Concentration in milligrams per kilogram (mg/kg)
Depth of sample in feet below grade
Analyte
N
50 0 50 100 Feet
Source: Architectural Dimensions Sheet No. X-3
FORMER OAKLAND TERMINAL RAILWAY
Total Petroleum Hydrocarbons as Diesel and as Motor Oil, and Total Oil and Grease in Soil Samples
Levine-Fricke-Recon
Figure 4
Project No. 0518


KMART
EBMUD SUBWAY
PETCLUB
I - 580
W-3
1,1-DCE <0.5
1,1-DCA <0.5
TCE 28
PCE <0.5
CIS-1,2-DCE 15
UF-13
1,1-DCE Δ
1,1-DCA Δ
CIS-1,2-DCE Δ
TCE Δ
PCE Δ
W-2
1,1-DCA Δ0.5
TCE Δ0.5
PCE Δ0.5
CIS-1,2-DCE Δ0.5
D-4
1,1-DCE Δ
1,1-DCA Δ
CIS-1,2-DCE Δ
TCE Δ
PCE Δ
UF-14
1,1-DCE Δ
1,1-DCA Δ
CIS-1,2-DCE Δ
TCE Δ
PCE Δ
W-4
CIS-1,2-DCE <0.5
1,1-DCA <0.5
TCE <0.5
PCE <0.5
D-14
1,1-DCE <5
1,1-DCA <5
CIS-1,2-DCE Δ
TCE Δ
PCE Δ
W-1
1,1-DCE 0.9
1,1-DCA 1.0
TCE 3.9
PCE 3.9
CIS-1,2-DCE <0.5
D-3
1,1-DCE Δ
1,1-DCA Δ
CIS-1,2-DCE Δ
TCE Δ
PCE 10
50 0 50 100 Feet
N
Source; Architectural Dimensions
Sheet No. X-3
"Grab" Groundwater Location by LFR 1990
Soil Boring Location by LFR 1990
Soil & Groundwater Sampling Location by LFR 1990
Monitoring Well Location by LFR 1990
Shallow (0 - 5 ft.) Soil Sampling Location by LFR 1990
Deeper (13 - 18 ft.) Soil Sampling Location by LFR 1990
Deeper (13 - 18 ft.) Soil Sampling Location and "Grab" Groundwater Location by LFR 1990
Existing Building or Structure
Former Building Footprint
Former Above Ground Storage Tank Footprint
Property Line
Existing Railroad Line
Former Railroad Line
Surface Soil Stain observed in 1990
Analyte Abbreviations:
1,1-DCE - 1,1-dichloroethene
1,1-DCA - 1,1dichloroethane
CIS-1,2-DCE - cis-1,2-dichloroethene
TCE - trichloroethene
PCE - tetrachloroethene
W-4
CIS-1,2-DCE Δ0.5
1,1-DCA Δ0.5
TCE Δ0.5
PCE Δ0.5
Sample Identification
Concentration in micrograms per liter (ug/l)
Analyte
FORMER OAKLAND TERMINAL RAILWAY
Volatile Organic Chemicals
in Groundwater Samples
Levine-Fricke-Recon
Figure 5
Project No. 6618


KMART
EBMUD SUBWAY
PETCLUB
I - 580
W-3
gasoline <50
diesel 110
motor oil <300
LF-13
gasoline <10
diesel <300
waste oil <500
W-6A
gasoline <50
diesel 340
motor oil 510
W-2
gasoline <50
diesel 190
motor oil 360
D-6
gasoline <100
diesel <300
waste oil 600
W-7
gasoline <50
diesel 440
motor oil 690
LF-14
gasoline <100
diesel <300
waste oil <500
W-4
gasoline <50
diesel 1100
motor oil 7100
W-5
W-6
gasoline <50
diesel 1300
motor oil 7600
W-1
gasoline <50
diesel 340
motor oil 870
D-14
gasoline <100
diesel 700
waste oil <500
D-3
gasoline <100
diesel <300
waste oil 1400
"Grab" Groundwater Location by LFR 1996
Soil Boring Location by LFR 1996
Soil & Groundwater Sampling Location by LFR 1996
Monitoring Well Location by LFR 1990
Shallow (0 - 5 ft.) Soil Sampling Location by LFR 1990
Deeper (13 - 18 ft.) Soil Sampling Location by LFR 1990
Deeper (13 - 18 ft.) Soil Sampling Location and "Grab" Groundwater Location by LFR 1990
Existing Building or Structure
Former Building Footprint
Former Above Ground Storage Tank Footprint
Property Line
Existing Railroad Line
Former Railroad Line
Surface Soil Stain observed in 1990
Sample Identification
Concentration in micrograms per liter (ug/l)
Analyte
N
Source; Architectural Drawings
Sheet No. X-3
FORMER OAKLAND TERMINAL RAILWAY
Total Petroleum Hydrocarbons as Gasoline, as Diesel, as Motor Oil, and as Waste Oil in Groundwater Samples
Levine-Fricke-Recon
Figure 6
Project No. 5518

11-234710



NOTE:

The parcels are subject to the following conditions of the town of development:

1. Hand fire hydrants are required on property which extends more than 150 feet from a public street.
2. A thirty-(30) foot paved roadway must be provided from Branch Street to Parcel A for Fire Department access.
3. All normal access to both parcels shall be from Hollis Street.

BASIS OF BEARINGS & LEGEND

The bearing of the Southerly line of Plat 6 of Y.B. Realty Service, (Kellersberger's Survey) recorded in Book 8 of Maps, page 66, Alameda County Records, indicated as N77°10'00"E on the deed to THE OAKLAND TERMINAL RAILWAY recorded on June 1, 1934 in Official Records of page 175, Alameda County Records is the basis of bearings for all lines shown on this map.

- Indicates standard City of Oakland monument found.
- Indicates ¾" iron pipe and PLS by Mr. Gantt set by this survey.
+ Indicates cross in concrete found.

OWNER'S CERTIFICATE

The Oakland Terminal Railway, a corporation and Santa Fe Land Improvement Company, a corporation, do hereby certify that they are the owners of the land shown hereon and that the exterior boundary lines on the hereon are bounded [illegible] and that they are the owners of said land or parts of the Grant Deed recorded in Bk. 6544 O.R. Pg. 215 Series No. AP 82512, Bk. 6544 O.R. Pg. 48 Series No. AP 82492 & Bk. 8888 O.R. Pg. 46 Series No. 130099, Bk. 6181, O.R. L. 648 Series No. 76-193417, and Bk. 8544 O.R. Pg. 423 Series No. AP 82491 all Alameda County Official Records, that they consent to the preparation and filing of this map.

THE OAKLAND TERMINAL RAILWAY, a corporation, OWNER
Robert B. Hammond, President
[illegible], Secretary

SANTA FE LAND IMPROVEMENT COMPANY, A CALIFORNIA CORPORATION, OWNER
[illegible], Vice President
[illegible], Assistant Secretary

ENGINEER'S CERTIFICATE

This map was prepared by me or under my direction and is based on a field survey in conformance with the requirements of the Subdivision Map Act at the request of The Oakland Terminal Railway, a corporation, on August, 1976. I hereby state that the field and procedures of the local agency have been complied with and that this Parcel map conforms to the approved tentative map and the conditions of approval thereof which were imposed to be fulfilled prior to the filing of the parcel map.

MARK R. RESCHAR, R.C.E. No. 15827

CITY ENGINEER'S CERTIFICATE:

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

JAMES E. McCARTY, CITY ENGINEER RCE 14870
Aug 19, 1977 By [illegible]

RECORDERS CERTIFICATE

Filed this 24th day of Nov. 1977, at 8:30 A.M. in Book 98 of Parcel Maps at page 63, at the request of

M-SP-234710

RENÉ C. DAVIDSON, COUNTY RECORDER
By [illegible], Deputy County Recorder

11-234710

PARCEL MAP NO. 2045

BEING A PORTION OF THE BLOCK DESIGNATED AS 17 AND 23 ON THE MAP OF PLAT 6 OF KELLERSBERGER'S SURVEY RECORDED IN BOOK 19 OF MAPS, PAGE 60

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

MacKay & Somps
CIVIL ENGINEERS
UNION CITY, CALIFORNIA

SCALE: 1"=100' AUGUST, 1976

SHEET 1 OF 1 SHEET

9990

Map BK 98 Pg 63

PARCEL MAP 7572

MAP BK 254 PG 27

PARCEL MAP NO. 7572

BEING A SUBDIVISION OF A PORTION OF PARCEL A, OF PARCEL MAP 2045, BOOK 98 OF PARCEL MAPS, PAGE 63, ALAMEDA COUNTY RECORDS AND ALSO BEING A PORTION OF THE BLOCK DESIGNATED AS 17 AND 23 ON THE MAP OF PLOT 6 OF KELLERSBERGER'S SURVEY RECORDED IN BOOK 19 OF MAPS, PAGE 68, ALAMEDA COUNTY RECORDS AND LYING WITHIN THE

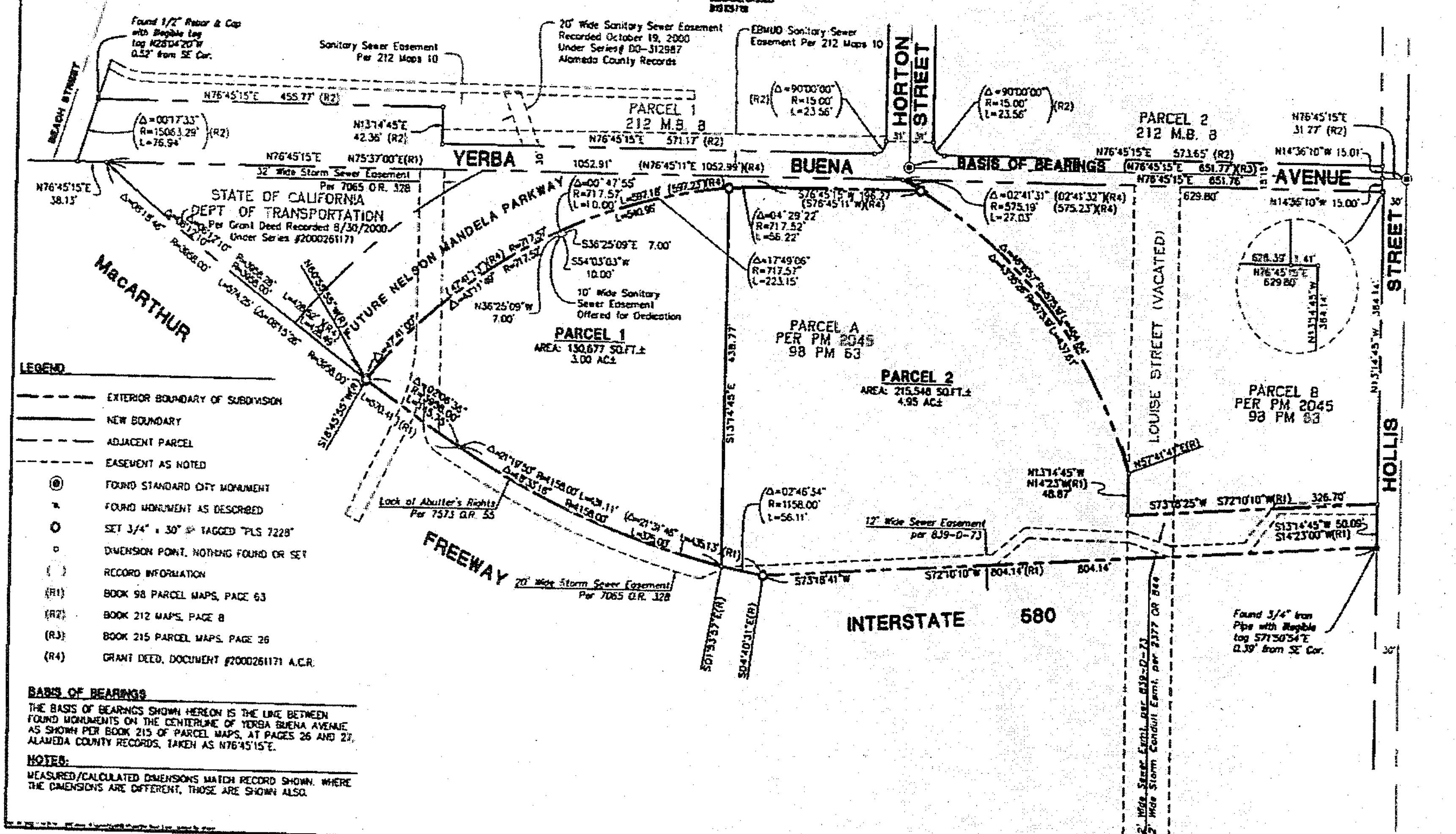
CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

OCTOBER 2000

MAP PREPARED BY:

PSOMAS

(IN FEET)
1 INCH = 80 FEET



LEGEND

- EXTERIOR BOUNDARY OF SUBDIVISION
- NEW BOUNDARY
- ADJACENT PARCEL
- EASEMENT AS NOTED
- FOUND STANDARD CITY MONUMENT
- FOUND MONUMENT AS DESCRIBED
- SET 3/4" x 30" IP TAGGED "PLS 7228"
- DIMENSION POINT, NOTHING FOUND OR SET
- ( ) RECORD INFORMATION
- (R1) BOOK 98 PARCEL MAPS, PAGE 63
- (R2) BOOK 212 MAPS, PAGE 8
- (R3) BOOK 215 PARCEL MAPS, PAGE 26
- (R4) GRANT DEED, DOCUMENT #2000261171 A.C.R.

BASIS OF BEARINGS

THE BASIS OF BEARINGS SHOWN HEREON IS THE LINE BETWEEN FOUND MONUMENTS ON THE CENTERLINE OF YERBA BUENA AVENUE AS SHOWN PER BOOK 215 OF PARCEL MAPS, AT PAGES 26 AND 27, ALAMEDA COUNTY RECORDS, TAKEN AS N76°45'15"E.

NOTES:

MEASURED/CALCULATED DIMENSIONS MATCH RECORD SHOWN. WHERE THE DIMENSIONS ARE DIFFERENT, THOSE ARE SHOWN ALSO.

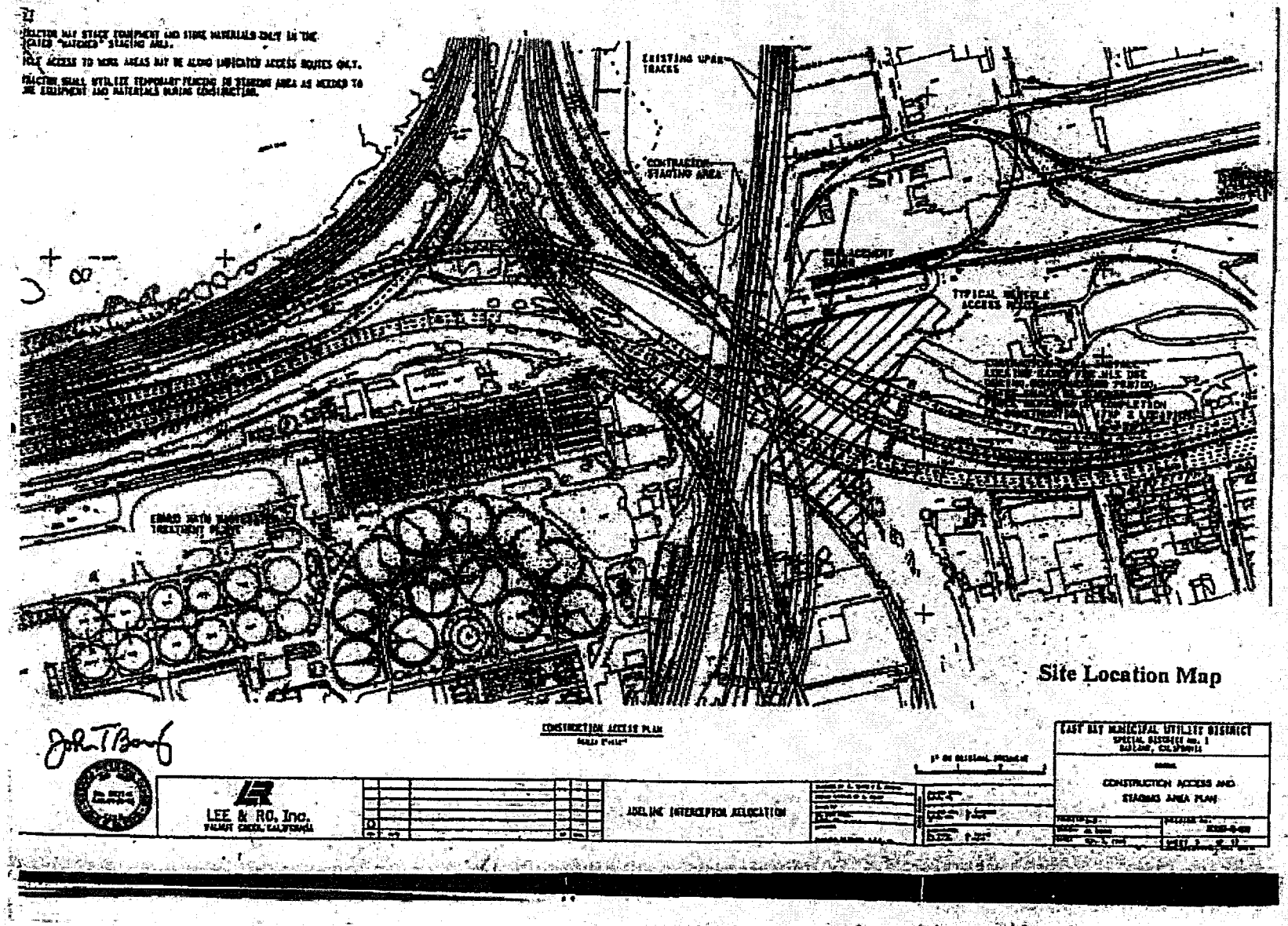


Figure 2 EBMUD Adeline Interceptor Relocation Project - Location Map 1 (North is at top of map)

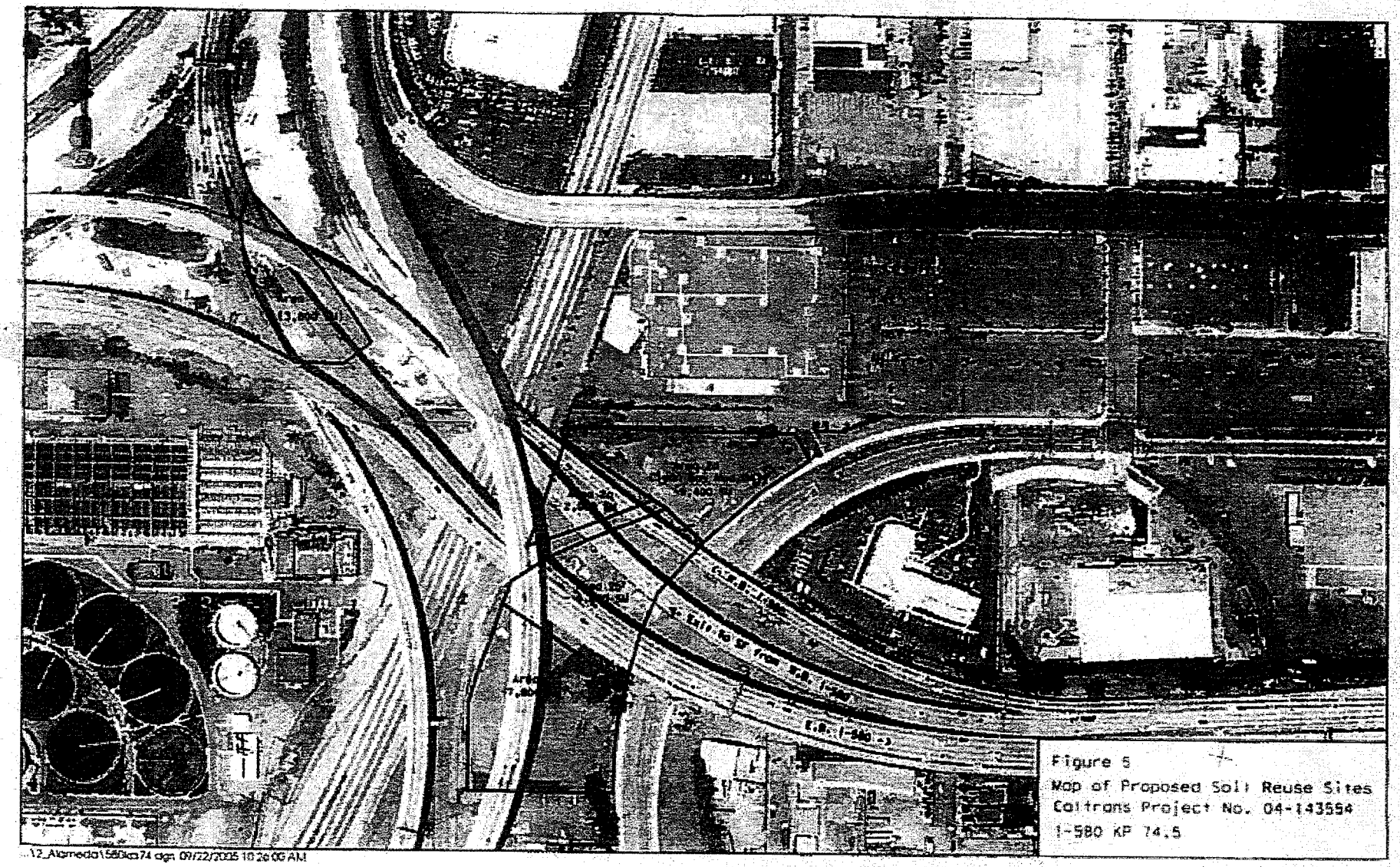


Figure 5
Map of Proposed Soil Reuse Sites
Caltrans Project No. 04-143594
I-580 KP 74.5

...\2_Alameda\580kp74.dgn 09/22/2005 10:26:00 AM

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY

2000261171
OFFICIAL RECORDS OF
ALAMEDA COUNTY
PATRICK O'CONNELL

08/30/2000 08:30 AM
RECORDING FEE: 13.00

3 PGS

RECORDING REQUESTED BY
STATE OF CALIFORNIA

WHEN RECORDED - RETURN TO
DEPARTMENT OF TRANSPORTATION
PO BOX 23440
OAKLAND CA 94623-0440

S502018-1TP
98358S2-4

Space above this line for Recorder's Use

GRANT DEED
(CORPORATION)

District	County	Route	K.P.	Number
4	Ala	880	74.8	56359-1

THE OAKLAND TERMINAL RAILWAY, A CALIFORNIA CORPORATION

a corporation organized and existing under and by virtue of the laws of the State of _____,

does hereby GRANT to the STATE OF CALIFORNIA all that real property in the _____

City of Oakland, County of Alameda, State of California, described as:

Please see EXHIBIT "A" attached.

The date of possession by grantee of the herein described property was October 1, 1999.

Form RW 6-1(C) (Revised 10/99)

JUN 26 2000

Number
56359-1

EXHIBIT "A"

A portion of Parcel A, as shown on Parcel Map No. 2045, filed for record in the office of the County Recorder of Alameda County on November 29, 1977, in Book 98 of Parcel Maps, at Page 63, further described as follows:

COMMENCING at the most westerly corner of said parcel; thence along the northerly line of said parcel N. 76°45'11" E., 320.928 meters to the southwesterly line of Parcel B, as shown on said Parcel Map; thence along last said line from a tangent that bears S. 78°35'13" E., along a curve to the right with a radius of 175.318 meters, through an angle of 2°41'32", an arc length of 8.238 meters; thence S. 76°45'11" W., 59.823 meters; thence along a curve to the left with a radius of 218.700 meters, through an angle of 47°41'13", an arc length of 182.023 meters to the southerly line of said Parcel A; thence along last said line from a tangent that bears N. 71°14'07" W., along a curve to the right with a radius of 1206.401 meters, through an angle of 6°12'10", an arc length of 130.604 meters to the point of commencement.

CONTAINING 8,510 square meters, more or less.

Reserving unto the Grantor all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstock or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said lands.

This Grant is made subject to all covenants, conditions, restrictions, exceptions, easements, rights-of-way, rights-of-access, agreements, reservations, encumbrances, lines and other matters as the same may be of record; any matters which would be disclosed by a survey, investigation or inquiry; and any general and special real estate taxes not yet due and payable.

The bearings and distances used in the above description are on the California Coordinate System of 1927, Zone 3. Multiply the above distances by 1.0000715 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature _____
Licensed Land Surveyor

Date 6-26-00

LICENSED LAND SURVEYOR
BRUCE QUINN
Exp. 12/31/03
No. 6642
STATE OF CALIFORNIA

JUN 26 2000

Number
56359-1

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for itself, its successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this 3rd day of December, 1999

THE OAKLAND TERMINAL RAILWAY

By Phillip Edward Copple, ~~President~~ SUPT.

By PhiLLip Edward Copple, Secretary

[CORPORATE SEAL]

STATE OF CALIFORNIA
County of SOLANO } ss

PERSONAL ACKNOWLEDGMENT

On this the 3 day of December 1999, before me, LORA VELARDO, NOTARY PUBLIC
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared PHILLIP EDWARD COPPLE
Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Lora Velardo
(Notary Public's signature in and for said County and State)

LORA VELARDO
COMM. # 1221740
NOTARY PUBLIC-CALIFORNIA
SOLANO COUNTY
COMM. EXP. JUNE 22, 2003

(for notary seal or stamp)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 19 day of October, 1999

JOSÉ MEDINA
Director of Transportation

By John A. Hibel, Attorney in Fact
JOHN A. HIBEL
District Office Chief
R/W Acquisition/LPA Services

OCT 19 1999

Form RW 6-1(C) (Revised 4/96)

RECORDING REQUESTED BY

First American Title Guaranty Company
#158264

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

Name: ~~WDS Oakland, LLC~~ WD-VC 1 LLC
c./o Wilcox Development Services

Address: 14001 Dallas Parkway, #1111

City & State: Dallas, Texas 75240

Title Order No. SP158264 Escrow No. SP158264

2000324864 10/31/2000 08:30 AM
OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 29.00
COUNTY TAX: 9060.70
CITY TAX: 123544.30
5 PGS

POR
1 SM
TRTR
CTY

THIS SPACE FOR RECORDER'S USE

GRANT DEED

A.P.N. 007-0617-014-01 (Portion

THE UNDERSIGNED GRANTOR DECLARES
CITY TRANSFER TAX $ 123,544.30
DOCUMENTARY TRANSFER TAX is $ 9,060.70
SURVEY MONUMENT FEE $
( ) _____ UNINCORPORATED AREA (X) CITY OF OAKLAND
PARCEL NO.
(X) COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
( ) COMPUTED ON FULL VALUE LESS VALUE OF LIENS OR ENCUMBRANCES REMAINING AT TIME OF SALE, AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **The OAKLAND TERMINAL RAILWAY**, a California corporation ("Grantor"), hereby GRANTS to WDS-VC 1, LLC, . . . a California limited liability company, the following described real property (the "Property") in the City of OAKLAND, County of Alameda, State of California:

Parcels 1 and 2, Parcel Map 7572, filed October 31, 2000, **Map Book** 254, **pages** 26 - 27, **Alameda County Records.**

Grantor hereby expressly excepts from the Property hereby conveyed and reserves unto itself, its successors and assigns, all minerals and mineral rights, interests, and royalties, including, without limiting the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, that are more than five hundred (500) feet below the surface of the Property; however, Grantor or its successors and assigns, shall not have the right for any purpose whatsoever to enter upon, into or through the surface of the Property in connection therewith. Grantor may, however, and hereby reserves the right to, remove any of said minerals from said Property by means of wells, shafts, tunnels, or other means of access to said minerals which may be constructed, drilled or dug from other land, provided that the exercise of such rights by Grantor shall in no way interfere with or impair the use of the surface of the Property or of any improvements thereon.

This Grant is made subject to all covenants, conditions, restrictions, exceptions, easements, rights-of-way, rights-of-access, agreements, reservations, encumbrances, lines and other matters as the same may be of record; any matters which would be disclosed by a survey, investigation or inquiry; and any general and special real estate taxes and assessments not yet due and payable, if any.

Dated: 10/16/2000

The Oakland Terminal Railway,
a California corporation

By Phillip Edward Copple

Its Phillip Edward Copple, Superintendent

SUBSTITUTION OF LEGIBLE ORIGINALS
(Govt. Code 27361.7)

I declare, under penalty of perjury, that this is a handwritten or typewritten legible copy is a true copy of the original page(s).

Signature

Paul C. Donahue, Title Officer
FIRST AMERICAN TITLE GUARANTY COMPANY

Dated: October 30, 2000 at Oakland, California

RECORDING REQUESTED BY

First American Title Guaranty Company
158264
AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO.

NAME WD - VC 1 LLC
ADDRESS c/o WILCOX DEVELOPMENT SERVICES
CITY & STATE 14001 Dallas Parkway
Dallas, Texas 75240

Title Order No SP158264 Escrow No SP158264

Space Above For Recorders Use

THE UNDERSIGNED GRANTOR DECLARES
CITY TRANSFER TAX $ 123,544.30
DOCUMENTARY TRANSFER TAX is $ 91,060.70
SURVEY MONUMENT FEE $
[ ]_____ unincorporated area [X] City of OAKLAND
Parcel No.
[X] computed on full value of property conveyed, or
[ ] computed on full value less value of liens or encumbrances remaining at time of sale, and

Grant Deed

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **The OAKLAND TERMINAL RAILWAY** hereby GRANTS to WDS-VC 1, LLC, a California limited liability company the following described real property (the "Property") in the City of OAKLAND, County of Alameda, State of California:

Parcels 1 and 2, Parcel Map 7572 filed October 31, 2000, Map Book 254 ~~FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF.~~ Pages 26-27, Alameda County Records

Grantor hereby expressly excepts from the Property hereby conveyed and reserves unto itself, its successors and assigns, all minerals and mineral rights, interests, and royalties, including, without limiting the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, that are more than five hundred (500) feet below the surface of the Property; however, Grantor or its successors and assigns, shall not have the right for any purpose whatsoever to enter upon, into or through the surface of the Property in connection therewith. Grantor may, however, and hereby reserves the right to, remove any of said minerals from said Property by means of wells, shafts, tunnels, or other means of access to said minerals which may be constructed, drilled or dug from other land, provided that the exercise of such rights by Grantor shall in no

way interfere with or impair the use of the surface of the Property or of any improvements thereon.

This Grant is made subject to all covenants, conditions, restrictions, exceptions, easements, rights-of-way, rights-of-access, agreements, reservations, encumbrances, lines and other matters as the same may be of record; any matters which would be disclosed by a survey, investigation or inquiry; and any general and special real estate taxes and assessments not yet due and payable, if any, ~~including, but not limited to those matters set forth on Exhibit "B" attached hereto and made a part hereof~~.

~~[unrecorded leases, licenses, etc., if any, encumbering the property and which have been approved by buyer should also be set forth on Exhibit "B"].~~

Dated: 10/16/200

The Oakland Terminal Railway,
a California corporation

By _____

Its Phillip Edward Cepple, Superintendent

STATE OF CALIFORNIA
COUNTY OF _____

On _____ before me,

_____
a Notary Public in and for said County and State, personally appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal

Signature _____ FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

_____
Name Street Address City & State

C:\WINDOWS\TEMP\WILCOX61.DOC

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA }ss
COUNTY OF ALAMEDA }

On **October 16, 2000**, before me, **D. Madsen**, a Notary Public in and for said State, personally appeared **Phillip Edward Copple**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

D. MADSEN
Comm. # 1183428
NOTARY PUBLIC - CALIFORNIA
Alameda County
My Comm. Expires May 14, 2002

(This area for official notarial seal)

OPTIONAL:

DESCRIPTION OF ATTACHED DOCUMENT

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 ∃ FAX (510) 622-2460

Gray Davis
Governor

February 8, 2002
File No.01S0542 (BG)

Oakland Terminal Railway
Attn: Mr. Phil Copple
2001 Engineers Road
Oakland, CA 94607

SUBJECT: No Further Action, Oakland Terminal Railway site, Oakland, Alameda County

Dear Mr. Copple:

This letter confirms the completion of site investigation and remedial action for the pollutant releases at the Oakland Terminal Railway (OTR) site.

Since 1990, Levine Fricke Recon (LFR) and Twinings Laboratories have conducted soil and groundwater investigations at the OTR site. These investigations identified several hot spots on the western portion of the site with total petroleum hydrocarbon, lead, and arsenic contamination. A risk assessment was developed to determine appropriate remedial cleanup levels for the site and the Regional Board reviewed and approved the following soil cleanup objectives[1].

Total Petroleum Hydrocarbons, motor oil (TPHmo)	5,000 mg/kg
Total Petroleum Hydrocarbons, diesel (TPHd)	1,000 mg/kg
Poly Aromatic Hydrocarbons (PAH)	appropriate industrial/commercial PRGs
Soluble Lead:	5 mg/l
Arsenic:	27 mg/kg

During June 2000, pursuant to the April 21, 2000, "Workplan for Soil Excavation and Groundwater Monitoring," (Workplan) and the May 19, 2000, letter supplement, and as approved by the Regional Board by letter dated June 20, 2000, the hot spots were excavated and contaminated soils were disposed off-site in a Class II non-hazardous landfill located in Stockton, CA.

....

1. Objectives taken from the EPA Preliminary Remediation Goals (PRGs) and Board staff 's draft risk-based screening levels, April 2000, for commercial or industrial land use.

LFR collected samples from the sidewalls and bottom of the excavation to confirm that cleanup objectives had been met. The excavations were then backfilled with clean imported fill. The removal activities are documented in the "Report of the Excavation of Soil at the Former Oakland Terminal Railway, Oakland, California" (Soil Excavation Report), dated July 3, 2000.

In accordance with the Workplan, four monitoring wells were installed in August 2000 and sampled on August 21, 2000, May 1, 2001, and December 14, 2001. The analytical results from these sampling events are all below risk-based screening levels for total petroleum hydrocarbons as diesel, total petroleum hydrocarbons as motor oil, and total oil and grease, the constituents of concern for groundwater at the site. Based upon the above identified sampling events, the ground water monitoring program required under the Workplan is considered complete. No additional ground water monitoring under the Workplan is required, and the four monitoring wells shall be properly abandoned.

In 2001, Extended Stay California, Inc., completed construction of the four-story Extended Stay Hotel with associated paved parking and landscaped areas on the western portion of the OTR site. (The planned hotel construction had been identified in the Workplan.)

During July 2001, additional soil samples were collected from the eastern portion of the OTR site in areas previously identified as having elevated concentrations of lead or areas potentially disturbed by future development proposed by Best Buy Company, Inc. Analytical results indicated that detected concentrations of contaminants were below established cleanup objectives for the OTR site. Best Buy Company, Inc., has prepared (and Board staff have approved) a soil and groundwater management plan to be used during development of the eastern portion to manage residual contamination in a manner that is protective of human health, the environment, and water quality.

Based upon the available information, including the current commercial and industrial land use and the expectation that such use will not change in the foreseeable future, and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the pollutant release at the subject site is required. If the land use at the site is proposed to be changed to residential, then the risk assessment and the remedial cleanup levels for the site should be reevaluated.

If you have any questions, please contact Betty Graham of my staff at (510) 622-2358 [e-mail bg@rb2.swrcb.ca.gov].

Sincerely,

Stephen A. Hill
Toxics Cleanup Division Chief

For Loretta K. Barsamian
Executive Officer

cc: Mailing List

Mr. Todd Ashbrook
WDS-Oakland, LLC
14001 Dallas Parkway, Suite 1111
Dallas TX 75240

Mr. Ron Goloubow
LFR
1900 Powell Street 12th Floor
Emeryville, CA 94608-1827

Mr. Roger Olson
Best By Company, Inc.
7500 Flying Cloud Drive
Eden Prairie, MN 55344

Mr. Chris Skelton
Twinings Laboratory
2527 Fresno St.
Fresno, CA 93721

Mr. Steve Pieters
Extended Stay California, Inc.
6044 Loma Prieta Drive
San Jose, CA 95123

Mr. Mark Gomez
City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460

Gray Davis
Governor

January 31, 2002
File No.01S0542 (BG)

Best Buy Company, Inc.
Attn. Mr. Roger Olson
7500 Flying Cloud Drive
Eden Prairie, Minnesota 55344

SUBJECT: Approval of Soil and Groundwater Management Plan for the Oakland Terminal Railway site, Oakland, Alameda County

Dear Mr. Olson:

This letter responds to your December 17, 2001, Soil and Groundwater Management Plan (Plan) for the Oakland Terminal Railway (OTR) site. As explained below, I approve this Plan.

Since 1999, the Regional Board has been the lead agency in connection with the investigation and remediation of soil and groundwater contamination at the site. Since 1990, Levine Fricke Recon has conducted soil and groundwater investigations at the OTR site. These investigations identified several hot spots on the western portion of the site with total petroleum hydrocarbon, lead, and arsenic contamination. In accordance with an approved work plan and risk assessment the hot spots were excavated and contaminated soils were disposed off-site in a Class II non-hazardous landfill located in Stockton, CA. Four monitoring wells were installed and sampled on a semi-annual basis. Groundwater underlying the site is not considered a potential source of drinking water due to high levels of salts and detected concentrations of petroleum hydrocarbons in groundwater are not considered to pose an unacceptable ecological health risk.

In July 2001, Twining Laboratories conducted additional soil investigations on the eastern portion of the site. No hot spots were detected and none of the soils on the eastern portion were contaminated at levels above the approved site remedial cleanup levels.

As required in our June 20, 2000 letter, you have prepared a soil and groundwater management plan for your proposed development of the site. With implementation of these measures, I find that any residual contamination at the site will be managed in ways that are protective of human health, the environment, and water quality.

The subject Plan satisfies the requirements of our June 20, 2000 letter. I hereby approve it.

If you have any additional questions, please contact Betty Graham of my staff at (510) 622-2358 [e-mail bg@rb2.swrcb.ca.gov].

Sincerely,

Stephen A. Hill
Toxics Cleanup Division Chief

For

Loretta K. Barsamian
Executive Officer

cc:

Mr. Chris Skelton
Twining Laboratories
2527 Fresno St.
Fresno, CA 93721

Mr. Phil Copple
Oakland Terminal Railway
2001 Engineers Road
Oakland, CA 94607

Mr. Ron Goloubow
Levine Fricke Recon
1900 Powell St., 12th Floor
Emeryville, CA 94608-1827

Mr. Mark Gomez
City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Mr. Todd Ashbrook
WDS-Oakland, LLC
14001 Dallas Parkway, Suite 1111
Dallas TX 75240

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460

Gray Davis
Governor

Date: January 11, 2002
File No.01S0542 (BG)

Best Buy Company, Inc.
Attn. Mr. Roger Olson
7500 Flying Cloud Drive
Eden Prairie, Minnesota, 55344

Subject: Status of Investigation and Remediation for the Eastern Portion of the Oakland Terminal Railway Property, City of Oakland, Alameda County.

Dear Mr. Olson:

Twining Laboratories, your consultant, has informed the Regional Water Quality Control Board, San Francisco Bay Region (Regional Board) of your intent to acquire title to the eastern portion of Oakland Terminal Railway site (OTR site) located in the City of Oakland, Alameda County. Twining Laboratories has requested this letter on your behalf.

Since 1999, the Regional Board has been the lead agency in connection with the investigation and remediation of soil and groundwater contamination at the site. The Regional Board considers Oakland Terminal Railway to be the primary responsible party in connection with the remediation of contamination at the site. The Oakland Terminal Railway, a subsidiary of the Burlington Northern and Sante Fe Railway and corporate successor to the Key System Railway, is the former owner of the subject property. Oakland Terminal Railway has cooperated fully with the Regional Board, and it has committed to do so in the future.

Since 1990, Levine Frieke Recon (LFR) has conducted soil and groundwater investigations at the OTR site. These investigations identified several hot spots on the western portion of the site with total petroleum hydrocarbon, lead, and arsenic contamination. A risk assessment was developed to determine appropriate remedial cleanup levels for the site and the Regional Board reviewed and approved these remediation goals.

During June 2000, pursuant to the April 21, 2000, "Workplan for Soil Excavation and Groundwater Monitoring," (Workplan) and the May 19, 2000, letter supplement, and as approved by the Regional Board by letter dated June 20, 2000, the hot spots were excavated and contaminated soils were disposed off-site in a Class II non-hazardous landfill located in Stockton, CA. LFR collected samples from the sidewalls and bottom of the excavation to confirm that remediation goals had been met. The excavations were then backfilled with clean imported fill. The removal activities are documented in the "Report of the Excavation of Soil at the Former Oakland Terminal Railway, Oakland, California" (Soil Excavation Report), dated July 3, 2000. Except for the installation of four monitoring wells approved under the

Workplan and periodic and ongoing monitoring required by the Regional Board, all work identified by the Workplan has been completed to the satisfaction of the Regional Board.

During July 2001, additional soil samples were collected from the eastern parcel in areas previously identified as having elevated concentrations of lead or areas potentially disturbed by Best Buy's proposed development. Analytical results indicated that detected concentrations of contaminants were below established remedial cleanup levels.

The Regional Board considers Oakland Terminal Railway to be the primary responsible party in connection with the remediation of contamination at the OTR site and the Regional Board expects that Oakland Terminal Railway, will continue to implement the current remedial action plan until closure (as evidenced by a determination of no further action) is obtained. The Regional Board does not pursue prospective purchasers where the primary responsible party(s) has the financial resources necessary to conduct the remediation, and where that responsible party is satisfactorily engaged in active remediation.

If you have any additional questions, please contact Betty Graham of my staff at (510) 622-2358 [e-mail bg@rb2.swrcb.ca.gov].

Sincerely,

Stephen A. Hill
Chief, Toxics Cleanup Division

for

Loretta K. Barsamian
Executive Officer

cc:

Chris Skelton
Twining Laboratories
2527 Fresno St.
Fresno, CA 93721

Mark Gomez
City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Phil Copple
Oakland Terminal Railway
2001 Engineers Road
Oakland, CA 94607

Todd Ashbrook
WDS-Oakland, LLC
14001 Dallas Parkway, Suite 1111
Dallas TX 75240

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460

Gray Davis
Governor

Date: July 12, 2000
File No.01S0542 (BG)

Mr. Todd Ashbrook
Wilcox Development
14001 Dallas Parkway, Suite 1111
Dallas TX 75240

Subject: Status of Investigation and Remediation for the Western Portion of the Oakland Terminal Railway Property, City of Oakland, Alameda County.

Dear Mr. Ashbrook:

Wilcox Development has informed the Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board") that it intends to sell the western portion of the Oakland Terminal Railway property (OTR site) located in the City of Oakland, Alameda County for development of a hotel. Since 1999, the Regional Board has been the lead agency in connection with the investigation and remediation of soil and groundwater contamination at the site. Wilcox Development has cooperated fully with the Regional Board, and it has committed to do so in the future.

Since 1990, Levine Frieke Recon (LFR), consultant to Wilcox Development has conducted soil and groundwater investigations at the OTR site. These investigations identified several hot spots with total petroleum hydrocarbon, lead, and arsenic contamination. A risk assessment was developed to determine appropriate remedial cleanup levels for the property and the Regional Board reviewed and approved these remediation goals. During June 2000, the hot spots were excavated and contaminated soils were disposed off-site in a Class II non-hazardous landfill located in Stockton, CA. LFR collected samples from the sidewalls and bottom of the excavation to confirm that remediation goals for the western portion of the OTR property had been met. The excavations were then backfilled with clean imported fill.

The Regional Board considers Wilcox Development to be the primary responsible party in connection with the remediation of contamination at the OTR site, and the Regional Board expects that Wilcox Development will continue to implement the current remedial action plan until closure is obtained. The Regional Board does not pursue prospective purchasers where the primary responsible party has the financial resources necessary to conduct the remediation, and where that responsible party is satisfactorily engaged in active remediation.

If you have any additional questions, please contact Betty Graham of my staff at (510) 622-2358 [e-mail bg@rb2.swrcb.ca.gov].

Sincerely,

Lawrence P. Kolb
Acting Executive Officer

Stephen A. Hill
Chief, Toxics Cleanup Division

cc:

Ron Goloubow
LFR
1900 Powell Street, 12th Floor
Emeryville, CA 94608-1827

Mark Gomez
City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460

Gray Davis
Governor

June 20, 2000
File No. 01S0542 (BG)

Mr. Todd Ashbrook
Wilcox Development
14001 Dallas Parkway, Suite 1111
Dallas TX 75240

SUBJECT: Approval of Workplan for Excavation of Soil and for Groundwater Monitoring at the Oakland Terminal Railway site, Oakland, Alameda County

Dear Mr. Ashbrook:

This letter responds to the April 21, 2000 workplan and May 19, 2000 letter submitted on your behalf by LFR Levine Frieke (LFR) for the excavation of contaminated soils and for groundwater monitoring for the Oakland Terminal Railway site. As explained below, I approve the workplan.

The 1998/99 Phase I and Phase II investigations by LFR demonstrated the presence of elevated levels of metals (arsenic and lead) and total petroleum hydrocarbons (TPH) in soil and groundwater. Groundwater at the site is not currently used as a drinking water supply and no such future use is anticipated.

LFR has proposed cleanup objectives for on-site soils and has proposed excavation and removal of soils in specific areas where levels exceed cleanup objectives. LFR also states that the site will be developed in accordance with a risk based soil management plan so that any residual contaminated soil will be managed in a manner that is protective of human health and the environment, including water quality.

The following soil cleanup objectives are proposed. They are taken from the EPA Preliminary Remediation Goals (PRGs) and the Board's April 2000 Draft Summary Tier 1 Lookup Tables.

- Total Petroleum Hydrocarbons, motor oil (TPHmo) 5,000 mg/kg
- Total Petroleum Hydrocarbons, diesel (TPHd) 1,000 mg/kg
- Poly Aromatic Hydrocarbons (PAH) appropriate industrial/commercial PRGs
- Soluble Lead: 5.0 mg/l
- Arsenic: 27 mg/kg

Seven areas in and around specific hot spots will be excavated to a maximum depth of 12 feet. Excavated soils will be disposed off-site in a Class II or Class III non-hazardous waste landfill.

Following excavation, confirmation soil samples will be collected from the excavation sidewalls to document residual concentrations remaining in those areas of the site.

Four shallow monitoring wells will be installed to assess groundwater quality. The monitoring wells will be sampled semi-annually for a period of two years, at which time the Board will consider whether any further action is necessary.

The April 21, 2000 workplan as modified by the May 19, 2000 letter is satisfactory to the Board. I hereby approve the workplan. A technical report documenting completion of excavation and removal activities should be submitted within 60 days of work completion.

If you have any questions, please contact Betty Graham of my staff at (510) 622-2358 [e-mail bg@rb2.swrcb.ca.gov].

Sincerely,

Lawrence P. Kolb
Acting Executive Officer

Stephen A. Hill
Chief, Toxics Cleanup Division

cc.

Mr. Ron Goloubow
LFR
1900 Powell Street, 12th Floor
Emeryville, CA 94608-1827

Mr. Mark Gomez
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, CA 94612

Mr. Tom Peacock
ACDEH
1131 Harbor Bay Parkway
Alameda, CA 94502

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

Date: JUN 13 2000
File No. 01S0542(BG)

Mr. Todd Ashbrook
Wilcox Development
14001 Dallas Parkway, Suite 1111
Dallas TX 75240

Re: Spills, Leaks, Investigations, and Cleanup (SLIC) Program for Recovery of Oversight Costs at the Oakland Terminal Railway Property, Oakland, Alameda County.

Dear Mr. Ashbook:

The Regional Board (Board) staff understands that Wilcox Development intends to purchase the Oakland Terminal Railway property and address the conditions of environmental concern at the subject site.

The site is located northeast of the Highway 80/Highway 580 interchange and immediately south of the Emeryville/Oakland boundary. Historically the site was occupied by a power station and by Key Route railroad tracks with associated office, depot and maintenance facilities. The site is about 16 acres in size and is currently vacant.

The Phase I Environmental Site Assessment and Phase II Soil and Groundwater Investigation Results were completed in 1998 and supplemented in 1999. These investigations indicated the presence of elevated concentrations of metals (arsenic and lead) and total petroleum hydrocarbons (TPH). Your consultant has recently submitted a Work Plan for the Excavation of Soil and for Groundwater Monitoring.

The presence of metals and petroleum hydrocarbons in soils that overly shallow groundwater can adversely affect the beneficial uses of the groundwater. These beneficial uses can include municipal and domestic supply, agricultural supply, industrial service and process water supply. The presence of metals or petroleum hydrocarbons can also pose a potential risk to human health through direct exposure to impacted soils or exposure to vapors emitted from the soil and groundwater. Impacts to soil and groundwater at the site should therefore be fully delineated and assessed in the shortest reasonable period of time.

The California Water Code, §13304, allows the Board to recover reasonable expenses for overseeing the investigation and cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting or threatening to adversely affect the State's waters. It is our intent to recover such costs for regulatory oversight work conducted in accordance with California Water Code, §13304. To assure that sufficient Board staff resources are available to

conduct the necessary reviews and approvals, we intend to include this site in this Board's SLIC Cost Recovery Program.

Estimate of Work to be Performed and Statement of Expected Outcome

Board staff will be actively overseeing the investigation and cleanup of this site. Given this, Board staff estimate that the following work (a portion of which has already been completed) will be performed for the subject site from now until the end of the 2001 fiscal year, ending June 30, 2001:

- Review results of soil and groundwater sampling, remedial action plan, risk management plan, and associated correspondence from the discharger, its consultant and/or interested parties.

- Conduct site inspections and meetings regarding the site when issues relevant to site cleanup arise. Engage in phone conversations to discuss issues related to the site and prepare written correspondence between the Board and interested parties.

Upon completion of any agreed upon soil and/or groundwater remediation, you may be required to submit a site risk management plan (RMP) with engineering/institutional controls. Implementation of an approved RMP may last beyond FY 2001. In accordance with AB2507, we will identify more detailed, specific requirements in the future as work progresses and more site-specific data become available.

Billing Rates

Attachment 1 describes the billing rates for employees expected to engage in the work or services for your site/facility. We estimate that 40 hours (including time already spent by Board staff) will be required in the oversight of the subject site until the end of the 2001 fiscal year. This is merely an estimate. The actual time needed will depend on the nature and extent of the necessary oversight. The name and classification of employees making charges will be listed on invoices. The average billing rate is approximately $70 per hour. An estimate for any necessary work after June 30, 2001, will be provided in late spring of next year.

A detailed description of the billing procedure is enclosed (Attachment 2). Please acknowledge in writing your intent to reimburse the Board for cleanup oversight work as stated in the enclosure. You may use the enclosed letter (Attachment 3). **Please return the attached letter or its equivalent by June 30, 2000.**

If you have any questions concerning this letter, please contact Betty Graham of my staff at (510) 622-2358 [e-mail bg@rb2.swrcb.ca.gov].

Sincerely,

Lawrence P. Kolb
Acting Executive Officer

Attachment 1 - Billing Rates
Attachment 2 - Reimbursement Process for Regulatory Oversight
Attachment 3 - Acknowledgment Letter

c.

Ron Goloubow
LFR
1900 Powell Street, 12th Floor
Emeryville, CA 94608-1827

SPILLS, LEAKS, INVESTIGATIONS, AND LEAKS (SLIC) PROGRAM
COST RECOVERY FOR REGULATORY OVERSIGHT CLEANUPS
MONTHLY SALARY SCALE BY JOB CLASSIFICATION

CLASSIFICATION	ABBR.	SALARY SCALE (Includes Benefits)
Student Assistant	SA	1,914 - 2,898
Office Assistant	OA	2,083 - 2,779
Office Technician	OT	2,649 - 3,221
Environmental Specialist I	ESI	3,120 - 3,747
Environmental Specialist II	ESII	3,791 - 4,567
Sanitary Engineering Technician	SET	3,459 - 4,832
Water Resources Control Engineer	WRCE	3,728 - 5,184
Engineering Geologist	EG	3,728 - 5,184
Associate Governmental Program Analyst	AGPA	4,459 - 5,382
Environmental Specialist III	ESIII	4,567 - 5,515
Sanitary Engineering Associate	SEA	4,789 - 5,820
Associate Water Resources Control Engineer	AWRCE	5,030 - 6,110
Associate Engineering Geologist	AEG	5,030 - 6,113
Environmental Specialist IV	ESIV	5,258 - 6,348
Senior Water Resources Control Engineer	SWRCE	5,790 - 7,037
Senior Engineering Geologist	SEG	5,790 - 7,037
Supervising Water Resources Control Eng.	SUWRCE	6,354 - 7,752

SUMMARY OF COSTS

Overhead costs = 80%* times salary and benefits

Administrative costs = State Board: 15%* times salary and benefits
Regional Board: 10%* times salary and benefits

Example:	Associate Water Resources Control Engineer
Salary:	$ 5,030
Overhead:	4,024
Admin: State Board:	754
Regional Board:	503
Total Cost per month:	$ 10,311

Divided by 176 hours per month equals per hour: $ 58.58

* These are averages. May vary a few percent between billing periods.

Note: Due to the various classifications that expend SLIC resources, an average of $70.00 per hour can be used for projection purposes.

The name and classification of employees performing oversight work on your site will be listed on the invoices.

Attachment 1
Billing Rates

Data Quality Objectives

& Soil Sampling Plan

San Francisco Oakland Bay Bridge Distribution Structure
In the City of Oakland in the County of Alameda
On Interstate 580 at kilometer post 74.5
For use with the Seismic Retrofit Project
Caltrans Contract No. 04-143554

March 31, 2006

Prepared for:

California Department of Transportation
District 04
Division of Construction

Prepared by:

California Department of Transportation
District 04
Division of Planning
Office of Environmental Engineering
Hazardous Waste Branch
(Alameda, Napa, San Mateo, Solano, and Sonoma Counties)

State of California

Business, Transportation and Housing Agency

Memorandum

Flex your power!
Be energy efficient!

To: DRAGOMIR BOGDANIC, PE
Branch Chief
Construction Hazardous Waste Support

Date: March 31, 2006

File: Ala 580 KP 74.5
04-143554
SFOBB Seismic
Retrofit Project
Oakland

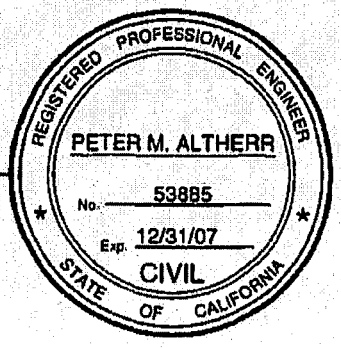
From: PETER M. ALTHERR, PE, REA
Environmental Engineer
Office of Environmental Engineering - MS 8C
Hazardous Waste Branch
(Alameda/Napa/San Mateo/Solano & Sonoma Counties)

Subject: Soil Sampling Plan & Data Quality Objectives

The soil sampling plan and associated data quality objectives are attached for your use in managing excavated material produced during the seismic retrofit of footings, and the associated utility relocation work, for the San Francisco Oakland Bay Bridge Distribution Structure in Oakland.

The data quality objectives and sampling plan contained herein have been prepared by or under the direction of the following registered civil engineer.

REGISTERED CIVIL ENGINEER



c: See Page 2

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Caltrans Project Engineer
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Project Manager
Senior Hazardous Substances Scientist
Department of Toxic Substances Control
700 Heinz Avenue, Building F, Suite 200
Berkeley, CA 94710-2721

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Oakland, CA 94623-0660

File

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1.0 Introduction

The purpose of this report is to document the California Department of Transportation's (Caltrans') completion of the data quality objectives (DQO) process, and the completion of the corresponding soil sampling plan, for the characterization of soil generated by the next phase of seismic retrofit work on the San Francisco Oakland Bay Bridge (SFOBB) Distribution Structure and its associated utility relocation work.

The intent of the DQO process is to ensure that the environmental data collected to analyze excavated material will result in material handling decisions that are ultimately protective of human health and the environment.

The implementation of the DQO process enables project managers at Caltrans to obtain a balance between decision error tolerances and the cost of sampling, analyzing, and characterizing hazardous material.

Project Description

The Seismic Retrofit Project, Caltrans' Project No. 04-143554, will strengthen the I-580 viaduct to the west of where it crosses over Mandela Parkway, at kilometer post 74.5, in the City of Oakland, in Alameda County. See Figure 1. This is the second phase of the seismic retrofit work for the I-580 viaduct. This project will involve the 17 footings listed in Table 1. Soil data is currently available for twelve of these 17 footings.

The soil from around the footings listed in Table 1 must be removed such that additional piles may be driven to enlarge the footings. Caltrans anticipates that this activity will generate approximately 1,451 cubic meters (M^3) of soil. The majority of this material is likely to consist of the original structure backfill material and contaminated fill. Once the footings have been enlarged Caltrans proposes to use the soil primarily as backfill around these footings or to raise the grade within Area 2a, Area 2b or Area 4. See Figure 5.

Table 1 - I-580 Footings on SFOBB Distribution Structure to be Strengthened

BENT	Soil Data Available (Yes/No)	Bottom of Footing Elevation (Meters)
CB 18	Yes	1.680
CB 19	Yes	1.680
CB 20	Yes	1.370
CB 21	No	-0.766
CB 22	No	-0.766
BM 21	Yes	-0.055
BM 22	Yes	0.110
MB 20	Yes	0.610
MB 21	Yes	0.610
MB 22	Yes	1.222
MB 23	No	1.222
MB 24	Yes	1.678
MB 25	Yes	2.288
MB 26	Yes	2.044
BC 7	No	-0.404
BC 8	No	-0.099
BC 9	Yes	1.981

Note: The underlined bents indicate that excavation goes below the water table.

The retrofit of the I-580 SFOBB Distribution Structure requires that the East Bay Municipal Utility District (EBMUD) relocate a 60-inch reinforced concrete pipe (RCP). This RCP is referred to as the Adeline Interceptor. See Figures 2 and 3 . EBMUD's Adeline Interceptor Relocation Project will generate approximately 3,100 M^3 of excavated material. The top five to ten feet of the excavation spoils consist primarily of artificial fill material with moderate levels of lead contamination. This surface material will be tested to determine whether or not it meets the existing site specific reuse criteria. The bottom portion of excavation spoils consists primarily of alluvial material such as sands, silts and clays. This alluvial material is thought to be free from significant contamination. Caltrans proposes to reuse 300 to 500 M^3 of material to backfill the RCP after it has been installed.

The 1,550 M^3 of alluvial material, if clean, will be used as fill material at Area 2d, alternately known as Caltrans Parcel No. 56359-01-01, and the remaining contaminated material (1,050 to 1,550 M^3) would be used as fill material in Area 2a and 2b which are underneath the I-580 viaduct within the pre-defined limits of the area of contamination. See Figure 5.

Note that the soil quantities mentioned in this report are compacted in situ volumes. Material removed from the ground and placed in stockpiles will have more void space due to the lofting effect associated with the excavation process.

2.0 Site History

History

The project site was once a wetland at the edge of San Francisco Bay. The original ground surface was relatively flat but did gradually gain in elevation with increasing distance from the Bay. This wetland was filled in over time with discarded material such as municipal waste, rubble, and earth. This artificial fill material is believed to be the source of most of the contaminants discovered at the site. The level of contamination generally decreases with increasing depth from the ground surface.

In 1878 the Official Historical Atlas Map of Alameda County shows that the project site is situated within what was known at the time as the Watts Tract. The Watts Tract is depicted as extending from the east shore of San Francisco Bay, just east of what is shown as the Northern Railway, to Peralta Street and from 32nd Street to the south to Yerba Buena Street to the north. The area to the west of the present location of Ettie Street was depicted as marshland at the edge of the San Francisco Bay. This area, however, was also depicted as an location destined for residential development. The area east of Ettie Street also shows blocks of land subdivided in to what appears to be residential lots extending all the way to Peralta Street. The original Watts Tract subdivision lines still appear to be present today for lots situated between 32nd and 34th Streets.

In October of 1903 the San Francisco, Oakland & San Jose Railway's (SFO & SJ Railway) opened for service. The SFO & SJ Railway, a light rail public transit system, was referred to as the Key System. The power plant and maintenance shops for the Key System were located in the area that is currently bounded by Yerba Buena Avenue to the north, I-580 to the south, Beach Street to the west and San Pablo Avenue to the east. The western portion of this area was referred to as the Yerba Buena Yard.

In the 1930's the State of California acquired the right of way for the construction of I-580 and subsequently constructed the freeway viaduct as part of the approach to the San Francisco-Oakland Bay Bridge (SFOBB). This right of way was located just south of the Yerba Buena Yard. The Bay Bridge opened to vehicle traffic in the fall of 1936. The Key System switched transbay operations from ferry service to the Bay Bridge on Jan 15, 1939 and offered rail service on the Bay Bridge until April of 1958.

Caltrans used the area underneath I-580, at 3465 Ettie Street between Mandela Parkway and Hannah Street, as a maintenance facility. This facility included both above ground and underground storage tanks. Maintenance had also used this facility as a transfer area for street-sweeper debris.

On October 17, 1989 the Loma Prieta Earthquake struck the San Francisco Bay Area. As a result of the Loma Prieta Earthquake, numerous freeway structures in the Bay Area were damaged and required seismic strengthening or required modification to accommodate other changes to the

freeway system. The SFOBB Distribution Structure was one of the viaducts that required both foundation work, to strengthen the structure, and widening to accommodate operational changes.

On October 19th and 20th of 1995 two underground storage tanks (UST) were removed from Caltrans' Ettie Street Maintenance Facility. The fuel dispenser islands for this station were located under the I-580 viaduct, between Bent No BM-30 and BM-31, near the end of Ettie Street. The USTs were situated to the north of the dispenser islands. Soil and groundwater samples collected from the UST excavation confirmed the presence of diesel and waste oil hydrocarbons. Caltrans conducted groundwater monitoring at the site of the former maintenance station from September 1997 to March 1998. The Regional Water Quality Control Board's Geotracker database shows that a leak was discovered, reported and stopped on December 4, 1995. This case is still considered to be open.

In April of 1996 a hazardous waste site investigation of the soil and groundwater adjacent to the foundations for the Distribution Structure was completed by Professional Service Industries (PSI). PSI documented the results of their investigation of this site in a report entitled "Hazardous Waste Preliminary Site Investigation Report, Task Order No. 04-14350K-01."

PSI's investigation of the area under the Distribution Structure revealed the presence of total recoverable petroleum hydrocarbons, volatile and semi-volatile organic compounds, and various metals. The solubilities of some of these metals samples, when subjected to the California Waste Extraction Test (WET), are in excess of their soluble threshold limit concentrations (STLC). Waste material with soluble metal concentrations in excess of their respective STLCs typically must be managed as a hazardous waste in California.

The development of the seismic retrofit project was complicated and the design of some of the footings could not be completed by the initial project delivery date. The seismic retrofit of the SFOBB Distribution Structure was subsequently split into multiple projects such that the majority of the retrofit work could be advertised for construction.

The plan for the parent retrofit project called for the transportation and disposal of the majority of excavation spoils. Dave Pang, the resident engineer on the parent project, was aware of the United States Environmental Protection Agency's (US EPA) Area of Contamination policy (AOC) and worked with the Ms. Lynn Nakashima, representing the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC), to implement this policy at this site. The AOC policy states that material excavated for construction projects located within large areas of contaminated fill material may be reused to backfill excavations and need not be disposed of as a waste.

While the US EPA's AOC policy does provide for the reuse of contaminated soil within an area of contamination, it does not, however, provide any determination as to the threat to public health or the environment. In order to ensure that our construction efforts were environmentally safe, Caltrans Construction met with DTSC on December 14, 2001. During this meeting soil screening criteria were selected by DTSC to be protective of ecological resources and protective of human health given the proposed future use of this area. The DTSC studies determined that Caltrans may reuse soils with total lead levels of less than 350 mg/kg and deionized water soluble lead of less than 0.5 mg/l, provided that this soil was placed at least five feet above the maximum water table elevation and covered with at least one foot of non-hazardous soil. See Table 4 for a complete list of the soil screening criteria established for this site.

The original soil management plan, prepared by Harding ESE for Caltrans' construction contractor, depicts the area of contamination to be the State's right-of-way located underneath I-580 in

Oakland, from Hollis Street to where I-580 connects with westbound I-80. It is noteworthy to mention that the "true" area of contamination for this region includes many of the adjacent portions of the City of Oakland and the City of Emeryville. This phase of the seismic retrofit project lies within the area of soil contamination depicted in the soil management plan prepared for the original seismic retrofit project. See Figure 4.

The Hazardous Waste Branch, in cooperation with DTSC, prepared special provisions to implement the same soil management plan for the proposed Project as was used for the original seismic retrofit project. A key part of this soil management strategy is the preparation and implementation of a soil sampling plan to characterize the excavation spoils.

Site Geology

Sheet 1 of the Regional Geologic Map Series for the San Francisco-San Jose Quadrangle – Map No. 5A issued by the California Department of Conservation shows three types of material meeting at the intersection of I-580 and the original I-880. Artificial fill is shown to the west and south of the site, older alluvium is shown to the east and to the south of the site, and alluvium is shown to the north of the site. Alluvium consists of sand, silt and clay from the Quaternary Period that has been eroded, carried and deposited by water.

Boring logs completed in 1995 by Geologist John P. Neville, with Bayland Drilling, for PSI who was under contract with Caltrans to provide the following data about the surface geology within Caltrans' right-of-way:

Logs for borings BC14 to BC21, located under I-580 between Mandela Parkway and Hannah Street, indicate that the top one meter or so of material consisted of clay, sand, gravely clay, and gravely sand with clay. The logs indicate that the surface material overlays a gravelly clay/clay layer.

Caltrans log of test borings for Project No. 143514 depicts multiple layers of silty clay, sandy clay and silty sand extending from the surface to a depth of 100 feet below the original ground surface. See Figures 6 through 8.

Groundwater

The "Soil Management Plan, Interstate 80/580 Seismic Retrofit Project, Oakland, California," prepared during construction, used an average water table elevation of 0.4 feet above mean sea level based upon the National Geodetic Vertical Datum of 1929 (1929 NGVD). This translates to an elevation of approximately 0.95 meters on the North American Vertical Datum of 1988 (NAVD88). (Corpscon Program v6.0.1)

Conceptual Site Model

The majority of soil contamination is believed to be confined within the artificial fill that makes up most of the surface material. The underlying native alluvial material, such as bay mud, are thought to be largely free from contamination.

Chemicals of Potential Concern

The chemicals of potential concern (COPCs) are determined by evaluating the history of the site to determine what substances might have been released into the environment. The information for

this site was largely obtained from the initial site assessment (ISA) that Caltrans' Hazardous Waste Branch performed for the adjacent MacArthur On-ramp Widening Project.

The COPCs, generated from the evaluation of the site history, are then evaluated and subsequently used to determine which laboratory tests to perform on the samples obtained from within each decision unit. A decision unit is a particular volume of material for which an individual or organization must select a particular course of action based upon the results of analytical data obtained from within the specified volume of material.

The results of the laboratory analysis are then used to produce the final list of bona fide chemicals of concern.

Table 2 shows all potential chemicals of concern and includes a list of potential sources for each contaminant.

Table 2 - Chemicals of Potential Concern and their Probable Source(s)

Chemical of Potential Concern (COPC)	Potential Source of COPC
Arsenic (As)	N, PP
Beryllium (Be)	PP
BTEX	LUST
Cadmium (Cd)	N, PP
Chromium (Cr)	PP
Copper (Cu)	PP
Iron (Fe)	N, PP, RR
Lead (Pb)	ADL, Fill, Paint, PP
Magnesium (Mg)	N, PP
Mercury (Hg)	PP
PCBs	RR
Semi-volatile Organic Compounds (SVOCs) (Includes polycyclic aromatic hydrocarbons (PAHs))	Fill, PP, RR
Total Petroleum Hydrocarbons - Middle Distillates (Diesel Fuel)	AST, Fill, LUST, RR
Total Petroleum Hydrocarbons – Residual Fuels (Motor Oils)	Automobiles, RR, PP
Total Petroleum Hydrocarbons – Gasoline	Automobiles, LUST, RR
Volatile Organic Compounds (VOCs)	Fill, LUST, RR
Zinc (Zn)	Paint

ADL = Aerially Deposited Lead from automobile exhaust LUST = Leaking Underground Storage Tank AST = Above ground Storage Tank

N = Naturally occurring substance Fill = Contaminated fill material PP = Yerba Buena Power Plant

Paint = Paint on Steel Structure RR = Key System Railroad

Relevant Data from Previous Site Investigations

Laboratory data obtained from past site investigations within the general area of contamination were used to validate the list of chemicals of potential concern (COPC) as identified in the initial site assessment. In this case data from the following sources was used to validate the chemicals of concern:

1) Hazardous Waste Site Investigation Report, I-80/I-580 Interchange (Distribution Structure), Oakland, California dated April 4, 1996, by Professional Service Industries

2) Soil Sampling and Analysis Report, Adeline Street Interceptor Relocation, Oakland, California dated July 15, 2005 by EnviroSurvey Incorporated

3) Soil Management Plan, Interstate 80/580 Seismic Retrofit Project, Oakland, California dated May 2002 by Harding ESE

The laboratory's analytical results for each of the COPCs are initially compared to the naturally occurring levels for each chemical. Chemicals that exceed levels found naturally in the environment retain their status as COPCs. The COPCs that exceed naturally occurring levels are then compared to California Human Health Screening Levels (CHHSLs) to access their potential risk to human health and the environment. Contaminants that exceed these preliminary site screening criteria are often subject to further evaluation via the preliminary endangerment assessment process.

The preliminary endangerment assessment process typically includes a site-specific risk assessment to establish risk based cleanup goals. After the site-specific cleanup goals for the bona fide chemicals of concern are established, an environmental professional can then prepare data quality objectives and a sampling plan to ensure that the cleanup goals are obtained.

Table 3 shows the range of contaminant concentrations, the 95% upper confidence limit of the arithmetic mean of each contaminant, and the available background data for each of the contaminants. The substances shown in bold font were observed at concentrations that are in excess of concentrations known to occur naturally in the Bay Area.

Table 3 - Relevant Data from Past Site Investigations

Substance	Range of Concentrations at AOC[1] (mg/kg)	95% UCL of Arithmetic Mean of Soil Samples from PSI Site Investigation[2] (mg/kg)	95% UCL of Arithmetic Mean of Soil Samples from EBMUD Site Investigation[3] (mg/kg)	Lawrence Berkeley National Laboratories 95% UCL[4] (mg/kg)	Range of Naturally Occurring Concentrations in California[5] (mg/kg)	California Human Health Screening Levels for Soil with Residential Land Use[10] (mg/kg)
As	ND (5.0) to 29	8.11	5.78	19.1	0.6 to 63	0.07
Ba	ND (10.0) to 1,400	628.06	226	323.6	1 to 1,300	5,200
Be	ND (0.5) to 0.8	0.25	0.13	1.0	0.25 to 2.70	150
Cd	ND (0.5) to 15	2.07	0.13	2.7	0.05 to 16	1.7
Cr	ND (0.5) to 1,100	30.27	29	99.6	23 to 1,579	100,000 (Cr III)
Co	ND (1.0) to 17	9.48	209	22.2	2.7 to 46.9	660
Cu	ND (2.5) to 12,000	199.23	121	69.4	9.1 to 200	3,000
Fe	Not Analyzed	Not Available		Not Available	1.0 to 8.7	Not Available
Pb	ND (1.0) to 3,900	294.04	390	16.1	12.4 to 97.1	150
Mg	Not Analyzed	Not Available		Not Available	1,456 to 32,378	Not Available
Hg	ND (0.10) to 3.1	0.84	1.30	0.4	0.10 to 0.90	18
Ni	ND (0.5) to 120	58.59	38	119.8	9 to 509	1,600
PCBs	ND(0.05)		Not Available	Not Available	Not Available	
TRPH[6]	ND (10) to 28,000	827.39	742	Not Available	Not Available	
Se	ND (2.5) to 8.4	1.25	0.25	5.6	0.015 to 21	380
Σ PAHs[7]	0.8 to 15.91	0.19[8]	Not Available	Not Available	0.9 [11]	
VOCs	ND(0.005 to 0.060)	Not Available	Not Available	Not Available	Not Available	
Zn[9]	ND (10) to 2,300	1,222.31	476	106.1	88 to 236	23,000

Table 3 Notes:

1) The values for the range of substances found on site were obtained from Professional Services Industries' (PSI) Hazardous Waste Preliminary Site Investigation Report, Task Order No. 04-14350K-01, Contract No. 53W202, I-80/I-580 Interchange (Distribution Structure) Oakland, California, dated April 4, 1996. AOC is the area shown in Figure 4.

2) Upper confidence limits for Caltrans' data from the viaduct's footings were calculated by ProUCL using only data from the relevant footings and not from entire dataset obtained from the AOC. The ProUCL-recommended statistical method was selected except where noted. See Appendix B for the footing data and corresponding statistical analysis.

3) Upper confidence limits for EBMUD's data from the utility trench were calculated by ProUCL using data from EnviroSurvey's July 15,2005 Soil Sampling and Analysis Report. The ProUCL-recommended statistical method was selected except where noted. See Appendix C for the footing data and corresponding statistical analysis.

4) Values obtained from Lawrence Berkeley National Laboratory (LBNL) Environmental Restoration Program, 1995. The LBNL data was obtained from 71 monitoring well borings representing five geological units at LBNL. This LBNL publication is one of the few resources containing background data for soil from the San Francisco Bay Area.

5) The values for the range of substances found in California were obtained from the University of California's Kearney Foundation of Soil Science – Division of Agriculture and Natural Resources Special Report entitled "Background Concentrations of Trace and Major Elements in California Soils" dated March 1996 except for the underlined maximum values which were obtained from the LBNL study.

6) Background data for total recoverable petroleum hydrocarbons (TRPH), via EPA Method 1664, is not available. The site screening level for TRPH for this area of contamination is 1,000 mg/kg. The SF Bay Regional Water Quality Control Board (RWQCB)'s Environmental Screening Levels (ESLs) for middle distillates of total petroleum hydrocarbons is 500 mg/kg and for residual fuels is 1,000 mg/kg for shallow soil at commercial properties situated in locations where groundwater is not a current or potential source of drinking water.

7) The weighted summation of the following seven Polycyclic Aromatic Hydrocarbons: Benzo(a)anthracene, Chrysene, Benzo(b)flouranthene, Benzo(k)flouranthene, Benzo(a)pyrene, Diberzo(a,h)anthracene and Indeno(1,2,3-cd)pyrene. These PAHs were measured using US EPA's Test Method 8310 which provides information on 16 different polycyclic aromatic hydrocarbons. However, benzo(a)pyrene equivalency factors are only available for 7 of these 16 PAHs.

8) The value shown here is the 95% UCL of the mean of the weighted summations of the potentially carcinogenic PAHs for which the DTSC has established benzo(a)pyrene equivalency factors. The selected PAHs are specified in from DTSC's PEA Guidance Manual dated June 1999. For each soil sample the potentially carcinogenic PAH was multiplied by it's unique benzo(a)pyrene equivalency factor, these weighted PAH results were added up to obtain a sum of the potentially carcinogenic PAHs. The 95% UCL was then calculated using the weighted sums of the 7 selected PAHs. Note that this data was obtained from Harding ESE's Soil Management Plan, Interstate 80/580 Seismic Retrofit Project, Oakland, California dated May 2002 and not from the PSI Site Investigation Report. (The data from the PSI site investigation was not useful because the detection limits were too high for the PAHs)

9) One suspected outlier, Zn = 2,300 mg/kg, was included in the data analysis. The next highest result for zinc was 920 mg/kg. The RWQCB's ESL (February 2005) for zinc in surface soil on industrial sites where groundwater is not a current or potential source of drinking water is 600 mg/kg.

10) CHHSLs were obtained from Table 1 in Cal EPA's "Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties" dated January 2005.

11) This value represents the 95th percentile of data obtained from a study of soils in Northern California on behalf of the PG&E and the US Navy. This value was provided by the DTSC. (DTSC 12/19/05)

Recent Soil Management Activity

Harding ESE prepared a Soil Management Plan (SMP) for West Coast Bridge, Inc. in May of 2002. This SMP documented how contaminated excavation spoils, generated by West Coast Bridge as part of the retrofit of the I-80/I-580 Distribution Structure, would be managed. This SMP documented the soil reuse criteria established by the DTSC for the area underneath the Distribution Structure. The original list of soil screening levels for this area of contamination are as shown in Table 4.

Table 4 - SFOBB AOC Soil Screening Criteria Established in December of 2001

Chemical Parameter	Site Specific Threshold Limit
Arsenic	19 mg/kg
Total Lead	350 mg/kg
Soluble Lead (Di-WET)	0.5 mg/l
TRPH (EPA Method 1664)	1,000 mg/kg
Weighted Summation of 7 Selected Potentially Carcinogenic Polycyclic Aromatic Hydrocarbons (PAHs)[1]	300 µg/kg

Note 1) The seven selected PAHs are as follows: Benzo(a)anthracene, Chrysene, Benzo(b)flouranthene, Benzo(k)flouranthene, Benzo(a)pyrene, Dibenzo(a,h)anthracene and Indeno(1,2,3-cd)pyrene. These PAHs were measured using US EPA's Test Method 8310 which actually provides information on 16 different polycyclic aromatic hydrocarbons. Note that benzo(a)pyrene equivalency factors are only available for 7 of these 16 PAHs.

The weighted summation of the 7 PAHs was originally calculated as follows:

> For each soil sample, each of the seven the potentially carcinogenic PAHs were multiplied by it's unique benzo(a)pyrene equivalency factor. The upper confidence limit of the arithmetic mean was then calculated using the sums of the weighted PAH results from each of the four samples, one from each quadrant, of the stockpile being analyzed. This UCL of the mean of the soil samples was then compared to the 300 µg/kg soil screening level for the PAHs. The benzo(a)pyrene equivalency factors for each PAH were obtained from DTSC's PEA Guidance Manual dated June 1999 or as specified by DTSC.

Soil excavated for the original I-580 seismic retrofit project was stockpiled underneath the viaduct. It is estimated that the size of these stockpiles ranged from 75 to 150 cubic yards. Stockpile soil sampling was performed by dividing the piles into four equal sections and collecting one composite sample from each section of the stockpile. The composite soil samples were collected from four random areas of each divided section of the stockpile.

Stockpiled material that met the site-specific reuse criteria was reused as fill material within the area of contamination and placed a minimum of five feet above the average groundwater table elevation of 0.4 feet, based upon the National Geodetic Vertical Datum established in 1929 (NGVD 1929),

and covered with one foot of non-hazardous material. Material that did not meet the site-specific reuse criteria was disposed of at a landfill.

Soil excavated for this next phase of the seismic retrofit project will also be stockpiled underneath the I-580 viaduct, sampled and then will either be reused on-site as fill material or transported off-site to a landfill.

3.0 Data Quality Objectives Process

The data quality objectives (DQO) process is a planning tool for data collection activities. (http://dqo.pnl.gov/why.htm) The DQO process, if properly implemented, will ensure that the environmental data collected to analyze structure excavation spoils will result in material handling decisions that are technically sound, legally defensible and protective of human health and the environment.

Overview of the DQO Process

The seven primary steps to the data quality objectives process are as follows:

1) Prepare a concise statement of the problem

2) Identify the decisions that are required to solve the problem

3) Identify the environmental data needed to make decisions listed in step 2

4) Delineate the limits for each decision unit

5) Develop site-specific decision rules

6) Set limits for the two types of decision errors

7) Prepare a sampling plan

DQO Participants

In order to successfully implement the DQO process, all of the appropriate parties must participate in the process. The key DQO participants for the proposed project are as follows:

Peter M. Altherr, PE, Caltrans Environmental Engineer, Hazardous Waste Branch

Dragomir Bogdanic, PE, Caltrans Branch Chief, Construction Hazmat Support

Richard Day, CEG,CHG, Geocon Consultants Inc., Regional Manager

Jacinto Soto, Cal EPA/DTSC, Project Manager

Hossain Razawi, PE, Caltrans Project Engineer

The responsibilities of the aforementioned DQO participants are generally as follows:

The Hazardous Waste Branch is responsible for preparing the DQO report which includes, but is not limited to, researching the site history, assembling past site investigation data, completing a statistical analysis of the existing data, determining the chemicals of concern, estimating standard deviations for the chemicals of concern, recommending decision error rates, calculating the number of samples required and preparing the final sampling plan. The Hazardous Waste Branch may also provide support with the post sampling data quality assessment work to evaluate whether or not the data quality objectives have been achieved. The registered professional signing off on the DQO report is responsible for ensuring that the data quality objectives process is protective of human health and the environment.

The Construction Hazmat Support Branch is responsible for ensuring that the sampling plan is feasible to implement in the field and that it is properly implemented by the consultant performing the sampling work. The Construction Hazmat Support Branch is the end user of the soil sampling plan, they supervise the collection of samples, review the consultant's site investigation report, and evaluate whether or not the data quality objectives have been achieved. Once the data quality assessment process is complete the Construction Hazmat Support Branch is responsible for making soil management decisions based upon the site specific decision rules outlined within the DQO report.

Design SHOPP is responsible for overall project management. Project management responsibilities include the ultimate selection of contaminant specific decision error probabilities, mainly the selection of alpha, beta and delta. The selection of these variables directly affects the total cost of the soil sampling. The project engineer and the project manager therefore are responsible for achieving a balance between the consequences associated with the two types of decision errors and the cost of soil sampling.

The Department of Toxic Substances Control's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention. The DTSC is therefore responsible for ensuring that this particular DQO process, and Caltrans' subsequent soil management decisions and actions, are protective of human health and the environment.

Problem Statement

In order to determine whether excavation spoils generated from construction of the I-580 Seismic Retrofit of the SFOBB Distribution Structure, and the Adeline Interceptor Relocation Project, are eligible for reuse as fill material on site, data regarding the concentrations of the contaminants of concern is required.

Decisions Required to Resolve Problem Statement

In order to determine whether excavation spoils generated by these projects will be eligible for onsite reuse it will be necessary to collect data regarding each of the chemicals of concern. Data will then be analyzed and compared to site-specific screening criteria to determine the appropriate method to manage the excavated material. Chemicals of potential concern were identified at the onset of the DQO process. The final list of chemicals of concern, as shown in the next section entitled "Principal Study Questions (PSQs)/Chemicals of Concern," was produced by disregarding the chemicals that are within range of substances known to occur naturally in this region or that are below the established risk based screening criteria.

The following paragraphs present the rational for the elimination of certain chemicals from the list of chemicals of concern.

The 95% UCL for barium was determined to be 628 mg/kg (PSI Data) which was almost twice as high as background concentrations of barium found at Lawrence Berkeley National Laboratory (323.6 mg/kg). However, since the DTSC's CHHSL for barium in soil at residential sites is 5,200 mg/kg this element was not included in the final list of chemicals of concern.

The 95% UCL for cobalt was determined to be 209 mg/kg, which was nearly ten times the background concentration of cobalt found at Lawrence Berkeley National Laboratory (22.2 mg/kg). However since the DTSC's CHHSL for cobalt in soil at residential sites is 660 mg/kg this element was not included in the final list of chemicals of concern for onsite reuse.

The 95% UCL for copper was determined to be 199 mg/kg (PSI Data) which was more than double the background concentration of copper found at Lawrence Berkeley National Laboratory (69.4 mg/kg). However, since the DTSC's CHHSL for copper in soil at residential sites is 3,000 mg/kg this element was not included in the final list of chemicals of concern.

The 95% UCL for mercury was determined to be 1.30 mg/kg (EBMUD Data) which was over three times as high as background concentrations of mercury found at Lawrence Berkeley National Laboratory (0.4 mg/kg). However, since the DTSC's CHHSL for mercury in soil at residential sites is 18 mg/kg this element was not included in the final list of chemicals of concern.

The Site Investigation Report stated that a total of 53 samples were analyzed for PCBs and that they all had concentrations below their detection limits. The detection limit for PCBs in soil samples was 0.05 mg/kg. The detection limit for PCBs in water samples ranged from 0.001 to 0.005 mg/L. The DTSC's CHHSL for PCBs in soil at residential sites is 0.089 mg/kg. Whereas all the results for PCBs were reported as non detectable and whereas the detection limits were all less than the CHHSL, PCBs are not considered to be a chemical of concern for this area of contamination.

The 95% UCL for zinc was determined to be 1,222.31 mg/kg, which was over ten times the background concentration of zinc found at Lawrence Berkeley National Laboratory (106.1 mg/kg). However since the DTSC's CHHSL for zinc in soil at residential sites is 23,000 mg/kg this element was not included in the final list of chemicals of concern for onsite reuse.

There are two distinctly different proposed locations for placement of excavated material, one for contaminated material and one for clean material. Accordingly there are two sets of principal study questions, one for each of the proposed reuse sites.

Principal Study Questions (PSQs)/ Chemicals of Concern

PSQs for Contaminated Fill Material

Materials generated from the Seismic Retrofit Project and material generated from the layer of artificial fill (surface material) from inside the excavation for the Adeline Interceptor have the following principal study questions:

1) Will the total lead concentration in the excavation spoils exceed the site screening criteria of 350 mg/kg?

2) Will the soluble lead concentration, as determined via the de-ionized water waste extraction test, exceed the site screening criteria of 0.5 mg/l?

3) Will the concentration of petroleum hydrocarbons in excavation spoils, as measured by the total recoverable petroleum hydrocarbons (TRPH), exceed the site screening criteria of 1,000 mg/kg?

4) Will the weighted summation of the seven selected potentially carcinogenic polycyclic aromatic hydrocarbons in the excavation spoils exceed 0.9 mg/kg? (This value represents the 95th percentile of background data obtained from a Northern California study conducted on behalf of PG&E and the US Navy)

PSQs for Clean Fill Material

Materials generated from the native alluvium generated from inside the excavation for the Adeline Interceptor have the following principal study questions:

1) Will the total cobalt concentration in the excavation spoils exceed the LBNL background level of 22.2 mg/kg?

2) Will the total lead concentration in the excavation spoils exceed the CHHSL for soil on residential sites of 150 mg/kg?

3) Will the soluble lead concentration, di-wet, in the excavation spoils exceed the site screening criteria of 0.5 mg/l?

4) Will the concentration of total petroleum hydrocarbons reported as middle distillates exceed the RWQCB's residential ESL (Table B) of 100 mg/kg?

5) Will the concentration of total petroleum hydrocarbons reported as residual fuels exceed the RWQCB's residential ESL (Table B) of 500 mg/kg?

5) Will the total zinc concentration in the excavation spoils exceed the RWQCB's residential ESL (Table B) of 600 mg/kg?

6) Will the weighted summation of the seven selected potentially carcinogenic polycyclic aromatic hydrocarbons in the excavation spoils exceed 0.9 mg/kg? (This value represents the 95th percentile of background data obtained from a Northern California study conducted on behalf of Pacific Gas & Electric and the US Navy)

Note that for each contaminant of concern the San Francisco Bay Regional Water Quality Control Board's (RWQCB's) environmental screening level (ESL) were compared to the DTSC's CHHSL and in each case the lowest screening level was selected for the PSQs for clean fill material. This method maximizes the value of the material deemed to be clean since it would be subject to fewer reuse restrictions.

Data & Analytical Methods Required to Resolve Principal Study Questions

The final list of chemicals of concern, and their corresponding laboratory analytical methods, are shown below in Table 5.0.

Table 5 - Chemicals of Concern, Test Methods and Reporting Limits

Chemical/ Element	Soil Screening Criteria	Test Method	Maximum Lab Reporting Limit
Cobalt	22 mg/kg[1]	US EPA 6010	2.5 mg/kg
Total Lead	Cover Material: 150 mg/kg AOC Reuse: 350 mg/kg	US EPA 6010	5.0 mg/kg
Soluble Lead	0.5 mg/l	Title 22 CCR Soluble Threshold Limit Concentration's waste extraction test using de-ionized water to extract the sample instead of citric acid	0.05 mg/l
TPH – Diesel (Middle Distillates)	Cover Material Only: 100 mg/kg	US EPA 8015 modified for extractable fuel hydrocarbons in the C9 to C25 range. This includes diesel, kerosene, heating oil and jet fuel	10 mg/kg
TPH – Motor Oil (Residual Fuels)	Cover Material Only: 500 mg/kg	US EPA 8015 modified for residual fuels in the C24 to C40 range. This includes lubricating oils, waste oils, grease, and asphalt.	50 mg/kg
TRPH	AOC Reuse Only: 1,000 mg/kg	US EPA 1664 for total recoverable petroleum hydrocarbons. (Gravimetric with cleanup)	50 mg/kg
Zinc	600 mg/kg	US EPA 6010	0.5 mg/kg
Selected Potentially Carcinogenic Polycyclic Aromatic Hydrocabons[2]	Sum of PAHs in AOC = 0.9 mg/kg	US EPA 8310 or US EPA 8270C/SIM GC/MS for PAHs only	0.015 mg/kg for BaP

1) The RWQCB's industrial, and residential, ESL for cobalt in shallow soil at industrial sites where groundwater is not a potential or future use of drinking water is 10 mg/kg. However, this screening level for cobalt is not feasible because the background concentration for cobalt in the Bay Area is 22 mg/kg. (As determined by the Lawrence Berkeley Laboratory's "Protocol for Determining Background Concentrations of Metals in Soil at Lawrence Berkeley National Laboratory" dated August 1995)

2) The seven selected PAHs are as follows: Benzo(a)anthracene, Chrysene, Benzo(b)flouranthene, Benzo(k)flouranthene, Benzo(a)pyrene, Dibenzo(a,h)anthracene and Indeno(1,2,3-cd)pyrene.

The weighted summation of the 7 selected PAHs shall be calculated as follows:

For each soil sample analyzed for the 7 selected PAHs, each of the seven the potentially carcinogenic PAHs shall be multiplied by the unique benzo(a)pyrene equivalency factor specified in Appendix D. The 95% upper confidence limit of the arithmetic mean shall then be calculated, via ProUCL software, using the sums of the weighted PAH results from each of the PAH samples from within the specified decision management unit. The 95% UCL of the arithmetic mean of these PAH samples shall then be compared to the soil screening level for the PAHs.

Soil screening criteria, for contaminants not specifically addressed in the original soil management plan, will be the DTSC's California Human Health Screening Levels (CHHSLs) for soil on a commercial/industrial site.

Boundaries for Decision Management Units

The decision management units for this project are essentially the stockpile, or stockpiles, of excavated material for which an environmental decision is to be made by the risk manager. The material in this case is the excavation spoils for the Seismic Retrofit Project and the EBMUD Interceptor Relocation Project. The risk managers are Caltrans' project managers.

The special provisions for State Contact No. 04-143554 state that the excavation spoils shall be assembled onsite in stockpiles not to exceed 100 cubic meters in size. The Engineer's estimate indicates that 1,451 cubic meters of structure excavation (Type H) material will be generated by this project. This quantity of excavation spoils means that, at a minimum, 15 separate stockpiles will be constructed by the Contractor.

The original seismic retrofit project handled each stockpile as a separate decision management unit. The proposed strategy for the seismic retrofit project is to treat all of the stockpiles as one decision management unit instead of multiple decision management units. The rational behind this change is based upon standard risk assessment protocol and statistics.

The structure excavation material is being generated from the same contiguous area of contamination and no information is available that would justify segregating material based upon anything other than soil type. Since the majority of footing excavation work involves surface material, segregation of footing excavation spoils by soil type is not warranted. The proposed placement of the structure excavation spoils is within the same area of contamination from where the material originates. Therefore it is reasonable to initially view all of the excavation spoils as one decision unit. In the event that the excavated material is not relatively homogeneous then field personnel are to be instructed to segregate any material that appears to be of substantially different character.

The material from the EBMUD interceptor project will be split into two separate decision management units. The upper surface material, consisting of contaminated fill material (1,550 CM), will be handled as one decision unit and the underlying alluvial material (1,550 CM) will be treated as a second decision management unit.

Risk assessment protocol is based upon obtaining randomly selected samples from within the area for which the risk to human health is to be assessed. The current professional standard for assessing risk is to estimate the true mean by calculating the 95% upper confidence limit (95%

UCL) of the arithmetic mean of the sample population. This 95% UCL is said to be representative of a persons exposure to the contaminant of concern because the current protocol assumes that an individual on a site would not spend their entire time, within a defined decision management unit, at the location of the highest contaminant concentration. The "true" exposure to a contaminant on any given site, therefore, has been estimated by the 95% UCL of the arithmetic mean of the sample population. This method of risk management protocol recognizes that, for any given site, some of the sample results may exceed the acceptable threshold limit and some will be below this limit. The final material management decision will, however, be based upon our estimate of the true mean contaminant concentration as determined by the 95% upper confidence limit of the arithmetic mean of representative soil samples obtained from randomly selected locations within the decision management unit.

In order to preserve the integrity of the existing structure, the plans may not permit the contractor from excavating all of the footings at the same time. If this situation should occur then the need may arise to subdivide the proposed decision management units into subsets that correspond to the staging of the project.

Decision Rules for Reuse of Contaminated Material Within AOC

Once all of the stockpiles within the decision management units have been sampled and analyzed the resultant estimate of the true mean of the contaminant concentration must be compared to the site specific screening criteria for the contaminant of concern. This section establishes and documents the decision rules for the subject area of contamination.

If the true mean for any of the chemicals of concern, as estimated by the 95% upper confidence limit of the arithmetic mean of the sample population, as determined by US EPA's ProUCL software, is greater than or equal to the site-specific reuse criteria shown in Table 6, for Project No. 04-143554, then the material within that decision unit shall be disposed of at an off-site waste disposal facility that is permitted by either the California Integrated Waste Management Board, for Class II waste, or by the Department of Toxic Substances Control, for California hazardous waste material. Note that material subject to off-site disposal is subject to a separate set of decision rules that are specific to waste disposal. Therefore, additional soil sampling and analysis might be required to satisfy landfill acceptance criteria.

If the true mean for each of the chemicals of concern, as estimated by the 95% upper confidence limit of the arithmetic mean of the sample population, as determined by US EPA's ProUCL software, is less than the site-specific reuse criteria shown in Table 6, for Project No. 04-143554, then the material may be reused as fill material within Area 2a, 2b or Area 4 as of shown in Figure 5 in accordance with the soil placement specifications provided in Harding ESE's May 2002 Soil Management Plan.

Table 6 - Site Specific Reuse Criteria for SFOBB AOC in Oakland (Areas 2a & 2b)

Chemical Parameter	Site Specific Threshold Limit
Total Lead	350 mg/kg
Soluble Lead (DI-WET)	0.5 mg/l
TRPH (EPA Method 1664)	1,000 mg/kg
Summation of Weighted Results of 7 Selected Potentially Carcinogenic Polycyclic Aromatic Hydrocarbons[1]	900 µg/kg

Notes

1) The individual results for the seven selected PAHs are to be multiplied by the equivalency factor promulgated in the list of potentially carcinogenic PAHs as shown in DTSC's Preliminary Endangerment Assessment Guidance Manual reprinted in June 1999. See Appendix D. The 95% UCL of the sum of these "weighted" PAH values is then compared to the site specific threshold limit of 900 µg/kg.

2) The soluble lead parameter is to be based upon a modified version of the California waste extraction test (WET) that uses de-ionized water, instead of citric acid, for sample extraction.

3) Laboratory results reported as non-detectable will be assigned a value equal to one half of the laboratory's reporting limit.

4) The reuse criteria for chemical parameters not shown in the table above shall be the California Human Health Screening Levels (CHHSLs) for soil on commercial/industrial sites as shown in Table 1 in the "Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties" by California Environmental Protection Agency dated January 2005.

Caltrans may elect to partition the decision management unit into separate stockpiles if statistical outliers are suspected to occur in individual stockpiles.

Decision Rules for Verifying that EBMUD's Alluvial Material is Clean

Once the stockpile(s) within the decision management unit(s) have been sampled and analyzed the resultant estimate of the true mean of the contaminant concentration must be compared to the site specific screening criteria for the contaminant of concern. This section establishes and documents the decision rules needed to determine that the alluvial material generated from EBMUD's Adeline Interceptor Project is clean enough for reuse on an adjacent parcel owned by Caltrans.

If the true mean for any of the chemicals of concern, as estimated by the 95% upper confidence limit of the arithmetic mean of the sample population, as determined by US EPA's ProUCL software, is greater than or equal to the site-specific reuse criteria shown in Table 7, for alluvial material generated at EBMUD's excavation for the Adeline Interceptor Relocation Project, then the material within that decision unit shall be re-evaluated for reuse as fill material within the SFOBB AOC. If no additional fill material is required within the AOC then this material should be characterized for off-site disposal at an appropriately permitted landfill.

If the true mean for each of the chemicals of concern, as estimated by the 95% upper confidence limit of the arithmetic mean of the sample population, as determined by US EPA's ProUCL software, is less than the site-specific reuse criteria shown in Table 7, for alluvial material generated at EBMUD's excavation for the Adeline Interceptor Relocation Project, then the material may be reused as clean fill material without any restrictions on placement. Caltrans anticipates that this material would most likely be placed in Area 2d shown in Figure 5.

Table 7 - Reuse Criteria for Fill Material at Parcel 56359-01-01 (Area 2d)

Chemical Parameter	Site Specific Threshold Limit
Cobalt	22 mg/kg
Total Lead	150 mg/kg
Soluble Lead (DI-WET)	0.5 mg/l
THP – Diesel (Middle Distillates)	100 mg/kg
TPH – Motor Oil (Residual Fuels)	500 mg/kg
Zinc	600 mg/kg
Summation of Weighted Results of 7 Selected Potentially Carcinogenic Polycyclic Aromatic Hydrocarbons[1]	900 µg/kg

Notes

1) The individual results for the seven selected PAHs are to be multiplied by the equivalency factor promulgated in the list of potentially carcinogenic PAHs as shown in DTSC's Preliminary Endangerment Assessment Guidance Manual reprinted in June 1999. See Appendix D. The 95% UCL of the sum of these "weighted" PAH values is then compared to the site specific threshold limit of 300 µg/kg.

2) The soluble lead parameter is to be based upon a modified version of the California waste extraction test (WET) that uses de-ionized water, instead of citric acid, for sample extraction.

3) Laboratory results reported as non-detectable will be assigned a value equal to one half of the laboratory's reporting limit.

4) The reuse criteria for chemical parameters not shown in the table above shall be the environmental screening limits for industrial land use shown in Table B "Environmental Screening Levels (ESLs), Shallow Soils (<3m bgs), Groundwater is NOT a Current or Potential Source of Drinking Water" of California's Regional Water Quality Control Board, San Francisco Bay Region's "Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater, 4th Edition" dated February 2005.

Decision Error Limits

Analytical data obtained from representative samples of a large volume of material are only an estimate of the true condition of that volume of material. The only way to ever know the true contaminant concentration of any quantity of material is to sample the entire volume of material. To perform a "census" on the large volumes of material generated during any given construction project is not practical. Whereas any decisions based upon sample data could potentially be in error, risk management strategies have been developed to mitigate these decision errors. Classical statistics provides the tools decision managers need to mitigate decision errors.

There are basically two types of decision management errors that are possible:

1) Deciding "dirty" material is clean

2) Deciding clean material is "dirty"

The statistical method used to manage decision error is based upon the scientific method. The basis of the scientific method is to make an assumption, or a hypothesis, regarding the nature of the contamination within a decision management unit and then to either prove or discredit this assumption. Statistics is then employed to test the hypothesis and then to either accept or reject the initial assumption.

The traditional assumption for environmental work, and for this project, will be that the material does not meet the site specific reuse criteria, i.e. the material is "dirty." Statisticians refer to this hypothesis as the null hypothesis (H_o).

Null Hypothesis, H_o = Site is Dirty

The first type of decision error, the Type I Error, would be to falsely reject the null hypothesis, that is to decide that material is clean when in fact it is dirty. (Deciding that "dirty" material is clean) The measurement of the Type I decision error is designated by alpha (α) and is called the level of significance. Alpha is expressed numerically as a probability. The level of significance, α, is related to the level of confidence, which is expressed as $(1-\alpha)$. Whereas the 95% upper confidence limit of the arithmetic mean has already been established as the standard for assessing environmental risk, the corresponding significance level has, in effect, been pre-selected as 5%. Alpha is an expression of a risk manager's tolerance for uncertainty but does not imply that a Type I decision error will occur.

The second type of decision error, the Type II Error, would be to falsely accept the null hypothesis, that is to decide that the material is "dirty" when in fact it is clean. (Deciding that clean material is "dirty") The measurement of the Type II decision error is designated by beta (β), and is called the complement of the power of a hypothesis test. Beta is also expressed numerically as a probability. The complement of the power of the test (β) is directly liked to the power of the test which is expressed as ($1-\beta$). Beta is also an expression of a risk manager's tolerance for uncertainty but does not imply that a Type II decision error will occur.

Table 8 - Types of Decision Errors for Sites Assumed to be Dirty

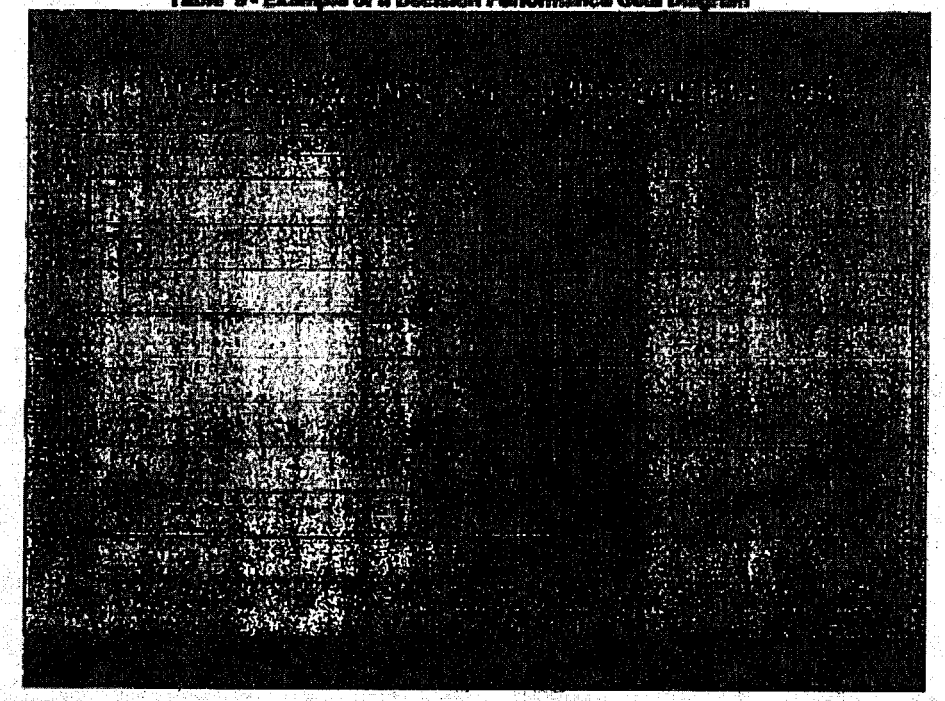
Decision → / True Condition ↓	Site Declared Clean (Reject Null Hypothesis)	Site Declared Dirty (Accept Null Hypothesis)
Site is Dirty (Null Hypothesis (Ho) is True)	False rejection of Ho **Type I Decision Error** (significance level, α)	Correct Decision! (Level of Confidence = $1-\alpha$)
Site is Clean (Null Hypothesis (Ho) is False)	Correct Decision! (Power of the Test = $1-\beta$)	False acceptance of Ho **Type II Decision Error** (Compliment of the Power, β)

The level of significance and the compliment of the power of a test are two key input criteria on a decision performance goal diagram (DPGD). A DPGD is a type of probability function. The decision performance goal diagram has "The Probability of Deciding that the True Mean is Greater than or equal to the Action Level," (i.e. the probability that the material is "dirty") on the ordinate, and the "True Mean" expressed on the abscissa. The level of significance, alpha, determines where the actual probability function will intersect with the action level for the particular contaminant of concern. The complement of the power of the test, beta, together with the lower bound of the Gray Region, further define the shape of the probability function. The width of this Gray Region is expressed as delta (Δ).

The Gray Region is a range of contaminant concentrations, shown on a DPGD as a shaded or gray area, where risk managers determine that it is not practical to control the false acceptance decision errors, that is error of deciding that a clean site is dirty, because to do so would require unreasonable sampling and analytical expenses. This Gray Region extends to the left of the action level on the DPGD to a concentration selected by the risk managers. This concept should be intuitive to the reader in that the closer the true population mean gets to the action level, the more samples you will need to prove that the true mean is indeed below the action level.

An example of a decision performance goal diagram is shown below in Table 9. This DPGD is for lead and shows a vertical line at the action level of 350 ppm. The "s"-shaped line is the decision performance function. This DPGD has an alpha of 5%. The decision performance function therefore intersects the action level at a probability of 0.95. The probability function intersects the lower bound of the Gray Region at a probability of 0.10 or ten percent. The width of the Gray Region, delta, for this DPGD is 75 (350 – 275).

Table 9 - Example of a Decision Performance Goal Diagram



Once the level of significance, the compliment of the power of a test, the standard deviation and the width or lower boundary of the gray region have been selected, for each chemical of concern, the data may entered into a statistical software program to determine the appropriate number of samples required to obtain answers to the principal study questions within the specified decision error tolerances. The software used for this report is called Visual Sample Plan (VSP) Version 4.0 which was prepared for the United States Department of Energy by Pacific Northwest National Laboratory. The statistical equations that VSP uses to determine the number of samples are shown in Appendix E and F.

Note that the equations used by VSP require that a standard deviation must be entered for each chemical of concern. This application, therefore, is of limited use at sites that do not have any data. The SFOBB AOC has data available for all of the COPCs therefore this method is particularly relevant for determining the number of samples at this site.

Sampling Plan

The required number of samples for each contaminant was determined via Visual Sample Plan (VSP) Version 4.0 by Pacific Northwest National Laboratory. Information regarding VSP software is available at: http://dqo.pnl.gov/

The input criteria for the VSP software assumes that the material being sampled, within the predefined decision management unit, is flat and relatively homogeneous. Since it is neither cost effective nor practical for Caltrans to spread out the stockpiled material for sampling purposes, the use of this program was restricted to determining the number of samples.

The number of samples was determined by VSP assuming that the material would be spread out and compacted over the area specified in Table 10 and shown in Figure 5.

Table 10 - Proposed Material Reuse Sites

Material Source	Volume (M^3)	Proposed Destination	Surface Area (M^2)	Depth of Deposit (M)
Contract 04-143554 (Retrofit Project)	1,451	Area 2a and 2b	6,000 + 2,000	0.181 (7 inches)
EBMUD – Adeline Interceptor Project – Surface Material	1,550	Area 2a and 2b	6,000 + 2,000	0.194 (7 ¾ inches)
EBMUD – Adeline Interceptor Project – Subsurface Material	1,550	Area 2d	5,400	0.287 (11.3 inches)
Excess Material		Area 4	3,800	

The 1,451 M^3 of material from the seismic retrofit project would be spread out over Area 2a and 2b which combined have a rectangular area of approximately 8,000 M^2. The depth of this material would be approximately 18 centimeters. The number of samples determined by VSP, for the area specified and for the given decision error criteria, will then divided by the number of stockpiles on the site to determine the number of samples to be obtained per stockpile. The sample locations for each stockpile will be determined in the field using the stockpile sampling plan included in Appendix A.

Note that the depiction of the proposed soil placement area in this soil sampling plan is preliminary and does not constitute an approved soil grading plan. The final site grading plan will be produced by the project engineer.

The stockpile sampling plan in Appendix A calls for each stockpile to be theoretically partitioned into 85 sections each having an approximate volume of 1.2 cubic meters. A random number generator, available on most calculators or spreadsheet programs, is then used to generate a number between zero and one. This randomly generated decimal is then multiplied by the total number of sections, 85, to select the appropriately numbered section of the stockpile from which to obtain the soil

sample. This procedure is then repeated for each soil sample to be collected from the stockpile. The following example demonstrates how this plan would work.

> Table 11 specifies that six samples for lead shall be collected from each 100 cubic meter stockpile. A random number generator is then used to produce six random numbers. Lets say the first random number generated is 0.310. This random number would be multiplied by the total number of potential sample locations within the 100 cubic meter stockpile which, in this case is 85. (0.310 x 85 = 26.35) The result of the product of the random number and the total number of sample units is then rounded to the nearest whole number, which in this example is 26. The first sample location in this stockpile would be sample area No. 26. The Stockpile Sampling Plan in Appendix A is then used to find the random sample location within the stockpile. Sample area No. 26 is shown on Stockpile Sampling Plan L-4 which indicates that this sample area is located in the northeast quadrant of the stockpile in layer L4, the fourth layer down from the top of the stockpile. The environmental professional would then divide the stockpile up into four quadrants, measure up about one meter from the existing ground level, and advance the hand auger horizontally approximately 1.5 meters into the stockpile through sample area No. 35 into sample area No. 26. Stockpile sample layers are shown on the elevation view of the stockpile sampling plan.

This soil sampling method, while not purely random, will ensure that material from each stockpile is sampled and is thought to provide enough randomness to allow for a somewhat meaningful estimate of the actual contaminant concentration.

The number of samples recommended by VSP for structure excavation spoils, with the input criteria specified in Table 11, is as shown in Table 11. The VSP results are all assuming that the material has been distributed as proposed in Table No. 10.

Table 11 - Number of Samples Required for Characterization of 1,451 M³ of Material for AOC Reuse

Contaminant	Alpha (%)	Beta (%)	Delta	Action Level (mg/kg)	Estimated Standard Deviation[1]	VSP's Total Number of Samples	Number of Samples per Stockpile
Total Lead (Pb)	5	20	200	350	532	87	6
di-WET for Pb	5	10	0.3	0.5	0.5	52	4
TRPH	5	20	500	1,000	795	34	3
Selected PAHs[2]	5	20	0.15	0.3	0.16	18	2

1) The estimated standard deviation was the actual standard deviation obtained via analysis of the existing data except for the deionized water waste extraction test for which insufficient data was available. See Appendix B and Appendix C. Data analysis was made using ProUCL.

2) The estimated standard deviation for the selected PAHs was obtained from a statistical analysis of the sums of the weighted benzo(a)pyrene equivalents that were reported in the May 2002 Soil Management Plan, Interstate 80/580 Seismic Retrofit Project, Oakland, California.

Since the contaminants of concern, their range of concentrations, standard deviation and proposed reuse area for the contaminated material to be generated from the EBMUD project are virtually identical, Table 11 is relevant and appropriate for sampling the surface material (contaminated artificial fill) generated from the excavations for EBMUD's Adeline Interceptor Relocation Project. The remaining material from EBMUD's project, the alluvial material from the lower portions of the excavation, should be sampled and analyzed as proposed in Table 12.

Table 12 - Number of Samples Required for Characterization of 1,550 M^3 of Alluvial Material from EBMUD

Contaminant	Alpha (%)	Beta (%)	Delta	Action Level (mg/kg)	Estimated Standard Deviation[1]	VSP's Total Number of Samples	Number of Samples per Stockpile
Co	5	10	5	22	4	17	2
Total Pb	5	10	50	150	100	71	5
dl-WET - Pb	5	20	0.3	0.5	0.5	38	3
Zn	5	20	200	600	368	45	3
TPH – Diesel	5	10	50	100	63	33	2
TPH – Motor Oil	5	25	250	500	496	45	3
Selected PAHs[2]	5	20	0.15	0.3	0.16	18	2

1) The estimated standard deviation was the actual standard deviation obtained via analysis of the existing data except for the de-ionized water waste extraction test for which insufficient data was available. See Appendix B and Appendix C. Data analysis was made using ProUCL.

2) The estimated standard deviation for the selected PAHs was obtained from a statistical analysis of the sums of the weighted benzo(a)pyrene equivalents that were reported in the May 2002 Soil Management Plan, Interstate 80/580 Seismic Retrofit Project, Oakland, California.

This sampling plan, once approved, would be implemented immediately. The sampling activities would be occurring intermittently over the course of the next two years. The estimated cost of this sampling is as shown in Tables 13 through 15.

Table 13 - Cost Estimate for Analysis of 1,451 M³ of Structure Excavation Spoils for Caltrans' Footings

Contaminant	EPA Test Method	Samples per Pile	Total Number of Samples	Estimated Cost per Sample ($)	Analytical Cost ($)
Pb	6010	6	90	35	3,150
Pb (di-WET)	Ca STLC	4	60	100	6,000
TRPH	1664	3	45	100	4,500
PAHs	8310	2	30	250	7,500
Subtotal					**$21,150**

Table 14 - Cost Estimate for Analysis of 1,550 M³ of Surface Material Generated by the EBMUD Project

Contaminant	EPA Test Method	Samples per Pile	Total Number of Samples	Estimated Cost per Sample ($)	Analytical Cost ($)
Pb	6010	6	90	35	3,150
Pb (di-WET)	Ca STLC	4	60	100	6,000
TRPH	1664	3	45	100	4,500
PAHs	8310	2	30	250	7,500
Subtotal					**$21,150**

Table 15 - Cost Estimate for Analysis of 1,550 M³ of Alluvial Material Generated by the EBMUD Project

Contaminant	EPA Test Method	Samples per Pile	Total Number of Samples	Estimated Cost per Sample ($)	Analytical Cost ($)
Co	6010	2	32	35	1,120
Pb	6010	5	80	35	2,800
Pb (di-WET)	Ca STLC	3	48	100	4,800
Zn	6010	3	48	35	1,680
TPH-Diesel	8015 Mod.	2	32	100	3,200
TPH – Motor oil	8015 Mod.	3	48	100	4,800
PAHs	8310	2	32	250	8,000
Subtotal					**26,400**

To keep the soil sampling costs in proper perspective it is helpful to compare the sampling and analysis costs to the costs associated with the disposal of the soil generated from these proposed projects. One should keep in mind that soil sampling and analysis is also required by the landfills for waste profiling purposes. Cost estimates for the disposal of contaminated soil are shown below in Table 16 and are based upon characterizing the "waste material" using the available, or relevant, site investigation data. Additional soil sampling and analysis would likely be necessary for verify landfill acceptance criteria.

Table 16 - Cost Estimate for Disposal of Excavated Material

Material Source	Volume (M^3)	Weight (Tones)	Predicted Waste Characterization	Disposal Cost Estimate (Dollars)
Contract 04-143554 (Structure Retrofit Project)	1,451	2,467	California Hazardous	209,695
EBMUD – Adeline Interceptor Project – Surface Material	1,550	2,636	California Hazardous	223,975
EBMUD – Adeline Interceptor Project – Subsurface Material	1,550	2,636	Non-Hazardous Class 2 Material	105,400
Total Disposal Cost	4,551	7,739		539,070

Figures

INDEX OF SHEETS

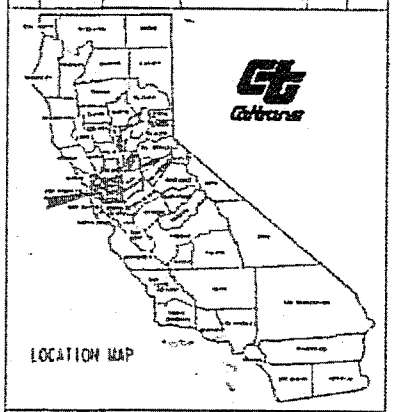
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

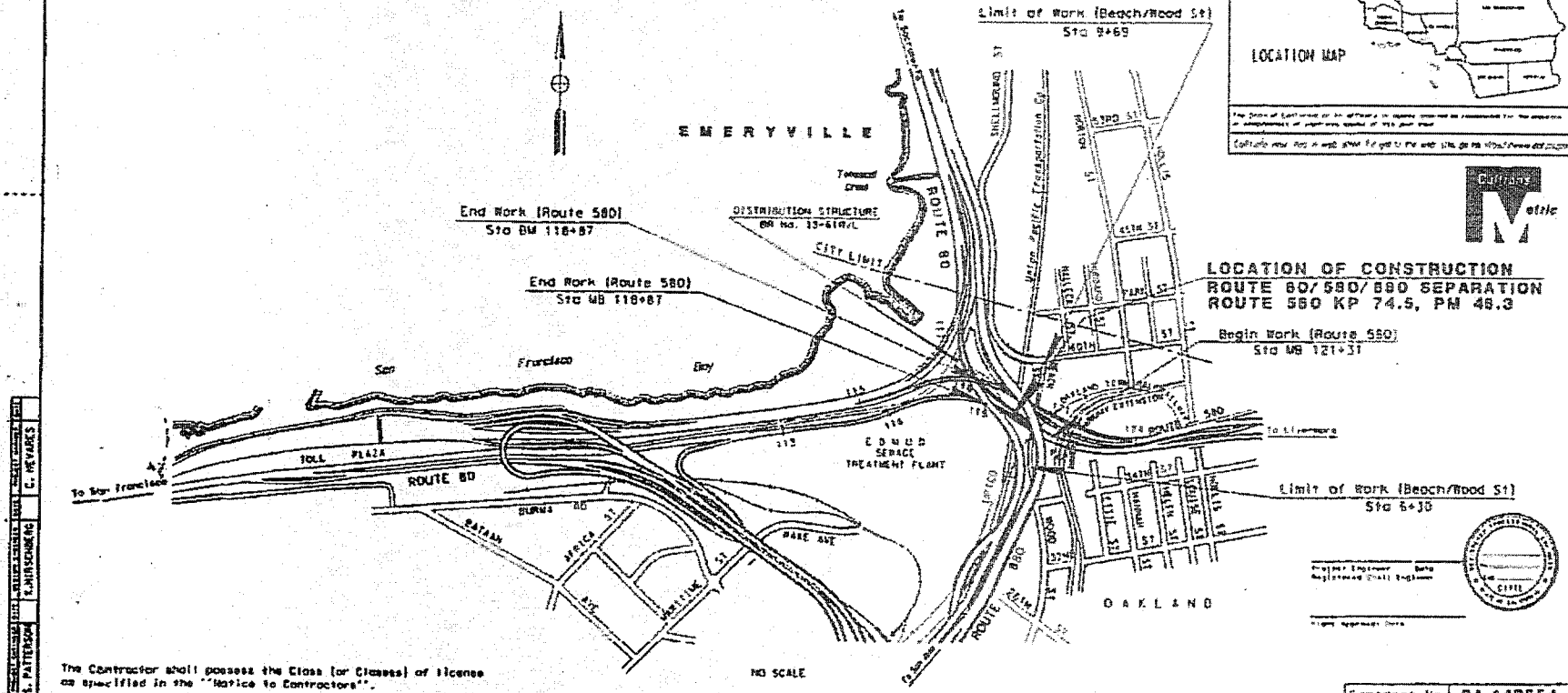
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

IN ALAMEDA COUNTY
IN OAKLAND
AT ROUTE 80/580/880 SEPARATION

To be supplemented by Standard Plans dated July, 1999

DIST	COUNTY	ROUTE	TOTAL PROJECT
04	Ala	580	74.5





The Contractor shall possess the Class (or Classes) of license as specified in the "Notice to Contractors".

NO SCALE

Contract No. 04-143554

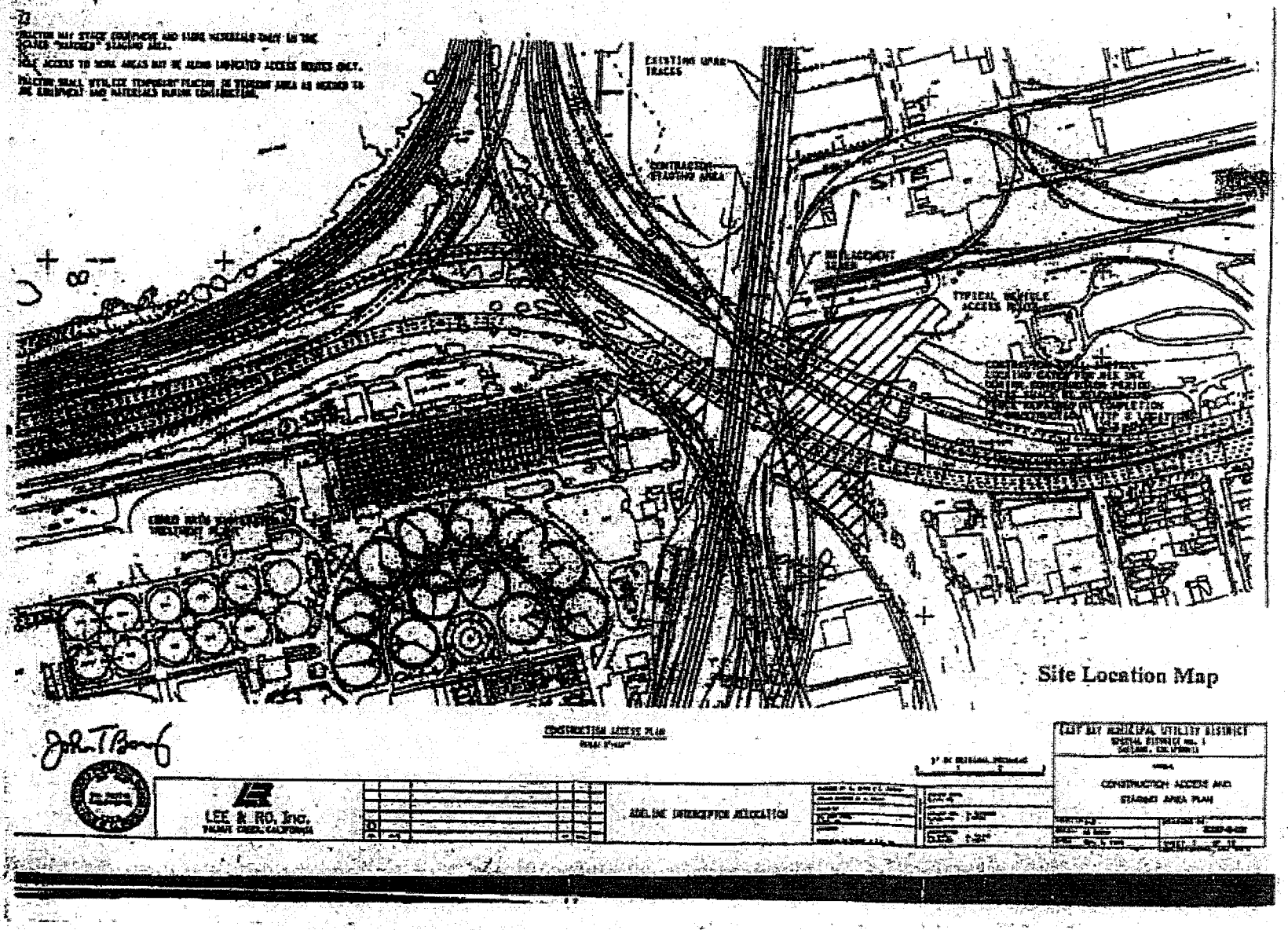


Figure 2 EBMUD Adeline Interceptor Relocation Project - Location Map 1 (North is at top of map)

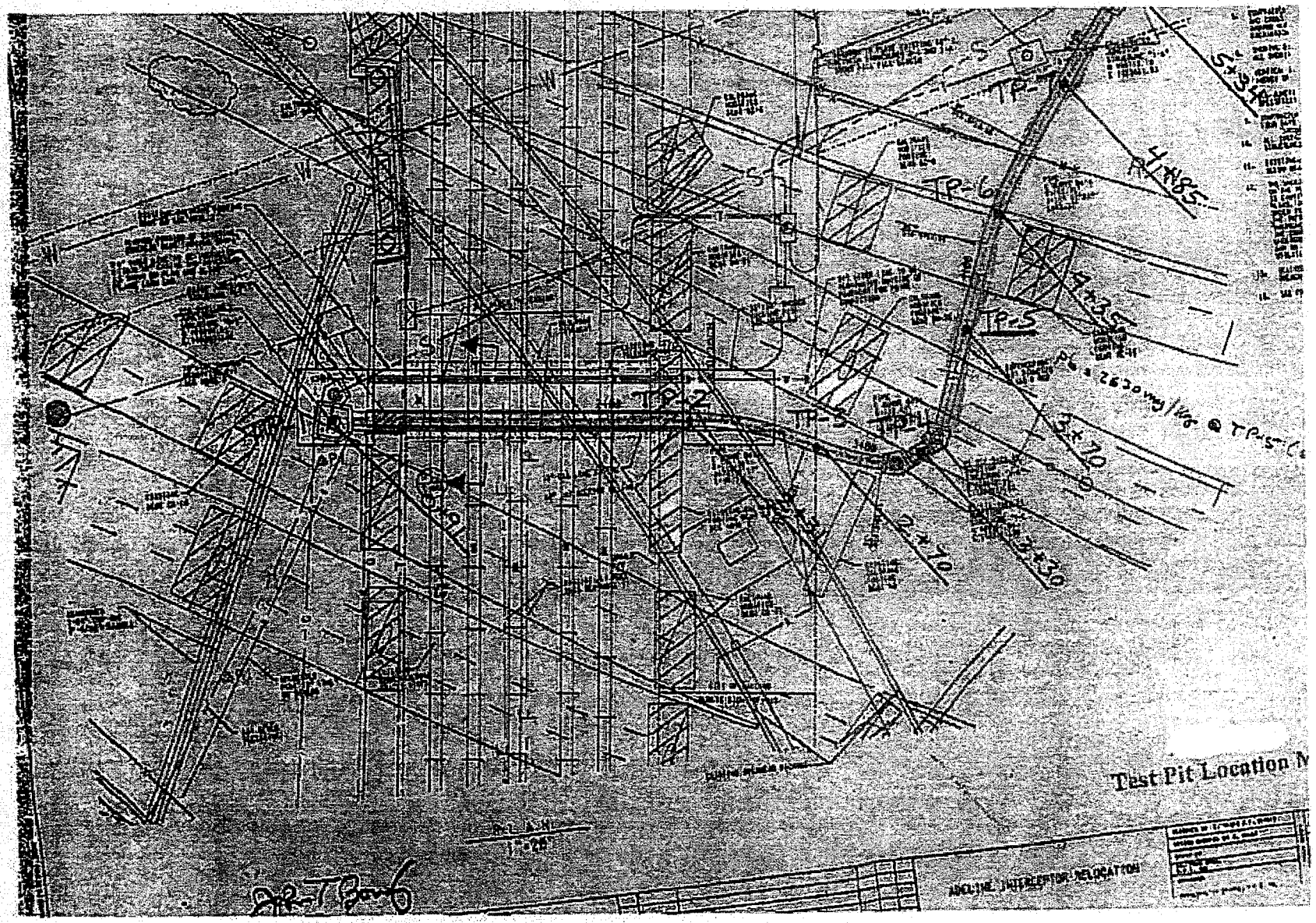


Figure 3 EBMUD Adeline Interceptor Relocation Project - Location Map 2 (North is at top of map)

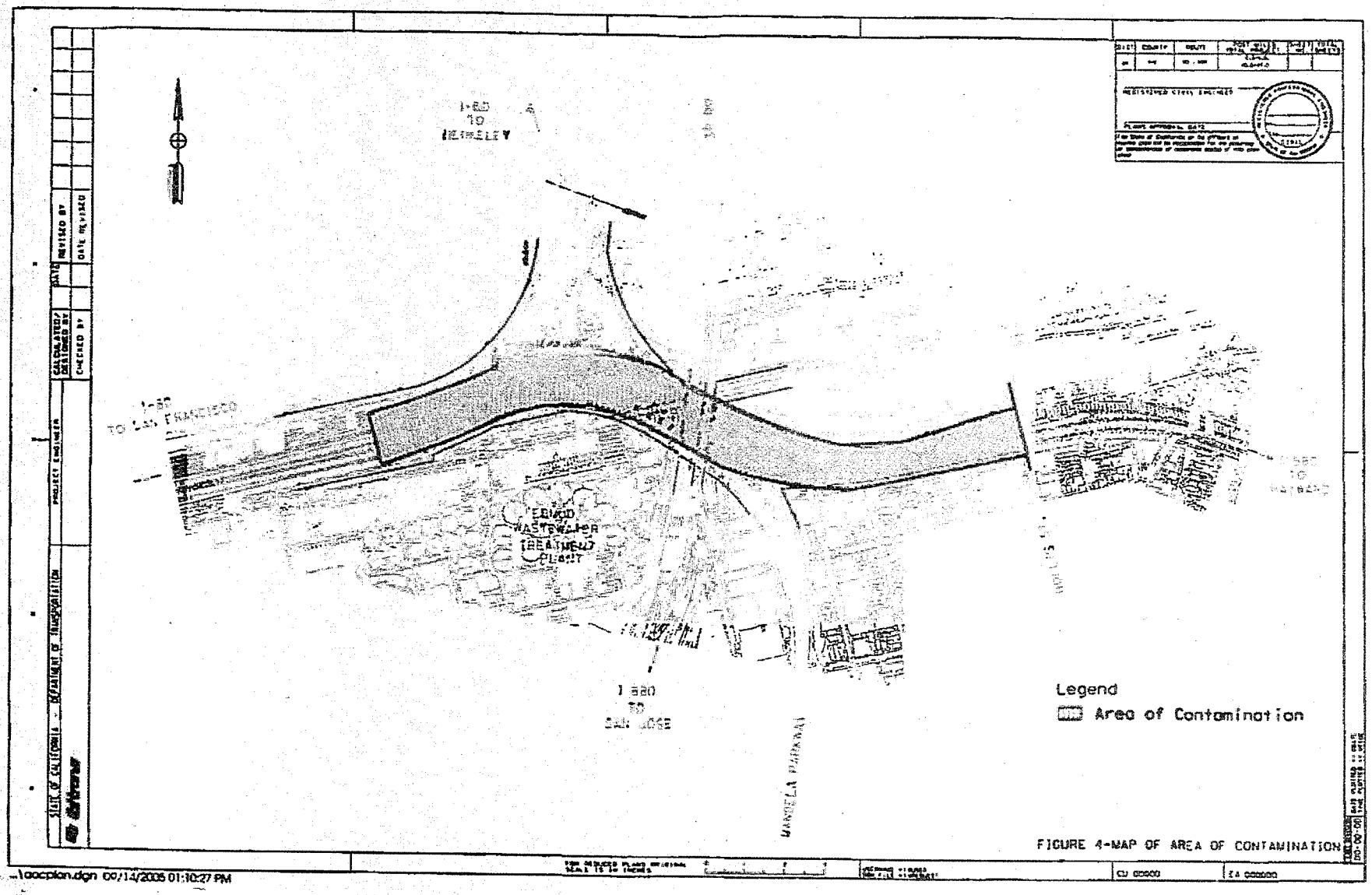


FIGURE 4-MAP OF AREA OF CONTAMINATION

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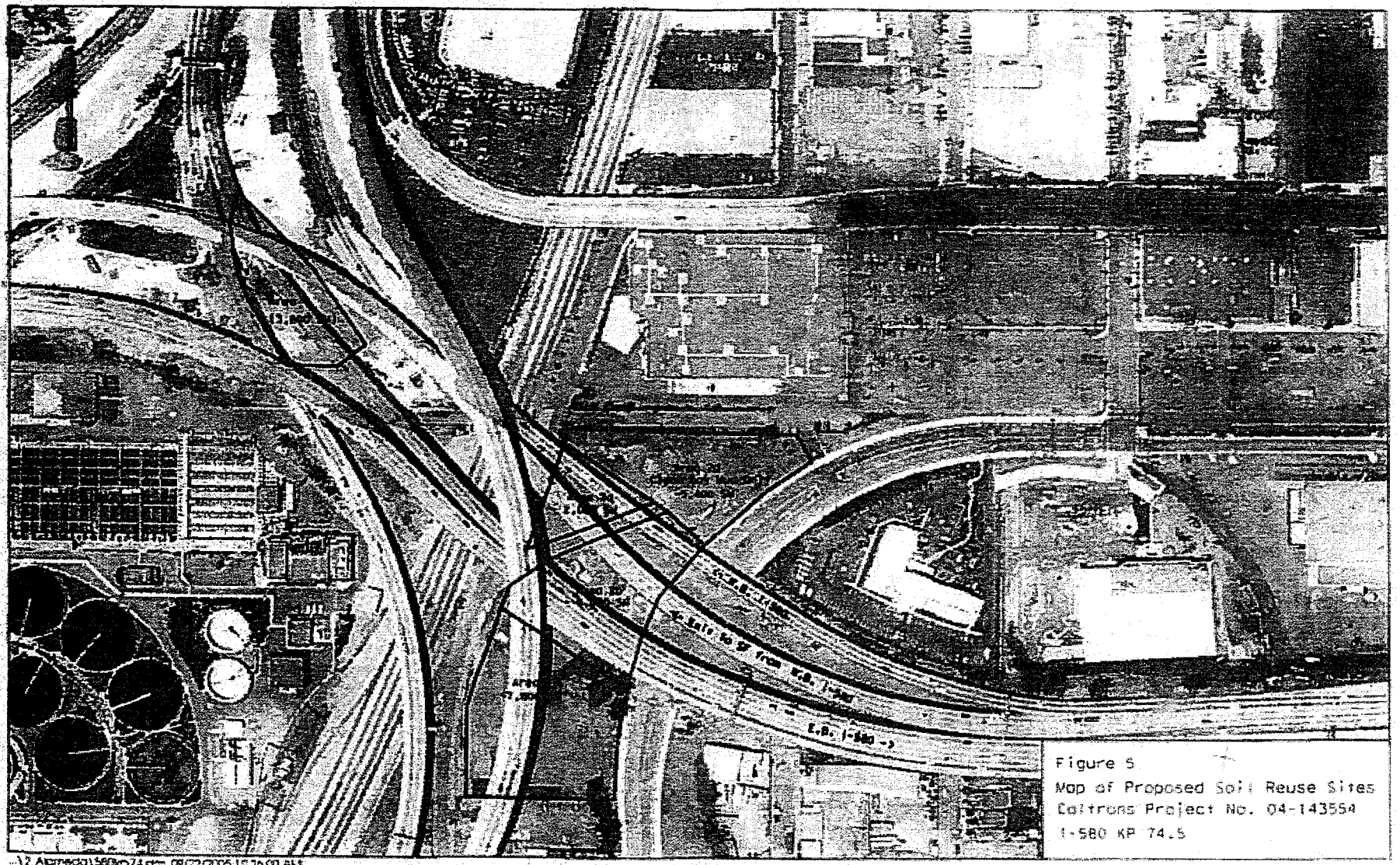

Figure 5
Map of Proposed Soil Reuse Sites
Caltrans Project No. 04-143554
I-580 KP 74.5

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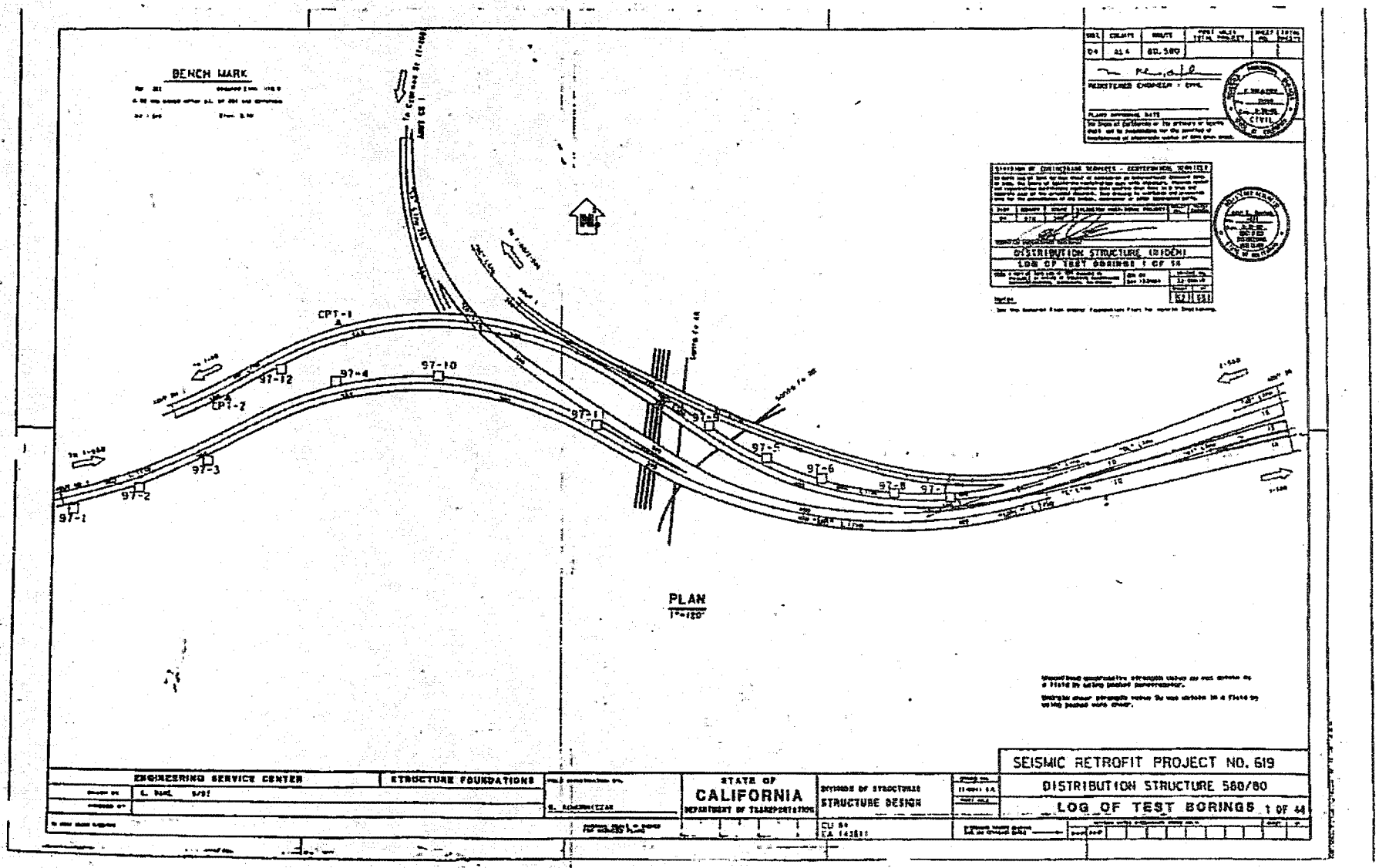


Figure 6. Log of Test Borings Page 1 of 44

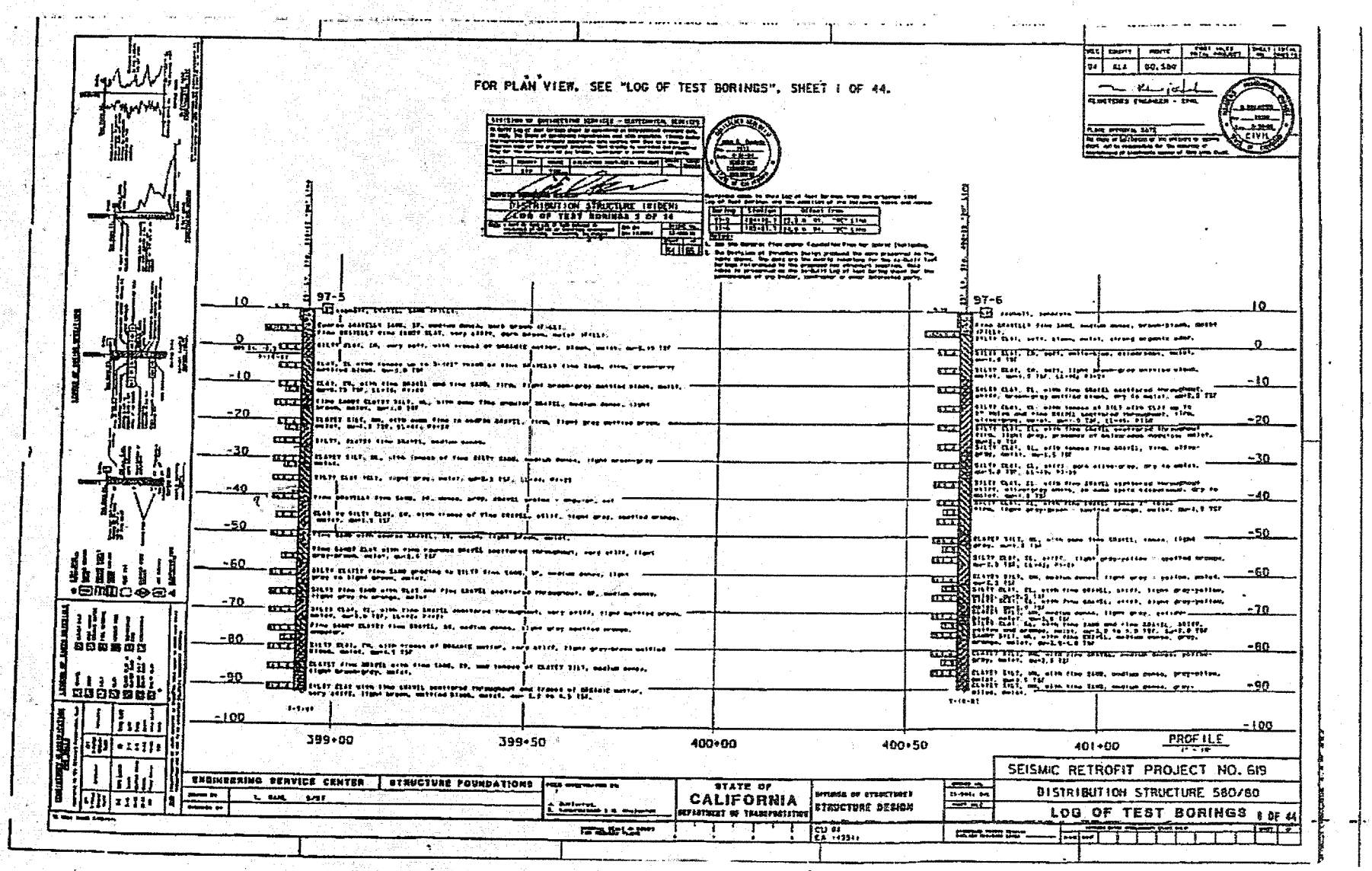
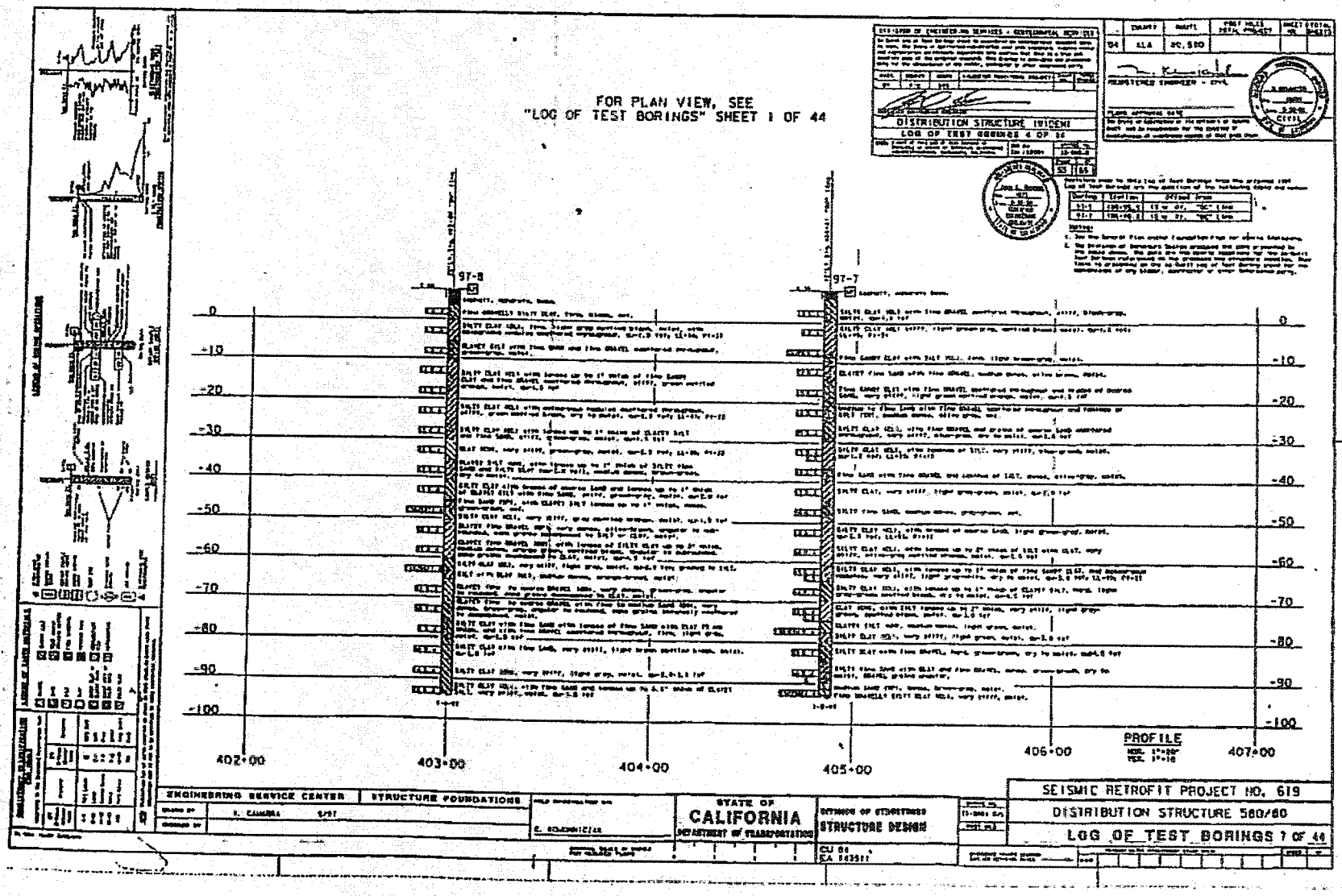


Figure 7. Log of Test Borings Page 6 of 44


FOR PLAN VIEW, SEE
"LOG OF TEST BORINGS" SHEET 1 OF 44
DISTRIBUTION STRUCTURE 1911CENT
LOG OF TEST BORINGS 6 OF 16
97-8
97-7
0
-10
-20
-30
-40
-50
-60
-70
-80
-90
-100
402+00
403+00
404+00
405+00
406+00
407+00
PROFILE
ENGINEERING SERVICE CENTER
STRUCTURE FOUNDATIONS
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
STRUCTURE DESIGN
SEISMIC RETROFIT PROJECT NO. 619
DISTRIBUTION STRUCTURE 580/80
LOG OF TEST BORINGS 7 OF 44

Rivera, Mike

From: Taliah Mirmalek <TMirmalek@unitehere.org>
Sent: Wednesday, January 10, 2018 2:55 PM
To: nagrajplanning@gmail.com; jmyres.oakplanningcommission@gmail.com; jfearnopc@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; ew.oakland@gmail.com
Cc: Rivera, Mike
Subject: Letters RE: Mandela Parkway Hotel
Attachments: LetterPlanning_MandelaPkwyHotel.pdf; Mandela Parkway CUP Analysis.pdf

Dear Commissioners and City Planner,

I noticed our letter (submitted Friday January 5th before 5pm) is missing from the staff report, so I am sending it to you all directly in case it hasn't been provided to you.

I'm including an additional letter which has more thorough analysis of the Conditional Use Permit for the proposed hotel.

Thank you,
Taliah

UNITEHERE! Local 2850

East and North Bay's Union for hotel, foodservice, and gaming workers

By: Taliah Mirmalek, Research Analyst

Date: January 10, 2017

Re: Conditional Use Permit for proposed hotel on Parcel Number 7-617-14-5, Planning Application PLN16394

Dear Planning Commissioners,

I am writing on behalf of UNITE HERE Local 2850 to comment on the proposed Mandela Parkway Hotel (PLN16394). Local 2850 is the union of hotel and food service workers in the East Bay. In the course of representing the interests of our members who work at hotels, we pay close attention to hotel development in Oakland and regularly comment on the merits of particular developments.

Support for responsible development is one of our key organizational priorities, and for this reason it is important to us that applicable development regulations be faithfully and consistently enforced by the responsible public agencies. In addition to the issues raised in a previous letter, we'd like to respond to the staff report's analysis of the transient habitation Conditional Use Permit (CUP) criteria.

This letter evaluates the potential impact of the proposed hotel on affordable housing, public transit, and social services. This is an impact the Planning Commission must consider when deciding to deny or grant a Conditional Use Permit. (See Section 17.103.050 of the Oakland Planning Code.)

At this time, we oppose the approval of this project because the Mandela Hotel project has the potential to have an adverse impact on the demand for affordable housing and social services in this city. This potential impact has not been sufficiently considered by the city, nor has the applicant (to our knowledge) provided the needed information to accurately assess the impact.

Summary

Many hotels pay minimum wage and do not offer benefits. If that is the case at this hotel, then there will be an adverse impact on the demand for housing and social services in the city of

Oakland. The city's impact fee nexus studies, establish a methodology[1] for determining the impact of low-wage jobs on the need for affordable housing subsidies.

Our analysis will assume wages and benefits similar to those found in a recent survey of hotels on Hegenberger Road.[2] The City's analysis should rely either on these conservative assumptions, or on credible evidence that more generous wages and benefits will be offered.

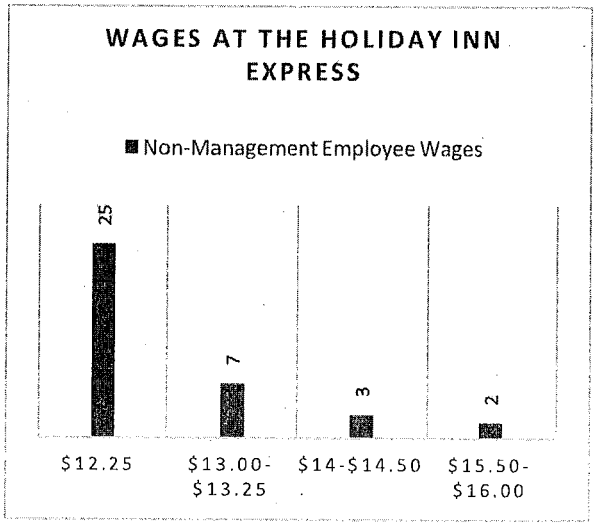
This project has the potential to create an additional demand for affordable housing subsidies in the range of $2.3 million and $7.3 million, exacerbating an already existing crisis. It should also be anticipated that low wage jobs would significantly impact social services offered by or within the City of Oakland. Many minimum-wage workers qualify for food stamps. Without employer-sponsored healthcare, low-wage workers often have to turn to Medi-Cal. These social services could cost taxpayers between $54,000 and $183,000 each year. Given these findings, the Hotel has the potential to have an adverse impact on housing and social services, and the Planning Commission should deny the project's Conditional Use Permit, pending further analysis.

Legal Basis

According to the Planning Code, hotels ("transient habitation") in Zone CR-1 require a Conditional Use Permit (CUP). In this case, a Major CUP is required because the proposed 143,212 square feet of development exceeds the 25,000 square feet floor area threshold.[3] Section 17.103.050 of the Planning Code requires the Planning Commission to make a series of findings, including that "the proposal considers the impact of the employees of the hotel or motel on the demand in the City for housing, public transit, and social services." This criterion reflects the importance of not just evaluating a proposal's congruence with the architectural design of a zone, but also the development's larger impact on the city, including the resulting socioeconomic issues. Unfortunately, the staff report brushes off this analysis altogether.

Minimum Wage Jobs and No Benefits

A survey of eight hotels on Hegenberger Road found that the hotels offer only minimum wage for non-management workers, and either no health insurance or inaccessibly priced health insurance. Furthermore, in 2015, the City of Oakland obtained a list of non-management employees at a 90-room hotel in East Oakland, the Holiday Inn Express. The majority of the non-management employees



[1] "Oakland Affordable Housing Impact Fee Nexus Analysis," 10 Mar 2016. "Commercial Development Linkage Fee Analysis," 13 September 2001.
[2] EBASE Survey of hotels on Hegenberger Road, August-September 2017.
[3] 17.134.020.A

were minimum or near-minimum wage workers.

The 37 Holiday Inn Express employees made between $12.25 - $16.00, with the vast majority making minimum wage ($12.25). The breakdown was as follows: 25 employees (67%) made minimum wage ($12.25), seven (18%) made $13.00-$13.25, three (.08%) made $14.00-$14.50, and two (.05%) made $15.50 - $16.00.[4]

The Mandela Parkway Hotel proposal has done nothing to indicate that its jobs will be any different from the norm, minimum wage jobs with no benefits. In fact, according to the application, the wages will be "commiserate" (*sic*) with other hotels.

City of Oakland's Affordable Housing Crisis

As is clear to the residents of West Oakland, and to the predominantly Black and Brown people who, with no access to affordable housing, have created refugee camps and tent cities under freeway overpasses, this city is already beset by an affordable housing crisis.

West Oakland, the site of the proposed hotel, is undergoing advanced gentrification. Many residents have either been displaced in the past few years or are on the verge of displacement. The affordable housing crisis is an income inequality crisis. As rents increase in Oakland, it becomes impossible to afford housing relying on a minimum wage or near minimum wage job.

Furthermore, it is not unheard of for full-time employees in the Bay Area to be entirely without homes, living in their cars or in tents. Last year, the City of Oakland declared a homelessness crisis. It's getting worse every year: In the past two years alone, Oakland's homeless population has increased by 26%.[5] It is clear that this is not just a housing issue, it is also a racial justice issue: 68% of the people without homes are Black.[6]

The affordable housing crisis is in large part a direct result of displacement wrought by development that has been approved with no attention to its impact on housing affordability and income inequality. Fortunately, in the case of the Mandela Hotel, Planning Code §17.103.050 requires the Planning Commission to consider these impacts.

The Project's Impact on Affordable Housing

Workers making minimum wage are unable to afford housing in Oakland. Oakland's minimum wage of $12.86 equates to an annual income of $25,480 for a full-time worker. With that salary, a 4-person household would be considered "extremely low income" by the City of Oakland Housing and Community Development Department and would be in need of subsidized housing.

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[4] Report re: Investigation into Complaint Against Holiday Inn, Case No. 2015-FF-24. "Holiday Inn Express minimum wage determination" City of Oakland.
[5] EveryOne Home's State of Homelessness Report's City of Oakland Executive Summary http://everyonehome.org/wp-content/uploads/2016/02/City-of-Oakland-ES.pdf Accessed 11/28/2017.
[6] See Home's State of Homelessness Report's City of Oakland Executive Summary. *See also* Veklerov, Kimberly. "Survey finds surge in homelessness in Oakland, Alameda County." SFGATE. 05/25/2017. Accessed 11/28/2017.

The City of Oakland's 2001 and 2016 nexus studies establish a causal relationship between low-wage jobs and the demand for affordable housing. The nexus studies determined minimum allowable impact fees for developments of various types, hotels included, by calculating a development's impact on the demand for subsidized housing. Based on expected incomes and the cost of building housing units, the studies determine the amount of subsidies needed.

Using the methodologies employed by the 2001 and 2015 nexus studies, we estimate that a hotel project with 220 rooms with low wage jobs could result in a need for between $2.3 and $7.3 million in affordable housing subsidies, depending on the number of workers the new hotel is assumed to require. (The City's methodology assumes a 220-room hotel would have 143 employees, whereas the applicant expects to employ 44 workers.) The calculations are exhibited in detail in Attachment A.

The Planning Commission, by law, must consider the project's impact on affordable housing in deciding whether to deny or grant a conditional use permit. Your charge is not to streamline development simply for the sake of development but to support the growth and development of our community in a way that actually develops our communities, not in a way that further accelerates the affordable housing crisis underway in our city.

Taking seriously this condition of approval is especially urgent, because the City of Oakland has not adopted impact fees for hotels. Whereas market-rate housing, warehouse buildings, and office buildings must pay impact fees to compensate and address their adverse impacts, hotels have no such obligation.

The staff report does not consider this impact, but defers to the affordable housing pipeline without acknowledging the impact this project could have on the demand, an impact which may place additional strain on the City's limited funds for affordable housing subsidies. The staff report states, "There are housing alternatives as new market rate and affordable residential development have been approved and others are being constructed in the City of Oakland for future residents." However—and this point should not be taken lightly—the city of Oakland's own report on affordable housing cites uncertainty around the availability of federal tax credits for affordable housing. According to the report, "the tax credit market has been volatile due to pending tax reform efforts since the change in national leadership. The value of credits is decreasing, thereby creating a financing gap."[7] In other words, there isn't a secure source of subsidies for the subsidies already needed, let alone additional demand generated by more and more low-wage jobs.

The City has not considered these impacts, as required by Planning Code §17.103.050. If the analysis were done, you may find the impact is so great that the development is not worth it. As such, you owe it to the law and to Oaklanders who are unhoused, have been displaced, or are threatened with displacement, to sufficiently consider this project's impact. As previously noted, our analysis assumes wages similar to those provided by many hotels near the Oakland airport. The City's analysis should rely either on these conservative assumptions, or on credible evidence that more generous wages and benefits will be offered.

[7] "Oakland At Home Update: 2017. A Progress Report on Implementing a Roadmap Toward Equity From the Oakland Housing Cabinet." Aug 10, 2017. https://beta.oaklandca.gov/documents/oakland-at-home-update-2017

Impact on Social Services

Workers making minimum wage often rely on public assistance, including Food Stamps or CalFRESH. If this hotel pays low wages similar to some other hotels in Oakland, it could cost taxpayers between $21,931 and $74,292 annually.

Moreover, if the hotel does not offer benefits to its future employees, the employees may either struggle without health insurance or turn to the state for publicly-funded healthcare services, such as Medi-Cal. This could cost taxpayers between $32,244 and $109,339 annually.

In total, a hotel that offers low wage jobs with no benefits could cost taxpayers between $54,175 and $183,631 annually. See Attachment B for the detailed calculations.

The State of Social Services in California

The Trump administration and Republican majority seek to cut and undermine federal funding for social services, with healthcare as the most prominently discussed target. This means that the state of California's social service programs are facing a very real threat of losing federal subsidies, in particular California's healthcare program Medi-Cal.

At the same time, Medi-Cal enrollment is on the rise. According to the California Department of Health Care services, Medi-Cal enrollment saw an increase of 4 million enrollees between 2013 and 2015.[8] The state of California has had to increase its Medi-Cal spending by $40 billion as of 2012-2013 through 2014-2015.[9]

We tend to imagine enrollees in social services, including Medi-Cal, as unemployed individuals. However, 73% of enrollees in the US' major public support programs are members of working families.[10] This is in part due to a decrease in employer-sponsored healthcare. As of 2016, "only one in four firms with many low-wage workers (those earning $23,000 or less) offered health coverage to employees."[11]

Employers who offer minimum wage or near minimum wage jobs and no benefits are effectively passing on the bill to the state.[12] A 2013 report studied the cost to taxpayers of Walmart's low

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[8] http://www.chcf.org/publications/2017/04/california-health-plans-insurers

[9] http://www.chcf.org/publications/2017/04/california-health-plans-insurers

[10] Sylvia Allegretto, Marc Doussard, Dave Graham-Squire, Ken Jacobs, Dan Thompson, and Jeremy Thompson (October 2013). Fast Food, Poverty Wages: The Public Cost of Low-Wage Jobs in the Fast-Food Industry. University of California, Berkeley, Center for Labor Research and Education and the University of Illinois at Urbana-Champaign Department of Urban & Regional Planning. laborcenter.berkeley.edu/pdf/2013/fast_food_poverty_wages.pdf

[11] http://www.chcf.org/publications/2017/03/employer-health-benefits

[12] New York Times. "Working but need Public Assistance Anyways." April 13, 2015. "Nearly three-quarters of the people helped by programs geared to the poor are members of a family headed by a worker, according to a new study by the Berkeley Center for Labor Research and Education at the University of California. As a result, taxpayers are providing not only support to the poor but also, in effect, a huge subsidy for employers of low-wage workers, from giants like McDonald's and Walmart to mom-and-pop businesses." https://www.nytimes.com/2015/04/13/business/economy/working-but-needing-public-assistance-anyway.html Accessed November 28, 2017

wages and benefits which, according to the report, often forces workers to rely on various public assistance or social service programs. The study found that, on a national level, Walmart's low-wage workers "cost U.S. taxpayers an estimated $6.2 billion in public assistance including food stamps, Medicaid and subsidized housing."[13] An additional study, authored by UC Berkeley's Labor Center, found that low wages cost U.S. taxpayers $152.8 billion each year for social service programs.[14]

This hotel has the potential to induce the use of public assistance, costing taxpayers an annual $13,388 per household on Medi-Cal and Food Stamps.[15] If the hotel provides low-wage jobs, the total cost to taxpayers could be between $54,175 and $183,631 each year.

As for those who do not seek out subsidized health insurance, in a 2015 study published by the National Bureau of Economic Research, the authors estimated that every uninsured person costs local hospitals $900 in uncompensated care costs each year.[16] If none of employees of the hotel are offered health insurance benefits, and if they do not choose to enroll in healthcare—especially when the GOP tax bill plans to eliminate the individual mandate—local hospitals will have to shoulder between $22,500 and $75,600 in uncompensated care each year.

Unfortunately, the staff report does not sufficiently consider this impact. Instead, it simply states that "the proposal would not create social services impacts because the new jobs can provide economic opportunities to Oakland residents and help reduce unemployment rate." This is simply an unsupported assertion; no analysis was included in the staff report to provide evidence for this claim. As for the point of providing "economic opportunities to Oakland residents," the city's own analysis in the nexus studies assumes that only 5% of new jobs will be filled by local residents. Furthermore, employment in and of itself does not eliminate social services impact. As discussed above, the wages and benefits offered significantly determine whether an employee will require social services from the city.

Conclusion

The Planning Commission should not approve the proposed hotel's Conditional Use Permit. Planning staff has not seriously considered its potential impact on affordable housing and social services as required by Planning Code §17.103.050. As discussed herein, these adverse impacts may be very significant and can be estimated as follows:

Subsidized housing costs to Oakland: Between $2.3 million and $7.3 million

Medi-Cal costs to taxpayers: between $32K and $109K each year

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[13] Clare O'Connor. "Report: Walmart Workers Cost Taxpayers $6.2 Billion In Public Assistance." *Forbes.* https://www.forbes.com/sites/clareoconnor/2014/04/15/report-walmart-workers-cost-taxpayers-6-2-billion-in-public-assistance/#1ac8c245720b April 15, 2014. Accessed 11/28/2017.

[14] http://laborcenter.berkeley.edu/the-high-public-cost-of-low-wages/

[15] Sylvia Allegretto, Marc Doussard, Dave Graham-Squire, Ken Jacobs, Dan Thompson and Jeremy Thompson. *Fast Food, Poverty Wages The Public cost of low-wage Jobs in the fast-food industry.* October 15, 2013 http://laborcenter.berkeley.edu/pdf/2013/fast_food_poverty_wages.pdf

[16] http://www.nber.org/papers/w21290

Public assistance costs to taxpayers: Between $21K and $74K and each year

Un-insured cost to local hospitals: Between $22,500 and $75,600 each year

The Planning Commission should be motivated by these crises to take seriously each project's impact on housing and social services. While one hotel project will not change the tide of either affordable housing or the social service crises, we cannot ignore the problem just because we are facing a small piece of it. After all, these projects—if approved one by one—will have a cumulative impact. By taking seriously the Planning Code's mandate to consider these impacts, you can encourage responsible development that can be part of the solution, not part of the problem.

Attachment A: Calculating Impact of Workers on Subsidized Housing

The following calculations rely on two City of Oakland studies: Affordable Housing Impact Fee Nexus Analysis (AHIFNA) and Commercial Linkage Fee (CLF).

1. **Determine number of employees**

A hotel is expected to have 0.65 employees per room (CLF). For a 220-room hotel, that means 143 employees.

# of rooms * 0.65 = total number of employees

220 rooms * 0.65 = 143 employees

According to the applicant, this hotel is expected to have 44 employees. To reflect both proposals, each step will have a part A and part B. Part A will be the city's anticipated number of employees and part B will be the hotel applicant's self-reported expectations.

2. **Eliminate number of employees who are already local residents;**

5% of employees are anticipated to be local residents who already have housing (CLF).

Employees – (.05 * Employees) = Employees who will need housing

A. According to the city's employment projections:

143 – (.05*143) = 135.85 employees

B. According to the applicant's employment projections:

44 – (.05 * 44) = 41.8 employees

3. **Convert number of employees into number of households;**

CLF relies on US Census Bureau's 5-year estimate of 1.48 workers per household for Oakland households with workers.

Employees / 1.4 = Households

C. According to the city's employment projections:

135.85 / 1.4 = 97 Households

D. According to the applicant's employment projections:

41.8 / 1.4 = 30 Households

4. Categorize households into management and non-management positions

9% of employees are employed into professional or management classifications, with 91% in work classified as non-management (service, clerical/administrative, and maintenance) (CLF).

.91 * HH = Non-Management Households

A. According to the city's employment projections:

.91 * 97 = 88 Non-Management Households

B. According to the applicant's employment projections:

.91 * 30 = 27 Non-Management Households

5. Determine wages for worker households.

According to CLF, 9% of employees are employed into professional or management classifications, while 91% are classified as non-management (service, clerical/administrative, and maintenance).

According to a list obtained by the City of Oakland, at a similarly limited service hotel, the Holiday Inn Express, the 37 non-management employees make between $12.25 - $16.00, with the following percentage breakdowns:

Wage	**Number of Employees**	**Employee Households**	**Percentage of total HHs**
$12.25	25	16.89	67.56%
$13.00-$13.25	7	4.72	18.8%
$14-$14.50	3	2.03	8.12%
$15.50-$16.00	2	1.3	5.2%
Total	**37**	**25**	**100%**

Since the City of Oakland's report on the Holiday Inn Express, Oakland's minimum wage has increased to $12.86. The minimum wage in the charts below are updated to reflect this increase.

A. According to the city's estimate:

Wage	**Percentage HH**	**Hotel HHs**

$12.86	67.56%	59
$13.00-$13.25	18.8%	17
$14-$14.50	8.12%	7
$15.50-$16.00	5.2%	5
Total	**100%**	**88 HH**

B. According to applicant's estimate:

Wage	**Percentage HH**	**Hotel HHs**
$12.86	67.56%	18
$13.00-$13.25	18.8%	5
$14-$14.50	8.12%	2
$15.50-$16.00	5.2%	1
Total	**100%**	**27 HH**

6. **Convert into annual salary and identify AMI categories:**

Before determining what percentage of Average Median Income (AMI) each household makes, the CLF categorizes workers into household size using the US Census (See Attachment C).

Then, the studies categorize the wages according to the percentage of AMI. The AHIFNA relies on the City of Oakland Housing and Community Development Department's report on the AMI (See Attachment C).

7. **Determine number of households in each household AMI bracket:**

This analysis uses census data on household sizes and number of workers per household. The tables below assume that our discussion is only about households with workers and therefore eliminates households without workers.

A. According to city's employment projections:

59 Households have at least one worker who makes minimum wage ($12.86) or $26,748 a year.

Type of Household	%	Number of Households	Income	AMI Bracket
1-person household	0.338	19.94	$26,748.80	Very Low
2-person household	0.296	17.46		
1 worker	0.33/.76	7.58	$26,748.80	Very Low
2 workers	0.43/.76	9.88	$53,497.60	Low

3-person household	0.15	8.85		
1 worker	0.36/.88	3.62	$26,748.80	Extremely Low
2 workers	0.39/.88	3.92	$53,497.60	Very Low
3 workers	0.13/.88	1.31	$80,246.40	Median
4-or-person household	0.22	12.80		
1 worker	0.33/.82	5.15	$26,748.80	Extremely Low
2 workers	0.37/.82	5.78	$53,497.60	Low
3 workers	0.22/.82	3.43	$80,246.40	Median

17 Households make $13 - $13.25 an hour or between $27,040 and $27,560 a year.

Type of Household	%	Number of Households	Income	AMI Bracket
1-person household	0.338	5.75	$27,040.00	Very Low
2-person household	0.296	5.03		
1 worker	0.33/.76	2.18	$27,040.00	Very Low
2 workers	0.43/.76	2.85	$54,080.00	Low
3-person household	0.15	2.55		
1 worker	0.36/.88	1.04	$27,040.00	Extremely Low
2 workers	0.39/.88	1.13	$54,080.00	Low
3 workers	0.13/.88	0.38	$81,120.00	Median
4-or-person household	0.22	3.69		
1 worker	0.33/.82	1.48	$27,040.00	Low
2 workers	0.37/.82	1.66	$54,080.00	Low
3 workers	0.22/.82	0.99	$81,120.00	Median

7 Households make $14 an hour or $29,120-$30,160 a year.

Type of Household	%	Number of Households	Income	AMI Bracket

1-person household	0.338	2.37	$29,120.00	Very Low
2-person household	0.296	2.07		
1 worker	0.33/.76	0.90	$29,120.00	Very Low
2 workers	0.43/.76	1.17	$58,240.00	Low
3-person household	0.15	1.05		
1 worker	0.36/.88	0.43	$29,120.00	Very Low
2 workers	0.39/.88	0.47	$58,240.00	Low
3 workers	0.13/.88	0.16	$87,360.00	Median
4-or-person household	0.22	1.52		
1 worker	0.33/.82	0.61	$29,120.00	Very Low
2 workers	0.37/.82	0.69	$58,240.00	Low
3 workers	0.22/.82	0.41	$87,360.00	Median

5 Households make $15.50-$16.00 an hour or $32,240-$33,280 a year.

Type of Household	%	Number of Households	Income	AMI Bracket
1-person household	0.338	1.69	$32,240.00	Very Low
2-person household	0.296	1.48		
1 worker	0.33/.76	0.64	$32,240.00	Very Low
2 workers	0.43/.76	0.84	$64,480.00	Median
3-person household	0.15	0.75		
1 worker	0.36/.88	0.31	$32,240.00	Very Low
2 workers	0.39/.88	0.33	$64,480.00	Low
3 workers	0.13/.88	0.11	$96,720.00	Median
4-or-person household	0.22	1.09		
1 worker	0.33/.82	0.44	$32,240.00	Very Low
2 workers	0.37/.82	0.49	$64,480.00	Low
3 workers	0.22/.82	0.29	$96,720.00	Median

Total in AMI bracket eligible for subsidies:

AMI Bracket	# HH
Low	25.93
Very low	46.76
Extremely low	9.8
Total	**72.69**

B. According to applicant's estimate:

17.36 Households make minimum wage ($12.86) or $26,748 a year.

Type of Household	%	Number of Households	Income	AMI Bracket
1-person household	0.338	5.87	$26,748.80	Very Low
2-person household	0.296	5.14		
1 worker	0.33/.76	2.23	$26,748.80	Very Low
2 workers	0.43/.76	2.91	$53,497.60	Low
3-person household	0.15	2.60		
1 worker	0.36/.88	1.07	$26,748.80	Extremely Low
2 workers	0.39/.88	1.29	$53,497.60	Very Low
3 workers	0.13/.88	0.38	$80,246.40	Median
4-or-person household	0.22	3.82		
1 worker	0.33/.82	1.54	$26,748.80	Extremely Low
2 workers	0.37/.82	1.72	$53,497.60	Low
3 workers	0.22/.82	1.02	$80,246.40	Median

5 Households make $13 - $13.25 an hour or between $27,040 and $27,560 a year.

Type of Household	%	Number of Households	Income	AMI Bracket
1-person household	**0.338**	1.69	$27,040.00	Extremely low
2-person household	0.296	1.48		
1 worker	0.33/.76	0.64	$27,040.00	Very low income
2 workers	0.43/.76	0.84	$54,080.00	Low income

3-person household	0.15	0.75		
1 worker	0.36/.88	0.31	$27,040.00	Extremely low
2 workers	0.39/.88	0.37	$54,080.00	Low income
3 workers	0.13/.88	0.11	$81,120.00	Median
4-or-person household	0.22	1.10		
1 worker	0.33/.82	0.44	$27,040.00	Extremely low
2 workers	0.37/.82	0.50	$54,080.00	Low income
3 workers	0.22/.82	0.30	$81,120.00	Median

2 Households make $14 an hour or $29,120-$30,160 a year.

Type of Household	%	Number of Households	Income	AMI Bracket
1-person household	0.338	0.68	$29,120.00	Very Low
2-person household	0.296	0.59		
1 worker	0.33/.76	0.26	$29,120.00	Very Low
2 workers	0.43/.76	0.33	$58,240.00	Low Income
3-person household	0.15	0.30		
1 worker	0.36/.88	0.12	$29,120.00	Very Low
2 workers	0.39/.88	0.15	$58,240.00	Low
3 workers	0.13/.88	0.04	$87,360.00	Median
4-or-person household	0.22	0.44		
1 worker	0.33/.82	0.18	$29,120.00	Extremely Low
2 workers	0.37/.82	0.20	$58,240.00	Low
3 workers	0.22/.82	0.12	$87,360.00	Median

1.3 Households make $15.50-$16.00 an hour or $32,240-$33,280 a year.

Type of Household	%	Number of Households	Income	AMI Bracket
1-person household	0.338	0.44	$32,240.00	Very Low Income
2-person	0.296	0.38		

household				
1 worker	0.33/.76	0.17	$32,240.00	Very Low
2 workers	0.43/.76	0.22	$64,480.00	Low
3-person household	0.15	0.20	$96,720.00	Median
1 worker	0.36/.88	0.08	$32,240.00	Very Low
2 workers	0.39/.88	0.10	$64,480.00	Low
3 workers	0.13/.88	0.03	$96,720.00	Median
4-or-person household	0.22	0.29		
1 worker	0.33/.82	0.12	$32,240.00	Very Low
2 workers	0.37/.82	0.13	$64,480.00	Low
3 workers	0.22/.82	0.08	$87,360.00	Median

Total in each AMI bracket:

AMI Bracket	# HH
Low	7.47
Very low	11.9
Extremely low	5.23
Total	**24.6**

8. Calculate affordability gap for each bracket.

The affordability gap is the gap between the cost to develop and the ability of the household to afford the housing unit –housing subsidies are needed to close the gap. CLIF and AHIFNA assume that affordable rent is 30% of annual income plus utilities. The 2016 AHIFNA study calculates the affordability gap for each income bracket as follows:

AMI Bracket	Affordability Gap
Low	$47,400
Very low	$102,700
Extremely low	$129,900

A. According to city's estimate:

AMI Bracket	**Total Affordability Gap**
Low	$1,229,082
Very low	$4,802,252
Extremely low	$1,274,319
Total	$7,305,653

B. According to applicant's estimate

AMI Bracket	**Affordability Gap**
Low	$354,078
Very low	$1,222,130
Extremely low	$679,377
Total	$2,255,585

9. Total subsidies needed:

A. According to the city's estimate:

$7,305,653 **or $7.3 million**

B. According to applicant's estimate:

$2,255,585 **or $2.3 million**

Attachment B: Calculating impact of workers on demand for social services

1. **Determine number of households that would be eligible for Medi-Cal.**

The analysis below relies on the previous numbers of annual income that accounted for the number of workers per household.

A. According to the city's estimate:

Eligibility for Medi-Cal

Family Size	**138% Poverty Level**	**# of Eligible Households**
1	16,395	0
2	22,108	0
2 Adults	22,108	0
3	27,821	4.66
4	33,534	5.14
5	39,248	0
6	44,961	0
Total	**--**	**9.8**

B. According to the applicant's estimate:

Eligibility for Medi-Cal

Family Size	**138% Poverty Level**	**# of Eligible Households**
1	16,395	0
2	22,108	0
2 Adults	22,108	0
3	27,821	1.38
4	33,534	1.51
5	39,248	0
6	44,961	0
Total	**--**	**2.89**

2. **Determine number of households that would be eligible for Food Stamps.**

For the eligibility thresholds, we rely on the California Department of Social Services[17].

A. According to the city's estimate:

Eligibility for Food Stamps

Household Size	Gross Monthly	Annual	# Eligible Households
1	$2,010	$24,120.00	0
2	$2,708	$32,496.00	11.3
3	$3,404	$40,848.00	5.4
4	$4,100	$49,200.00	16.6
5	$4,798	$57,576.00	0
Totals	--	--	**33.3**

B. According to the applicant's estimate:

Eligibility for Food Stamps

Household Size	Gross Monthly	Annual	# Eligible Households
1	$2,010	$24,120.00	0
2	$2,708	$32,496.00	3.3
3	$3,404	$40,848.00	1.58
4	$4,100	$49,200.00	4.95
5	$4,798	$57,576.00	0
Totals	--	--	**9.83**

3. Calculate annual cost to taxpayers.

The UC Labor Center's report calculates the cost to taxpayers of social services in the following table:

[17] California Department of Social Services, CalFresh http://www.cdss.ca.gov/inforesources/CDSS-Programs/CalFresh/Eligibility-and-Issuance-Requirements#income

Table 1: Enrollment and Costs of Public Support Programs, annual average, 2007–2011

Program	Total Families Enrolled	Total Program Cost (billions)	Cost Per Family
Medicaid and CHIP	23,419,000	$261.30	$11,157
EITC	26,383,000	$ 58.61	$ 2,222
Food Stamps	25,073,000	$ 55.93	$ 2,231
TANF	2,950,000	$ 9.88	$ 3,348

Sources: 2008–2012 March CPS,[12] program administrative data. Medicaid data from http://www.cms.gov/Research-Statistics-Data-and-Systems/Computer-Data-and-Systems/MedicaidDataSourcesGenInfo/MSIS-Mart-Home.html. CHIP data from http://medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Data-and-Systems/MBES/Downloads/FY02throughFY11NetExpenditure.zip (expenditures) and http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Childrens-Health-Insurance-Program-CHIP/CHIP-Reports-and-Evaluations.html (enrollment). EITC data from http://www.irs.gov/uac/SOI-Tax-Stats---Historic-Table-2. Food stamps data from http://www.fns.usda.gov/pd/90.xls (2008–2012) and http://www.fns.usda.gov/snap/qc/pdfs/2007_state_activity.pdf (2007). TANF caseload data from http://archive.acf.hhs.gov/programs/ofa/data-reports/caseload/[YYYY]/ [YYYY]_family_tanssp.html and spending data from http://archive.acf.hhs.gov/programs/ofs/data/[YYYY]/tableF_[YYYY].htm (2007–08), http://archive.acf.hhs.gov/programs/ofs/data/2009/table_f3_2009.html (2009) and http://archive.acf.hhs.gov/programs/ofa/data/[YYYY]fin/table_b2.pdf (2010–11).
Note: All costs reported in 2011 dollars.

Accordingly, the total annual cost of social services is as follows:

A. According to the city's estimate:

	Annual Cost	Households	Total Annual Cost
Medi-Cal	$11,157.00	9.8	$109,338.60
Food Stamps	$2,231.00	33.3	$74,292.30
Total			$183,630.90

B. According to the applicant's estimate:

	Cost	Households	Total Cost
Medi-Cal	$11,157.00	2.89	$32,243.73
Food Stamps	$2,231.00	9.83	$21,930.73
Total			$54,174.46

4. Total annual cost to taxpayers:

C. According to the city's estimate:

$183,630.90 **or $183.6K**

D. According to applicant's estimate:

$54,174.46 **or $54.2K**

Attachment C: Sources

The most recent census (2010) reports the following "Distribution of Households by Household Size":

Type of Household	Number	Percent
1-person household	52,103	33.8%
2-person household	45,563	29.6%
3-person household	22,372	14.5%
4-person household	16,433	10.6%
5-person household	8,456	5.4%
6-person household	4,067	2.6%
7-or-more household	4,797	3.1%
Total:	**153,791**	**100%**

Source: US Census Bureau, American FactFinder, Accessed: https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_5YR_B08202&prodType=table

HOUSEHOLD SIZE BY NUMBER OF WORKERS IN HOUSEHOLD	Oakland, California	
	Estimate	**Percent**
Total:	158,937	100%
No workers	*40,034*	*25%*
1 worker	*65,754*	*41%*
2 workers	*42,704*	*27%*
3 or more workers	*10,445*	*7%*
1-person household:	52,975	33%
No workers	*23,232*	*44%*
1 worker	*29,743*	*56%*
2-person household:	48,927	31%
No workers	*11,574*	*24%*
1 worker	*16,325*	*33%*
2 workers	*21,028*	*43%*
3-person household:	24,555	15%
No workers	*2,823*	*11%*
1 worker	*8,879*	*36%*
2 workers	*9,620*	*39%*

3 workers	*3,233*	*13%*
4-or-more-person household:	32,480	20%
No workers	*2,405*	*7%*
1 worker	*10,807*	*33%*
2 workers	*12,056*	*37%*
3 or more workers	*7,212*	*22%*

Source: US Census Bureau, American FactFinder

The numbers below are from the most recent 2017 Income Limit which organizes annual salary in relation to the percentage of AMI.

Household Size / ***Income Level***	**1**	**2**	**3**	**4**	**5**	**6**	**7-or-more**
30% of Area Median Income (Extremely Low Income)	$21,930	$25,050	$28,170	$31,290	$33,810	$36,300	$38,820
50% of Area Median Income (Very Low Income)	$36,550	$41,750	$46,950	$52,150	$56,350	$60,500	$64,700
60% of Area Median Income	$43,860	$50,100	$56,340	$62,580	$67,620	$72,600	$77,640
80% of Area Median Income (Low Income)	$56,300	$64,350	$72,400	$80,400	$86,850	$93,300	$99,700
100% of Area Median Income (Median Income)	$68,200	$77,900	$87,650	$97,400	$105,200	$113,000	$120,800

Affordable Housing Cost Definitions
Oakland Affordability Gap Analysis

Income Level	Affordable Housing Cost Definition
50% AMI (Very Low Income)	30% of 45% AMI
80% AMI (Low Income)	30% of 60% AMI
120% AMI (Moderate Income)	30% of 100% AMI

Table 13
JUSTIFIABLE HOUSING LINKAGE FEE BY LAND USE
CITY OF OAKLAND

2001

		Office	Warehouse/ Distribution	Retail	Hotel
Very Low Income Households					
1. Very Low Income Households Employed per 100,000 SF Development		17	6	16	8
2. Estimated Housing Gap Cost at Per Unit Gap of: (1)	$129,900	$2,208,300	$779,400	$2,078,400	$1,039,200
3. Cost of Housing Gap Per Square Foot Bldg. Area		**$22.08**	**$7.79**	**$20.78**	**$10.39**
Low Income Households					
1. Low Income Households Employed per 100,000 SF Development		9	4	9	2
2. Estimated Housing Gap Cost at Per Unit Gap of: (1)	$102,700	$924,300	$410,800	$924,300	$205,400
3. Cost of Housing Gap Per Square Foot Bldg. Area		**$9.24**	**$4.11**	**$9.24**	**$2.05**
Moderate Income Households					
1. Moderate Income Households Employed per 100,000 SF Development		8	2	5	1
2. Estimated Housing Gap Cost at Per Unit Gap of: (1)	$47,400	$379,200	$94,800	$237,000	$47,400
3. Cost of Housing Gap Per Square Foot Bldg. Area		**$3.79**	**$0.95**	**$2.37**	**$0.47**
Total Fee Per Square Foot		**$35.11**	**$12.85**	**$32.39**	**$12.91**

UNITEHERE! Local 2850

East and North Bay's Union for hotel, foodservice, and gaming workers

Initial Letter RE: CEQA, Minor Variance, and CUP Analysis

UNITE HERE Local 2850

From: Taliah Mirmalek
Date: January 5, 2017
Re: CEQA Compliance, Minor Variance, and CUP Analysis for proposed hotel on Parcel Number 7-617-14-5, Planning Application PLN16394

Dear Planning Commissioners,

I am writing on behalf of UNITE HERE Local 2850 to comment on the proposed Oakland Marriott Residence Inn on 14th and Jefferson Street. Local 2850 is the union of hotel and food service workers in the Bay Area. In the course of representing the interests of our members who work at hotels, we pay close attention to hotel development in Oakland and regularly comment on the merits of particular developments.

Support for responsible development is one of our key organizational priorities, and for this reason it is important to us that applicable development regulations be faithfully and consistently enforced by the responsible public agencies. In this case, we believe that there are serious issues with the Mandela Parkway Hotel proposal. First, the CEQA analysis is inadequate in several ways. Second, the minor variance requested does not meet the necessary conditions, and should be denied. And third, the Hotel Conditional Use Permit must be analyzed properly such that the Planning Commission can adequately assess the impact of the project.

Accordingly, the Planning Commission should not approve this project at this time.

Compliance with the California Environmental Quality Act (CEQA)

The CEQA analysis is not adequate/sufficient for four main reasons. First, it claims that the project qualifies for a Class 32 in-fill exemption. However, the project does not qualify because it is not consistent with zoning regulations. Second, the CEQA analysis purports to take advantage of various streamlining procedures, but it neither adequately accounts for project specific information nor does it properly follow those procedures. See attachment for a full account of these inadequacies. Third, the CEQA analysis claims an addendum is necessary, but the new project-specific information requires a Supplemental EIR. See Attachment A for further evidence. Fourth, the proposed mitigation measures are inadequate. For all of the above, see Attachment A for the evidence and analysis.

Minor Variance for Front Yard Setback

The applicant's request for a minor variance for reduction of the front yard setback should be denied because the City is unable to make all of the necessary findings.

Zoning regulations must be uniformly applied across projects. In order to "vary the strict requirements of the zoning regulations," the City must decide to grant a variance.[1] In this case, the applicant is requesting a Minor Variance. The purpose of a variance is "so that the public welfare is secured and substantial justice done most nearly in accord with the intent and purposes of the zoning regulations."[2] In this case, the reduction of the front yard setback for stairwell (see Figure 1) would not improve public welfare and would not be a matter of substantial justice. Instead, it would constitute an unnecessary, special privilege.

According to the Planning Code, the City may grant a variance only upon determination that five conditions are present.[3] Of the five, this proposal does not satisfy the first, second, third, and fifth condition.

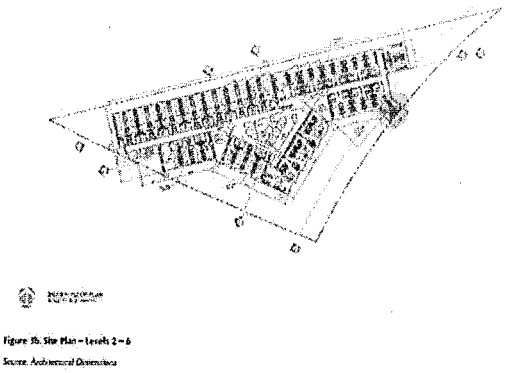

Figure 1

> Condition 1: *That strict compliance with the specified regulation would preclude an effective design solution improving livability, operational efficiency, or appearance;*

Strict compliance does not preclude an effective design solution. In fact, the original plan for the Mandela Hotel, as submitted to the Planning Commission Design Review Committee, was able to conform with the 20 feet front yard setback.

> Condition 3: *That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;*

The approval of this minor variance would be to grant a special privilege for many reasons. For one, variances are not meant to make development regulations flexible simply to accommodate a developer's desire to build a larger project than the parcel can

[1] §17.148.010
[2] §17.148.010
[3] §17.148.050

accommodate. Second, similarly zoned properties have had to comply with this front yard setback requirement. Across the street, the Extended Stay Hotel, also in Zone CR-1, abides by the 20 feet setback requirement. Moreover, in the applicant's original submission, the project conformed with the setback requirement. Now, in the latest rendition of the project, the applicant is requesting this special privilege, with no justification that is peculiar to this piece of land or this project.

> Condition 2: *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 detrimental to the public welfare or contrary to adopted plans or development policy; and* Condition 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 approval of this minor variance does not conform with adopted plans, guidelines, and development plans for West Oakland. The approval allows a jarring stairwell that will interrupt the pedestrian-connectivity and visual flow of the Mandela Parkway and its related corridor.

The purpose of the front yard setback is, in part, to facilitate the creation of street-facing development that does not crowd out the sidewalk and allows for a more pedestrian-friendly zone. Accordingly, enforcing the zoning regulation here facilitates the work of creating pedestrian-friendly zones along Mandela Parkway. Instead, this project requests a special privilege simply for the sake of a stairwell, a stairwell that will interrupt the otherwise open, connecting corridor between West Oakland and Emeryville. The hotel site is located along Mandela Parkway which is a rerouting of the former Cypress Freeway. The Cypress Freeway, historically, divided long-time West Oakland residents and communities. Mandela Parkway is an attempt "to allow central neighborhood areas the opportunity to knit back together." The "healing process" includes renaming "the former Cypress Freeway route as the Mandela Parkway."[4] There is also a challenge in regard to Emeryville – West Oakland pedestrian connectivity. Approving this minor variance sacrifices an otherwise open, inviting walk for the sake of a jarring stairwell.

Seeing as how this project's minor variance does not satisfy four out of the five requirements for approval, the applicant's request for a minor variance for reduction of the front yard setback should be denied.

Hotel Conditional Use Permit

We are also very concerned about the project's impact on demand for housing, public transit, and social services in the city.

According to the Planning Code, hotels ("transient habitation") in Zone CR-1 require a Conditional Use Permit (CUP). In this case, a Major CUP is required because the proposed 143,212 square feet of development exceeds the 25,000 square feet floor area

[4] http://www2.oaklandnet.com/oakca1/groups/ceda/documents/webcontent/oak035263.pdf

threshold.[5] Section 17.103.050 of the Planning Code requires the Planning Commission to make a series of findings, including that "the proposal considers the impact of the employees of the hotel or motel on the demand in the City for housing, public transit, and social services." This criterion reflects the importance of not just evaluating a proposal's congruence with the architectural design of a zone, but also the development's larger impact on the city, including the resulting socioeconomic issues. Thus, the members of the Planning Commission are bound by the law to evaluate this hotel project by considering this question of impact on Oakland's affordable housing, public transit, and social services.

Many hotels pay minimum wage and do not offer benefits. If that is the case at this hotel, then there will likely be an adverse impact on the demand for housing and social services in the city of Oakland.

The City's nexus studies -- the Affordable Housing Impact Fee Nexus Analysis (2015) and the Commercial Linkage Fee Study (2001) -- analyze the extent to which low-wage jobs increase the demand for subsidized housing. The studies calculate the housing subsidies necessary by determining the gap between affordable rent per income category employment created by a development and the cost of developing affordable housing. According to the methodology employed by the nexus studies, this project has the potential to create an additional strain on the city, exacerbating an already existing crisis.

The hotel's developer has not stated what level of wages and benefits it intends the hotel to pay its employees. If the proposed hotel, like many hotels, offers low wages and no benefits, it has the potential to add an additional strain on the city and state's social service programs. If they receive minimum wage income, workers will likely require food stamps. If there is no employer-sponsored healthcare coupled with minimum wage, workers will likely turn to Medicaid. If the hotel pays wages and benefits similar to those found in a survey of hotels on Hegenberger Road conducted in 2016, the hotel could cost taxpayers who ultimately are the ones who fund the social service programs.[6] The City's analysis should rely either on these conservative assumptions or credible evidence from the developer of the estimated wage and benefits it expects to pay.

Given the track record of the Planning Department in considering the socioeconomic impacts of development, as required by Section 17.130.050(A)(2), we are concerned that such impacts will not be given sufficient attention. This hotel should not be approved without adequate analysis of these potential impacts.

Conclusion

At this time, we do not support the approval of this project. In regard to the CEQA, this project is not exempt from analysis, the proper procedure for streamlining/tiering have not been followed, and the mitigation measures are incomplete and inadequate. The minor variance requested does not meet the conditions necessary, and should be denied. The Hotel Conditional Use Permit must be analyzed properly such that the Planning Commission can adequately assess the impact of the project.

[5] 17.134.020.A

[6] EBASE Survey of hotels on Hegenberger Road

Attachment A

Compliance with the California Environmental Quality Act (CEQA)

Table of Contents:

I. Exemptions do not apply.

The Class 32 Categorical Exemption does not apply because the project is not consistent with zoning (§15332(a)) and has the potential to result in significant effects relating to water and air quality (§15332(d)). CEQA Guidelines §15332 establishes conditions which projects have to meet to qualify for the Categorical Exemption for in-fill projects. The first condition is stated 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 (§15332(a)).

This project is not consistent with the relevant zoning laws because it does not abide by the front yard setback requirement. The project site is located within Zone CR-1. Zone CR-1 requires a 20 feet setback. This project's east side, facing Mandela Parkway, violates this requirement by 20 feet (See Figure 1). In other words, in one part of the project, there is no setback whatsoever. The City's CEQA Analysis is aware of this inconsistency, noting that the project requests a minor variance for a reduction of the front yard setback requirement. Variance does not make the project consistent; rather, variance grants permission for the project to be inconsistent. As is made clear by Section 15332(a) of the CEQA guidelines, the zoning inconsistency is grounds to disqualify an infill project from the Class 32 exemption.

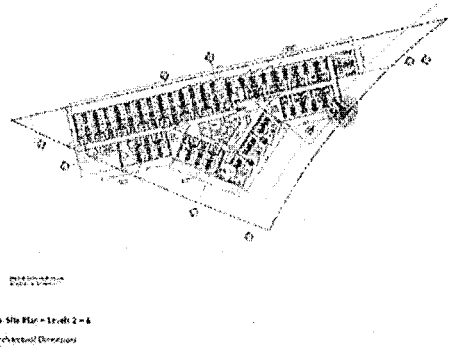

Figure 1

§15332(d) states an additional condition:

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

According to the Geotechnical Report, lead and mercury were detected in soil samples at a high level, indicating a high potential of leaching from soils into groundwater: "Lead and mercury were detected above the STLC x 10 in some samples."[7] The Soluble Threshold Limit Concentration (STLC) is "a numerical solubility value used by waste disposal facilities as an indicator for the potential for metals to leach from soils into groundwater."[8]According to the Geotechnical Report, the soil and groundwater on the site, "while not exceeding hazardous levels," were found to have "detectable concentrations of select contaminants of concern that may pose a risk to human health and the environment."[9] Adequate study has not been conducted to determine the significance of effects related to air and water quality – including, the transportation of hazardous material and its impact on the air, as well as the toxins in the soil, such as arsenic, which, as the project's Geotechnical Report identified, exist in significantly large quantities. Thus, it is possible that this project would result in significant effects relating to water and air quality.

Moreover, a Categorical Exemption does not apply because a project "located on a toxic site" cannot qualify for a Categorical Exemption. CEQA Guidelines §15300.2(e) states that:

A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code (§15300.2(e)).

While it is not located on a site included on the Department of Toxic Substance Control's list, it is located in the vicinity of a former railroad yard and military-industrial uses. Nearby properties were identified as hazardous waste sites, including the parcel across the street where a hotel now stands.[10] According to the West Oakland Specific Plan (WOSP) EIR, the hotel site is surrounded by 123 reported environmental cases, of which 54 sites remain open or unresolved.[11] In fact, the WOSP EIR identifies an open case directly behind the parcel of this project's site.[12] Parcel lines do not stop the spread of toxins and chemicals from surrounding parcels. In fact, toxins were found in the soil, as discussed above. The City's CEQA analysis has not clearly identified the sources of toxins and has not done the analysis to determine whether this site is connected to other hazardous sites in the vicinity.

II. The project may qualify for tiering/streamlining, but the city has not followed the required procedure.

The City's analysis has not satisfied the requirements for §15183.3 "Streamlining for Infill Projects." For one, the project is not eligible for streamlining for in-fill projects. It is

[7] Geotechnical Report, pp 77.
[8] Geotechnical Report, pp 75.
[9] Geotechnical Report, pp 77.
[10] WOSP EIR, pp 6. http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak045560.pdf
[11] California Water Resource Control Board's (WRCB) "GeoTracker" database.
[12] WOSP EIR, pp 7.

inconsistent with "applicable policies for the project area" (§15183.3(b)(3)), because it is does not abide by the project area's front yard setback requirement. As such, the city's analysis incorrectly determines the project to be eligible.

In addition, the city's analysis does not adequately satisfy the procedure required by §15183.3(b)(2) to determine eligibility via Appendix M. According to the cited Appendix M, to be eligible for streamlining pursuant to §15183.3, a project must implement the following:

Soil and Water Remediation. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.

While it is not located on a site included on the Department of Toxic Substance Control's list, Appendix M further requires the lead agency to support its claims that "the project satisfies the performance standard" by providing "substantial evidence, which should be documented on the ln-fill Checklist in Appendix N." While the City report includes an In-Fill Checklist, it does not address the high levels of hazardous toxins discovered in the soil (as documented by the Geotechnical Report). The City has not sufficiently studied the hazardous toxins discovered in the soil, and the CEQA Analysis, while it makes note of the recommendations of the Geotechnical Study, does not incorporate them as required mitigations. Accordingly, this project analysis does not satisfy the Appendix M performance standards.

Even assuming the project qualifies for tiering and streamlining, the City has not properly followed the required procedure for determining significant impacts. It does not follow the procedure to identify whether project-specific effects were studied in a prior EIR (15183.3(d)). The section requires the city to prepare a checklist that satisfies the following:

B. *Explain whether the effects of the infill project were analyzed in a prior EIR. The written checklist should cite the specific portions of the prior EIR, including page and section references, containing the analysis of the infill project's significant effects. The written checklist should also indicate whether the infill project incorporates all applicable mitigation measures from the prior EIR.*

The City's analysis simply claims that the effects of the project were analyzed in prior EIRs. It does not substantiate its claim by citing "the specific portions of the prior EIR, including page and section references, containing the analysis of the infill project's significant effects" (15183.3(d)(1)(B)). The procedure also requires the City to:

C. *Explain whether the infill project will cause new specific effects. For the purposes of this section, a new specific effect is an effect that was not addressed in the prior EIR and that is specific to the infill project or the infill project site. A new specific effect may result if, for example, the prior EIR stated that sufficient site-specific information was not available to analyze the significance of that effect. Substantial changes in*

circumstances following certification of a prior EIR may also result in a new specific effect.

The Geotechnical Report identified new specific effects (high seismicity, liquefaction, and hazardous toxins). These effects qualify as "new specific effects" because "sufficient site-specific information was not available to analyze the significance of that effect." For liquefaction, the WOSP EIR states the following:

> *Within West Oakland, the combination of strong earthquake ground shaking, underlying geological material consisting of sand, alluvial and fluvial deposits and artificial fill, and shallow depth to groundwater result in a high potential for liquefaction throughout most of the Planning Area. The California Geological Survey has identified a majority of West Oakland as being located within a Seismic Hazard Zone due to high liquefaction potential.*[13]

The WOSP EIR goes on to state that this significant impact would be less than significant if mitigated by a "Geotechnical Report" pursuant to Standard Condition of Approval (SCA) 60. While a Geotechnical Report has been conducted, the WOSP EIR requires that "each investigation shall include an analysis of expected ground motions at the site from identified faults."[14] The Geotechnical Report admits its shortcoming in this regard when it states:

A site-specific seismic hazard analysis to estimate ground motions at the site in terms of peak spectral ground accelerations has not been performed as part of this study.[15]

In addition, the WOSP EIR does not analyze the chemical composition of this specific site's soil, where the Geotechnical Report does and finds toxins. As mentioned earlier, the Geotechnical Report reports that lead and mercury were detected above STLC x 10. The soil also contained TPH diesel, arsenic, cobalt, lead, benzo (a) pyrene, and dibenz (a,h) anthracene above their respective Environmental Screening Levels. ESLs "are not regulatory thresholds," they are "guidance levels for determining appropriate levels of risk to human health and the environment based on analytical data."[16] The levels of toxins found in the soil exceed these guidance levels, which means that "additional evaluation is warranted."[17] The City's analysis does not address such impacts nor does it respond to the WOSP EIR and Geotechnical Report's recommendations for further study.

D. *Explain whether substantial new information shows that the adverse environmental effects of the infill project are more significant than described in the prior EIR. For the purpose of this section, "more significant" means an effect will be substantially more severe than described in the prior EIR. More significant effects include those that result from changes in circumstances or changes in the development assumptions underlying the prior EIR's analysis.*

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[13] WOSP EIR, 4.12, pp 15.
[14] WOSP EIR, 4.12, pp 15.
[15] Geotechnical Report, pg 15.
[16] Geotechnical Report, pp 75.
[17] SF Bay Regional Quality Control Bd., 2016 ESL User Guide

As mentioned earlier, the Geotechnical Report identified areas of concern. However, the City's analysis does not adequately explain whether the Geotechnical Report's "substantial new information" about the project's environmental impacts are "more significant than described in the prior EIR."

E. *If the infill project will cause new specific effects or more significant effects, the written checklist should indicate whether uniformly applicable development policies or standards will substantially mitigate those effects. For the purpose of this section, "substantially mitigate" means that the policy or standard will substantially lessen the effect, but not necessarily below the level of significance. The written checklist should specifically identify the uniformly applicable development policy or standard and explain how it will substantially mitigate the effects of the infill project. The explanation in the written checklist may be used to support the finding required in subdivision (d)(2)(D) below.*

> *(d)(2)(D) Findings. Any findings or statement of overriding considerations required by Sections 15091 or 15093 shall be limited to those effects analyzed in an infill EIR. Findings for such effects should incorporate by reference any such findings made in connection with a planning level decision. Where uniformly applicable development policies or standards substantially mitigate the significant effects of an infill project, the lead agency shall also make a written finding, supported with substantial evidence, providing a brief explanation of the rationale for the finding.*

While it does not study further the project-specific effects identified by the Geotechnical Report, the City assigns as mitigation measures a series of uniformly applicable development standards that *do not* substantially mitigate the project-specific effects. For example, nothing in the SCAs specifically requires the remediation of the toxins that the Geotechnical Report found, or requires the recommendations by the Geotechnical Report. For further information, refer to the last section, "Mitigation measures are inadequate." The City specifically identifies Standard Conditions of Approval that ostensibly apply to the project, but it does not explain how they will substantially mitigate the effects of the project.

Additionally, Section 15168(c)(4) states:

Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

The City's analysis does not include a checklist for site-specific operations as required by §15168(c)(4).

III. While there is a community plan (WOSP) and program EIR (WOSP EIR), there are site-specific impacts ("peculiar to the parcel") that must be studied.

The "community plan exemption" (§15183) and the streamlining under a program EIR (§15168) requires study of site-specific impacts. Article 12, §15183 of the CEQA Guidelines, titled "Projects Consistent with a Community Plan or Zoning," does not exempt the Mandela Parkway Hotel project completely from analysis because it requires additional project-specific environmental review. Section 15183 requires analysis for projects where it "might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." The Mandela Parkway Hotel requires additional project-specific analysis of liquefaction, seismicity, and the hazardous materials specific to the project site.

Section 15183 limits the examination of environmental effects to those which, "in an initial study or other analysis," the agency determines as follows:

(1) Are peculiar to the project or the parcel on which the project would be located,

The Geotechnical Report's initial analysis has identified site-specific issues regarding hazardous materials in the soil, liquefaction, and seismic shaking. These issues are peculiar to the site in that they exist in large quantities, and remain unmitigated.

(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,

Furthermore, while having studied the issue of liquefaction generally, the West Oakland Specific Plan calls for more project-specific analysis. The WOSP admits that its EIR has not analyzed the significant effects related to liquefaction as it relates to the lot of the Mandela Parkway Hotel.

For "Projects Consistent with a Community Plan or Zoning," §15183 requires the imposition of "uniformly applicable development policies or standards" that substantially mitigate the significant impact. The uniformly applicable development standards do not mitigate the effects (15183(c)-(f)). For further analysis, see final section of this memo titled "Mitigation measures are not adequate."

IV. Addendum or Supplemental EIR?

This project is not eligible for addendum because the site-specific efforts were not studied in the previous EIR. §15164. "Addendum to an EIR or Negative Declaration" allows for an addendum to a previously certified EIR "if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." In the case of this project, a condition described in §15162 has occurred, thus necessitating a subsequent EIR.

Section 15162's requires a subsequent EIR where:

New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

a. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
b. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
c. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
d. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

The Geotechnical Report conducted by Kleinfelder has identified new information of substantial importance that was not known at the time of the previous EIR. The report identifies likely significant impacts related to seismic shaking, liquefaction, and hazardous materials. Significant or potentially significant impacts identified that are site-specific based on new information (because WOSP EIR did not study chemical composition of this site) have not been studied by the released analysis. Given the existence of new information of substantial importance that was not known at the time of the previous EIR, CEQA requires the City to prepare a supplement to WOSP EIR, including new, specific mitigation measures.

The City has not conducted the appropriate analysis to determine whether the Geotechnical Report's identified impacts are significant, and nevertheless claims an addendum is applicable. Either way, §15164 requires an addendum (or the lead agency's findings on the project, or elsewhere on the record) to include "a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162." The included explanation "must be supported by substantial evidence." This substantiated analysis does not appear in the City's CEQA analysis, in part because the City has not conducted sufficient analysis to be able to present substantial evidence.

V. The Mitigation Measures Are Inadequate.

The mitigation measures proposed by the City are inadequate for many reasons. For one, mitigation measures cannot simply defer study. §15126.4 states that "formulation of mitigation measures should not be deferred until some future time." The only deferment allowed is when there are multiple mitigation measures and a follow-up study must be done to determine which mitigation measure should be pursued. In a CEQA-related lawsuit, Robert T. Sundstrom V. County of Mendocino (1988) (88 Daily Appellate Record 8337), the court found that "deferring environmental assessment to a future date," and "waiting to adopt mitigation measures until the measures have been recommended by a future study," conflict with "CEQA's process for adopting a negative declaration."[18] The City's SCAs simply defer further study. For instance, SCA-GEO-2 requires the following:

[18] Alling, Curtis E. "Deferring mitigation measure details: What is and is not allowed by CEQA?" http://ascentenvironmental.com/files/5513/7228/7439/Deferring_Mitigation_Measure_Details_-_What_is_and_is_not_Allowed_By_CEQA.pdf

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

The above SCA is one example of many of the City's SCAs which do not meet the condition of a mitigation measure, because they simply defer determination of mitigation measures. Many of the SCAs used by the City do not in fact meet the requirements of mitigation measures.

Moreover, the mitigation measures are inadequate because they do not incorporate the Geotechnical Report's recommendations. In some cases, the GT concerns are not addressed. In other cases, the GT site-specific recommendations are ignored in favor of SCAs that are not as specific (and that defer study to a future date). In the case of the hazardous waste on-site, the Geotechnical Report recommends at least four requirements to be implemented during construction. The City's analysis lists the recommendations, but then adopts an SCA instead: "it will therefore be subject to SCA-HAZ-2: Hazardous Building Materials and Site Contamination, which includes among its requirements the preparation of a Phase I Environmental Site Assessment."[19]

In the case of seismic shaking, the CEQA document does not identify which SCA will mitigate the high seismicity levels at the site, as documented by the Geotechnical Report. The GT identifies "seismic shaking" as "the greatest concern" for this project. It finds:

The project area is located in a seismically active region that has been subjected to several strong earthquakes during historic time... A major seismic event on these or other nearby faults may cause substantial ground shaking at the site.[20]

The Geotechnical Report reports the "preliminary seismic ground motion parameters" as valuing the Peak Ground Acceleration (PGA) as 0.659 g.[21] This number should be of great concern. According to a scale that aligns PGA value with perceived shaking and potential damage, this PGA value is on the border between severe shaking and violent shaking, as well as moderate/heavy and heavy potential damage:

PERCEIVED SHAKING	Not felt	Weak	Light	Moderate	Strong	Very strong	Severe	Violent	Extreme
POTENTIAL DAMAGE	none	none	none	Very light	Light	Moderate	Moderate/Heavy	Heavy	Very Heavy
PEAK ACC.(%g)	<.17	.17-1.4	1.4-3.9	3.9-9.2	9.2-18	18-34	34-65	65-124	>124
PEAK VEL.(cm/s)	<0.1	0.1-1.1	1.1-3.4	3.4-8.1	8.1-16	16-31	31-60	60-116	>116
INSTRUMENTAL INTENSITY	I	II-III	IV	V	VI	VII	VIII		

[19] City's CEQA Analysis, pp 50.
[20] Kleinfelder. "Geotechnical Investigation: Proposed Mandela Parkway Hotel." November 14, 2016.
[21] Geotechnical Report, page 36

Note: The figure converts Peak Ground Acceleration into a percentage.

It appears that further research is required because the PGA needs to be determined specifically for the site in an additional study. According to the Geotechnical report, "a site-specific seismic hazard analysis to estimate ground motions at the site in terms of peak spectral ground accelerations *has not been performed* as part of this study" (emphasis added).[22] In addition, the California Geological Survey has identified a majority of West Oakland as being located within a Seismic Hazard Zone as a result of its high liquefaction potential (see Figure 4.12-2). The project site is within Opportunity Area 1 of the West Oakland Specific Plan. All of the Opportunity Areas are located within the Seismic Hazard Zone. The WOSP EIR recommends further site-specific analysis of projects that are within the Seismic Hazard Zone; It only requires such analysis for projects with a tentative parcel map. Given the tentative PGA calculations, such a recommendation should be adopted for this project.

Furthermore, this area is Seismic Design Category D, which "corresponds to buildings and structures in areas expected to experience severe and destructive ground shaking but *not* located close to a major fault. Sites with poor soils are a good example."[23] A major concern is the project's impact on the environment, specifically nearby transportation infrastructure (the freeway). The project site is bounded in the west by the freeway. The proposed hotel is 85 ft., rising above the height of the freeway ramp. According to the Geotechnical Report, "the project is located in a highly active seismic region and can be expected to be subjected to strong ground motions during its design life."[24]

The Bay Mud beneath the site may be of concern given that, "bay mud remains a seismic hazard because," in its "past performance in earthquakes," bay mud "will produce stronger levels of shaking than other geologic units."[25] Stronger shaking means a higher risk of infrastructure destruction and, if people are present either in the hotel or the nearby freeway, death.

None of the aforementioned analysis is included in the City's CEQA analysis, neither in the body of the analysis nor in the SCAs.

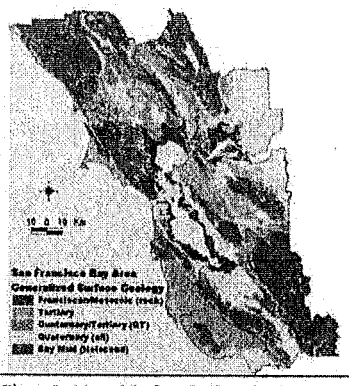

Figure 2. Map of Surface Geology for the San Francisco Bay Area.

[22] Geotechnical Report, pp 15.
[23] https://www.isatsb.com/Seismic-Design-Category.php
[24] Geotechnical Report, pp 36.
[25] https://earthquake.usgs.gov/hazards/urban/sfbay/liquefaction/sfbay/

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James M. Heilbronner
Architect C 11531

April 16, 2018

Mr. Mike Rivera
City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Re: Mandela Hotel
Mandela Parkway
Oakland, CA

Subject: Response to Comments from Gregory Tung – PLN 16394

Dear Mike,

We, the applicant and Architect of Record, feel the stair tower presents a strong vertical architectural element that is an anchor in the horizontal expanse of the building whether the tower is placed near the sidewalk or behind the setback. Since the area of the site is not an active pedestrian environment, we feel the tower does not impose any sort of impediment to pedestrian access to the building or around the building. Furthermore, the Design Review Committee had previously directed a re-design to pull the tower forward toward the sidewalk. The tower's proximity to the sidewalk is permitted and, in fact, encouraged by the design guidelines found in the West Oakland Specific Plan.

The applicant is open to the idea of enhancing the tower with decorative tiles at the lower level as a component of the required public art. While this appears to be a request of one person we are not opposed to infusion of art particularly if the project gets credit for such improvements against the required public art fee.

City code already requires graffiti resistant products be used on the building so the applicant will, of course, specify those products.

Certainly, the applicant intends to provide a fence around the property that provides security and visual interest to passers-by. The entire site will be fenced (with the exception of the entrance walkway connection to the sidewalk that will remain accessible to guests with a key card). The fence proposed is an unusual artistic fence that, by itself, is artistic while allowing visibility through the fence so it's not a solid barrier.

The project will have security cameras around the site.

Soffit down-lighting will be included as a part of the project. There are a few site pole lights but no lighting that creates a visible source or glare.

Please call if you have any questions or need additional information.

Sincerely,

ARCHITECTURAL DIMENSIONS

James Heilbronner, President

cc: TUL04

MEMORANDUM

TO: JOANNE PARK, LEAD ARCHITECT

ARCHITECTURAL DIMENSIONS, PROJECT APPLICANT

FROM: TULSEE NATHU, DEVELOPER/OPERATOR

DATE: APRIL 9, 2018

SUBJECT: MANDELA HOTELS: SUPPLEMENTAL PUBLIC COMMUNITY MEETINGS REPORT

The information provided herein responds to the City of Oakland Planning Commission's (OPC) January 10, 2018 instructions to the Project Applicant and Developer/Operator, requiring one (1) additional public community meeting.

Pursuant to OPC's instruction, the Project Applicant, Joanne Park - lead architect - Architectural Dimensions, hosted two (2) additional public community meetings, at Willie Keyes Recreation Center, on January 31 and February 7, 2018. This additional community outreach notwithstanding, a number of concerned community stakeholders notified Developer/Operator of their dissatisfaction with the content and scope of the meetings presentations, e.g., no reference to local hire, sustainable wage, right to organize, etc.

Developer/Operator retained Maurice Arnold of Robert Arnold & Company. Mr. Arnold is assigned duties intending to supplement the aforementioned additional community outreach; specifically, Robert Arnold & Company is addressing the lingering community stakeholders' request that Developer speak to the aforementioned operational issues.

To that end, , Mr. Arnold, representing Developer/Operator, initiated deliberate dialogues with concerned community stakeholders, Council District 3 staff, and other interested community groups and individuals, for purposes of forging and effectuating a Collaborated Community Benefit Labor Relations Agreement, wherein the aforementioned operational concerns are addressed and resolved.

Since the February 7, 2018, Developer/Operator's consultant(s) has hosted three (3) additional public meetings with aforementioned concerned community stakeholders; two (2), one-on-one, in-person meetings; and several telephone interviews.

Telephone interviews were conducted with (1) Joyce Guy of West Oakland Job Resource Center; (2) Gay Cobb, Kitty Epstein and Carroll Fife of the PIC and Oakland Works; (3) Rev. Ken Chambers of Interfaith Council of Alameda County (ICAC), and the Westside Baptist Church; and, (4) Jumoke Hinton Hodge, V.P. Board of Education – Oakland Unified School District (OUSD). Furthermore, two (2) in-person meetings were held with District 3's Senior Constituent Liaison Brigitte Cook.

The additional three (3) public community meetings were held at the offices of Robert Arnold & Company, located at 505 14th Street, 9th Floor, Oakland, CA 94612.

The meeting dates, times, attendees and organizations represented follows:

Wednesday: March 28, 2018 / 3:00 – 5:30pm

ATTENDEE	REPRESENTING
Ty Hudson	Unite Here Local 2850
Ray Kidd	West Oakland Neighbors, Oakland Works and the PIC
Justin King	Bay Area Black Workers Organization
Paul Cobb	Oakland Post / El Mundo Newspapers and CERT (OCCUR)
Rev Ken Chambers	Faith Alliance for Moral Economy, Interfaith Council of Alameda County
Maurice Arnold	Developer/Operator: Tulsee Nathu
Cynthia Jones	Developer/Operator: Tulsee Nathu

Wednesday: April 4, 2018 / 3:00 – 6:30pm

ATTENDEE	REPRESENTING
Ty Hudson	Unite Here Local 2850
Ray Kidd	West Oakland Neighbor, Oakland Works and the PIC
David Brazil	EBASE- Working East Bay, Revive Oakland and Taylor Memorial Church
Keith Sondgrass	Bay Area Black Workers Organization
Michael Floyd	Bay Area Black Workers Organization
Paul Cobb	Oakland Post / El Mundo Newspapers and CERT (OCCUR)
Maurice Arnold	Developer/Operator: Tulsee Nathu
Cynthia Jones	Developer/Operator: Tulsee Nathu

Friday: April 6, 2018 / 2:00 – 5:00pm

ATTENDEE	REPRESENTING
Ty Hudson	Unite Here Local 2850
Michael Floyd	Bay Area Black Workers Organization
Maurice Arnold	Developer/Operator: Tulsee Nathu
Cynthia Jones	Developer/Operator: Tulsee Nathu

SUMMARY OF MEETINGS AND INTERVIEWS

Community Benefit

Pursuant to discussions with Jumoke Hinton Hodge, Developer/Operator decided to act as a corporate sponsor of McClymonds High School and the Ralph J. Bunch Academy, with a focus on hospitality internships and other selected programs, i.e., the FLY Girls, etc.

Labor Relations

The essence of the three (3) public meetings referenced as represented above, centered on local hire, sustainable wage, band the box and the right to organize pursuant to a card check neutrality agreement. Developer/Operator has agreed to embrace the community stakeholders concerns and the evidence of Developer/Operator's commitment will be reduced to writing, in the form a Collaborative Community Benefit Labor Relations Agreement.

NEXT STEPS

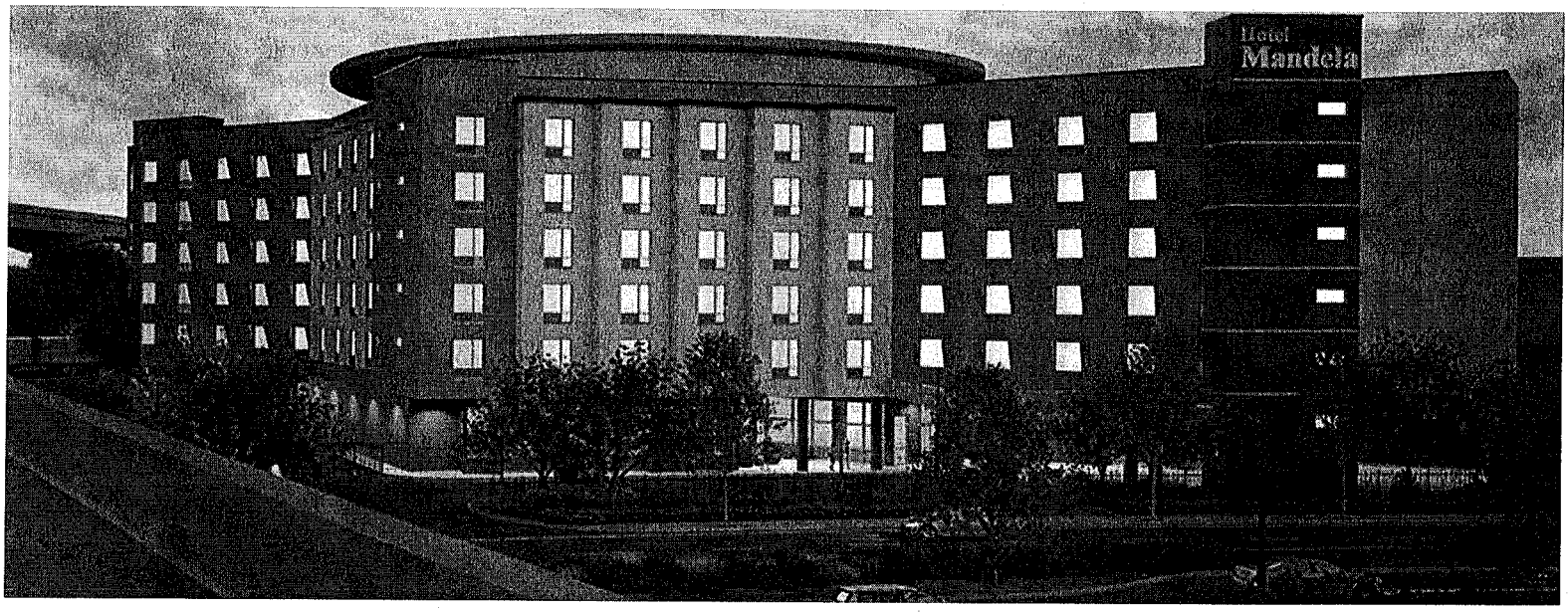
- Week of April 16 – Developer/Operator will publish a community-wide notice, in the Oakland Post and El Muno Newspapers, advising the public of the up-coming April 25th community-wide public meeting; and, email blast and flyers of said notices will be sent and/or conspicuously disseminated throughout West Oakland's organizations and neighborhoods. (See the "DRAFT" notice below.)

- April 25th – Developer/Operator, with Robert Arnold & Co., will sponsor and host a public community meeting for all West Oakland neighborhoods and community stakeholders, at the West Oakland Public Library – 1801 Adeline Street, Oakland CA

- May 2th – Applicant and Developer/Operator will present to OPC results and finding arising out Developer/Operator's additional community outreach efforts, including public comments; then, respectfully request OPC's approval of the Mandela Hotels Project.

NOTE: MEETING NOTICE IS SUBJECT TO REVISION PRIOR TO PUBLICATION AND DISSEMINATION.

WEST OAKLAND



COMMUNITY BENEFIT MEETING

TULSEE NATHU PRESENTS OPERATION PLANS FOR THE NEW MANDELA HOTELS
ON A PARCEL IN THE NORTHWEST TRIANGLE OF MANDELA PARKWAY

THIS IS A PUBLIC INVITATION
COMMUNITY INPUT WELCOMED

WEDNESDAY: APRIL 25, 2018

5:00 TO 7:30 PM

WEST OAKLAND PUBLIC LIBRARY

1801 ADELINE STREET, OAKLAND, CALIFORNIA

FOOD AND REFRESHMENTS WILL BE SERVED

THIS PUBLIC COMMUNITY-WIDE MEETING IS SPONSORED AND SUPPORTED

BY

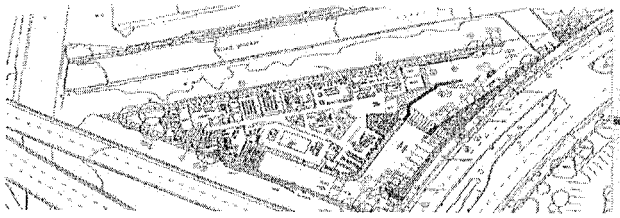
WEST OAKLAND NEIGHBORS (WON); CITY OF OAKLAND; THE PRIVATE INDUSTRY COUNCIL (PIC); MANDELA HOTELS; POST NEWS GROUP; OAKLAND UNIFIED SCHOOL DISTRICT (OUSD); ROBERT ARNOLD & COMPANY; WEST OAKLAND COMMERCE ASSOCIATION (WOCA); MCCLYMOND'S ALUMNI ASSOCIATION; OAKLAND INTERFAITH COUNCIL OF ALAMEDA COUNTY; UNITE HERE LOCAL 2850; BAY AREA BLACK WORKERS ORG.; EASTBAY WORKS – EBASE; TAYLOR MEMORIAL METHODIST CHURCH; WESTSIDE BAPTIST CHURCH; GIRL'S INC.; LAO FAMILY DEVELOPMENT CENTER

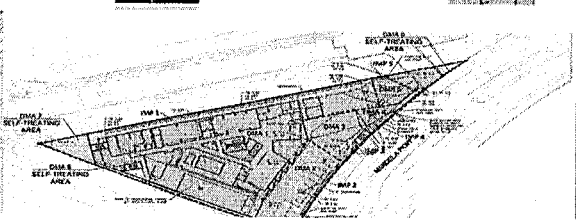
OAKLANDWORKS

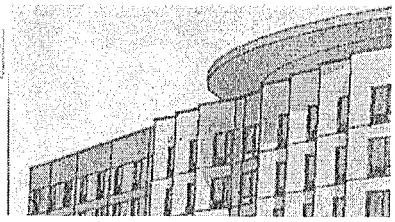
ROBERT ARNOLD & CO.

Mandela Hotels

CITYOFOAKLAND







ARCHITECTURAL DIMENSIONS

300 Frank H. Ogawa Plaza
Suite 375
Oakland, CA 94612

www.archdim.com

James M. Heilbronner
Architect C 11531

March 21, 2018

Mr. Mike Riviera
City Planner
City of Oakland
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612

Re: Mandela Hotel
Mandela Parkway
Oakland, CA

Subject: Community Meeting Summary - PLN 16394

Dear Mike,

Per the Planning Commission's request at the January 11, 2018 hearing, we organized and hosted community meetings on January 31st and February 7th for the proposed Mandela Hotel. Flyers were mailed to individuals who testified at the Planning Commission hearing and Oakland residents within ½ mile radius of the project site a week prior to the first meeting (see Exhibit 1). Email notifications were also sent to representatives of the West Oakland Neighbors (WON) and West Oakland Commerce Association (WOCA). Both meetings were held at the Willie Keys Recreation Center in West Oakland with roughly 20 individuals in attendance at each meeting.

The meeting on January 31st was moderated by Architectural Dimensions and the meeting on February 7th was moderated by the Milo Group. At both meetings, community members discussed the following topics:

- Protection for union organizing
- Protection from ICE
- Level of LEED certification
- Hotel brand
- Release of the applicant's financial model and statements
- Hiring preferences for long-time residents of West Oakland
- Hiring outreach through the West Oakland Jobs Center
- Definition of living wages and types of benefits
- Availability of public transportation
- "Ban the box" hiring provisions
- Enhancement of street trees
- Incorporation of public art
- Maintenance of Mandela Parkway

800.452.3477 ■ TEL 510.463.8300 ■ FAX 510.463.8395 ■ ROD: 3/23/18

Please contact me if you have any questions.

Sincerely,

ARCHITECTURAL DIMENSIONS

James Heilbronner, President

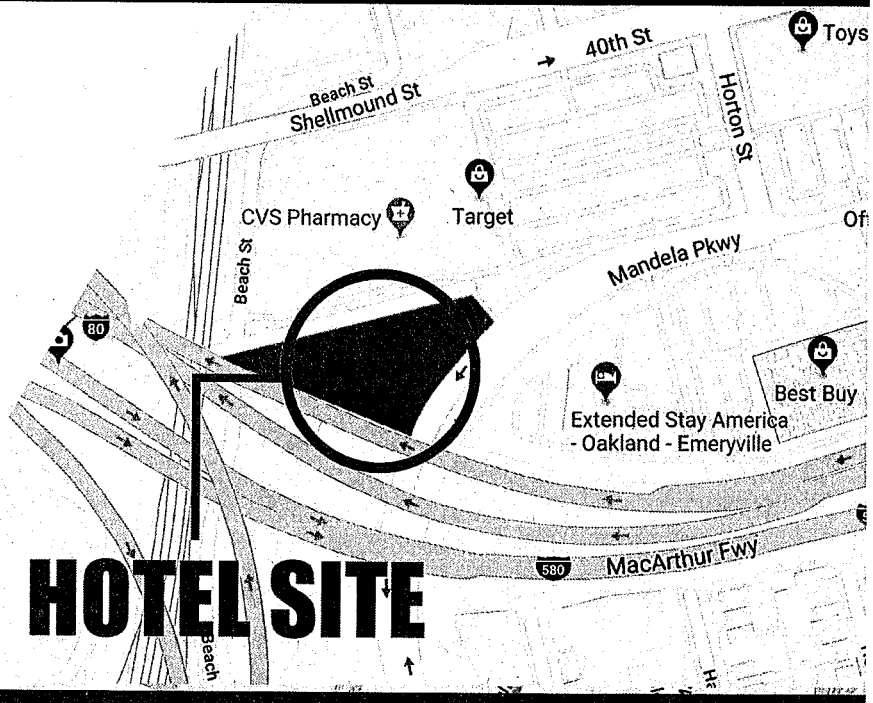
Enclosure

cc: TUL04

WE WANT THE

COMMUNITY'S INPUT ON THE HOTEL DESIGN

Hotel
Mandela



JAN 31, 2018
FEB 07, 2018

6PM @
WILLIE KEYES (POPLAR) RECREATION CENTER

3131 UNION STREET
OAKLAND, CA 94608

FOR MORE INFORMATION CONTACT
ARCHITECTURAL DIMENSIONS AT **510.463.8300**
300 FRANK H. OGAWA PLAZA, SUITE 375, OAKLAND, CA

ARCHITECTURAL DIMENSIONS

Rivera, Mike

From:	Gregory Tung <ealingerist@gmail.com>
Sent:	Wednesday, January 10, 2018 3:36 PM
To:	Rivera, Mike
Cc:	Lauren Weistreich; George Burtt; Carol Wyatt; Ray Kidd; Bob Tuck; Dean Leri; Jeffrey Lee
Subject:	Case File No. PLN16394 - 0 Mandela Parkway - "Mandela Hotel" application - 1/10/2018 Planning Commission Review
Attachments:	2018-01-08_Mandela Hotel comments_G Tung.pptx

Dear Mr. Rivera,

With regard to the Planning Commission hearing this evening, I am attaching my comments concerning this project as a PowerPoint file. I am sorry that I was not able to provide these comments for the earlier review in January, nor since then up until now due to time constraints.

I hope to be able to attend the hearing this evening, but I am not sure that I will be able to make it.

However, I believe that the comments are relatively clear and self-evident.

In particular regard to the issue of the 80'-6" tall stair tower that is located a few inches away from the back of sidewalk and is the subject of the proposed front yard reduction variance:

While I believe that given the site constraints and the setting (i.e. not near residences, across the street from another hotel that's well set back from the road, etc.) that the variance is reasonable, I think that the detail of how that tower impacts the sidewalk environment and the pedestrian's experience (as well as the driver's) merits close scrutiny, and that the community should receive at least these "mitigations" in return for such a variance.

Specifically, having an 80 foot tall monolith with very little articulation and detailing landing with a thud right next to the Mandela Parkway sidewalk is problematic.

I think the minimum to do is to have the developer relocate the existing canopy tree (i.e., remove the London Plane and plant a new one - best with a planter pit containing structural soil or Silva Cells) so that it will thrive and do a better job, and have the cladding of that tower be extremely vandal and graffiti-resistant for the first 16 feet. A better treatment would be for that tower's facade near the pedestrian to contain some kind of tile mosaic mural (public art?), if it is not going to have windows or other architectural articulation. Since it won't cost much to have building-mounted lighting on that tower facade to light up the sidewalk, it should do so (i.e. cheaper than installing more pole lights, bollard lights, etc. with the conduiting and trenching). May as well install some video cams as well to monitor the "blind spot" on the sidewalk that is created by that tower wall next to the sidewalk, and/or catch any vandals.

In an ideal world, I'd have the developer re-plant the entire public sidewalk frontage's street trees to create a consistent canopy for a better walkable setting (given how poorly the existing street trees have grown in), but it seems too late for that. Since they are already improving the on-site trees and landscaping, a better extended bet would be for them to contribute to the refurbishment and upgrade of their frontage portion of the center median (given its existing ragged condition) - either through funding, or through actual planting and maintenance.

But at least these "spot fix" items should be added to the conditions of approval, in my opinion.

Also, I cannot stress enough the importance of not having that decorative fence blocking off the entrance walkway connection to the sidewalk. The current landscape plans do show that fence doing just that, blocking it off. That would look ridiculous if built, and would be like sticking a finger in the eye of the neighborhood. PLEASE DO NOT APPROVE THAT!

Please let me know if you have any questions.

Best regards,

Gregory Tung
3 Ealing Lane
Oakland, CA 94608
(415) 378-9620 cell

Mandela Hotel

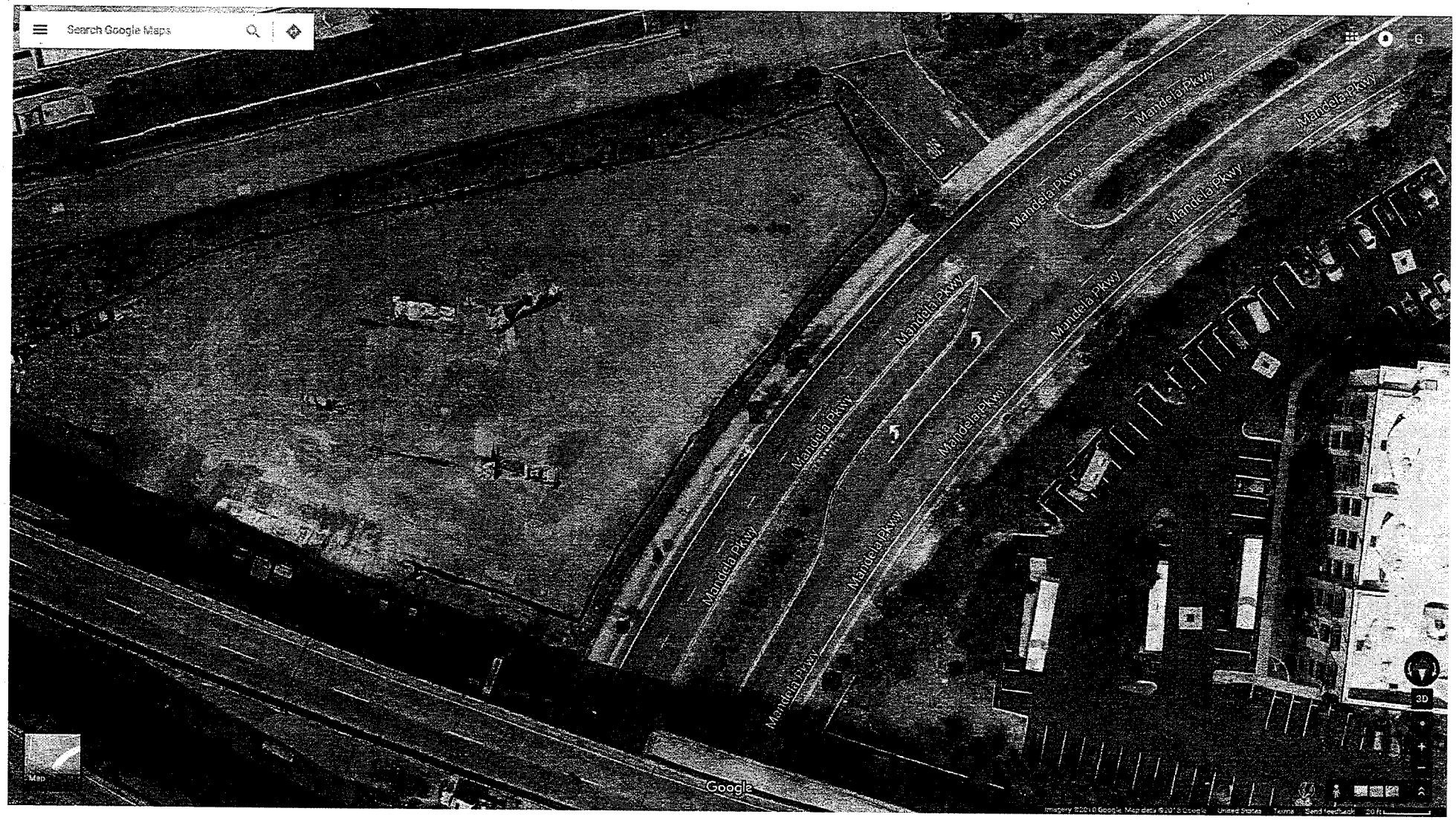
0 Mandela Parkway
Planning Commission Review
January 10, 2018

Comments/Concerns re: Mandela Parkway frontage

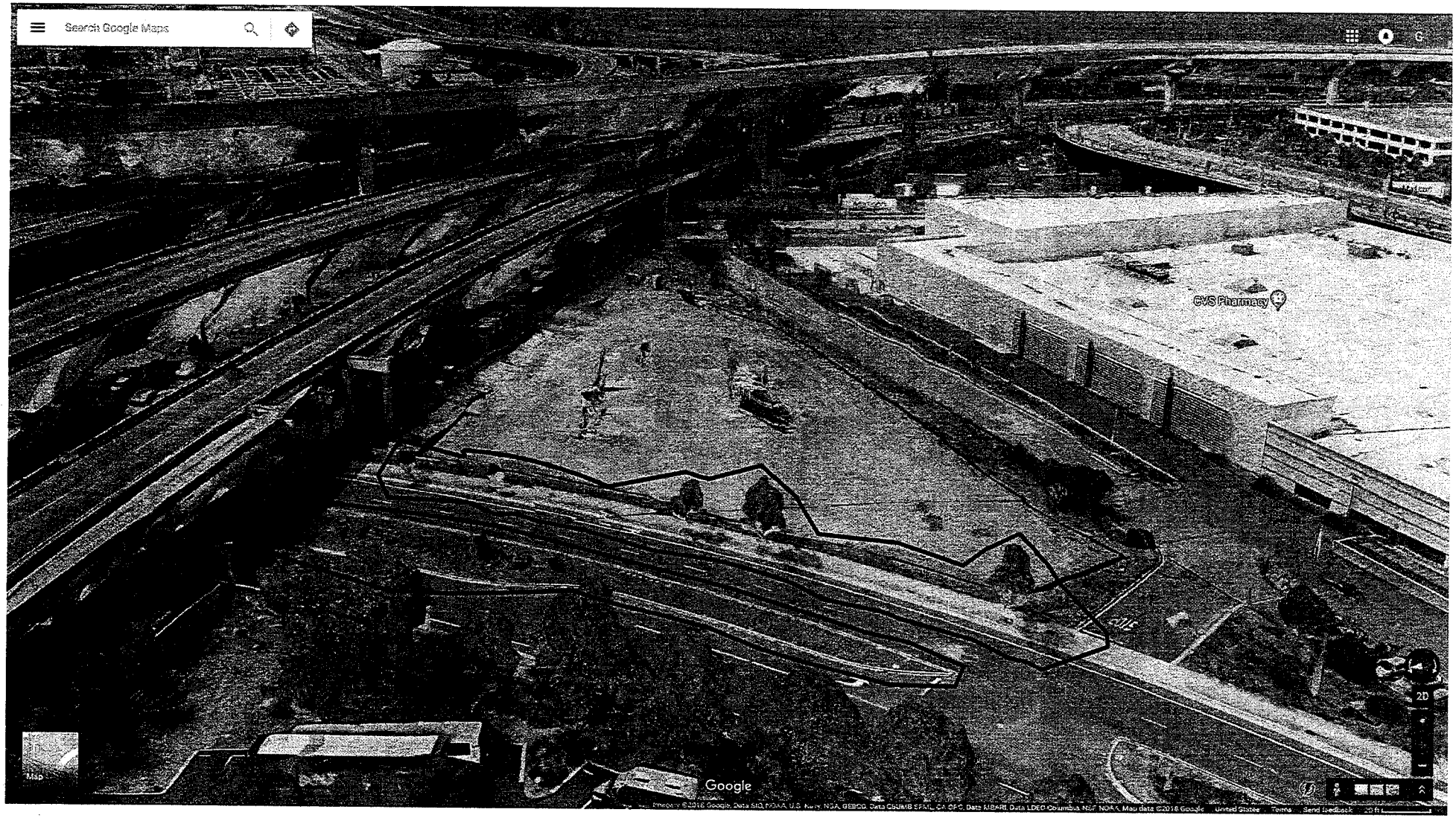
Gregory Tung
West End Commons - 3 Ealing Lane
Oakland, CA 94608

Comments

- My name is Gregory Tung and I am a homeowner at 3 Ealing Lane in West Oakland. I am an 11 year resident.
- My home is in West End Commons, a 91 unit townhome complex that also fronts on Mandela Parkway, 3 blocks to the south (between 28th and 32nd Streets); it is the closest sizable residential development to the proposed Mandela Hotel site.
- I am the President of the West End Commons Homeowners Association; my comments are my own and are not those of the HOA.
- I fully support approval of the project as a critical infill and investment along Mandela Parkway, with the conditions of approval noted in the 1/10/2018 staff report and with the following suggestions I have made added to the conditions of approval as well. My following suggestions solely concern the public realm frontage of the hotel development along Mandela Parkway.
- These suggestions are made not to burden the developer; they are to ensure that the project's design take into account the real conditions of the public realm along the boulevard (e.g. problematic tendencies of dumping, vandalism, graffiti, etc., as well as scarce City resources for right-of-way landscape maintenance) and to ensure that it realizes benefits for both the community and for itself, as a welcome new neighbor, an important set of "eyes on the street" and in the neighborhood, a provider of jobs, a hospitable setting for pedestrians and users along Mandela Parkway, and a catalyst for investment and care along the corridor.

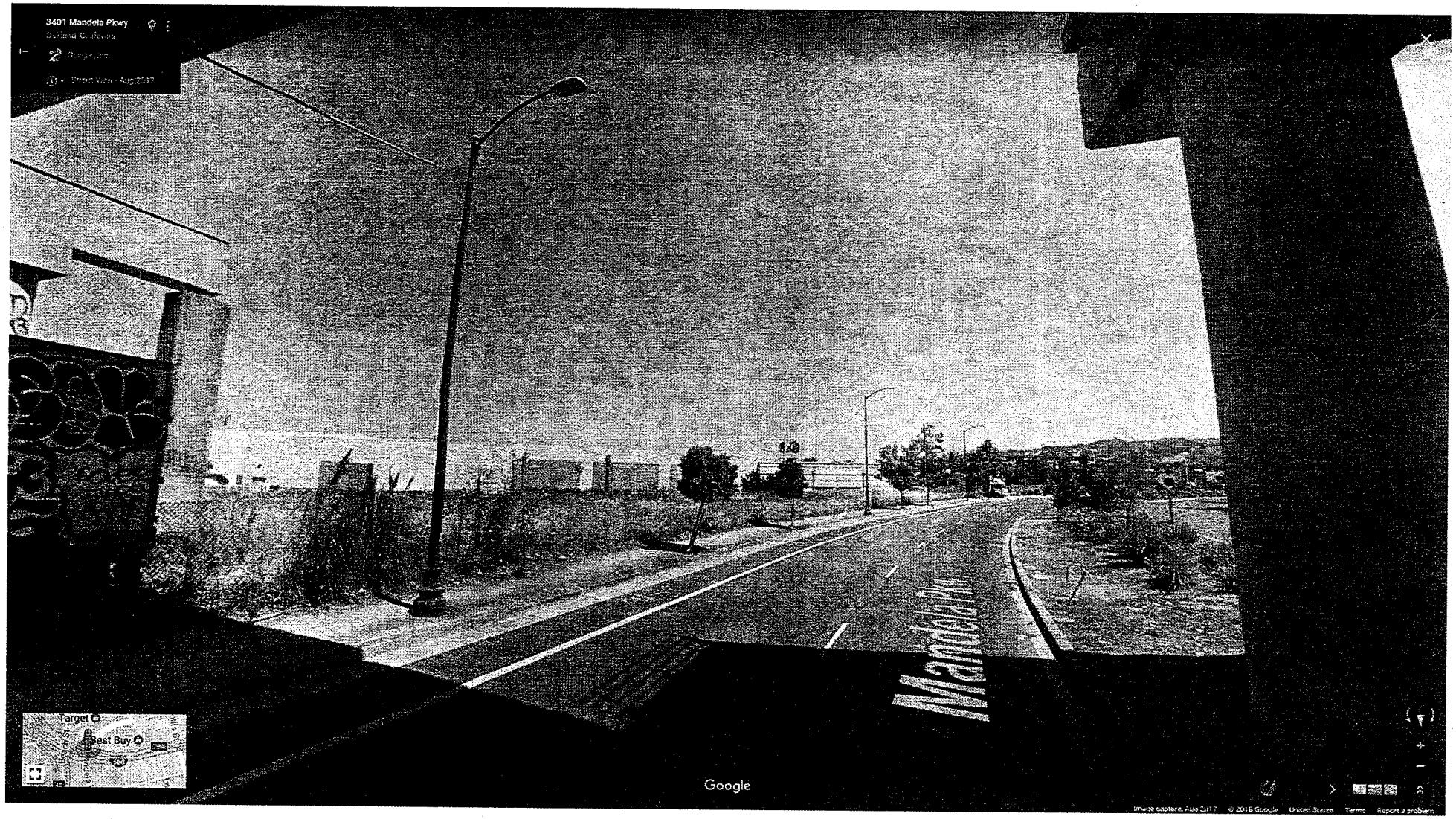


Google Maps – Aerial view of existing site



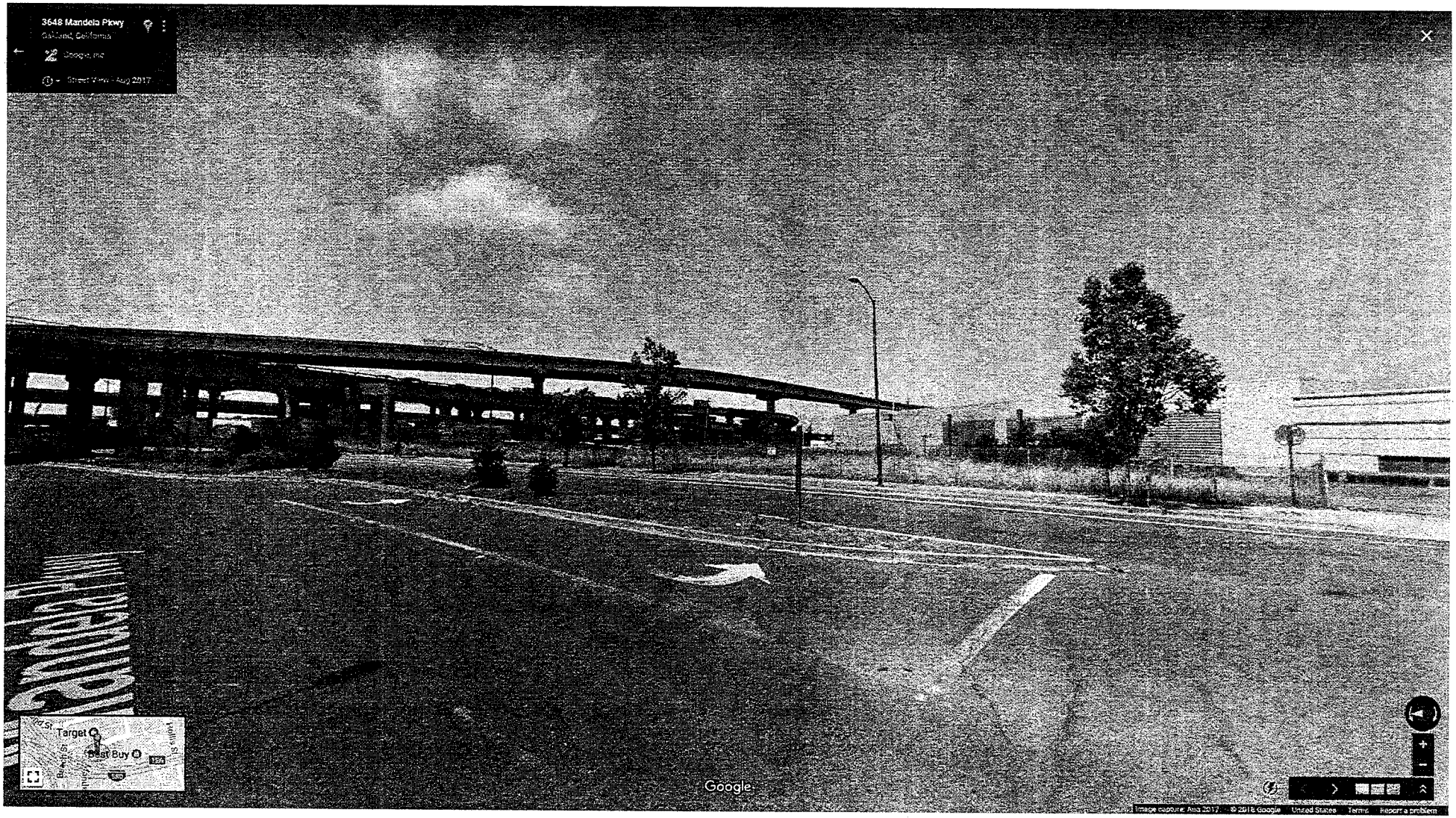
Google Maps – 3D simulation view of existing site

Note the existing sparse and stunted street tree canopy & landscape along the site's Mandela Parkway sidewalk and along the center median (outlined in red)



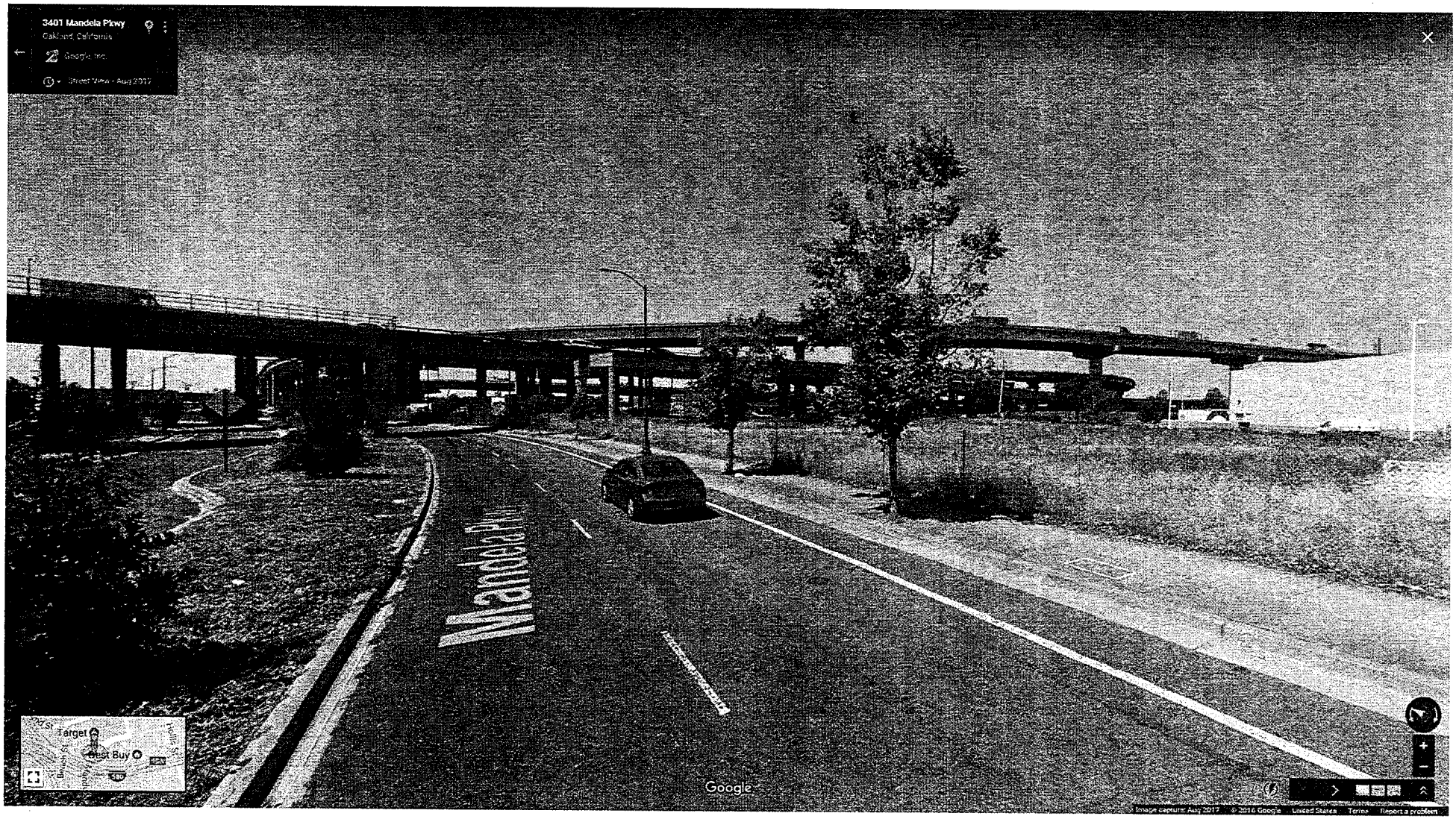
Google Street View – 8/2017 view north along frontage

Note the existing sparse and stunted street tree canopy & landscape along the site's Mandela Parkway sidewalk and along the center median. Pedestrian buffering from cars/trucks is ineffectual.



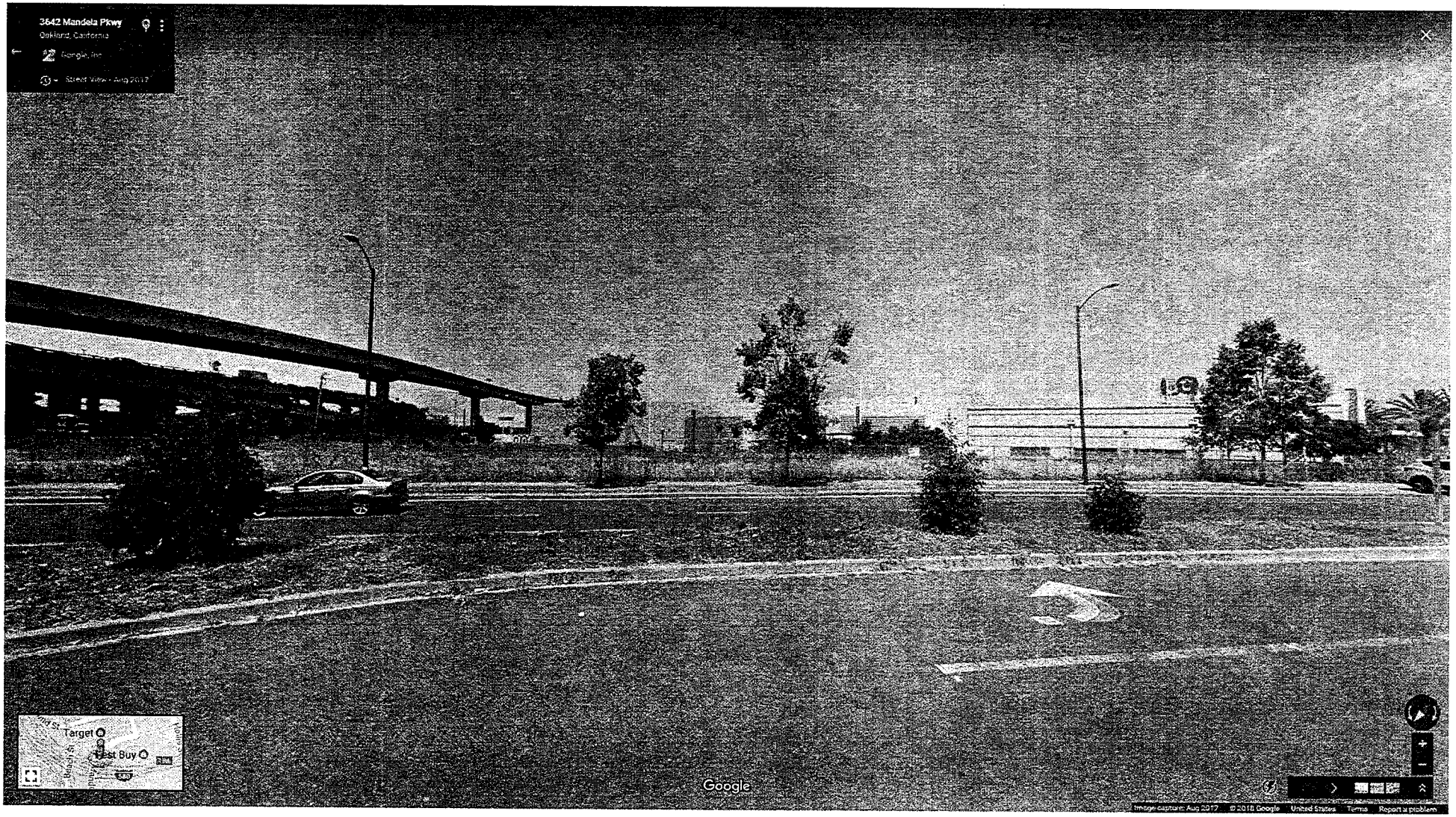
Google Street View – 8/2017 view west of frontage

Note the existing sparse and stunted street tree canopy & landscape along the site's Mandela Parkway sidewalk and along the center median. Pedestrian buffering from cars/trucks is ineffectual.



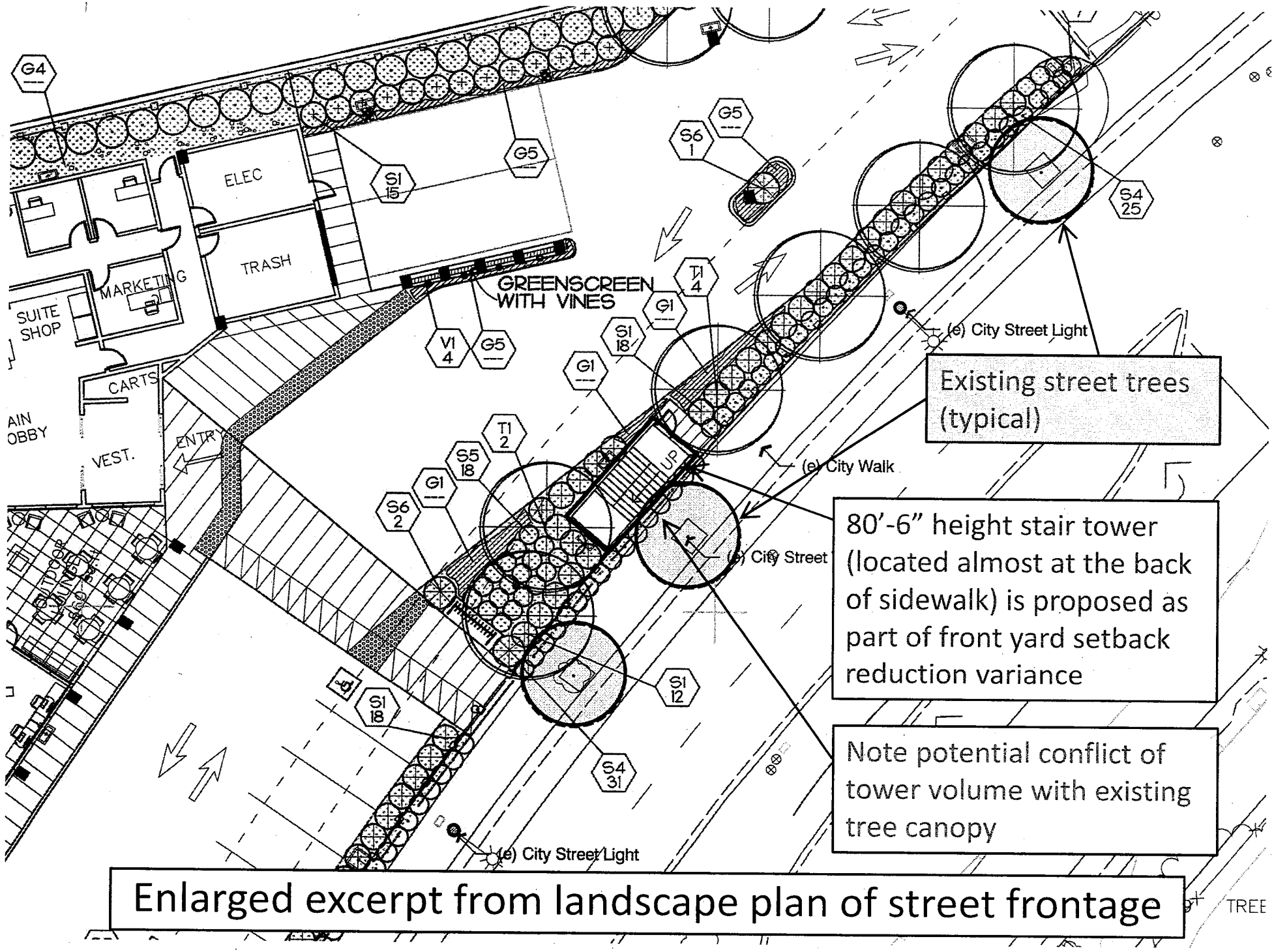
Google Street View – 8/2017 view southwest of frontage

Note the existing sparse and stunted street tree canopy & landscape along the site's Mandela Parkway sidewalk and along the center median. Pedestrian buffering from cars/trucks is ineffectual.



Google Street View – 8/2017 view west of frontage

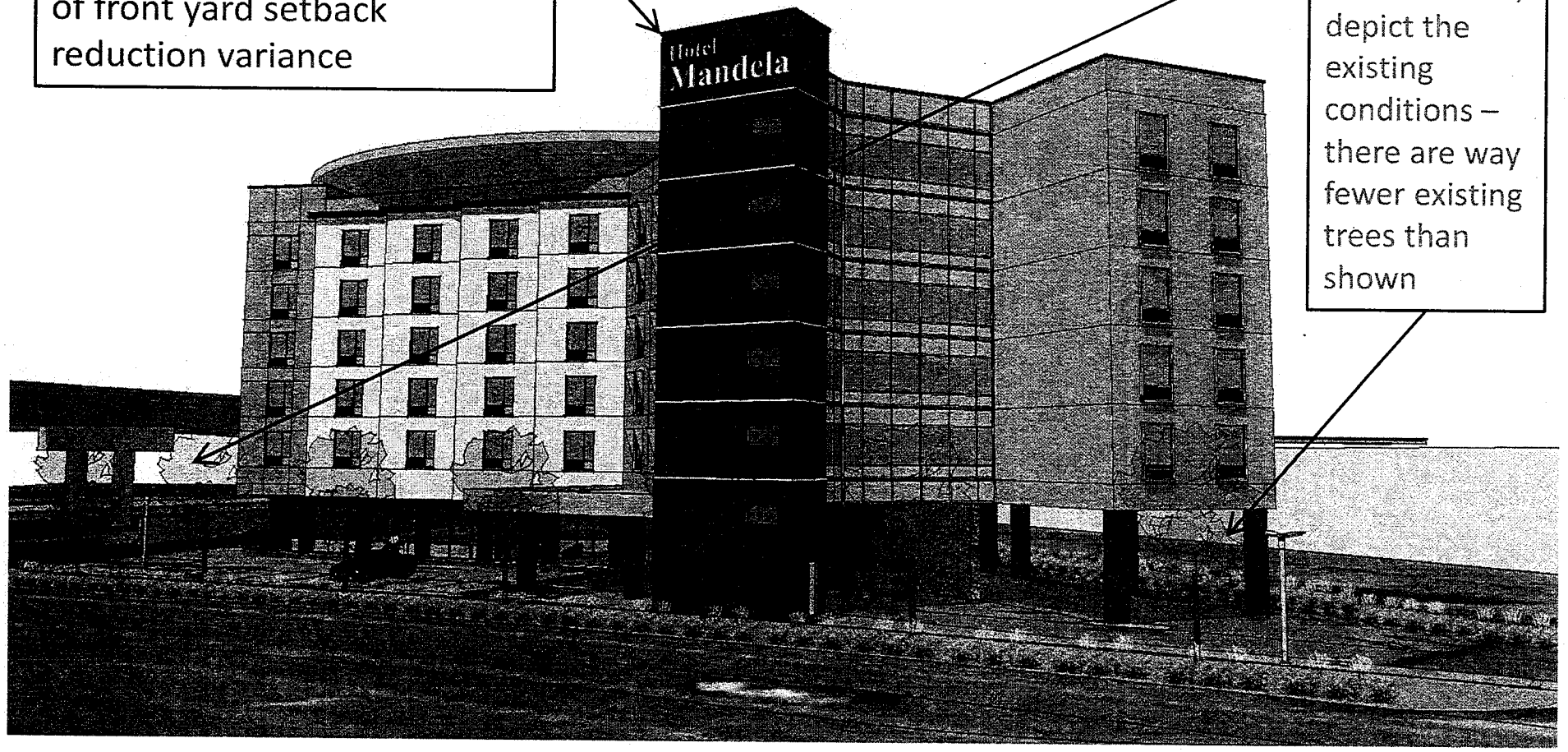
Note the existing sparse and stunted street tree canopy & landscape along the site's Mandela Parkway sidewalk and along the center median. Pedestrian buffering from cars/trucks is ineffectual.



Enlarged excerpt from landscape plan of street frontage

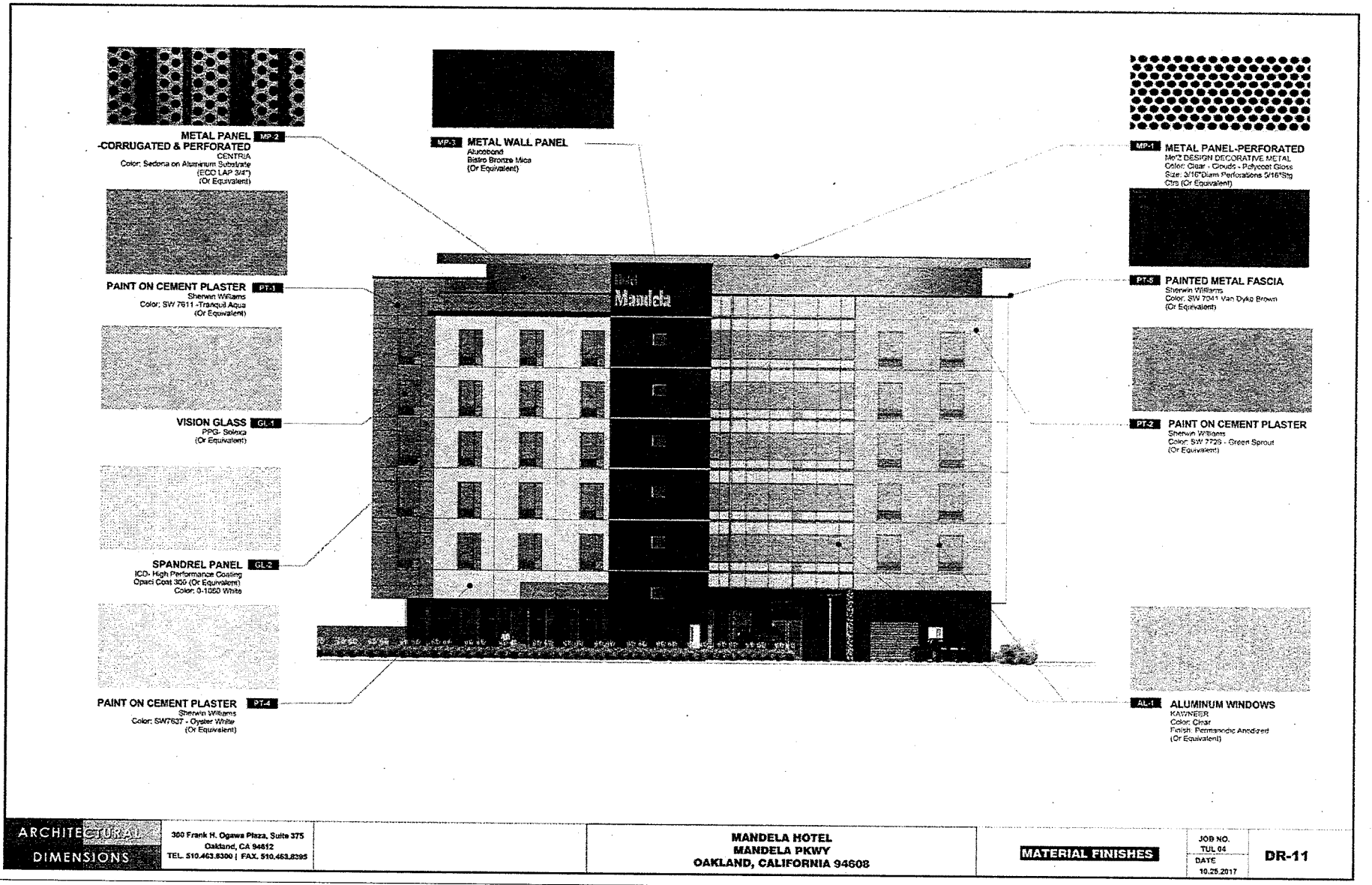
80'-6" height stair tower (located almost at the back of sidewalk) is proposed as part of front yard setback reduction variance

Street trees in rendering do not accurately depict the existing conditions – there are way fewer existing trees than shown



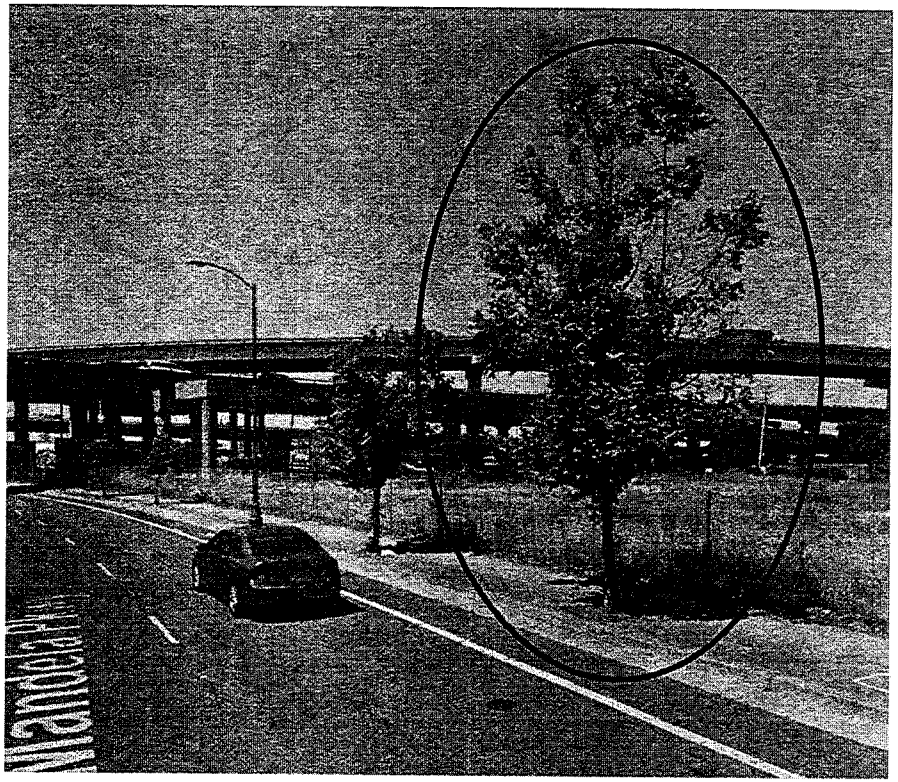
East View - Front

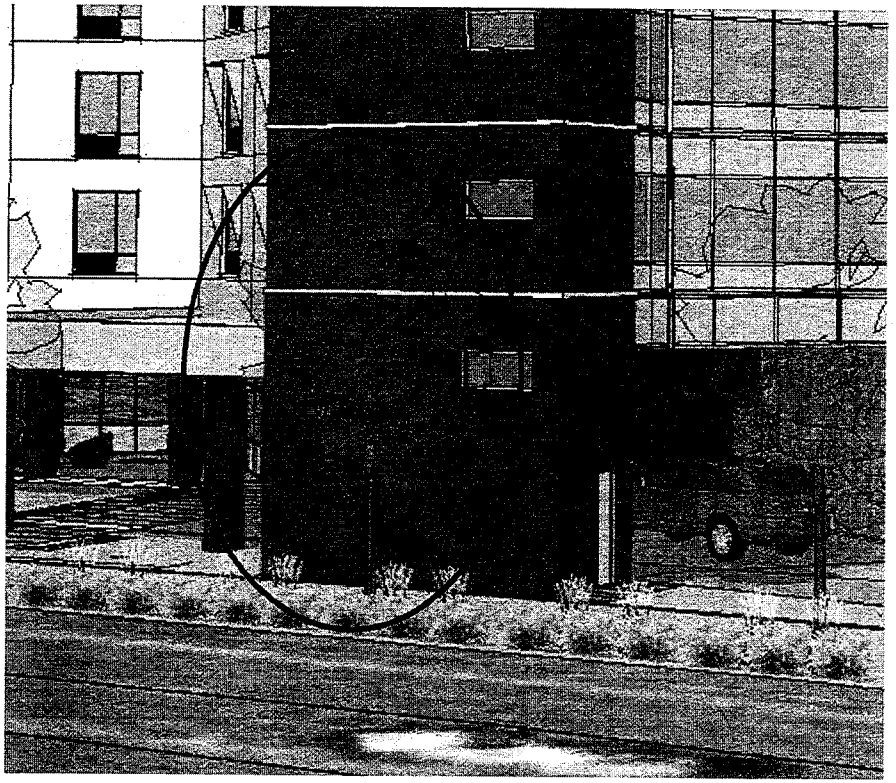
Enlarged Mandela Parkway frontage rendering from Sheet DR-10

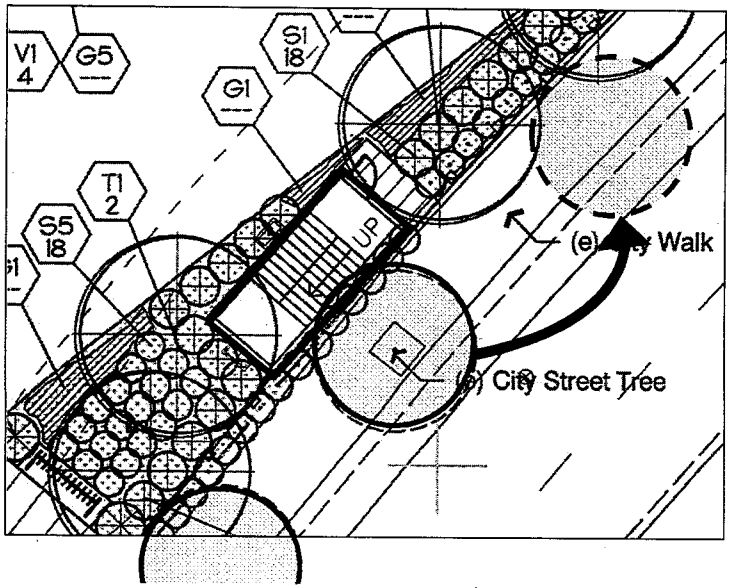


Material Finishes/Color Palette from Sheet DR-11

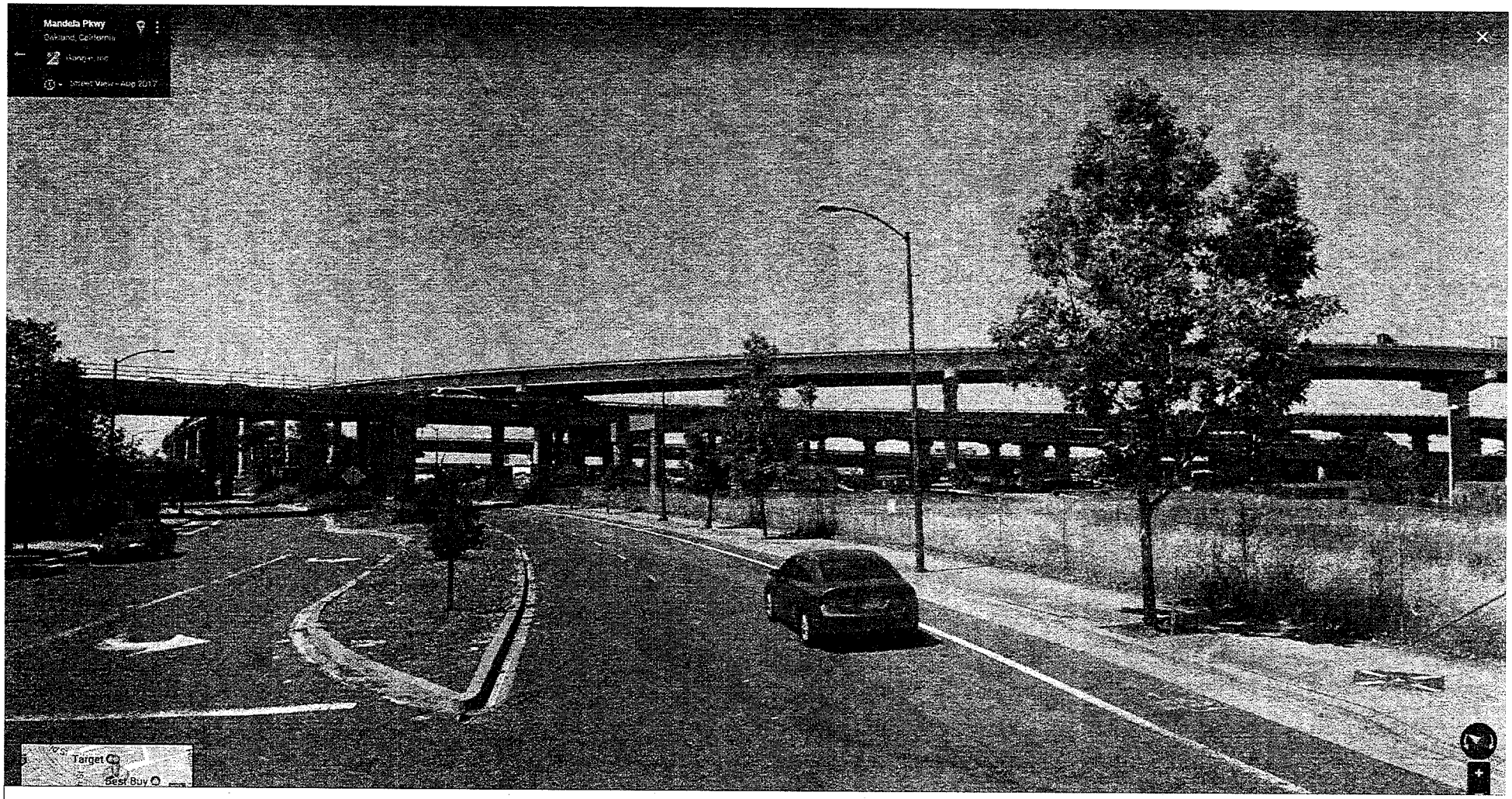
Proposed Tower cladding to be dark bronze Metal Wall Panel (Alucobond or equivalent)



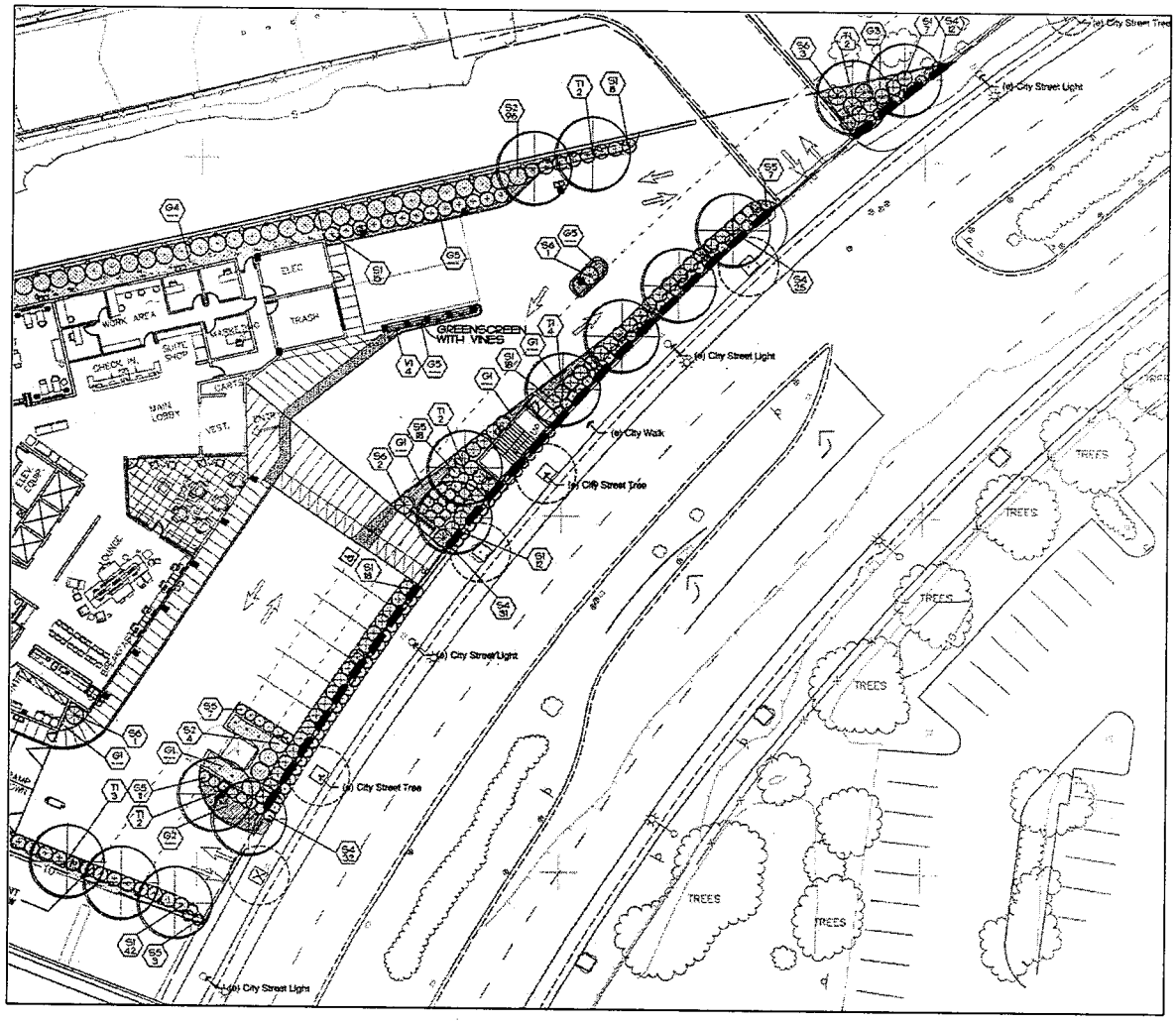


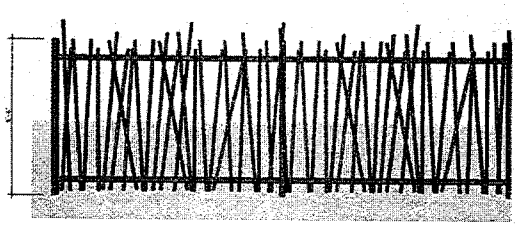


- Existing London Plane tree is not in great shape. Probably won't do well & look good in front of tower with tight fit (branches will need to be cut anyway).
- Suggest removal and planting of a new London Plane tree about 30 feet further northeast along sidewalk.
- Suggest tower (behind fence or not) to be clad with graffiti- & vandal-resistant finish (ceramic tile?) to 16 ft height and building-mounted luminaires light the sidewalk for safety (like at 2855 Mandela Pkwy). Decorative mosaic? Public art opportunity?



- MACRO ISSUE: Existing poor condition of the public realm of this segment of Mandela Parkway on both the frontage sidewalk and the median will not reflect well on the quality of the hotel. Both the hotel and the community will benefit in terms of image and pedestrian amenity from improved plantings and maintenance on both sidewalk AND median if installed as a condition of approval, given that the existing maintenance funding along Mandela Parkway are unable to keep up with maintenance (e.g. see the conditions of existing median landscaping, existing drinking fountains, trash receptacles, dog bag dispensers, etc.).





3 DECORATIVE METAL FENCE ALONG MANDELA PARKWAY

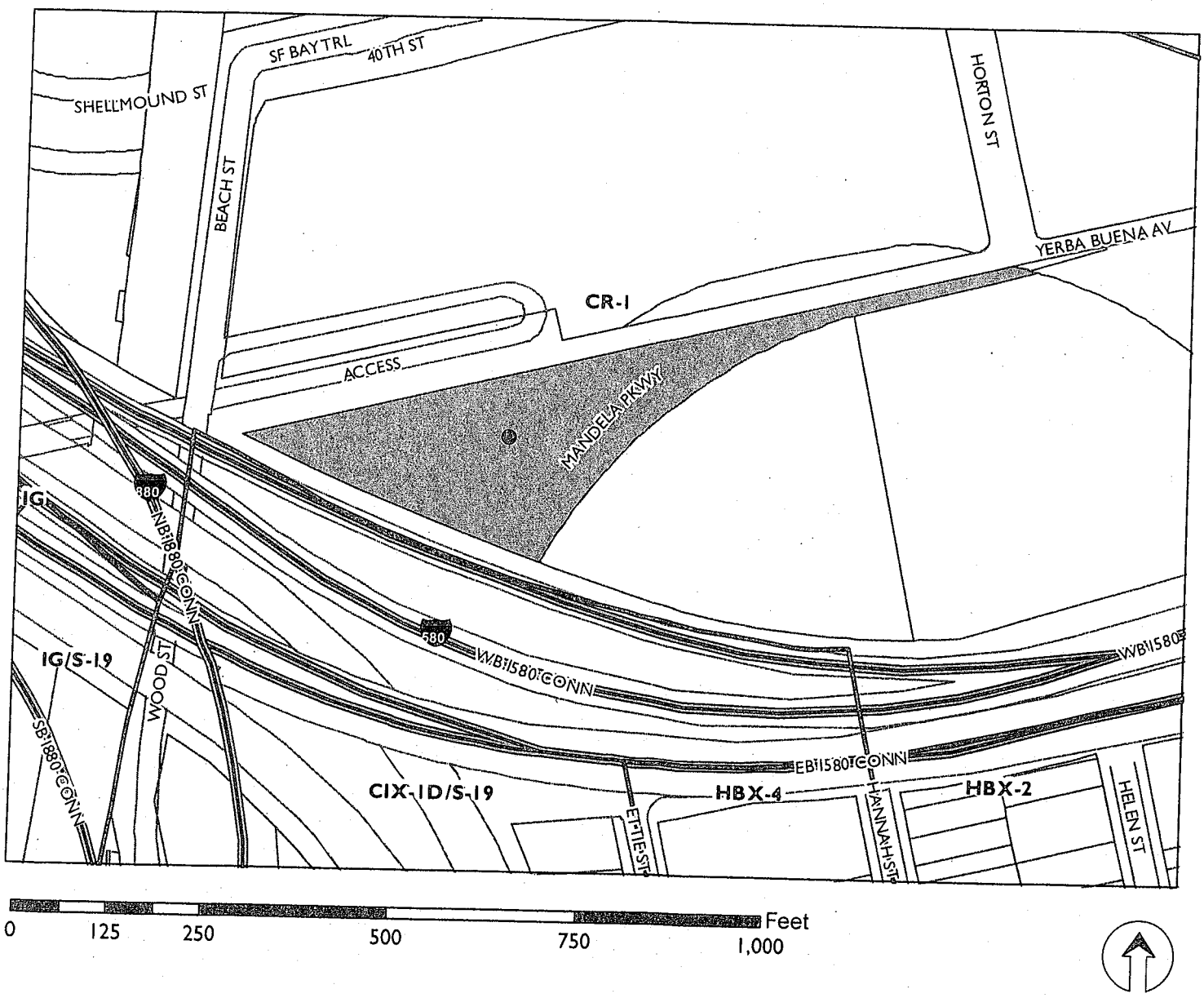
- The proposed decorative metal fence is a good idea and its proposed design is very attractive.
- Please ensure that across the width of where the main entrance walkway meets the Mandela Parkway sidewalk, **there is NO fence to block that pathway.** A blocked entrance defeats the whole concept of a welcoming public Mandela Parkway entrance.
- *Please ensure that all extents of frontages along Mandela are fenced to avoid trash and dumping that is unfortunately prevalent in this area.*

END OF COMMENTS

ATTACHMENT- II

Project Location:	0 Mandela Parkway. The vacant parcel is located across from the neighboring property at 3650 Mandela Parkway and next to Beach Street and Target store.
Assessor's Parcel No:	007 061701405
Development Proposal:	To construct a six-story building "Mandela Hotel" consisting of 220 rooms measuring approximately 142,813 square feet of floor area with two-levels of underground parking garage and a small open parking area totaling 166 parking spaces.
Project Applicant / Phone Number:	Joanne Park, lead architect for Architectural Dimensions / (510) 463-8300
Hotel Operators:	Tulsee Nathu & Payal Nathu
Property Owner:	State of California
Case File Number:	**PLN16394**
Planning Permits Required:	1) Major Conditional Use Permit for non-residential projects with more than 25,000 square feet of floor area; 2) Minor Conditional Use Permits for transient habitation (Hotels) and non-residential tandem parking; 3) Regular Design Review for new building construction; and 4) Minor Variance for front yard setback reduction.
General Plan: Specific Plan	Regional Commercial / West Oakland Specific Plan Area (WOSP)
Zoning District:	CR-1, Regional Commercial Zone
Environmental Determination:	A detailed CEQA (California Environmental Quality Act) Analysis was prepared for this project which concluded that the proposed development satisfies each of the following CEQA Guidelines: (A) 15332- Urban Infill Development; (B) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; (C) 15183.3 - Streamlining for Infill Projects; (D) 15164 - Addendum to EIRs; and (E) 15168 and 15180 - Program EIRs and Redevelopment Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online. The CEQA Analysis document for the 0 Mandela Parkway Project can be viewed in the links below: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 (***Mandela Parkway CEQA Analysis / Item # 72***) The CEQA analysis relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document including the LUTE (Land Use Transportation Element), and West Oakland Redevelopment Plan EIRs that can be viewed here: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158 (***LUTE / Item #1***) http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd007642.pdf (***West Oakland Redevelopment Plan***)
Historic Status:	Non-Historic Property
City Council District:	3
Date Filed:	11/28/16 (revised design plans submitted 12/01/17)
Action to be Taken:	Decision based on staff report
For Further Information:	Contact Project Case Planner, Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandnet.com

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16394

Applicant: Joanne Park, Lead Architect, Architectural Dimensions

Address: 0 Mandela Parkway. Vacant parcel located across from the neighboring property at 3650 Mandela Parkway and next to Beach St and Target store.

Zone: CR-1

SUMMARY

At the January 10, 2018 Planning Commission meeting, staff summarized the project proposal for the construction of a 220-room hotel on a vacant site. The project applicant also presented the project and responded to the questions and comments from the Commission and the public. At the meeting, comments were also provided by the public, mostly related to labor and environmental issues raised by UNITEHERE Local 2850 with regards to the proposed hotel operation. Furthermore, the public raised issues about the proposed building design, arguing that the building is not in character with the setting of the neighborhood.

The Commission evaluated the project and provided comments to the project applicant. Overall, the Commission believed that there were some design issues that needed further review and provided recommendations to the applicant to address these issues and asked the application return to the Commission for further review. In addition, the Commission felt that additional community meetings were needed to be held to ensure adequate community outreach and communication with interested parties. The Planning Commission directed the applicant to:

1) Host at least one public community meeting;
2) Work with staff to address potential options for moving the stairwell;
3) Consider different building color palettes; and
4) Consider different mechanical shielding design.

The Planning Commission then continued the proposed application to the February 21, 2018 Planning Commission meeting.

PROJECT UPDATE

The following are the applicant's responses based on the comments provided by the Commission:

Host at least one public community meeting-

On February 9, 2018 staff received a response letter and documentation of the two different public community meetings that were held by the applicant and community members. See **Attachment I**. The applicant indicated that these meetings took place on January 31, 2018 and February 7, 2018 at 6:00pm at the Willie Keyes Recreation Center, located at 3131 Union Street.

The applicant indicated that a flyer and sign-in sheets were distributed. In addition, the applicant indicated that notices were sent to property owners within one-half mile of the project site and included neighborhood groups such as WOCA, Dogpatch, WON and other community members including Sean Sullivan, Richard Fuentes and other members of the public who spoke at the January 10, 2018 Planning Commission meeting.

At these meetings, the applicant indicated that the attendees focused on labor issues related to the project, rather than project design.

Work with staff to address potential options for moving the stair tower-

- The applicant indicated that moving the stair tower back would eliminate distinctive design elements to the project such as the porte cochere, glass curtain wall connection and the landscaped feature to screen the commercial loading berths. In addition, the applicant believes that the stair tower

placement close to the street creates an interesting massing of the hotel which gives more visual interest to the building then a pure 20 foot setback line. The applicant also indicated that there are no adjoining buildings that the tower conflicts with and thus recommends keeping the tower per the last design iteration. The applicant stated that staff had previously determined the building reconfiguration improved the overall design, as indicated in the staff report's variance findings.

Consider design alternatives for different building color palette-

The applicant responded that there was no specific direction provided by the Commission on this issue, therefore the project design team would prefer to retain the color palette as previously proposed.

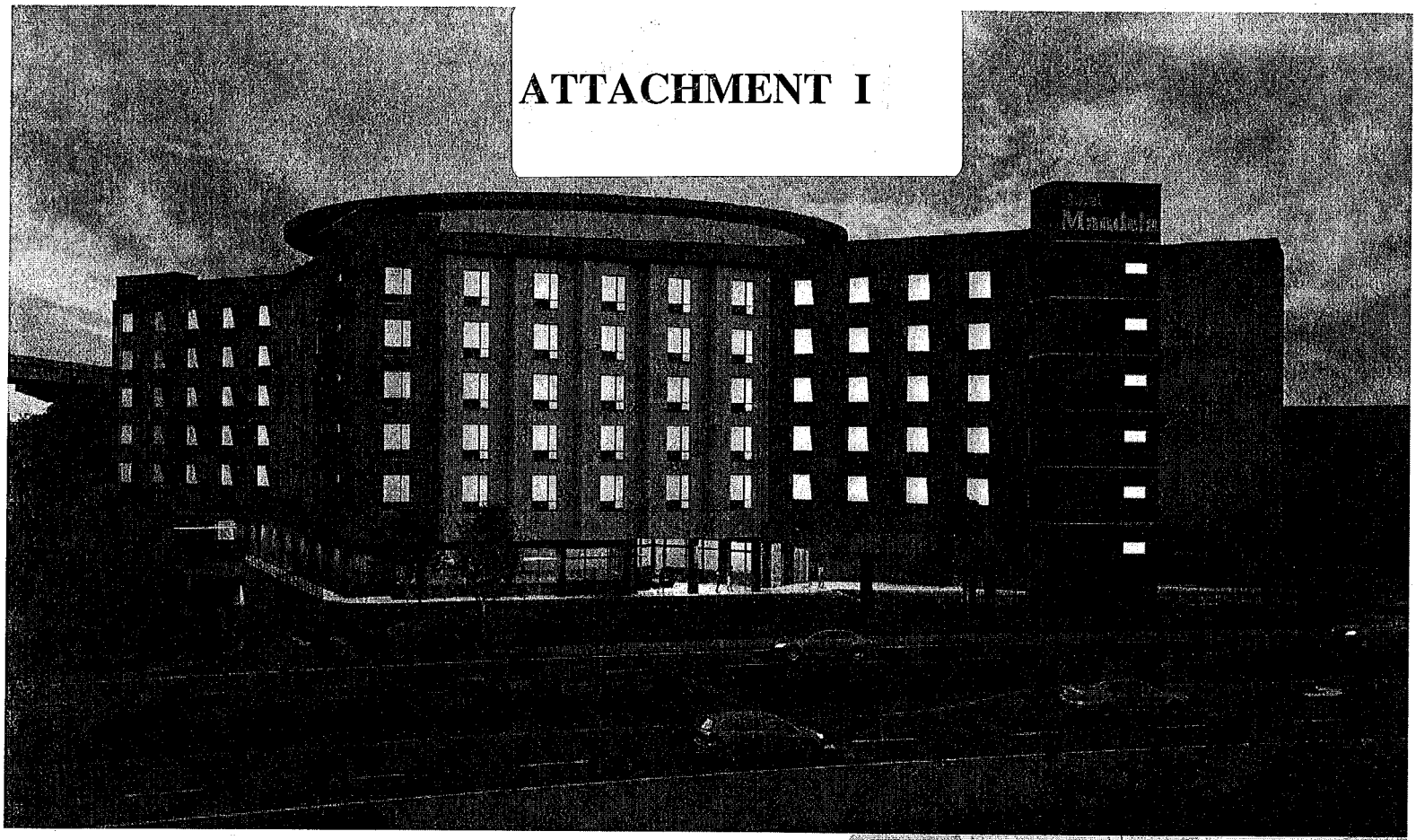
Consider different mechanical shielding design-

The applicant indicated that the proposed mechanical equipment will be located on the rooftop and within a circular design feature to provide screening and will not be visible from the public right-of-way.

STAFF RECOMMENDATION

Staff believes that the applicant has shown an effort to respond to the comments from the Planning Commission by holding at least two community meetings and justifying the reasons for maintaining the stair tower, the building color palette and the screening of the mechanical equipment on the rooftop. Therefore, staff recommends that the Planning Commission consider the applicant's responses and approve the proposed project based on the original staff report, dated January 10, 2018 including design plans, originally submitted on December 1, 2018. See **Attachment II**.

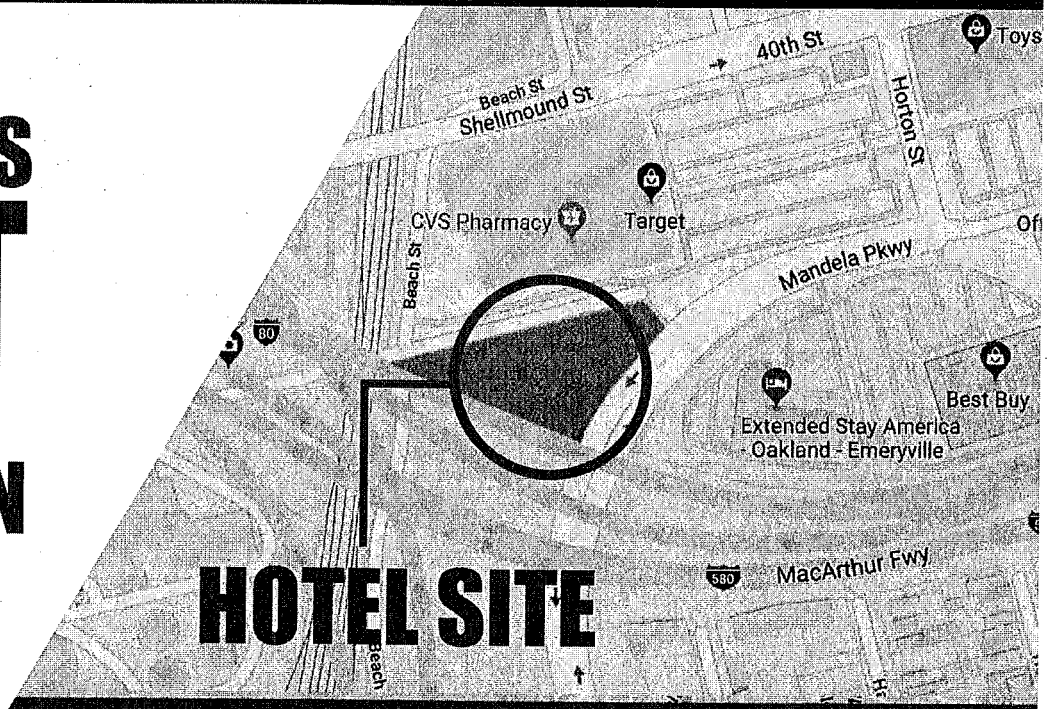
ATTACHMENT I



WE WANT THE

COMMUNITY'S INPUT ON THE HOTEL DESIGN

Hotel
Mandela



JAN 31, 2018
FEB 07, 2018

6PM @
WILLIE KEYES (POPLAR) RECREATION CENTER

3131 UNION STREET
OAKLAND, CA 94608

FOR MORE INFORMATION CONTACT
ARCHITECTURAL DIMENSIONS AT **510.463.8300**
300 FRANK H. OGAWA PLAZA, SUITE 375, OAKLAND, CA

ARCHITECTURAL DIMENSIONS

Mandela Parkway Hotel Community Meeting

ARCHITECTURAL DIMENSIONS

January 31, 2018 / 6 p.m.
Willie Keyes Recreation Center
3131 Union Street, Oakland

No.	Name	Company	Email Address	Address	Phone No.	Initials
1	Rev. Ken Chambers	West Side MBC	Kenchambers51@yahoo.com		510-239-6969	
2	Rev. Terry de Grace-Morris	BAD CRIPPS NCNC-UCC JEW Chair	parallaxis.tdg@gmail.com			
3	VIRIAN Bouze	OAKLAND institute of Automotive Technic	VIRIANBOUZE5508@GMAIL.COM	5008 SAN PABLO DAM Pinole CA 94564	510 926 9515	[illegible]
4	ART MAY		AMay@keystonepa.com	8 NORTHVALE Rd. Oakland	94610	
5	Rev. Debra Avery	Oakland Justice Coalition & Justice House	d.r.avery@mac.com	477 44th St. 94609	~~94609~~	DA
6	JERVON GRAVES	Bay Area Black Worker Center	JERVON.GRAVES@GMAIL.COM	580 E 8th St Oakland, CA	913-749-9831	JG
7	Mr. Charles T. Reed	BABWC	ctyronereed@gmail.com	8924 Seneca St Oakland	510-573 3523	C.R.
8	Jacob Shilling	Starline Supply	Jacob@StarlineSupply.com	2461 Peralta Oakland 94607	510 893 7572	JS
9	justin king	babwc	justin@bayareablackworkers.org	10620 beverly ave oakland, ca	757-675-0260	jk.

Mandela Parkway Hotel
Community Meeting

January 31, 2018 / 6 p.m.
Willie Keyes Recreation Center
3131 Union Street, Oakland

ARCHITECTURAL DIMENSIONS

10	Sandy Walker	Union St Studios	sandywalker@sbcglobal.net	2822A Union St	4447215	
11	Toni Zedd	32nd St	itonirz@gmail.com			
12	Sal Bednarz	Elevator Works	sal@elevator.works	~~[illegible] Blvd~~ 2471 Peralta		
13	Roy Preena	ORCA / dnkolor	ppreena@dnkolor.com	2471 Peralta		
14	RAY KIDD	LNON	KIDD@ATT.NET	LOUISE ST		
15	GREGORY TUNG	WEST END COMMONS HOA	ealingerist@gmail.com	Ealing Lane		
16						
17						
18						

Mandela Parkway Hotel
Community Meeting

ARCHITECTURAL DIMENSIONS

February 7, 2018 / 6 p.m.
Willie Keyes Recreation Center
3131 Union Street, Oakland

No.	Name	Company	Email Address	Address	Phone No.	Initials
1	Mary Stevens			3134 Mandela Pkwy		
2	Bruce Beasley			322 Lewis St. 94609.		
3	Yolanda B	White Hese		1146 78 av OAKLAN 94621	510 705 3931	YB.
4	Blanca Smith	Hero		1581 164th Ave 94578 San Leandro CA	510 935 7998	
5	Beatriz Franco	2850		6441 Sunnymere Ave	50-385-1035	BF
6	Jervon Graves	Bay Area Black Workers Center		500 E 8th St Oak Land, CA	913-749-9831	JG
7	Saabir Lackett	BABWC		715 Peralta St. OAK. CA. 94607	510-987-6987	SL
8						
9						

Mandela Parkway Hotel
Community Meeting

ARCHITECTURAL DIMENSIONS

February 7, 2018 / 6 p.m.
Willie Keyes Recreation Center
3131 Union Street, Oakland

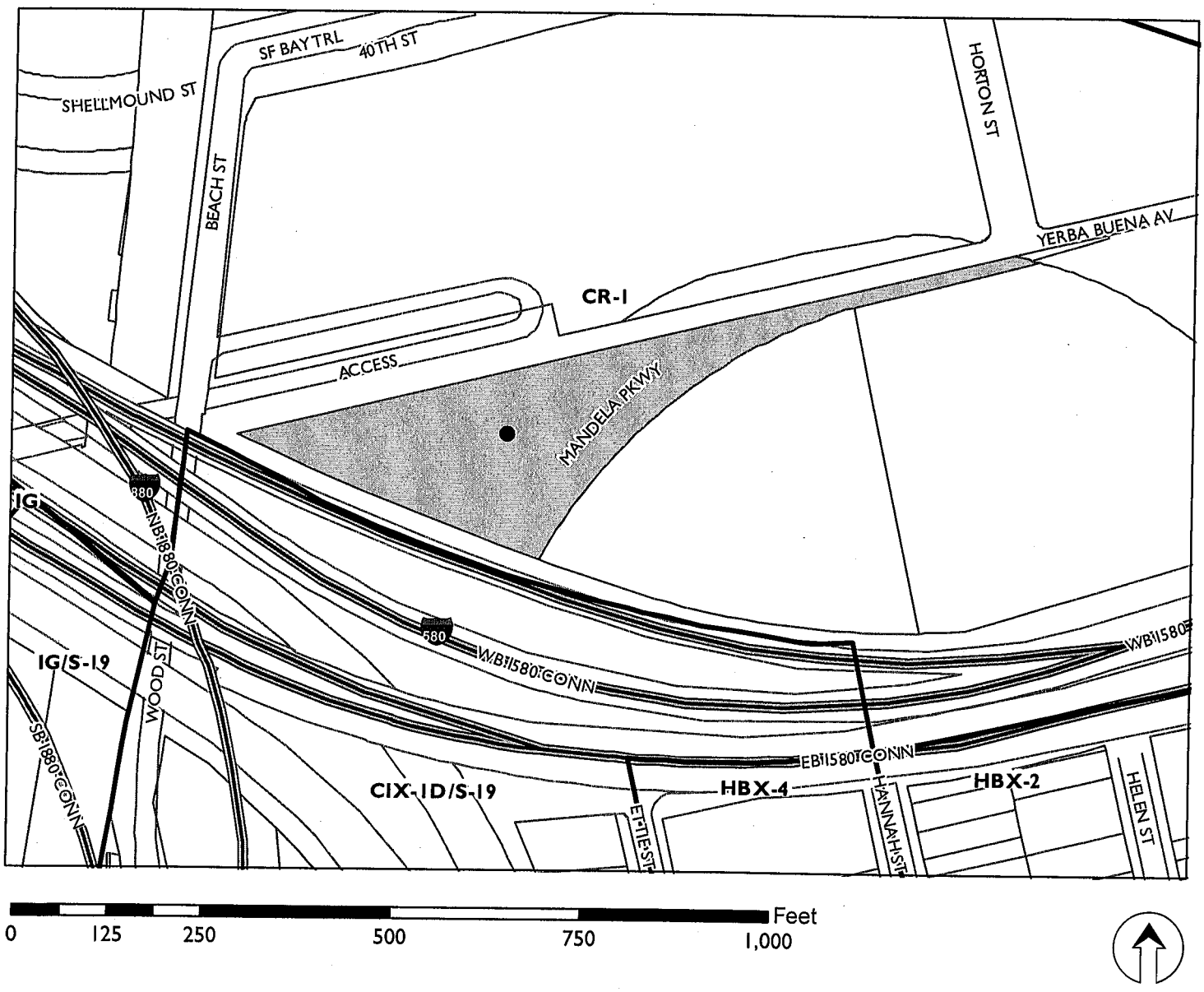
10	Yulisa Flores	Unite Here Local 2850	yceres@unitehere.org	1440 Broadway Suite 200	510 289 1411	YC
11	RENE B.	SELF	RBRDP@AOL.COM			
12						
13						
14						
15						
16						
17						
18						

ATTACHMENT- III

Project Location:	0 Mandela Parkway. The vacant parcel is located across from the neighboring property at 3650 Mandela Parkway and next to Beach Street and Target store.
Assessor's Parcel No:	007 061701405
Development Proposal:	To construct a six-story building "Mandela Hotel" consisting of 220 rooms measuring approximately 142,813 square feet of floor area with two-levels of underground parking garage and a small open parking area totaling 166 parking spaces.
Project Applicant / Phone Number:	Joanne Park, lead architect for Architectural Dimensions / (510) 463-8300
Hotel Operators:	Tulsee Nathu & Payal Nathu
Property Owner:	State of California
Case File Number:	**PLN16394**
Planning Permits Required:	1) Major Conditional Use Permit for non-residential projects with more than 25,000 square feet of floor area; 2) Minor Conditional Use Permits for transient habitation (Hotels) and non-residential tandem parking; 3) Regular Design Review for new building construction; and 4) Minor Variance for front yard setback reduction
General Plan: Specific Plan	Regional Commercial / West Oakland Specific Plan Area (WOSP)
Zoning District:	CR-1, Regional Commercial Zone
Environmental Determination:	A detailed CEQA (California Environmental Quality Act) Analysis was prepared for this project which concluded that the proposed development satisfies each of the following CEQA Guidelines: (A) 15332- Urban Infill Development; (B) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; (C) 15183.3 - Streamlining for Infill Projects; (D) 15164 - Addendum to EIRs; and (E) 15168 and 15180 - Program EIRs and Redevelopment Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online. The CEQA Analysis document for the 0 Mandela Parkway Project can be viewed in the links below: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 (***Mandela Parkway CEQA Analysis / Item # 72***) The CEQA analysis relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document including the LUTE (Land Use Transportation Element), and West Oakland Redevelopment Plan EIRs that can be viewed here: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158 (***LUTE / Item #1***) http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd007642.pdf (***West Oakland Redevelopment Plan***)
Historic Status:	Non-Historic Property
City Council District:	3
Date Filed:	11/28/16 (revised design plans submitted 12/01/17)
Action to be Taken:	Decision based on staff report
For Further Information:	Contact Project Case Planner, Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandnet.com

ATTACHMENT II

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16394
Applicant: Joanne Park, Lead Architect, Architectural Dimensions
Address: 0 Mandela Parkway. Vacant parcel located across from the neighboring property at 3650 Mandela Parkway and next to Beach St and Target store.
Zone: CR-1

SUMMARY

The development proposal is for the construction of a six-story hotel with 222 rooms and two-levels of underground garage with 166 parking spaces for hotel guests. The development site is located on a vacant Caltrans property surrounded by a chain-link fence off Mandela Parkway, between 34th Street and Horton Street. The hotel would be operated by Tulsee and Payal Nathu and is located near other regional business destinations such as the Extended Stay America hotel, Target, Granite Expo, Best Buy, Home Depot and Ikea.

The proposal requires approval of the following Planning-related permits: a) Major Conditional Use Permit for non-residential projects with over 25,000 square feet of floor area; b) Minor Conditional Use Permits for transient habitation (hotel) and non-residential tandem parking for dependent parking spaces; c) Regular Design Review for new building construction; d) Minor Variance for a partial front yard setback reduction (20 feet required, 1 foot proposed). There is one street tree within the sidewalk along Mandela Parkway that will require a tree permit for tree removal as a result of construction activities.

The project proposal is subject to the City's development Impact Fees for Transportation and Capital improvements at the time of filing for a building permit for new construction. Because this project does not include new housing, the impact fees for affordable housing do not apply; nor do the Jobs/Housing Balance fees apply because those fees only apply to office and warehouse space development.

For the reasons set forth in this Report, staff recommends that the Planning Commission (1) affirm staff's Environmental Determination and adopt the attached CEQA Findings; and (2) approve the Project, including Major and Minor Conditional Use Permit, Regular Design Review and Minor Variance, subject to the attached findings and conditions (including the SCAMMRP) contained in this report.

PROJECT SITE AND SURROUNDINGS

The triangle-shaped site is vacant and measures approximately 1.066-acres. The commercial property is located in West Oakland and is nearby the City of Emeryville. The unpaved project site has no landscaping and is enclosed by a 6 foot high chain-link fence. The property has an existing paved driveway off Mandela Parkway that traverses the property near the northeast and serves as an access easement to the Target retail store and East Bay Municipal Utility District (EBMUD) facility. The property is bounded by Mandela Parkway to the southeast, by Beach Street and the Mac Arthur Maze (I-880 & I-80) to the southwest and by Target to the north. The property is surrounded by a four-lane road (Mandela Parkway) that will be the main entry to the site and a two-way road (Beach Street) that has no direct access to the project site.

The project site is located near commercial-retail and hotel facilities with large surface parking lots. Some of the other neighboring properties to the north and south of the project site and along Mandela Parkway contain large commercial facilities such as Extended Stay America Hotel, Granite Expo,Target, Best-Buy, Office-Depot, Home-Depot, Michaels, Toys "R" Us including warehouses and service yards used for storage of road maintenance equipment and materials operated by Caltrans. The property can be accessed by public transit and is within walking distance to the AC bus lines on 40th Street and San Pablo Avenue.

DESIGN REVIEW COMMITTEE-SUMMARY COMMENTS

On January 25, 2017, the Design Review Committee reviewed preliminary design plans for the proposed project and provided comments and direction to the applicant and staff. The Committee considered the design concept, and recommended changes to the building to provide a cohesive and interesting design. The Committee suggested further consideration of the following:

- Provide transparency to the ground-floor of the building facing Mandela Parkway
- Make the hotel entry more prominent and include a pedestrian pathway from the street
- Include a porte-cochere and scale the size of the exterior building columns
- Develop the building colors and show window and exterior lighting details
- Screen utility equipment, commercial loading and trash/recyclable areas

Based on revised design plans provided and included in this staff report, the proposal addresses the comments made by the Design Review Committee by incorporating new changes that improve the design thus resulting in interesting architectural features. The proposal provides more transparency by including more glazing on the ground-floor lobby area and replacing the round-shaped cement plaster building columns with dark color oval-shaped aluminum-covered columns to provide scale and contrast. The plan shows changes to the footprint of the building by moving a section of the southeast wing closer to the main street. This section includes a new five-story glass curtain wall that connects the main hotel to the stair tower and a porte-cochere. In addition, the revisions include a new pedestrian pathway and a decorative metal fence along Mandela Parkway, thus making the project more inviting from public view. The revised plans include aluminum window and exterior lighting details, where the windows are recessed to provide articulation and visual perspective and the wall-mounted and light pole fixtures provide emphasis to create visual interest to the site and building. The proposal also provides decorative screening of the utility equipment on site and on the rooftop including the rear commercial loading area, trash and recyclables to minimize their visibility from public view.

GENERAL PLAN ANALYSIS

The proposal is located in the Regional Commercial classification of the Oakland General Plan Land Use and Transportation Element (LUTE). The intent of the Regional Commercial classification is to maintain, support and create areas of the City that serve as region-drawing centers of activity. The desired character and uses in the Regional Commercial are a mix of commercial, office, entertainment, arts, recreation, sports and visitor serving activities, residential, mixed-use development and other uses of similar character or supportive of regional drawing activities. The Regional Commercial classification also sets the goals to enhance and strengthen the City's job base and economic strength by creating and retaining jobs for Oakland residents working in sectors such as service and retail trade.

The project development is located in an area of mix urban uses such as large commercial retail stores, hotels, and residential facilities. By providing hospitality services such as the one being proposed, more jobs would be attractive in an area that has a diverse range of businesses. The project is consistent with the applicable City's General Plan-industry and neighborhood Policies. The policies below are shown in normal, and the reasons these satisfy the policies are shown in **bold**.

Policy I/C1.1: To attract and expand new businesses to Oakland which have potential economic benefits in terms of jobs and/or revenue generation. This effort is to identify future growth and target industries or activities for future growth in geographic areas for future use and development.

The proposed hotel will attract additional businesses in the hospitality sector, create new service jobs and would contribute to the economic success and business operation in this regional commercial district, thus providing future opportunities for similar development in West Oakland.

Policy I / C2.3: Development in older industrial areas should be encouraged through the provision of an adequate number of vacant or buildable sites designated for future development.

The proposed hotel will maximize the use of an underutilized vacant industrial site by developing a new hotel, located in a regional commercial area where a mix of retail, lodging, office and light-industrial businesses exist in the vicinity.

Policy I /C3.4: The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.

The hotel proposal is located in a commercial area that will serve the needs of local residents, businesses and visitors. The project replaces an underutilized vacant lot and the hotel development will be a better use of the property by providing new lodging and commercial opportunities in an area that is close to commercial centers and transportation services.

Policy N1.7: The location of hotels in Downtown, Waterfront, Oakland airport and along I-880 corridor should be encouraged.

The development of the hotel will provide new additional lodging opportunities along the I-880 corridor. Given that accessibility is available from the corridor to the project site and is close to public transportation, the proposal will create and serve as a regional center for commercial activities in West Oakland.

ZONING ANALYSIS

The project development is located in the Regional Commercial (CR-1) Zone. The purpose of the CR-1 zone is to maintain, support and create areas of the City that serve as region-drawing centers of activity. Planning Code Section 17.37.030 allows permitted and conditionally permitted activities in the CR-1 Zone. The development proposal for a hotel requires a Conditional Use Permit for Transient Habitation activity.

The hotel proposal is a large scale commercial development that will maintain, support and continue to provide services in this section of the City, where similar hotels exist. The proposal is also located adjacent to a commercial center "East Bay Bridge Shopping Center", near regional transportation and has access and visibility to attract patrons within and outside the City. The proposal would support local infrastructure by creating new lodging amenities that will contribute to the success of the regional commercial district.

Based on project design plans and documents submitted, the proposal requires Planning Commission approval for the following permits:

1) Major Conditional Use Permit for non-residential projects with over 25,000 square feet of floor area in the CR-1 Zone;
2) Minor Conditional Use Permits for transient habitation activity (hotels) and non-residential tandem parking spaces (dependent parking);
3) Regular Design Review for new building construction; and
4) Minor Variance for a partial reduction of front yard setback.[1]

Staff has included the applicable Conditional Use Permit, Design Review and Variance Findings in support of the project development in **Attachment A** of this staff report.

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[1] In addition, a Tree Permit to remove one street tree, plus other construction-related permits. The tree permit will be reviewed and determined by the Public Works/Tree Division in a separate permit process.

The following table summarizes the applicable CR-1 Zone development standards for the project.

Development Standards	Requirements	Proposed	Comments
Minimum Lot Area	7,500 sq. ft.	1.066 acres / (46,445-sf)	Meets Code
Minimum Lot Width Mean	50 ft.	300 feet (+)	Meets Code
Minimum Frontage	50 ft.	300 feet (+)	Meets Code
Minimum Front Setback	20-feet	1-foot (partial)	Meets Code with minor variance
Minimum Rear Setback	0-feet	10 or 12 feet	Meets Code
Minimum Interior Side Setback	0-feet	3 to 26 feet	Meets Code
Maximum Height	90 feet	83.5 feet	Meets Code
Maximum Number of Stories	8-stories	6-stories	Meets Code
Maximum Non-Residential Floor Area	4.0	3.07	Meets Code
Off-Street Parking	155 spaces	166 spaces	Meets Code
Commercial Loading Berths	2 berths	2 berths	Meets Code
Bicycle Parking (long, short term)	11	11	Meets Code

WEST OAKLAND SPECIFIC PLAN (WOSP) - DESIGN GUIDELINES APPLICABLE TO ALL INDUSTRIAL/BUSINESS/COMMERCIAL OPPORTUNITY AREAS

Below are the design guidelines applicable throughout the West Oakland Specific Plan's industrial/ business/ commercial Opportunity Areas. The applicable design guidelines are shown in normal type. The reasons this proposal satisfies these guidelines are shown in **bold**.

The development proposal is located in the Opportunity Area 1 of the Mandela/ West Grand area. In the four identified Opportunity Areas of the WOSP, new building construction and renovation should be designed to maintain continuity with West Oakland's unique history and character.

SITE PLANNING / OPPORTUNITY AREA 1

SITE PLANNING-1
Pedestrian Circulation: Active street edges with entrances from city sidewalks should directly face streets, maximizing the utilization of city sidewalks by users of the buildings.

The project is located on a triangle-shaped parcel with its main entry on Mandela Parkway, where a pedestrian pathway will provide access from the sidewalk to the hotel lobby.

SITE PLANNING-2
Vehicular Circulation: Vehicular entrances and garages should be less prominent than pedestrian entrances.

The project development provides two separate vehicular entries to the site. The north entry is an existing shared driveway that will be improved with new landscaping on the sides of the property to soften the entry. The proposed south driveway that provides direct access to the underground parking garage will also have landscaping on the sides of the entry.

SITE PLANNING-3
Service Circulation: Service areas should be hidden from view from sidewalks whenever possible.

The project development depicts the hotel service circulation area on the northeast side of the building and is screened by hardscape from street view.

SITE PLANNING-4
Building Footprint: New construction should be built to the edge of sidewalks to maintain the continuity of the area's street walls. Small ground-level inset bays for entrances, outdoor seating, and special corner features are appropriate variations within the street wall. In addition, an occasional plaza may be also appropriate.

- Relate to existing buildings and utilitarian structures, which need to be rehabilitated and reused.
- Expansion of existing buildings is encouraged, with unique aspects of existing buildings respected, featured, and protected.
- Surface parking is strongly discouraged along frontages facing public streets.

The project shows a portion of the building footprint next to the sidewalk and includes courtyards facing Mandela Parkway. Although nearby buildings in the area were not constructed with wall continuity, the development site includes a variety of new landscaping to complement the building from the street line at Mandela Parkway.

SITE PLANNING-5
Open Space: West Oakland's public streetscapes along with its parks need to be embraced, improved, and enriched as public open space elements. Any new open space located in public view should not be walled from the street by dense planting or a tall fence.

The project development does not require open space, but its design includes new landscaping and low transparent fencing on this underutilized parcel which will improve the aesthetics of Mandela Parkway.

BUILDING DESIGN/ OPPORTUNITY AREA 1

BUILDING DESIGN-1
Massing: New buildings should be designed with major massing elements that are consistent with those found in existing desirable buildings located in the immediate vicinity.

The project provides massing design elements with its building footprint to relate to the site configuration of the site. The six-story building manages mass through façade and roof articulation that creates a contemporary style found in the neighboring buildings.

BUILDING DESIGN-2
Fenestration and Material: Fenestration elements, such as windows, doors, louvers, vents, wall panels, skylights, storefronts, curtain walls, and other glazed systems, can be either more historic or more contemporary depending on the context, and should be articulated to maintain the sense of scale found in the immediate context.

The project contains architectural features that provides articulation and interest which results in a contemporary building design that relates to the scale of the surrounding buildings.

DESIGN GUIDELINES SPECIFIC TO THE MANDELA/WEST GRAND & 3RD STREET OPPORTUNITY AREAS

The proposed project is located in the Opportunity Area 1 of the West Oakland Specific Plan (WOSP). This section of the design guidelines addresses the urban design strategies and guidelines that are particular to the Mandela/Grand and 3rd Street Opportunity Areas, industrial and commercial areas without housing or neighborhood commercial corridors. The applicable design guidelines are shown in normal type. The reasons this proposal satisfies these guidelines are shown in **bold**.
Under the guidelines, buildings facing Mandela Parkway should respect its civic prominence, quality of public landscaped areas, and unique history. The following design guidelines apply particularly to properties and buildings facing onto Mandela Parkway:

MANDELA PARKWAY-1
Site Planning: The most distinguished public features of a building should be oriented towards and visible from Mandela Parkway.

The project is a hotel that contains visually appealing architectural features such as a multi-level glass walkway bridge, narrow stairway tower, landscaping and transparent color metal fencing oriented towards Mandela Parkway.

MANDELA PARKWAY-2
Massing: Projects are encouraged to have dramatic architectural features visible along the Parkway.

The project development contains different wall planes with glazing, aluminum and cement siding and includes a large oval-shaped screen-wall on the rooftop which offers distinction to the building design.

MANDELA PARKWAY-3
Height: Taller buildings are encouraged along the Parkway.

The project development is a commercial building that measures up to 76 feet in height making the building one of the tallest buildings along Mandela Parkway and near the shopping center.

MANDELA PARKWAY-4
Fenestration and Materials: Incorporate large openings that create visual connections to Mandela Parkway.

The project development contains at least 13 feet of storefront glazing on the lobby and lounge area. The six-story building also has a glass curtain wall and a mixed proportion of windows that provides visual connectivity to Mandela Parkway.

MANDELA PARKWAY-5
Landscape: Landscaping should be coordinated with that of the public landscaped areas along Mandela Parkway, and the new planting and paving should be of a similarly high quality.

The project development includes the installation of new large trees within the site and along Mandela Parkway to improve and complement the streetscape. The project includes a separate new entry pedestrian pathway and a new driveway from the existing shared-driveway. To create a more distinctive paving material surface from the street to the hotel lobby, it is recommended that the project sponsor includes a paving surface material that contains high quality texture and interest to provide visual contrast and complement the landscaping and hardscape on development site.

KEY ISSUES

Commercial Buildings with Over 25,000 Square Feet of New Floor Area

The six-story commercial project is for hotel accommodation services of 220 rooms consisting of one-bed and two-bed rooms on the upper levels. The building measures approximately 142,813 square feet and will be located on a 46,445 square foot vacant parcel. The ground-floor will contain guest amenities from a lounge, breakfast and meeting rooms to a fitness and an indoor pool/spa area. The remaining ground-floor area will include a lobby, kitchen, laundry and other hotel service areas. The two-level underground parking garage will provide 166 off-street parking spaces and house other utility rooms. The General Plan policies envision the creation of new businesses that serve as regional locations for large commercial centers on underutilized vacant properties. The proposal meets the intent of the Regional Commercial area for large-scale commercial facilities because it will create a new lodging business that will support and maintain the mix of large size commercial facilities in the surrounding area. The project reflects approximately the size and scale of similar commercial buildings in the surrounding area including Extended Stay America Hotel, Granite Expo, Target, Office Depot and Best Buy stores.

Transient Habitation Activity- Hotels

The project development for a new hotel will create, maintain and contribute to the success of the regional commercial area as a destination center where a mix of businesses are concentrated and will continue to encourage growth in West Oakland. The proposal would be complementary to the similar uses in the area as the new lodging facility will add and meet the demand of hospitality services in the region. The 220-room "Mandela" hotel will attract business travelers, tourist and local and regional consumers to this regional commercial district area. The proposal is also located in close proximity to offices, the Bay Bridge East Span Trail and anticipates the creation of 44 new permanent jobs. The addition of a new lodging will improve and support the infrastructure of the surrounding commercial uses and transportation modes in the vicinity.

Non-Residential Tandem Parking Spaces-Dependent Parking Spaces

The proposal includes an underground, two-level parking garage for the hotel guest services. The development will provide the required number of off-street parking spaces. Approximately 102 parking spaces will be placed on an automatic parking lift system "stackers" on level 1 of the parking garage. Levels 1 and 2 of the parking garage will also accommodate 58 regular parking spaces. The project hotel operator will provide full-time parking valet attendants to move the vehicles in and out of the lift system. The double-deck lift system will allow vehicles to be stacked in rows and, therefore, will not impede the circulation of the regular independent parking spaces. Because the "stackers" are considered dependent parking spaces, a Minor Conditional Use Permit is required as part of this proposal. Typically, most hotels in urban setting use valet parking as part of their business operation and the use of valet parking will be practical and convenient to hotel customers here as well.

Front Yard Setback Reduction

The project proposal requires a front yard setback reduction for a small section of the northeast building wing, where the zoning code requires 20 feet and 1 foot is proposed pursuant to the objectices of the West Oakland Specific Plan. The encroachment in the front setback is for a section of the main building, the glass curtain wall and stair tower fronting the street. Although the project meets the front yard setback for the rest of the building, the section of the building where the minor variance is being requested is inconsequential given the constraints of the project site configuration. The proposal provides a design compatible with the West Oakland Specific Plan objectives that buildings directly abut the sidewalk. Furthermore, the street width on Mandela Parkway is more than 100 feet wide, the front property line is slightly curved and new landscaping including existing street trees would not make this section of the building out of scale with neighboring properties. Finally,there are a few existing commercial or light industrial buildings to the south of Mandela Parkway that have similar buildings near or along the front property line.

Building Design-New Construction

The proposal manages mass by breaking the linear configuration of the building envelope to relate to the shape of the three-sided parcel. The building wings stretch east to west and the center of the building stretches south and closer to the street to create different wall planes. The height of the six-story building also manages mass by creating emphasis on vertical and horizontal walls, the building includes a glass curtain wall between the hotel and stair tower to provide transition and design interest when viewed from the street. The building design contains different wall and roof planes, large and medium size window configurations, bay windows and perforated window metal awnings to reinforce architectural composition. The exterior building walls use different finishes such as glass, metal panels, cement plaster with reveal joints, spandrel panels and aluminum storefront system to create interest. The building also includes an oval-shaped wall to conceal rooftop equipment. The oval-shaped wall feature comprises of a perforated and corrugated orange color metal panel system that contributes to the contemporary style and urban expression in the vicinity. The project also contains a variety of new landscaping from trees, shrubs, vines and groundcover within and around the property to emphasize the building design theme and serve as a visual buffer. The proposal includes two separate illuminated business wall signs that are in scale with the building and provide visual appeal that complements the setting of the surrounding shopping district area.

CEQA

A CEQA Analysis was prepared for this project which details and concludes that the proposed project satisfies each of the following CEQA Guidelines: (A) 15332- Urban Infill Development; (B) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; (C) 15183.3 - Streamlining for Infill Projects; (D) 15164 - Addendum to EIRs; and (E) 15168 and 15180 - Program EIRs and Redevelopment Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis document was published and made publicly available on Friday, December 1, 2017 and separately furnished to the Planning Commission. The CEQA Analysis document for the Mandela Parkway Project can be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online at the following link here:

http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157
(Current Environmental Review Documents #72)

The CEQA analysis relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document including the LUTE (Land Use Transportation Element), and West Oakland Redevelopment Plan EIRs that can be viewed at the following links here:

http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158
(*LUTE / Item #1*)

http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd007642.pdf
(*West Oakland Redevelopment Plan*)

CONCLUSION

Staff believes that the proposal meets the primary goal of providing and locating new hotels near and along I-880/I-80, and within the Regional Commercial area that is known as a destination for retail and service uses. The development project has an attractive design and provides new lodging services to meet the needs of local and regional customers. The addition of a new hotel fits within the context of the commercial and light-industrial properties and is an excellent use of this underutilized site which has been vacant for a long time. The proposal conforms with the City's General Plan Policies and Regional Commercial Zone standards by creating and concentrating a hotel in this regional shopping center where such uses are critical to the success of the high-intensity urban character of the City.

RECOMMENDATIONS

1. Affirm staff's Environmental Determination and adopt the attached CEQA Findings; and

2. Approve the Project, including Conditional Use Permit, Regular Design Review, Minor Variance, subject to the attached findings and conditions (including the SCAMMRP).

Prepared by:

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Reviewed by:

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Development Planning Manager
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Reviewed by:

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ATTACHMENTS

A. Project Findings and CEQA Findings
B. Conditions of Approval
C. Standard Conditions of Approval Mitigation Monitoring & Reporting Program (SCAMMRP)
D. Revised Design Plans, submitted on December 1, 2017

ATTACHMENT A

Findings for Approval

The findings required for granting approval for this application for Conditional Use Permit, Regular Design Review and Minor Variance, are (shown in normal type) found in Sections 17.134.050, 17.116.240(D), 17.103.050, 17.136.050 (B), and 17.148.050 and the reasons this proposal satisfies these findings (shown in **bold**), are as follows (Note: the Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record):

SECTION 17.134.050- GENERAL CONDITIONAL USE PERMIT

Major CUP for for non-residential projects over 25,000 square feet of floor area in the CR-1 Zone; and Minor CUP for transient habitation activity-hotels.

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

The project is in a regional commercial shopping district and reflects the approximate size and scale of similar commercial buildings in the surrounding area such as the Extended Stay America Hotel, Granite Expo, Target, Office Depot and Best Buy. The building proposal measures 142,813 square feet and will be located on a 46, 445 square foot parcel. The project design is designed to reduce building mass and bulk and is compatible with the mix of nearby buildings. The hotel development is in character and fits with the intent of uses in this regional commercial area by creating new hotels and supporting similar hotels nearby. The transportation analysis prepared for this project shows no significant traffic impact to the surrounding area.

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

The project is located adjacent to the East Bay Bridge Shopping Center, next to I-880/I-80 and near public transit. The development site and design is compatible to the shape and size of the parcel. The project design will provide a convenient and functional living and working environment to the hotel patrons and employees. The building provides amenities such as a fitness room, pool/spa, office space, laundry, breakfast area, lounge bar and outdoor lounge on the ground-level. The hotel provides an interesting design that transitions between the retail area and mix of light-industrial and housing business-mix areas to the south along Mandela Parkway.

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

The project will provide a new development that is compatible with the size of nearby commercial buildings and is in scale with the site. The hotel proposal with its 220 rooms and

amenities will increase activity and help to support existing and future commercial development in this section of West Oakland. The addition will provide a new hotel that meets the City's intent for providing new lodging facilities in commercial areas and along I-880/I-80.

D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedures at Section 17.136.050.

The commercial development for a new hotel meets the Design Review Findings listed below in this report which are hereby incorporated by reference as if fully set forth herein.

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

The proposal conforms to the policies of the General Plan by providing a new hotel that helps to intensify the area designated for regional commercial uses, as described within this report which such findings are hereby incorporated by reference as if fully set forth herein.

SECTION 17.116.240(D) ADDITIONAL CONDITIONAL USE PERMIT FINDINGs for TANDEM PARKING FOR NON-RESIDENTIAL ACTIVITIES

1. That a full-time parking attendant supervises the parking arrangement at all times when the activities served are in active operation.

The project sponsor proposes full-time, 24-hour service parking attendants that will operate the automated parking system. The parking system "stackers" allows approximately 102 vehicles to be parked on an automatic two-level lift system. The "stackers" will be located on level one of the underground parking garage and will be reserved for use by the hotel patrons.

2. That there are a total of ten or fewer parking spaces on a lot, or within a separate parking area on a lot, which spaces are provided solely for employees.

This finding does not apply because is not part of the development proposal.

SECTION 17.103.050 -TRANSIENT HABITATION COMMERICAL USE PERMIT FINDINGS

1. That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, along the I-880 freeway, in a specific plan area, and/or in an area with a concentration of amenities for hotel patrons, including but not limited to restaurant, retail, recreation, open space and exercise facilities, and is well-served by public transit

The proposal is in a regional commercial area and along the I-880/I-80 freeway in West Oakland and is also within the West Oakland Specific Plan (WOSP). The development for a new 220-room hotel will be an attraction because it includes amenities such as a fitness room, indoor pool/spa, business center, laundry and lounge for guests. The project will provide hotel patrons with a mix of services within the immediate area that include retail, restaurants and parks (Mandela Park) including the Bay Bridge-East Bay Trail. Th project will also be served by transit lines that provide access to downtown Oakland, and other transit options such as Cal-trains.

by transit lines that provide access to downtown Oakland, and other transit options such as Cal-trains.

2. That the proposal considers the impact of the employees of the hotel or motel on the demand in the City for housing, public transit, and social services.

   The hotel proposal will provide new employment and help to diversify the economic base of the City by creating approximately 44 permanent jobs. There are housing alternatives as new market rate and affordable residential development have been approved and others are being constructed in the City of Oakland for future residents. The project is located close to existing public transit with AC Transit bus lines running along 40th Street and San Pablo Avenue that will provide services to hotel employees. The proposal would not create social services impacts because the new jobs can provide economic opportunities to Oakland residents and help reduce unemployment rate. To help promote jobs and the hiring of local residents, staff recommends a condition of approval. See Condition of Approval # 15.

3. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:

   a. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users.

      As discussed in the Design Review Findings in this staff report, the building proposal contains visually appealing architectural features that are typical of a commercial setting. The main entry and circulation for the hotel is located on Mandela Parkway. The project will provide adequate pedestrian and vehicular circulation to promote safety to the general public within and around the property.

   b. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials.

      The development proposal includes a mix of 24-inch size Crape Myrtle and Brush Trees, 5-gallon shrubs, vines and groundcovers within the landscaped area to complement the new development, provide visual interest to the building design and also enhance the streetscape along Mandela Parkway.

   c. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape.

      The project includes two internally-illuminated business wall signage along the top face of the building stair towers identifying the hotel and creating visual interest to the City's skyline when viewed from the surrounding areas. The signage does not detract from the streetscape.

   d. The majority of the parking is located either to the side or rear of the site, or where appropriate, within a structured parking facility that is consistent, compatible and integrated into the overall development.

The project proposal provides an underground parking garage that is within the envelope of the building. The entry of the driveway is located along the side of the property and will be screened from view by new landscaping within the property and along the street line.

e. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres.

The project proposal would use a central ventilation system for the hotel rooms and the parking garage, and the entry door for the garage faces the uncovered access ramp. The development includes a porte-cochere that identifies the entry for the hotel lobby facing onto Mandela Parkway, thus creating design interest.

f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level, and appropriate attention to detail.

The project provides architectural features to make the building base visually attractive. The use of fenestration on the hotel lobby, oval-shaped building columns, porte-cochere and landscaping provide transparency, prominence and visual appeal to the building.

g. Lighting standards for hotel buildings, grounds and parking lots that are not overly bright and direct the downward placement of light.

The project includes recessed canopy and wall-mounted light fixtures including lamp posts along the driveway and parking lot that are designed to prevent glare.

4. That the proposed development provides adequately buffered loading areas and to the extent possible, are located on secondary streets.

The project site does not have a secondary street and the rear commercial loading areas are screened with hardscape and landscaping to minimize visibility from street view.

5. The proposed operator of the facility shall be identified as part of the project description at the time of application.

The project sponsor or operator for the Mandela Hotel is identified on the application materials and project design plans.

SECTION 17.136.050 (B) - DESIGN REVIEW CRITERIA / Non-Residential Facilities

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 provides a different wall and roof arrangements and materials and color treatments to provide a balanced design. The building envelope provides footprint variation to break up wall continuity, different roof and wall planes and uses a variety of exterior treatments

materials and colors to increase building articulation and reduce bulk. The building also contains design features such as a glass curtain wall and an oval-shaped screen wall on the roof to create an urban style expression in the commercial area. To create a more distinctive paving material surface from the street to the hotel lobby, it is recommended that the project sponsor includes a paving surface material that contains high quality texture and interest to provide visual contrast and complement the landscaping and hardscape on development site.
See Condition of Approval #20.

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

The proposal provides a contemporary building design of high quality and will be in character and harmony with surrounding commercial uses. The project will fill in an undeveloped site with a desirable hotel use that will serve the area as a destination location. The development will protect and increase the value of private and public investment in the regional commercial area by creating a high-quality building with lodging services.

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 project design conforms to the General Plan and design criteria of the West Oakland Specific Plan by creating a quality development in a regional commercial area that conforms to the criteria discussed and incorporated by reference in the applicable design review findings.

SECTION 17.148.050- MINOR VARIANCE FINDINGS /Partial Front Yard Setback Reduction

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 strict compliance of setback requirements would result in a hardship given the project site configuration which could constrain a buildingfrom having an efficient and operational development. The setback reduction is for a small section of the building in the front yard, but improves the overall design by creating an effective solution for the operation of the hotel and appearance from the street. Such minor variance is also consistent with the West Oakland Specific Plan objective of having buildings directly abut the sidewalk.

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.

The strict compliance of setback requirements would restrict the development where other properties in the same zone have buildings with similar front yard setbacks due to the shape and configuaration of the property. The proposal would be compatible with some of the existing building to the south of the property along Mandela Parkway. The proposal is reasonable because it provides a balance as the required setback is met for the rest of the building and allows for a better operation of the hotel. The need for usable floor area and access to serve the hotel are more

reasonably needed than additional yard setback area. The project provides an effective design solution that still meets the front yard setback requirements for the rest of the main hotel and minimizes surface parking area. Strict compliance with the regulations would also impact the balanced architectural design of the building further impacts the ability for the project to achieve its design objectives.

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 granting of a minor variance for reduction of a small section of the required front yard setback will not adversely affect the appropriate development of the surrounding area. The Mandela Parkway design guidelines for commercial opportunity areas envision new building construction to be built to the edge of sidewalks to maintain continuity of the area's street walls which the project provides. Given that the rest of the hotel will meet the setback, the proposal for a section of front yard setback reduction is not detrimental to the public welfare.

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.

   The granting of the variance for the front yard setback reduction for a portion of the building will not constitute a grant of special privilege since the project will function practically for its required purpose, provide a design solution for a constrained and underutilized site and will limit impacts on neighboring commercial properties.

5. That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.070.

   The granting of the variance to reduce a small area of the front yard setback will allow the building to provide better hotel operations. The proposal meets the Design Review Criteria for non-residential development as described above.

6. 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 proposed project will be consistent with the General Plan, design guidelines and zoning as discussed elsewhere in this report, which such discussion is hereby incorporated by reference.

7. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:
   a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

   b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate

any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

Not applicable, as the project development includes commercial uses.

CEQA COMPLIANCE FINDINGS

I. Introduction: These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; "CEQA Guidelines") by the Planning Commission in connection with the environmental analysis of the effects of implementation of the Mandela Parkway Hotel project, as more fully described elsewhere in this Staff Report and in the City of Oakland ("City") CEQA Analysis document entitled "Mandela Parkway Hotel Project-CEQA Analysis" dated November 2017 ("CEQA Analysis") (the "Project"). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.

II. Applicability/Adoption of Previous CEQA Documents

A. Adoption of General Plan Land Use and Transportation Element (LUTE) and Certification of 1998 LUTE EIR: The City finds and determines that (a) the Oakland City Council on March 24, 1998 adopted Resolution No. 74129 C.M.S. which adopted the General Plan Land Use and Transportation Element, made appropriate CEQA findings, including certification of the 1998 LUTE Environmental Impact Report ("EIR"); and (b) the LUTE satisfies the description of "Community Plan" set out in Public Resources Code section 21083.3(e) and in CEQA Guidelines section 15183, as well the description of "Planning Level Document" set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the LUTE following a public hearing, approved applicable mitigation measures which are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or as a part of newer Standard Conditions of Approval ("SCAs") which constitute uniformly applied development policies or standards (together with other City development regulations) and determined that the mitigation measures set out in the 1998 LUTE EIR, would substantially mitigate the impacts of the LUTE and future projects thereunder. While approved after certification of the 1998 LUTE EIR, growth and potential effects of the development of the Project would have been considered in the cumulative growth projections factored into the LUTE EIR analysis.

B. Adoption of the West Oakland Redevelopment Plan and Certification of the EIR: The City finds and determines that (a) the Oakland City Council on November 8, 2003 adopted Resolution No. 2003-69 C.M.S. which adopted the West Oakland Redevelopment Plan for the Project Area and made appropriate CEQA findings including certification of the West Oakland Redevelopment Plan EIR; and (b) the West Oakland Redevelopment Plan EIR satisfies the designation of a "Program EIR" under CEQA guidelines Section 15180, as such subsequent activities are subject to requirements under CEQA Section 15168. The City Council, in adopting the West Oakland Redevelopment Plan following a public hearing, approved applicable mitigation measures and determined that the uniformly applicable development policies or standards, together with the

mitigation measures set out in the West Oakland Redevelopment Plan EIR would substantially mitigate the impacts of the West Oakland Redevelopment Plan and future projects thereunder.

III. CEQA Analysis Document: The CEQA Analysis and all of its findings, determinations and information is hereby incorporated by reference as if fully set forth herein. The CEQA Analysis concluded that the Project satisfies each of the following CEQA provisions, qualifying the Project for four separate CEQA statutory exemptions and a CEQA categorical exemption as summarized below and provides substantial evidence to support the following findings.

The City hereby finds that, as set forth below and as part of the CEQA Analysis, the Project is exempt from any additional CEQA Analysis under the "Community Plan Exemption" of Public Resources Code section 21083.3 (CEQA Guidelines §15183) and/or the "Qualified Infill Exemption" under Public Resources section 21094.5 (CEQA Guidelines §15183.3) and/or the "Redevelopment Projects" under Public Resources Code section 21090 (CEQA Guidelines §15180) and/or the "Infill Exemption" under Public Resources section 21084 (CEQA Guidelines §15332), thus no additional environmental analysis beyond the CEQA Analysis is necessary. The specific statutory exemptions and the categorical exemption are discussed below in more detail.

A. Community Plan Exemption; Public Resources Code Section 21083.3 (CEQA Guidelines §15183): The City finds and determines that, for the reasons set out below and in the CEQA Analysis, the Community Plan Exemption applies to the Project. Therefore, no further environmental analysis is required because all of the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 1998 LUTE EIR for the overall project (collectively called "Previous CEQA Documents"); there are no significant effects on the environment which are peculiar to the Project or to the parcel upon which it is located not addressed and mitigated in the Previous CEQA Documents; and there is no new information showing that any of the effects shall be more significant than described in the Previous CEQA Documents.

As set out in detail in the attached CEQA Analysis, the City finds that, pursuant to CEQA Guidelines section 15183 and Public Resources Code section 21083.3, the Project is consistent with the development density analyzed in the Previous CEQA Documents and that there are no environmental effects of the Project peculiar to the Project or the Project Site which were not analyzed as significant effects in the Previous CEQA Documents, nor are there potentially significant off-site impacts and cumulative impacts not discussed in the Previous CEQA Documents; nor are any of the previously identified significant effects which, as a result of substantial information not known at the time of certification of the Previous CEQA Documents, are now determined to present a more severe adverse impact than discussed in the Previous CEQA Documents. As such, no further analysis of the environmental effects of the Project is required.

B. Qualified Infill Exemption; Public Resources Code Section 21094.5 (CEQA Guidelines §15183.3): The City finds and determines that, for the reasons set forth below and in the CEQA Analysis, a Qualified Infill Exemption applies to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and mitigation measures provided in the Previous CEQA Documents; the Project will cause no new specific effects not addressed in the Previous CEQA Documents that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the Previous CEQA Documents.

The City finds that, pursuant to CEQA Guidelines section 15183.3, the CEQA Analysis contains in Attachment C a written analysis consistent with Appendix M to the CEQA Guidelines examining

whether the Project will cause any effects that require additional review under CEQA. The contents of Attachment C documents that the Project is located in an urban area satisfying the requirements of CEQA Guidelines section 15183.3 and satisfies the applicable performance standards set forth in Appendix M to the CEQA Guidelines. It also explains how the effects of the Project were analyzed in the Previous CEQA Documents; and indicates that the Project incorporates all applicable mitigation measures and SCAs from the Previous CEQA Documents. Attachment C also determines that the Project will cause no new specific effects not analyzed in the Previous CEQA Documents; determines that there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the Previous CEQA Documents, determines that the Project will not cause new specific effects or more significant effects, and documents how uniformly applicable development policies or standards (including, without limitation, the SCAs) will mitigate environmental effects of the Project. Based upon the CEQA Analysis and other substantial evidence in the record, the City finds and determines that no further environmental analysis of the effects of the Project is required.

C. Program EIRs and Redevelopment Projects (CEQA Guidelines §15168 and § 15180): The City finds and determines that for the reasons set forth below and in the CEQA Analysis, that the 2003 Redevelopment Plan EIR applies to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 2003 Redevelopment Plan EIR; the Project will cause no new specific effects not addressed in the 2003 Redevelopment Plan EIR that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the 2003 Redevelopment Plan EIR.

D. CEQA Analysis-Addendum; Public Resources Code Section 21166 (CEQA Guidelines §15162 and §15164): The City finds and determines that the CEQA Analysis constitutes an Addendum to the 2014 WOSP (West Oakland Specific Plan) EIR and that no additional environmental analysis of the Project beyond that contained in the 2014 EIR is necessary. The City further finds that no substantial changes are proposed in the Project that would require major revisions to the 2014 EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes occur with respect to the circumstances under which the Project will be undertaken which will require major revisions of the 2014 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance not known and which could not have been known with the exercise of reasonable diligence as of the time of certification of the 2014 EIR showing that the Project will have one or more significant effects not discussed in the 2014 EIR; significant effects previously examined will be substantially more severe than shown in the 2014 EIR, mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or mitigation measures or alternatives which are considerably different from those analyzed in the 2014 EIR would substantially reduce one or more significant effects on the environment.

Based on these findings and determinations, the City further finds that no Subsequent or Supplemental EIR or additional environmental analysis shall be required because of the Project. The City has considered the CEQA Analysis along with the 2014 EIR prior to making its decision on the Project and a discussion is set out in the CEQA Analysis explaining the City's decision not to prepare a Subsequent or Supplemental EIR pursuant to Guidelines sections 15162 and/or 15163.

E. Infill Exemption under Public Resources Section 21084 (CEQA Guidelines §15332):
The City finds and determines that for the reasons set forth in the CEQA Analysis, that the Project is consistent with CEQA Guidelines section 15332 and that no exceptions apply to the Project (per

CEQA Guidelines Section 15300.2). Specifically, the Project (a) is consistent with applicable general plan policies and zoning designations; (b) occurs within a project site smaller than five acres and is substantially surrounded by urban uses; (c) has no value as habitat for endangered, rare or threatened species; (d) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) is located on a site that can be adequately served by all required utilities and public services. In addition, none of the specific exceptions to CEQA categorical exemptions (CEQA Guidelines Section 15300.2) are applicable to the Project.

IV. Severability: The City finds that all five CEQA provisions discussed and determined to be applicable in Section III above are separately and independently applicable to the consideration of the Project and should any of the five be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.

V. Incorporation by Reference of Statement of Overriding Considerations: Each of the Previous CEQA Documents identified significant and unavoidable impacts.[2] The 1998 LUTE EIR identified six areas of environmental effects of the LUTE that presented significant and unavoidable impacts; and the Redevelopment Plan EIR identified four areas of environmental effects of the Redevelopment Plan that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the Previous CEQA Documents identified above, but a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15168, 15180, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Consideration for the 1998 LUTE EIR, adopted by the City Council on March 24, 1998, via Resolution No. 74129 C.M.S; and for the Redevelopment Plan EIR, adopted by the City Council on November 8, 2003, via Resolution No. 2003-69 C.M.S are all hereby incorporated by reference as if fully set forth herein.

[2] If these or any other findings inaccurately identify or fail to list a significant and unavoidable impact identified in the analysis, findings and conclusions of the 1988 LUTE EIR or the Redevelopment Plan Amendments EIR or their administrative records as a whole, the identification of that impact and any mitigation measure or SCA required to be implemented as part of the Project is not affected.

ATTACHMENT B

CONDITIONS OF APPROVAL

1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the revised and approved plans received on December 1, 2017, 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 within two (2) years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

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

4. **Minor and Major Changes**

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

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

5. **Compliance with Conditions of Approval**

a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved

technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. **Severability**

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

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

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

a. All mitigation measures identified in the 0 Mandela Parkway project CEQA Analysis Document are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 0 Mandela Parkway project CEQA Analysis Document are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 0 Mandela Parkway project CEQA Analysis Document has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 0 Mandela Parkway project CEQA Analysis Document into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning and the Bureau of Building, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Project Specific Conditions

15. **Job Local Hiring Recruitment**

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing
The applicant shall submit to the City Zoning Manager and Economic Development Manager a written proposal for review that reflects efforts to participate in a job fair that advertises job openings to local Oakland residents qualified for hotel hiring.

16. **Recommendations by Project Transportation Consultant and Incorporated as Conditions of Approval / *Ongoing***

Recommendation 1 (Subject to City review and approval):

- If the parking garage would be accessible to the public, ensure adequate space is provided for turn-around at the end of the dead-end drive aisle on the second level.

Recommendation 2 (subject to City review and approval):

- Provide "KEEP CLEAR" pavement markings on the existing driveway to ensure motorists turning into and out of the project site do not conflict with vehicles queueing on the existing driveway to turn onto Mandela Parkway (See **Figure 1** of the November 29, 2017 Fehr & Peers analysis).
- Ensure landscaping in the median along Mandela Parkway is maintained to provide adequate sight lines for left turning vehicles.

Recommendation 3 (subject to City review and approval):

- Consider relocating long-term bicycle parking to a more convinient location on the ground level.

Recommendation 4 (subject to City review and approval):

- Ensure proposed landscaping at the two project driveways would not limit the sight distance between exiting motorists and pedestrians along Mandela Parkway.
- Provide truncated domes at the south side of the Mandela Parkway/Horton Street intersection.

Recommendation 5 (subject to City review and approval):

- Improve the crosswalk striping per City Standards.
- Improve all curb ramps to provide directional curb ramps (two per corner) per City Standards.
- Update traffic paving markings, signage, and others as needed per City Standards.
- Study the feasibility and if feasible, install a stop-sign on the northbound approach (Best Buy) of the intersection.

17. **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 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.

18. **Screening of PG&E Transformers, Utility Meters, HVAC and other Equipment**

Prior to issuance of a demolition, grading or building permit/Ongoing

The applicant shall submit plans for City review and approval that show within the property and not within the public right-of-way the placement and details for screening from public view all exterior PG&E transformers, utility meters, HVAC and related equipment.

19. **Trash and Recyclable Containers Odor Control/Loading Area**
Ongoing
The trash and recycling containers shall be kept and maintained and placed away from public view, except for during regular service pick up dates. The applicant shall sweep around these containers and the loading commercial area daily, and use power-generated steam equipment in this area once weekly or as often as required.

20. **Installation of New Paving Materials for Driveway**
Prior to issuance of a demolition, grading or building permit/Ongoing
The applicant shall submit detail plans for City review and approval that shows the use of interesting and quality paving materials for the portion of the new driveway that leads to the hotel lobby and porte-cochere including the pedestrian entry pathway from the street.

Applicant Statement

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

_____

Name of Project Applicant

ATTACHMENT C

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

This standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA/MMRP) is based on CEQA Analysis prepared for the 0 Mandela Parkway Project.

These SCAs are incorporated into projects as conditions of approval, regardless of the determination of a project's environmental impacts. As applicable, the SCAs are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will, avoid or substantially reduce a project's environmental effects.

In reviewing project applications, the City determines which SCAs apply based upon the zoning district, community plan, and the type of permits/approvals required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which SCAs apply to a specific project. Because these SCAs are mandatory City requirements imposed on a city-wide basis, environmental analyses assume that these SCAs will be imposed and implemented by the project, and are not imposed as mitigation measures under CEQA.

All SCAs identified in the CEQA Analysis—which is consistent with the measures and conditions presented in the City of Oakland General Plan, Land Use and Transportation EIR (LUTE EIR, 1998)—are included herein. To the extent that any SCA identified in the CEQA Analysis was inadvertently omitted, it is automatically incorporated herein by reference.

- The first column identifies the SCA applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the project.
- The third column names the party responsible for monitoring the required action for the project.

In addition to the SCAs identified and discussed in the CEQA Analysis, other SCAs that are applicable to the project are included herein.

The project sponsor is responsible for compliance with any recommendations in approved technical reports and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific SCA, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the SCAs will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., **SCA-AIR-1**, **SCA-AIR-2**, etc. The SCA title and the SCA number that corresponds to the City's master SCA list are also provided—i.e., **SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions) (#19)**.

Table 4. City of Oakland Standard SCAs Required for the Project

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
Aesthetics, Shadow, and Wind			
SCA-AES-1: Graffiti Control. (#16) a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation: i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include: i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required).	Ongoing	N/A	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
SCA-AES-2: Landscape Plan. (#17) *a. Landscape Plan Required* 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.	Prior to approval of construction-related permit	Bureau of Planning	N/A
b. Landscape Installation 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.	Prior to building permit final	Bureau of Planning	Bureau of Building
c. Landscape Maintenance 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.	Ongoing	N/A	Bureau of Building
SCA-AES-3: Lighting. (#18) 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.	Prior to building permit final	N/A	Bureau of Building
Air Quality			
SCA-AIR-1: Construction-Related Air	During	N/A	Bureau of

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
Pollution Controls (Dust and Equipment Emissions). (#19) 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,	construction		Planning

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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. Vegétative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.			
r. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.			
s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.			
t. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.			
u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.			
v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).			
w. All construction equipment, diesel trucks, and			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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.			
SCA-AIR-2: Exposure to Air Pollution (Toxic Air Contaminants). (#20) *a. Health Risk Reduction Measures* The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building

i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. – or – ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. • Sensitive receptors shall be located on the upper floors of buildings, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*x Cupressocyparis leylandii*), Hybrid popular (*Populus deltoids x trichocarpa*), and Redwood (*Sequoia sempervirens*). • Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. • Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: • Installing electrical hook-ups for diesel trucks at loading docks. • Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. • Requiring truck-intensive projects to use			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
advanced exhaust technology (e.g., hybrid) or alternative fuels. • Prohibiting trucks from idling for more than two minutes. • Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.			
b. Maintenance of Health Risk Reduction Measures The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.	Ongoing	N/A	Bureau of Building
SCA-AIR-3: Stationary Sources of Air Pollution (Toxic Air Contaminants). (#21) The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods:	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. - or - b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: i. Installation of non-diesel fueled generators, if feasible, or; ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.			
Cultural Resources			
SCA-CUL-1: Archaeological and Paleontological Resources – Discovery During Construction. (#29) Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric	During construction	N/A	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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.			
SCA-CUL-2: Archaeologically Sensitive Areas – Pre-construction Measures. (#30) The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources. *Provision A: Intensive Pre-Construction Study.* The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:	Prior to approval of construction-related permit; during construction	Bureau of Building	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction. *Provision B: Construction ALERT Sheet.* The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a			

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minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site. The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.			
SCA-CUL-2: Human Remains – Discovery during Construction. (#31) 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	During Construction	N/A	Bureau of Building

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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.			
Geology and Soils			
SCA-GEO-1: Construction-Related Permit(s). (#33) 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.	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
SCA-GEO-2: Soils Report. (#34) The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
in the approved report during project design and construction. *(See Next Page #46…)*			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
Hazards and Hazardous Materials			
(See Next Page #47…)			

SCA-HAZ-1: Hazardous Materials Related to Construction. (#39) 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	During construction	N/A	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.			
SCA-HAZ-2: Hazardous Building Materials and Site Contamination. (#40) *a. Erosion and Sedimentation Control Plan Required* The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.	Prior to approval of demolition, grading, or building permits	Bureau of Building	Bureau of Building
b. Environmental Site Assessment Required The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.			
c. *Health and Safety Plan Required* The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
d. Best Management Practices (BMPs) Required for Contaminated Sites The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following: i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements. ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.	During construction	N/A	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
SCA-HAZ-3: Hazardous Materials Business Plan. (#41) 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.	Prior to building permit final	Oakland Fire Department	Oakland Fire Department
Hydrology and Water Quality			
SCA-HYD-2: Erosion and Sedimentation Control Plan for Construction. (#45) *a. Erosion and Sedimentation Control Plan Required* 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	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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.			
b. Erosion and Sedimentation Control During Construction 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.	During Construction	N/A	Bureau of Building
SCA-HYD-1: State Construction General Permit. (#46) 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.	Prior to approval of construction-related permit	State Water Resources Control Board; evidence of compliance submitted to Bureau of Building	State Water Resources Control Board

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
SCA-HYD-3: NPDES C.3 Stormwater Requirements for Regulated Projects. (#50) *a. Post-Construction Stormwater Management Plan Required* 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.	Prior to Approval of Construction-Related Permit	Bureau of Planning; Bureau of Building	Bureau of Building
b. Maintenance Agreement Required The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater	Prior to Building Permit Final	Bureau of Building	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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.			
Noise			
SCA-NOS-1: Construction Days/Hours. (#58) 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	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area. Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.			
SCA-NOS-2: Construction Noise. (#59) 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	During Construction	N/A	Bureau of Building

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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.			
SCA-NOS-3: Extreme Construction Noise. (#60) *a. Construction Noise Management Plan Required* Prior to any extreme noise generating	Prior to Approval	Bureau of Building	Bureau of Building

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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. *b. Public Notification Required* 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			

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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.			
SCA-NOS-4: Construction Noise Complaints. (#62) 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.	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building

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SCA-NOS-5: Operational Noise. (#64) 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.	Ongoing	N/A	Bureau of Building
Recommendation NOS-1 Guest rooms shall be designed to achieve an interior L_{dn} of 45 dBA or less as required by California Building Code 1207.4. Detailed recommendations for window and exterior wall Sound Transmission Class ratings needed to meet the interior sound level requirement must be determined during the architectural design phase. Any required ventilation system must not compromise the noise reduction provided by the windows and exterior wall assembly.	Prior to Approval of Construction Related Permit	Bureau of Building	Bureau of Building
Recommendation NOS-2 Non-guest rooms shall be designed to meet an hourly L_{eq} of 50 dBA as required by CalGreen 5.507.4.2. Detailed recommendations for window and exterior wall STC ratings needed to meet the interior sound level requirement must be determined during the architectural design phase. Any required ventilation system must not compromise the noise reduction provided by the windows and exterior wall assembly.	Prior to Approval of Construction Related Permit	Bureau of Building	Bureau of Building
Recommendation NOS-3 A report prepared by an acoustical consultant should be submitted prior to issuance of building permit confirming that the Project has been designed to meet the required interior noise levels in California Building Code 1207.4 and CalGreen 5.507.4.2 as per recommendations NOS-1 and NOS-2.	Prior to Approval of Construction Related Permit	Bureau of Building	Bureau of Building
Transportation and Traffic			

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SCA-TRANS-1: Construction Activity in the Public Right-of-Way. (#68) *a. Obstruction Permit Required* The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.	Prior to Approval of Construction Related Permit	Bureau of Building	Bureau of Building
b. Traffic Control Plan Required In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.	Prior to Approval of Construction Related Permit	Public Works Department, Transportation Services Division	Bureau of Building
c. Repair City Streets The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.	Prior to Building Permit Final	N/A	Bureau of Building
SCA-TRANS-4: Bicycle Parking. (#69) The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code).	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building

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The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.			
SCA-TRANS-3: Transportation Improvements. (#70) The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, and pedestrian and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: a. 2070L Type Controller with cabinet accessory b. GPS communication (clock) c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines	Prior to building permit final or as otherwise specified	Bureau of Building; Public Works Department, Transportation Services Division	Bureau of Building

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with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required) g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor p. Signal timing plans for the signals in the coordination group			
SCA-TRANS-2: Transportation and Parking Demand. (#71) *a. Transportation and Parking Demand Management (TDM) Plan Required* The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City. i. The goals of the TDM Plan shall be the following: • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project. • Achieve the following project vehicle trip	Prior to Approval of Construction-Related Permit	Bureau of Planning	N/A

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reductions (VTR): • Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR • Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR • Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City's transportation system, consistent with City policies and programs. ii. TDM strategies to consider include, but are not limited to, the following: • Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. • Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. • Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. • Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. • Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
Pass or a similar program through another transit agency). • Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. • Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). • Guaranteed ride home program for employees, either through 511.org or through separate program. • Pre-tax commuter benefits (commuter checks) for employees. • Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. • On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. • Distribution of information concerning alternative transportation options. • Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. • Parking management strategies including attendant/valet parking and shared parking spaces. • Requiring tenants to provide opportunities and the ability to work off-site. • Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). • Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.			
b. TDM Implementation — Physical Improvements For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.	Prior to Building Permit Final	Bureau of Building	Bureau of Building
c. TDM Implementation — Operational Strategies For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary,	Ongoing	Bureau of Planning	Bureau of Planning

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.			
Utilities and Service Systems			
SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling. (#74) The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.	Prior to Approval of Construction-Related Permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services Division
SCA-UTIL-2: Underground Utilities. (#75) The project applicant shall place underground all new utilities serving the project and under the	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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.			
SCA-UTIL-3: Recycling Collection and Storage Space. (#76) 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 sf of building floor area is required, with a minimum of ten cubic feet.	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building
SCA-UTIL-4: Green Building Requirements. (#77) *a. Compliance with Green Building Requirements During Plan-Check* The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code). i. The following information shall be submitted to the City for review and approval with the	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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 pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. • A minimum of 23 points (3 Community; 6 IAQ/Health; 6 Resources; 8 Water) as defined by the Green Building Ordinance for Residential New Construction. • All green building points identified on the			

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
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.			
b. Compliance with Green Building Requirements During Construction 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.	During Construction	N/A	Bureau of Building
c. Compliance with Green Building Requirements After Construction Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to Build It Green and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating	After Project Completion as Specified	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	When Required	Initial Approval	Monitoring/ Inspection
certification and compliance with the minimum point/certification level noted above.			
SCA-UTIL-5: Sanitary Sewer System. (#79) The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.	Prior to Approval of Construction-Related Permit	Public Works Department, Department of Engineering and Construction	N/A
SCA-UTIL-6: Storm Drain System. (#80) 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.	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building

Project Site
MANDELA PARKWAY, OAKLAND

MANDELA HOTEL

MANDELA PARKWAY
OAKLAND, CA 94608

DESIGN REVIEW

CLIENT:
TULSEE NATHU & PAYAL NATHU
P.O. BOX 52098
AMARILLO, TEXAS

ARCHITECT:
ARCHITECTURAL DIMENSIONS
300 FRANK H. OGAWA PLAZA, SUITE 375 OAKLAND, CA 94612
510.463.8300, FAX: 510.463.8395

DRAWING INDEX

Attachment D

REVISED SET

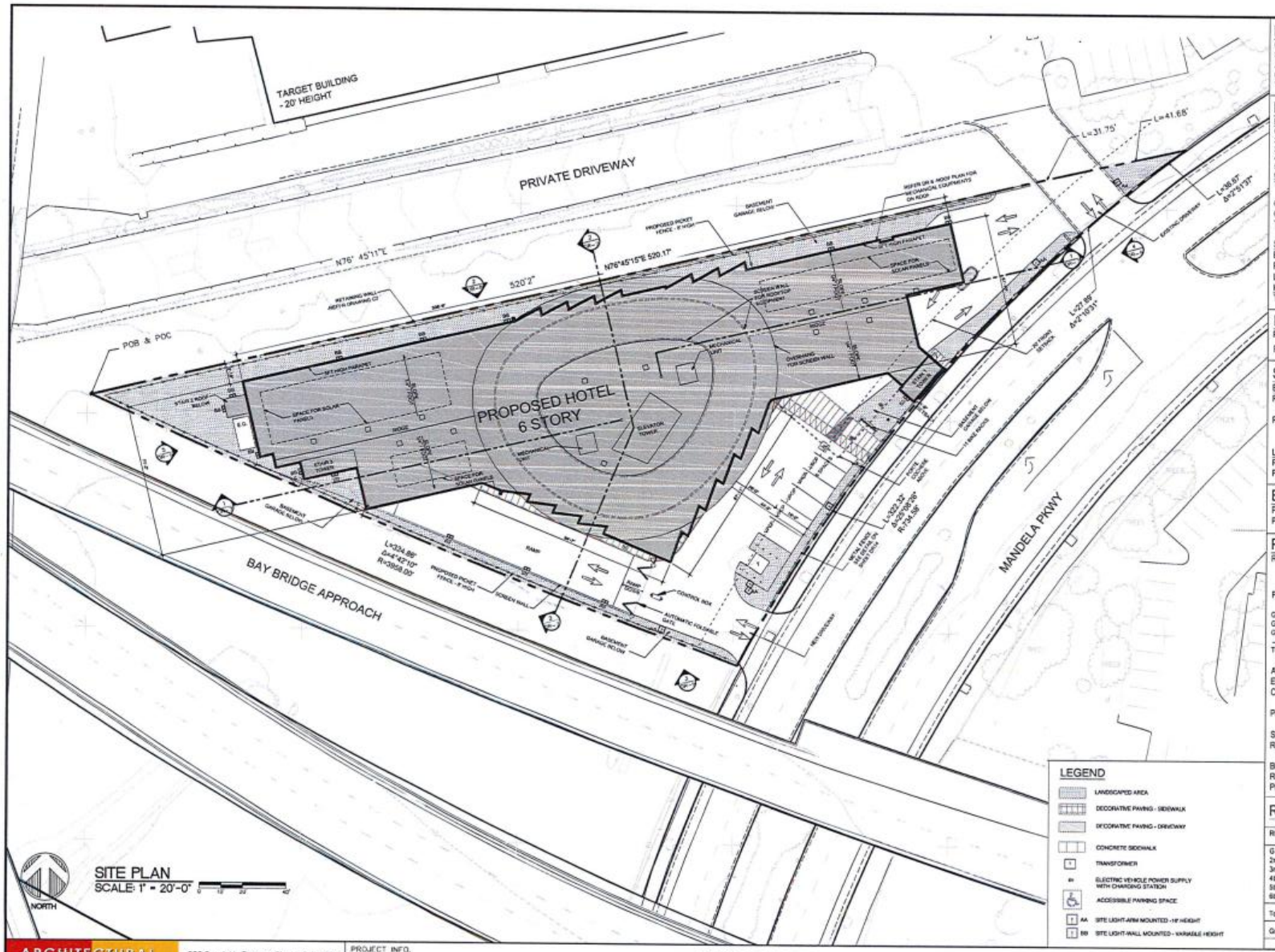
RECEIVED
DEC 01 2017
City of Oakland
Planning & Zoning Division

ARCHITECTURAL DIMENSIONS
300 Frank H. Ogawa Plaza, Suite 375
Oakland, CA 94612
TEL. 510.463.8300 FAX. 510.463.8395

PROJECT INFO.
MANDELA HOTEL
MANDELA PKWY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17

DRAWING NO. DR-1



SITE PLAN
SCALE: 1" = 20'-0"

PROJECT SUMMARY

6 STORY HOTEL, 220 rooms
Site Area - 46445 S.F. (1.066 Acres)
Zoning Classification- CR-1
General Plan Designation- Mandela/Grand Opportunity Area
Type of Construction- 1A(Ground Floor), 3A (2-6 Floors)

Proposed Project Area:

BUILDING AREA:

Ground Floor-	17,873 S.F.
2nd Floor-	24,988 S.F.
3rd Floor-	24,988 S.F.
4th Floor-	24,988 S.F.
5th Floor-	24,988 S.F.
6th Floor-	24,988 S.F.
Total Building Area:	142,813 S.F.

GARAGE 1 (excluding open ramp)	32,500 S.F.
GARAGE 2 (including closed ramp)	24,451 S.F.
TOTAL GARAGE AREA	56,951 S.F.

SITE AREA:

BUILDING FOOTPRINT-	17,873 S.F. (38%)
PARKING-	972 S.F. (2%)
LANDSCAPE-	8,517 S.F. (18%)
HARDSCAPE (including open ramp)-	19,086 S.F. (41%)
TOTAL	46,445 S.F.

F.A.R.

Permitted: Maximum of 4.0

Provided: = 3.07

SETBACKS

BUILDING
Required : 20ft (front)

Proposed: 20ft (front)
1ft (front) for a length of 21ft of 186 sq ft section of the building

LANDSCAPING
Required : 3 ft wide, 3.5 ft high landscape screening parking
Proposed: 5 ft wide, 3.5 ft high landscape screening parking

Building Height

Permitted: 90ft (8 Stories- not including underground)
Proposed: 83.5ft (6 Stories)

Parking

Required: 1 Space for 600sq.ft.of floor area on ground and 1 space for 1000sq.ft. of floor area not on ground floor =155 spaces (including 6 ADA & 10 EV)

Provided:

	STANDARD	STACK	ADA	EV	EV-ADA	VPCP	TOTAL
Ground Floor-			1			5	6
Garage 1-		102	6		1		109
Garage 2-	41			10			51
TOTAL	41	102	7	10	1	5	166

ADA Parking: 7 Spaces
EVC Station: 10 Spaces + 1 EVC ADA
Carpool/ Vanpool 5 Spaces

Parking Ratio: (Spaces / Rooms) 0.8

Space Dimensions Provided: 9 FT X 19 FT
Required per City: 8.5 FT X 18 FT

Bike Parking
Required: 11 Long Term, 11 Short Term
Provided: 11 Long Term, 11 Short Term

Room Count

ROOMS	HOTEL 2 QQ	HOTEL 2 QQ ADA	HOTEL 2 K	HOTEL 2 K ADA	HOTEL 1 QQ	HOTEL 1 QQ ADA	HOTEL 1 K	HOTEL 1 K ADA	TOTAL
G Floor-	0	0	0	0	0	0	0	0	0
2nd Floor-	13	1	7	1	15	1	5	1	44
3rd Floor-	13	1	7	1	15	1	5	1	44
4th Floor-	13	1	7	1	15	1	5	1	44
5th Floor-	13	1	7	1	15	1	5	1	44
6th Floor-	13	1	7	1	15	1	5	1	44
Total	65	5	35	5	75	5	25	5	220
Grand Total	110				110				220

LEGEND

- LANDSCAPED AREA
- DECORATIVE PAVING - SIDEWALK
- DECORATIVE PAVING - DRIVEWAY
- CONCRETE SIDEWALK
- T — TRANSFORMER
- EV — ELECTRIC VEHICLE POWER SUPPLY WITH CHARGING STATION
- ACCESSIBLE PARKING SPACE
- AA — SITE LIGHT-ARM MOUNTED - HT HEIGHT
- BB — SITE LIGHT-WALL MOUNTED - VARIABLE HEIGHT

ARCHITECTURAL DIMENSIONS
300 Frank H. Ogawa Plaza, Suite 375
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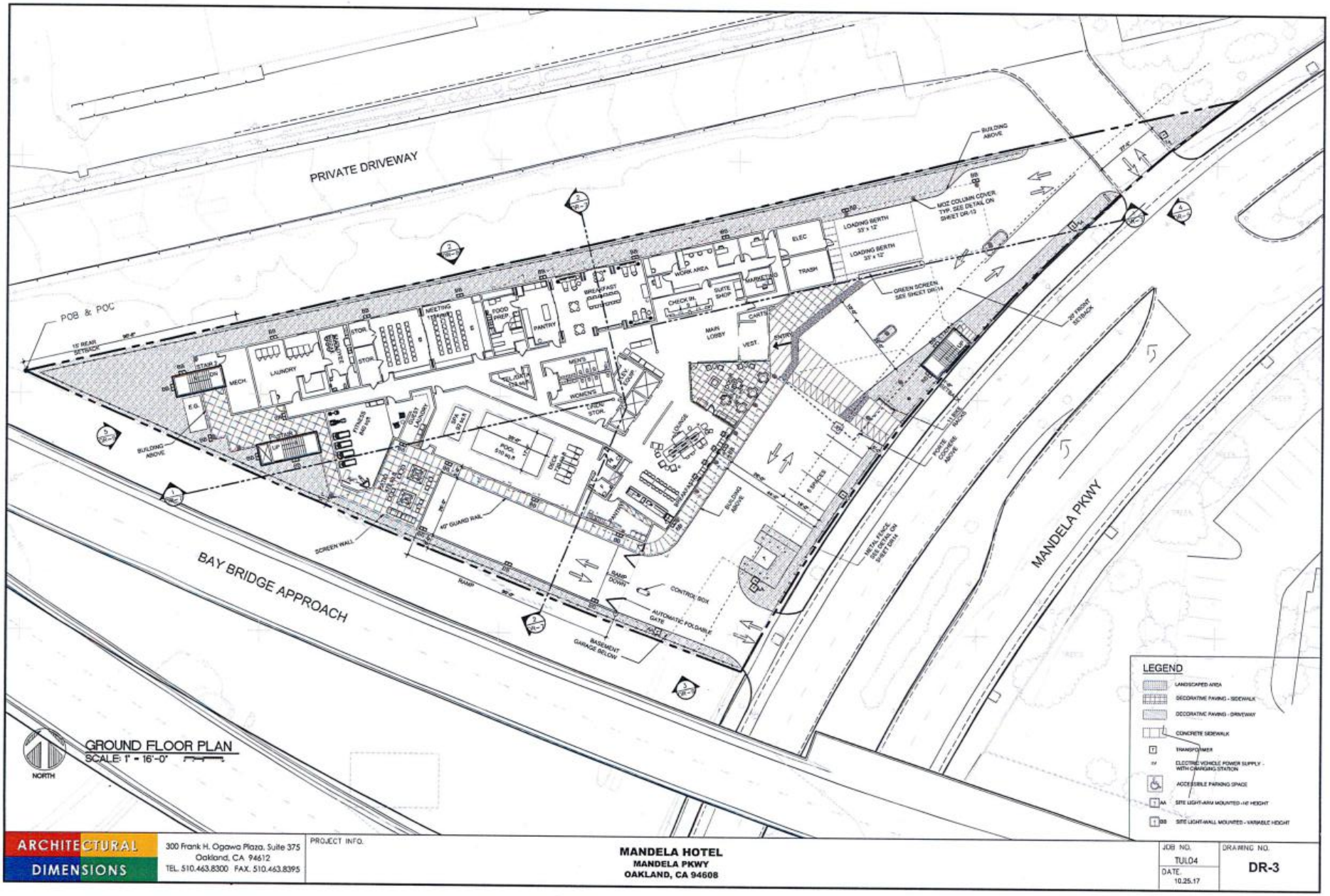
TEL. 510.463.8300 FAX. 510.463.8395

PROJECT INFO.

MANDELA HOTEL
MANDELA PKWY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17
DRAWING NO. DR-2



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PROJECT INFO.

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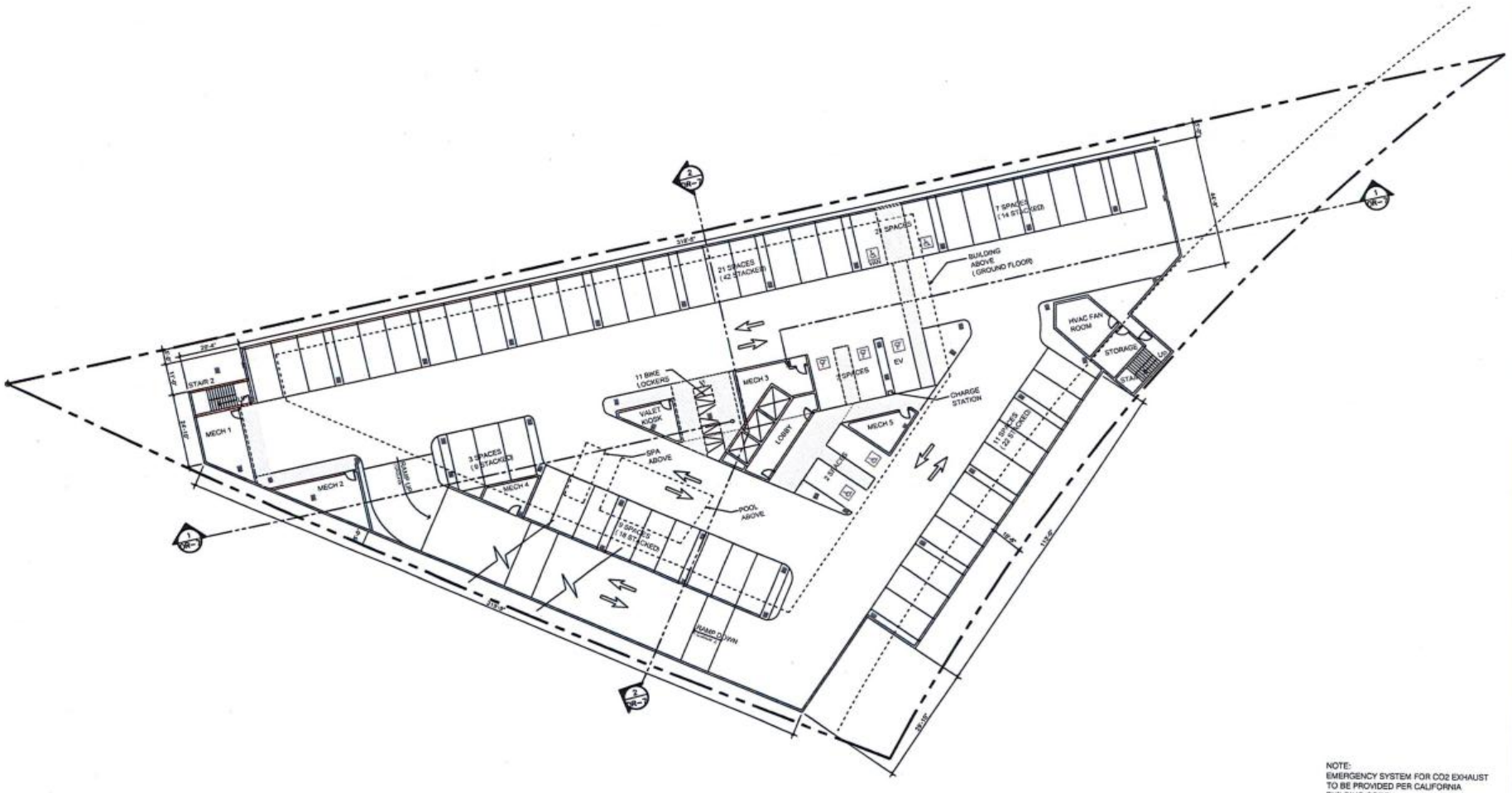
JOB NO. TUL04
DATE. 10.25.17
DRAWING NO. DR-3



NOTE:
EMERGENCY SYSTEM FOR CO2 EXHAUST TO BE PROVIDED PER CALIFORNIA BUILDING CODE

NORTH

GARAGE LEVEL-1 PLAN

SCALE: 1" = 16'-0"

LEGEND

EV	ELECTRIC VEHICLE POWER SUPPLY WITH CHARGING STATION
♿	ACCESSIBLE PARKING SPACE
	CONCRETE SIDEWALK

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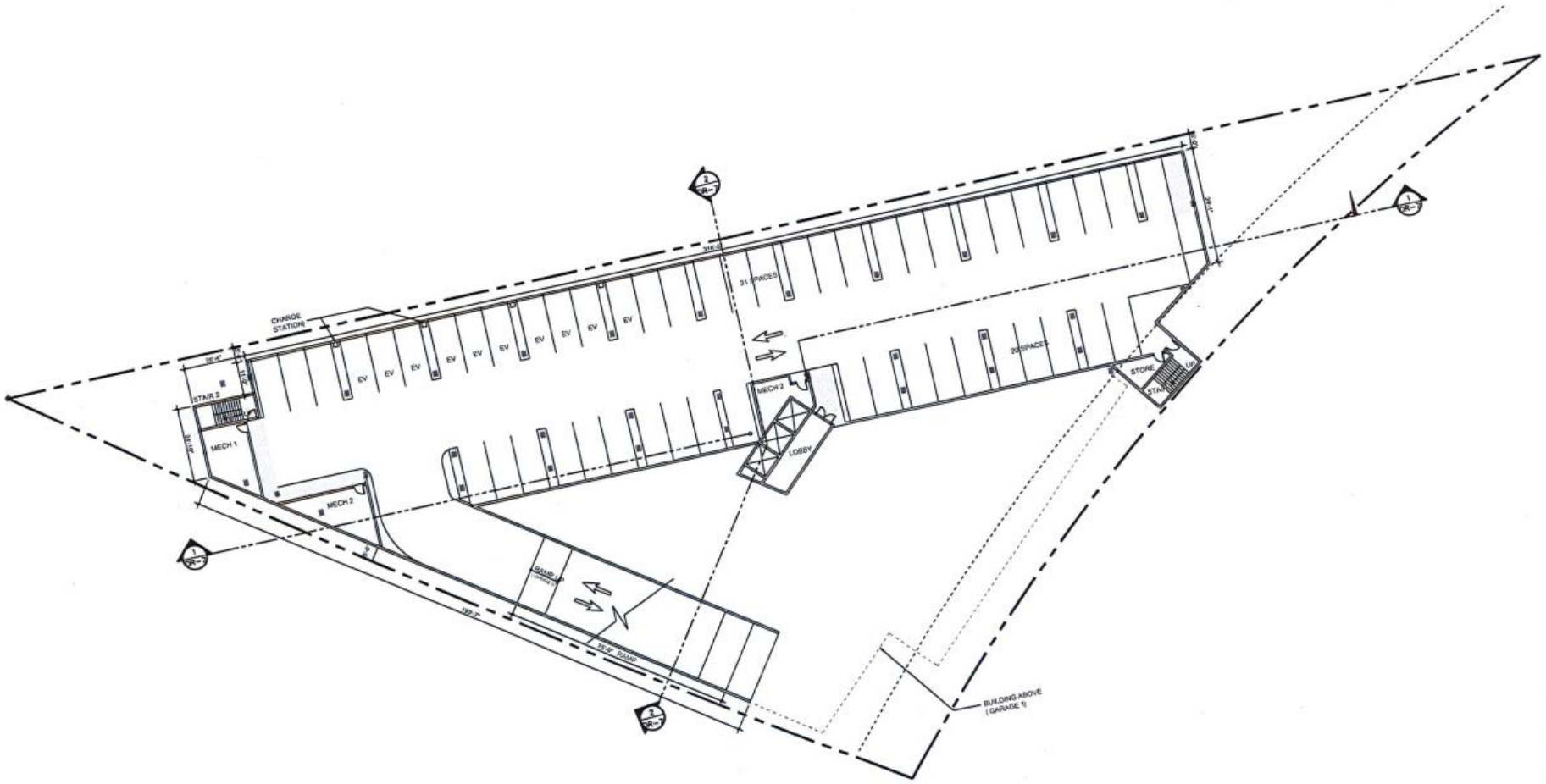
PROJECT INFO.

MANDELA HOTEL
MANDELA PKWY
OAKLAND, CA 94608

JOB NO.	DRAWING NO.
TUL04	DR-5
DATE. 10.25.17	



NOTE:
EMERGENCY SYSTEM FOR CO2 EXHAUST TO BE PROVIDED PER CALIFORNIA BUILDING CODE

NORTH

GARAGE LEVEL-2 PLAN

SCALE: 1" = 16'-0"

LEGEND

EV ELECTRIC VEHICLE POWER SUPPLY WITH CHARGING STATION

CONCRETE SIDEWALK

ARCHITECTURAL DIMENSIONS
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PROJECT INFO.

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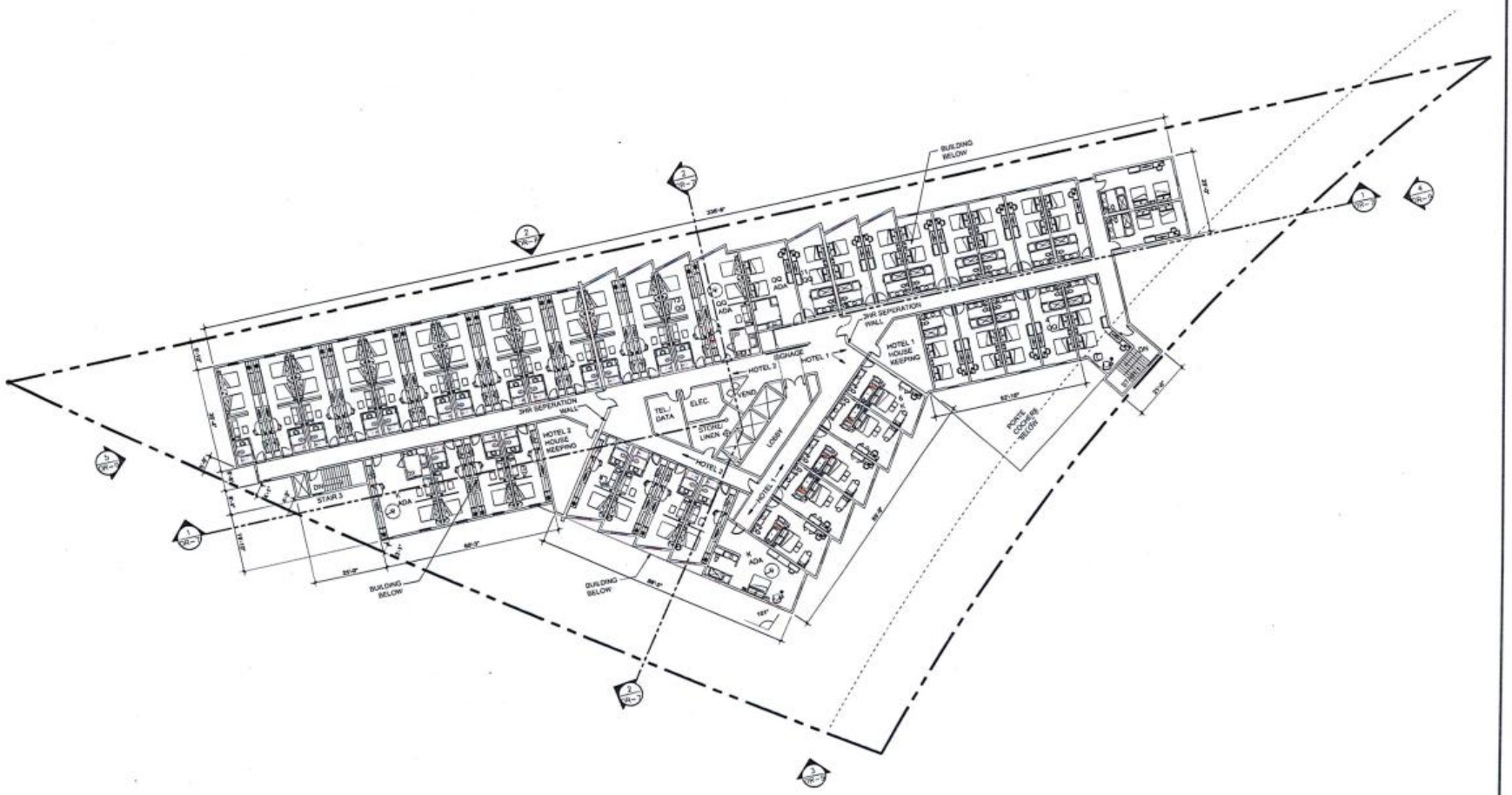
MANDELA PKWY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17

DRAWING NO. DR-6



NORTH

2ND-6TH FLOOR PLAN

SCALE: 1" = 16'-0"

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PROJECT INFO.

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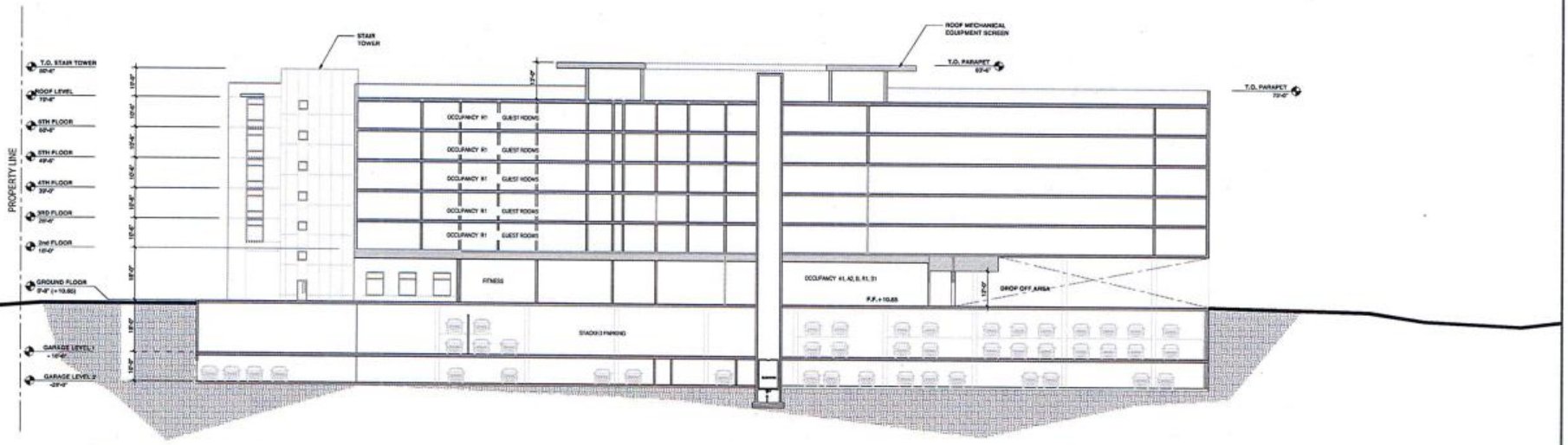
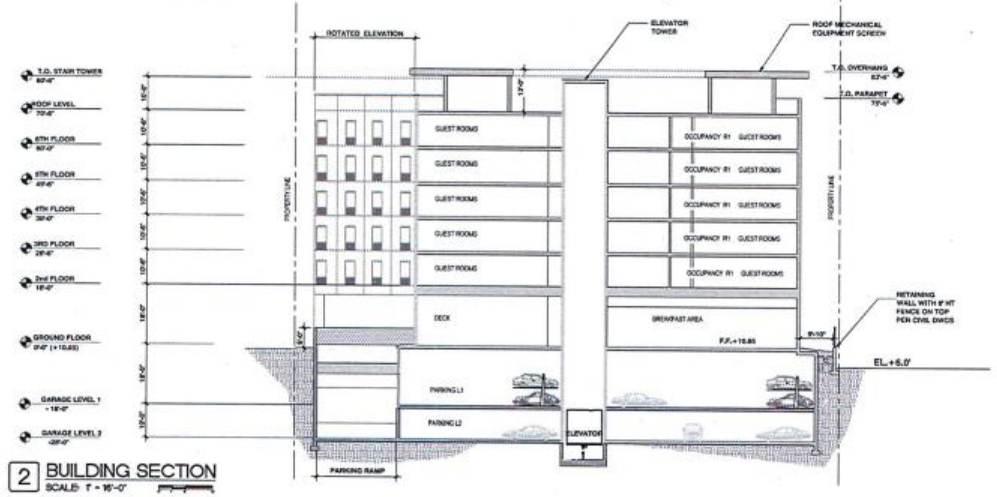
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17

DRAWING NO. **DR-4**



1 BUILDING SECTION
SCALE: 1" = 16'-0"



2 BUILDING SECTION
SCALE: 1" = 16'-0"

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PROJECT INFO.

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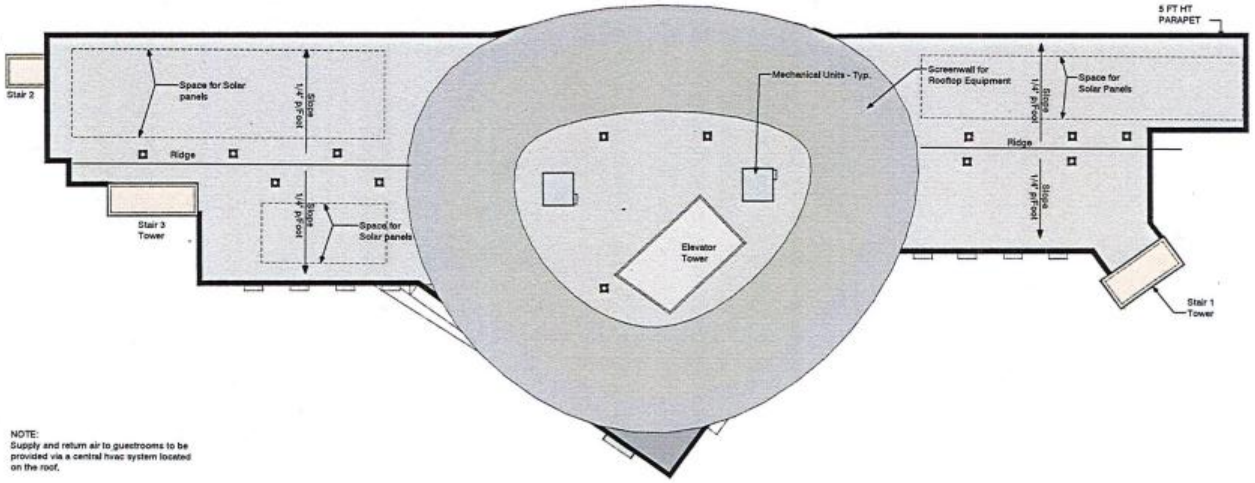
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17

DRAWING NO. DR-7



NOTE:
Supply and return air to guestrooms to be provided via a central hvac system located on the roof.

1 Roof Plan
Scale: 1" = 20'-0"

2 North Elevation
Scale: 1/16" = 1'-0"

General Exterior Elevation Notes

1. Colors indicated on this drawing are approximate and will vary depending on printer/monitor display source. Refer to Colors and Materials Boards for true representation of all proposed finishes.
2. All landscaping indicated on this drawing is diagrammatic and intended only to convey a sense of general landscaped areas. Refer to actual Landscape Plan for all proposed landscaping.

Material/Finish Legend

Refer to Colors and Materials Boards for true representation of all proposed finishes.

AL-1	Aluminum Storefront
GL-1	Vision Glass
GL-2	Spandrel Panel
MP-1	Metal Panel - Perforated
MP-2	Metal Panel - Perforated & Corrugated
MP-3	Metal Wall Panel
PT-1	Paint - on Cement Plaster
PT-2	Paint - on Cement Plaster
PT-3	Paint - on Cement Plaster
PT-4	Paint - on Cement Plaster
PT-5	Painted Metal Coping

Keynotes

Note: Not all keynotes listed apply to this particular sheet.

1. Drop off Zone
2. Planter
3. Screenwall for Rooftop Equipment
4. Internally Illuminated Channel Letter Signage.
5. Aluminum Storefront System
6. Metal Awning
7. Spandrel Glass
8. Aluminum Window System (Packaged Terminal Air Conditioning - PTAC unit integral to window system. Color and finish to match aluminum windows)

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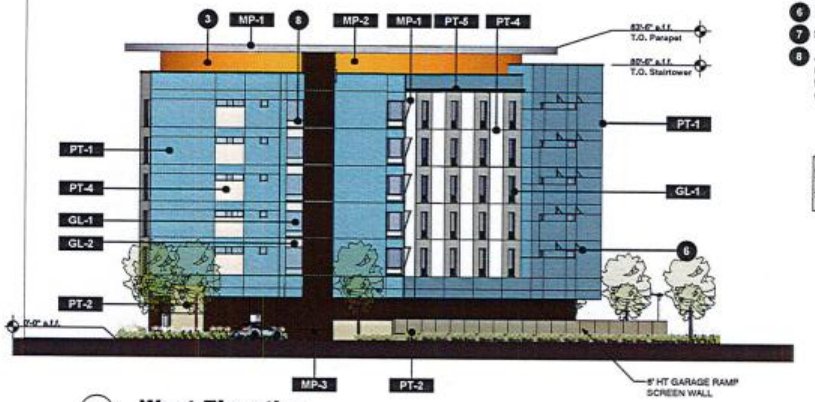
OAKLAND, CALIFORNIA 94608

JOB NO. TUL 04
DATE 10.25.2017

DR-8

3 **South Elevation**
Scale: 1/16" = 1'-0"

4 **East Elevation**
Scale: 1/16" = 1'-0"



5 **West Elevation**
Scale: 1/16" = 1'-0"

General Exterior Elevation Notes

1. Colors indicated on this drawing are approximate and will vary depending on printer/monitor display source. Refer to Colors and Materials Boards for true representation of all proposed finishes.
2. All landscaping indicated on this drawing is diagrammatic and intended only to convey a sense of general landscaped areas. Refer to actual Landscape Plan for all proposed landscaping.

Material/Finish Legend

Refer to Colors and Materials Boards for true representation of all proposed finishes.

AL-1	Aluminum Storefront
GL-1	Vision Glass
GL-2	Spandrel Panel
MP-1	Metal Panel - Perforated
MP-2	Metal Panel - Perforated & Corrugated
MP-3	Metal Wall Panel
PT-1	Paint - on Cement Plaster
PT-2	Paint - on Cement Plaster
PT-3	Paint - on Cement Plaster
PT-4	Paint - on Cement Plaster
PT-5	Painted Metal Coping

Keynotes

Note: Not all keynotes listed apply to this particular sheet.

1. Drop off Zone
2. Planter
3. Screenwall for Rooftop Equipment
4. Internally Illuminated Channel Letter Signage.
5. Aluminum Storefront System
6. Metal Awning
7. Spandrel Glass
8. Aluminum Window System (Packaged Terminal Air Conditioning - PTAC unit integral to window system. Color and finish to match aluminum windows)

Allowable Aggregate Sign Area = 200 SqFt
Total Aggregate Tentative Sign Area = 200 SqFt
Signage under seperate approval

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MANDELA HOTEL
MANDELA PKWY
OAKLAND, CALIFORNIA 94608

JOB NO. TUL 04
DATE 10.25.2017

DR-9

South East View - From Freeway Approach

South-West Project Site Aerial View

North East View- Side

East View - Front

North-West View -Rear

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OAKLAND, CALIFORNIA 94608

JOB NO. TUL 04
DATE 10.25.2017

DR-10

MP-2 METAL PANEL -CORRUGATED & PERFORATED
CENTRIA
Color: Sedona on Aluminum Substrate
(ECO LAP 3/4")
(Or Equivalent)

PT-1 PAINT ON CEMENT PLASTER
Sherwin Williams
Color: SW 7611 -Tranquil Aqua
(Or Equivalent)

GL-1 VISION GLASS
PPG- Solexa
(Or Equivalent)

GL-2 SPANDREL PANEL
ICD- High Performance Coating
Opaci Coat 300 (Or Equivalent)
Color: D-1060 White

PT-4 PAINT ON CEMENT PLASTER
Sherwin Williams
Color: SW7637 - Oyster White
(Or Equivalent)

MP-3 METAL WALL PANEL
Alucobond
Bistro Bronze Mica
(Or Equivalent)

MP-1 METAL PANEL-PERFORATED
Mo'Z DESIGN DECORATIVE METAL
Color: Clear - Clouds - Polycoat Gloss
Size: 3/16"Diam Perforations 5/16"Stg
Ctrs (Or Equivalent)

PT-5 PAINTED METAL FASCIA
Sherwin Williams
Color: SW 7041 Van Dyke Brown
(Or Equivalent)

PT-2 PAINT ON CEMENT PLASTER
Sherwin Williams
Color: SW 7728 - Green Sprout
(Or Equivalent)

AL-1 ALUMINUM WINDOWS
KAWNEER
Color: Clear
Finish: Permanodic Anodized
(Or Equivalent)

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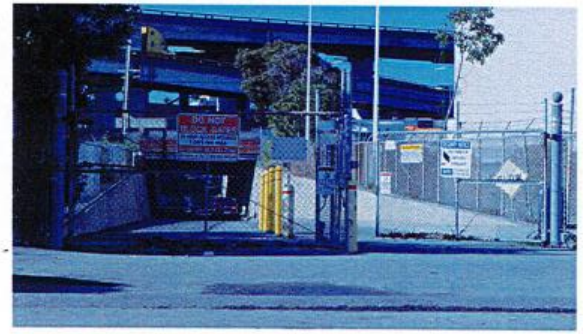
OAKLAND, CALIFORNIA 94608

MATERIAL FINISHES

JOB NO. TUL 04
DATE 10.25.2017

DR-11



1 East Bay MUD

Key Plan (N.T.S.)

2 4400 Shellmound St.

3 1555 40th St.

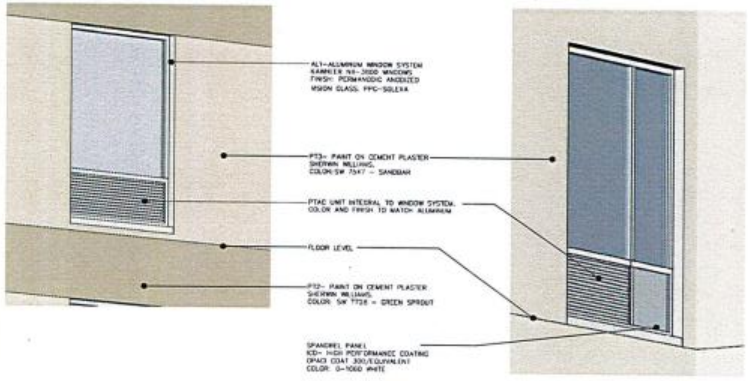
4 3650 Mandela Pkwy

5 3700 Mandela Pkwy.

6 3465 Ettie St.

7 3401 Mandela Pkwy.

ARCHITECTURAL DIMENSIONS	300 Frank H. Ogawa Plaza, Suite 375 Oakland, CA 94612 TEL. 510.463.8300 | FAX. 510.463.8395		MANDELA HOTEL MANDELA PKWY OAKLAND, CALIFORNIA 94608	CONTEXT STUDY PHOTOGRAPHS	JOB NO. TUL 04 DATE 10.25.2017	DR-12

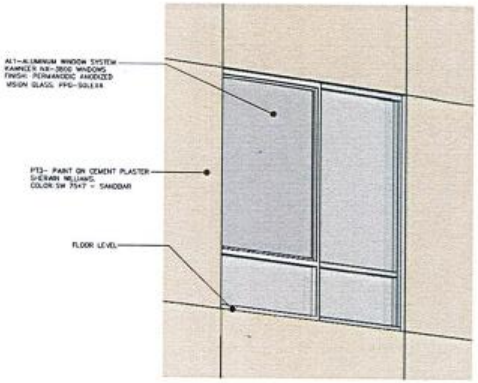


A

1 TYPICAL GUESTROOM WINDOW - TYPE 1
(5'-0" X 7'-5")

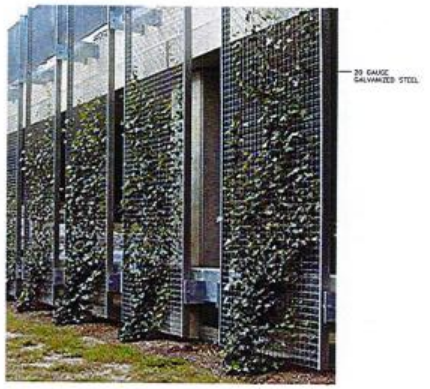
H

3 TYPICAL GUESTROOM WINDOW - TYPE 2
(5'-10 1/2" X 7'-5")



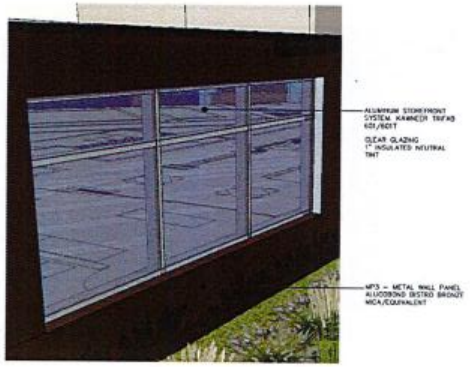
C

5 TYPICAL ADA GUESTROOM WINDOW
(9'-0" X 7'-8")



MODULAR PANELS FROM GREENSCREEN
FINISH: PAINT
COLR: GREEN

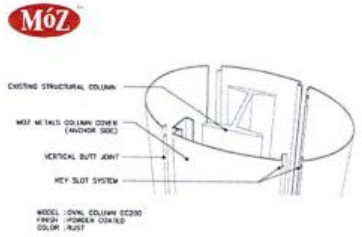
6 FREE STANDING VERTICAL GREEN SCREEN
SCALE : NTS



D

2 MEETING ROOM WINDOW
(14'-6 1/2" X 7'-0")

4 WINDOW SPECIFICATIONS
SCALE : NTS



7 TYPICAL EXTERIOR COLUMN COVER DETAIL
SCALE : NTS

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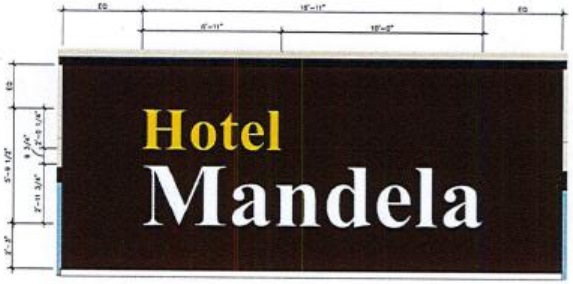
PROJECT INFO.

MANDELA HOTEL
MANDELA PKWY
OAKLAND, CA 94608

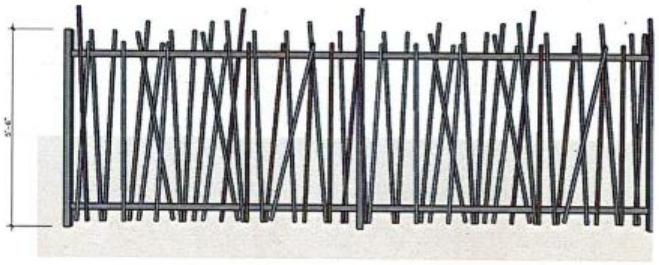
JOB NO. TUL04
DATE. 10.25.17

DRAWING NO. **DR-13**

1 SIGNAGE DETAIL - STAIR 1 TOWER
SCALE : NTS



2 SIGNAGE DETAIL - STAIR 2 TOWER
SCALE : NTS



FINISH: POWDER COATED
COLOR: DARK GREY METALLIC

3 DECORATIVE METAL FENCE ALONG MANDELA PARKWAY
SCALE : NTS

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PROJECT INFO.

MANDELA HOTEL
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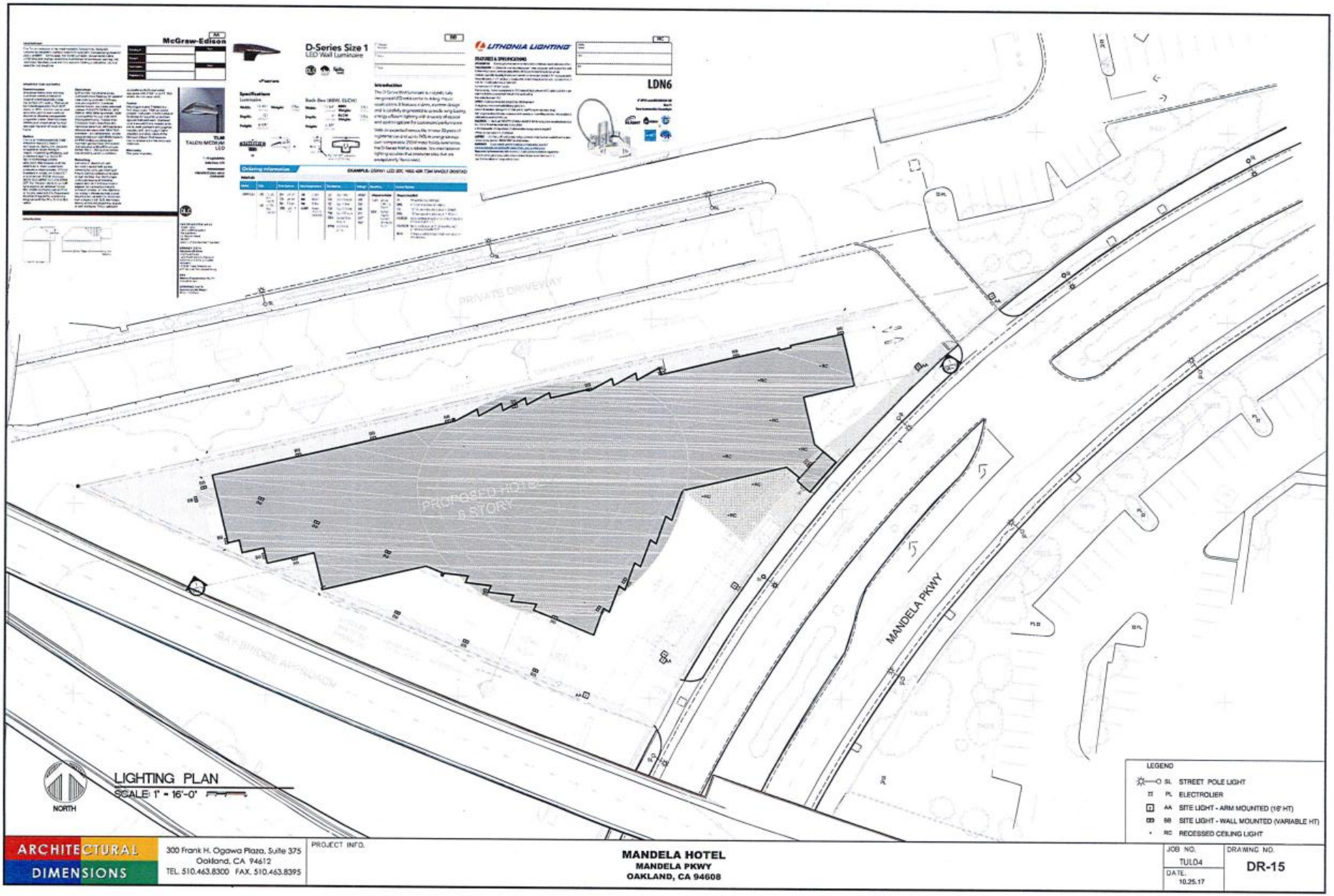
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17

DRAWING NO. **DR-14**



LIGHTING PLAN

SCALE: 1" = 16'-0"

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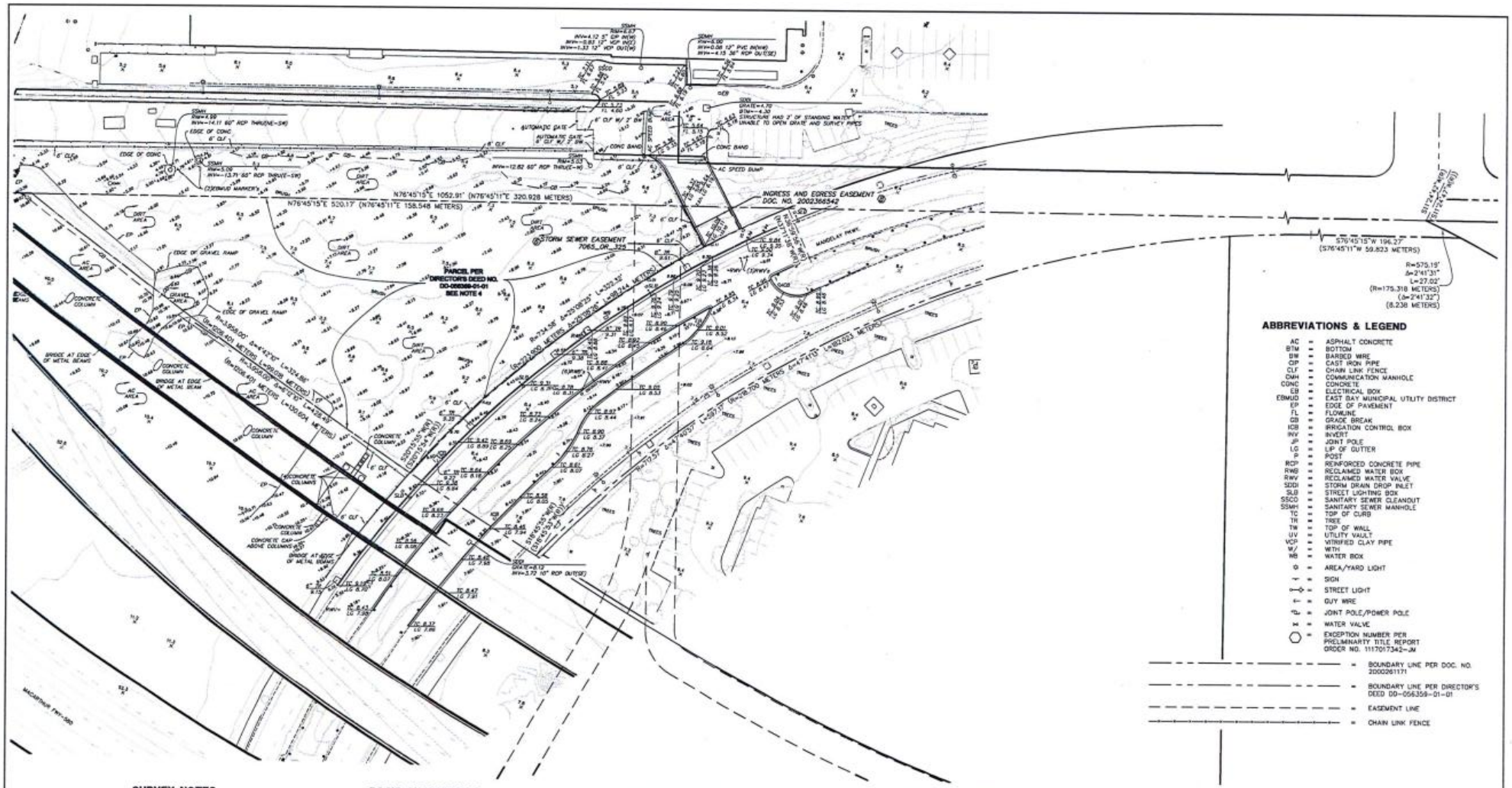
PROJECT INFO.

MANDELA HOTEL
MANDELA PKWY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17
DRAWING NO. DR-15



ABBREVIATIONS & LEGEND

AC	=	ASPHALT CONCRETE
BTM	=	BOTTOM
BW	=	BARBED WIRE
CIP	=	CAST IRON PIPE
CLF	=	CHAIN LINK FENCE
CMH	=	COMMUNICATION MANHOLE
CONC	=	CONCRETE
EB	=	ELECTRICAL BOX
EBMUD	=	EAST BAY MUNICIPAL UTILITY DISTRICT
EP	=	EDGE OF PAVEMENT
FL	=	FLOWLINE
GB	=	GRADE BREAK
ICB	=	IRRIGATION CONTROL BOX
INV	=	INVERT
JP	=	JOINT POLE
LG	=	LIP OF GUTTER
P	=	POST
RCP	=	REINFORCED CONCRETE PIPE
RWB	=	RECLAIMED WATER BOX
RWV	=	RECLAIMED WATER VALVE
SDDI	=	STORM DRAIN DROP INLET
SLB	=	STREET LIGHTING BOX
SSCO	=	SANITARY SEWER CLEANOUT
SSMH	=	SANITARY SEWER MANHOLE
TC	=	TOP OF CURB
TR	=	TREE
TW	=	TOP OF WALL
UV	=	UTILITY VAULT
VCP	=	VITRIFIED CLAY PIPE
W/	=	WITH
WB	=	WATER BOX
☼	=	AREA/YARD LIGHT
⊸	=	SIGN
⊸◇	=	STREET LIGHT
⊸	=	GUY WIRE
⊸	=	JOINT POLE/POWER POLE
⋈	=	WATER VALVE
⬡	=	EXCEPTION NUMBER PER PRELIMINARTY TITLE REPORT ORDER NO. 1117017342-JM
	=	BOUNDARY LINE PER DOC. NO. 2000261171
	=	BOUNDARY LINE PER DIRECTOR'S DEED DD-056359-01-01
	=	EASEMENT LINE
	=	CHAIN LINK FENCE

SURVEY NOTES

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
2. THE DATE OF THE FIELD SURVEY WAS OCTOBER AND NOVEMBER, 2016.
3. PROPERTY AND RIGHT-OF-WAY LINES SHOWN HEREON ARE BASED ON RECORD DATA. IT IS NOT THE INTENT OF THIS MAP TO PROVIDE A FORMAL BOUNDARY RESOLUTION FOR THE SUBJECT PROPERTY SHOWN HEREON. SAID RESOLUTION WOULD REQUIRE THE SETTING OF PROPERTY CORNERS AND THE FILING OF A RECORD OF SURVEY. BOUNDARY INFORMATION SHOWN HEREON IS FOR PLANNING PURPOSES ONLY.
4. DIRECTOR'S DEED NO. DD-056359-01-01 HAS BEEN APPROVED BY THE CALIFORNIA TRANSPORTATION COMMISSION. THIS DOCUMENT WILL BE RECORDED UPON THE SALE OF THE PARCEL.

BASIS OF BEARINGS

NORTH 76°45'15" EAST BETWEEN TWO FOUND MONUMENTS IN YERBA BUENA AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP NO. 7572" AND RECORDED ON OCTOBER 31, 2000 IN BOOK 254 OF PARCEL MAPS AT PAGES 26 THROUGH 27, OFFICIAL RECORDS OF ALAMEDA COUNTY.

BENCHMARK STATEMENT

ELEV = 2.45' (CITY OF OAKLAND DATUM)

FOUND 3" BRASS DISC MONUMENT IN MONUMENT WELL, STAMPED "CITY OF OAKLAND SEC 23 STA A" AT THE CENTERLINE INTERSECTION OF WOOD STREET AND 32ND STREET.

SURVEYOR'S STATEMENT

THIS TOPOGRAPHIC SURVEY AND BOUNDARY EXHIBIT WAS PREPARED BY ME OR UNDER MY DIRECTION.

DAVIS THRESH, P.L.S. NO. 6865

DATE

NORTH

SITE SURVEY

SCALE: 1" = 30'

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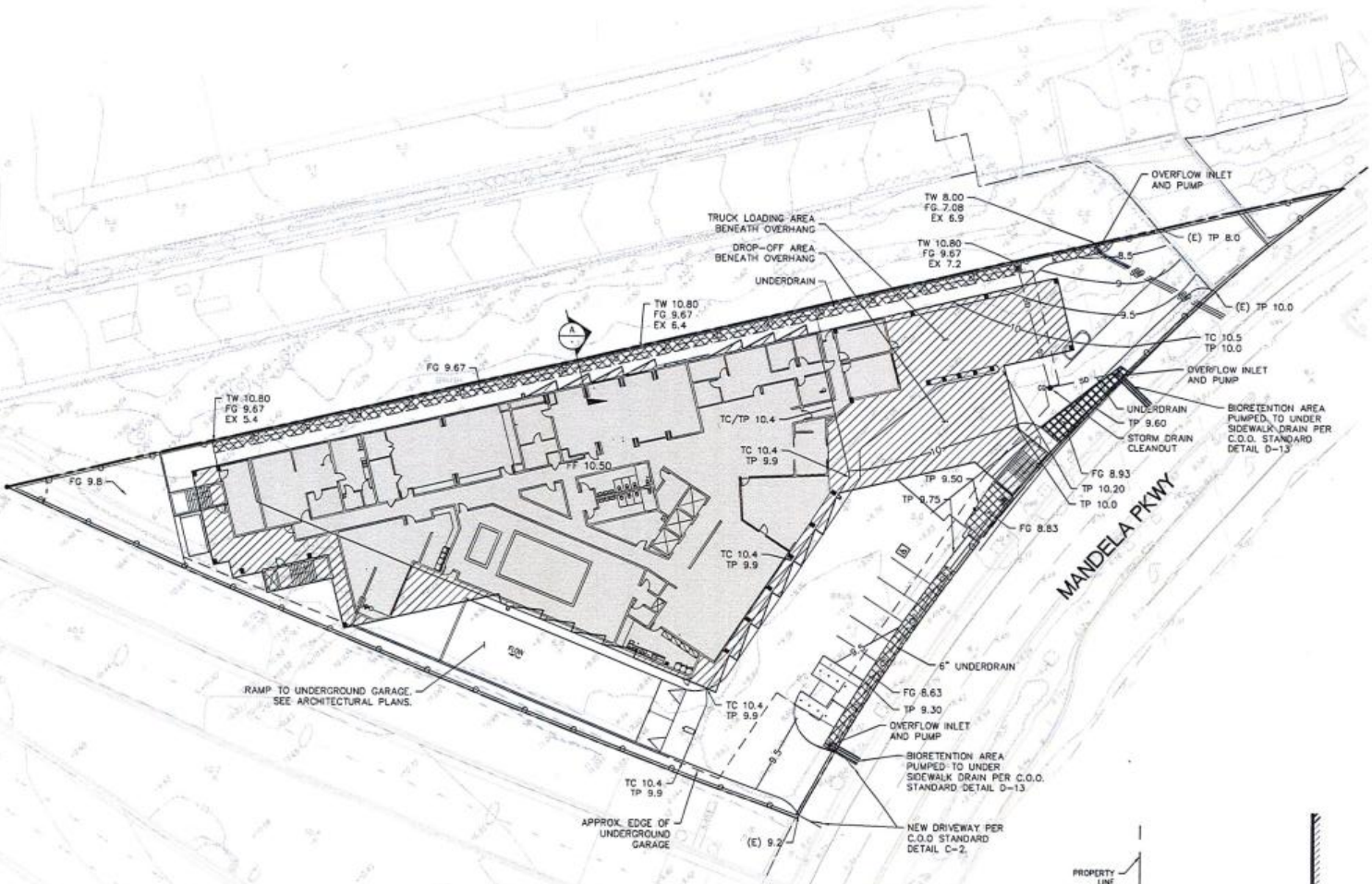
PROJECT INFO.

MANDELA HOTEL
MANDELA PARKWAY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.26.17

DRAWING NO. C-1



GRADING NOTES:

1. THE EARTHWORK SUMMARY IS PROVIDED FOR THE PURPOSE OF OBTAINING THE EXCAVATION PERMIT. DUE TO VARIABLES SUCH AS AMOUNT OF STRIPPING, SHRINKAGE, COMPACTION, AND METHODS OF OPERATION, THE VOLUME OF DIRT WILL IN ALL LIKELIHOOD DEVIATE TO SOME EXTENT FROM THE CALCULATED VOLUME. THE EARTHWORK SUMMARY DOES NOT RELIEVE THE CONTRACTOR OF THEIR RESPONSIBILITY TO DETERMINE THE QUANTITY OF EARTH TO BE MOVED THAT WILL BE REQUIRED FOR THIS JOB. IT IS UNDERSTOOD THAT THE CONTRACTOR'S BID PRICE FOR EXCAVATION AND GRADING IS BASED ON THE CONTRACTOR'S OWN ESTIMATE AND INCLUDES PROVISIONS FOR ANY GRADE ADJUSTMENTS REQUIRED TO BRING THE JOB TO A FINISHED CONDITION.
2. ALL EXISTING STORM DRAIN TO BE FIELD VERIFIED.

EARTHWORK SUMMARY:

CUT: 32,500 CY
FILL: 1,000 CY
EXPORT: 31,500 CY

EROSION CONTROL NOTES:

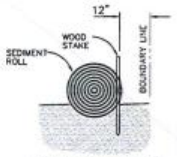
1. SITE CONDITIONS WILL CHANGE BASED ON CONSTRUCTION SCHEDULE. CONTRACTOR SHALL MODIFY SITE MEASURES AS NECESSARY, TO ENSURE PROTECTION OF CITY STORM DRAIN SYSTEM FROM EROSION/STORMWATER RUNOFF.

LEGEND:

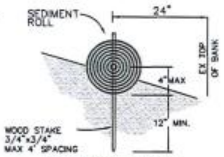
- FIBER ROLL PER DETAIL 1, THIS SHEET
- APPROXIMATE LIMIT OF UNDERGROUND GARAGE
- PROPOSED CONTOUR
- STORM DRAIN PIPE
- PROJECT BOUNDARY
- BUILDING
- BUILDING OVERHANG
- BIORETENTION AREA

ABBREVIATIONS:

APPROX	APPROXIMATELY
CY	CUBIC YARDS
DMA	DRAINAGE MANAGEMENT AREA
(E)	EXISTING
EG	EXISTING GRADE
EX	EXISTING
FG	FINISHED GRADE
IMP	INTEGRATED MANAGEMENT PRACTICES
MAX	MAXIMUM
MIN	MINIMUM
PKWY	PARKWAY
SF	SQUARE FEET
TC	TOP OF CURB
TP	TOP OF PAVEMENT
TW	TOP OF WALL



ENTRENCHMENT DETAIL IN FLAT AREA

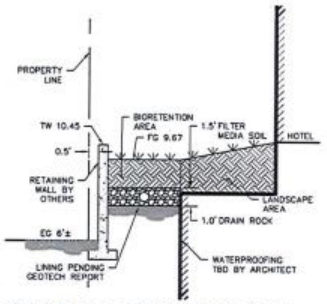


ENTRENCHMENT DETAIL IN SLOPE AREA

INSTALLATION PROCEDURE

1. FIBER ROLLS ARE TUBES MADE FROM POROUS BIODEGRADABLE FIBER STUFFED IN A PHOTO-DEGRADABLE OPEN WEAVE NETTING. THEY ARE APPROX. 8" DIAMETER.
2. FIBER ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 2"-4" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND ROLL. ROLLS SHOULD BE ABUTTED SECURELY TO PROVIDE A TIGHT JOINT, NOT OVERLAPPED.
3. TURN ENDS OF FIBER ROLLS UPSLOPE.
4. SILT BUILD-UP AT THE UPSLOPE SIDE OF FIBER ROLLS SHALL BE REMOVED WHEN THE DEPRESSION BECOMES 50% FULL.
5. ANY PLACE WHERE WATER HAS ERODED UNDER THE FIBER ROLL SHALL BE IMMEDIATELY FILLED AS NECESSARY TO PREVENT RECURRENCE.

1 **FIBER ROLL**
SCALE: NONE



A **BIORETENTION SECTION WITH WALL**
SCALE: NONE

GRADING/DRAINAGE PLAN
SCALE: 1" = 20'

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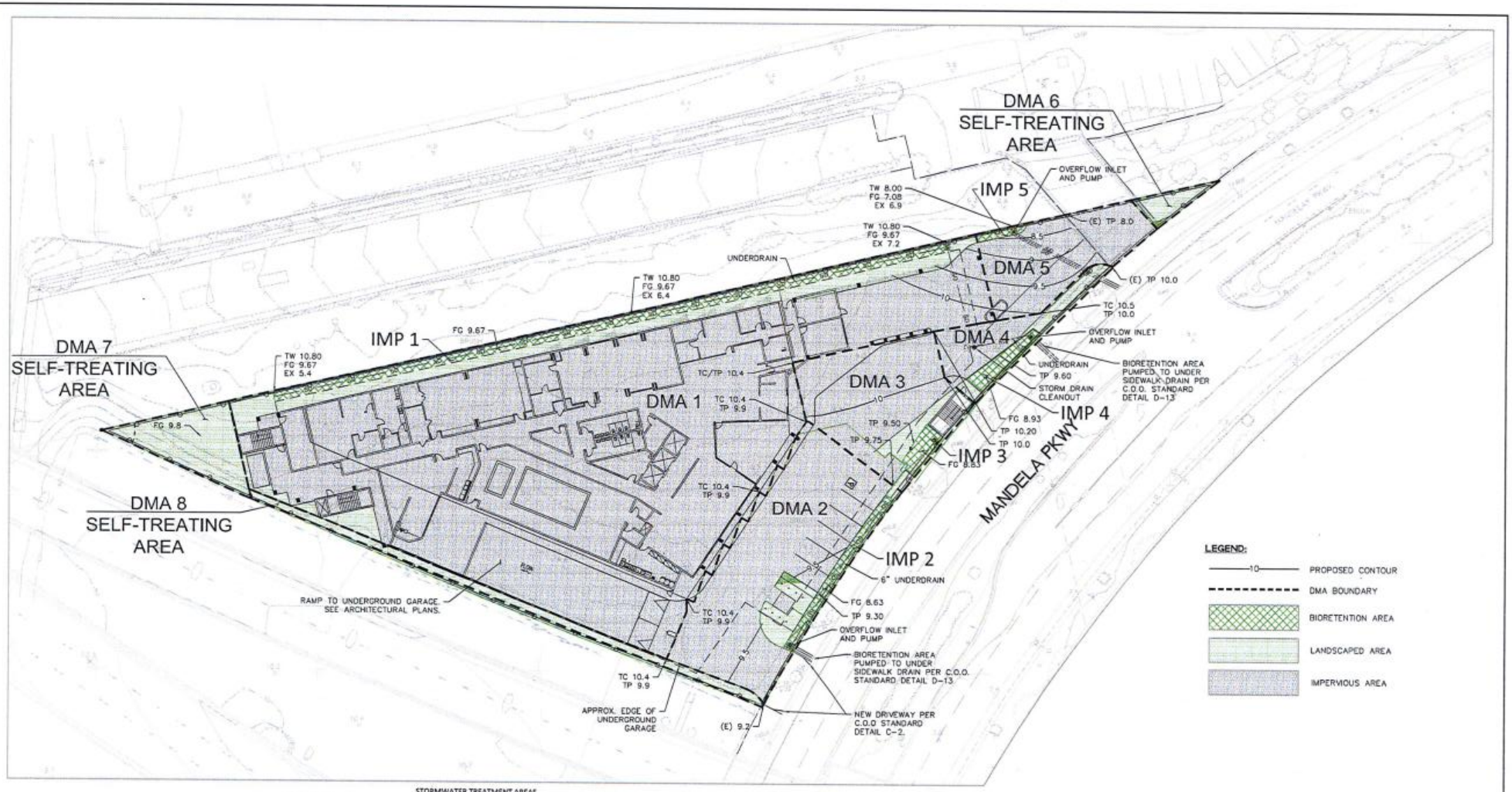
PROJECT INFO.

MANDELA HOTEL
MANDELA PARKWAY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.26.17
DRAWING NO. C-2



STORMWATER TREATMENT AREAS

DMA	IMPERVIOUS AREA (SF)	PERVIOUS AREA (SF)	I.M.P. REQUIRED (SF) (4% OF IMP. AREA)	I.M.P. PROVIDED (SF)	NOTES
1	27620	2690	1100	1260	STORMWATER FROM ROOF
2	5290	870	210	420	SURFACE PARKING DRAINAGE THROUGH CURB CUT
3	3070	470	120	180	RAINWATER LEADER TO SURFACE DRAINAGE TO BIORETENTION AREA VIA CURB CUTS
4	1510	230	60	270	ENTRY DRIVE SURFACE DRAINAGE TO BIORETENTION AREA VIA CURB CUTS
5	2450	90	100	100	LOADING DOCK ACCESS SURFACE DRAINAGE TO BIORETENTION AREA VIA CURB CUTS
6	100	0	0	0	SELF TREATING AREA, SEPARATE AREA DRAIN
7	1340	0	0	0	SELF TREATING AREA, SEPARATE AREA DRAIN
8	940	0	0	0	SELF TREATING AREA, SEPARATE AREA DRAIN
TOTAL	40040	4350	1590	2230	

STORMWATER CONTROL PLAN
SCALE: 1" = 20'

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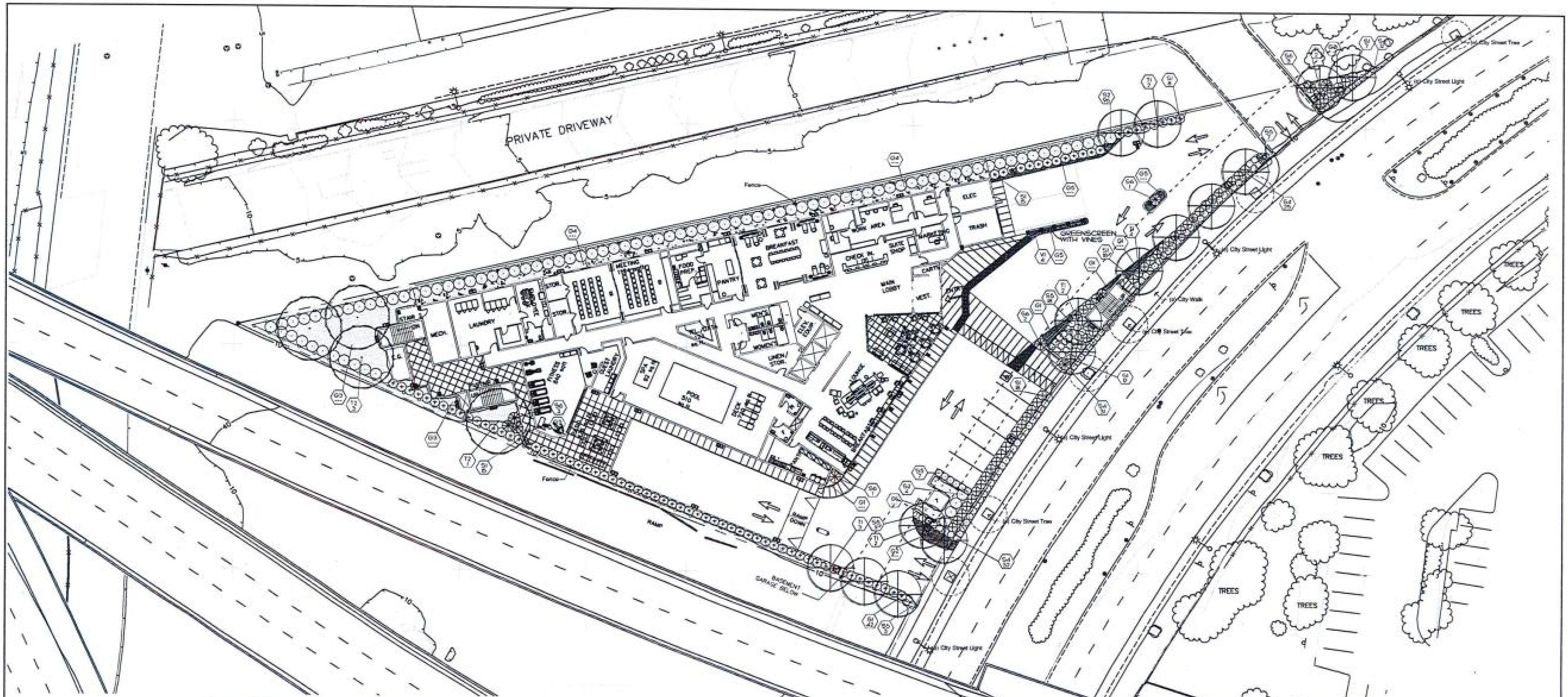
PROJECT INFO.

MANDELA HOTEL
MANDELA PARKWAY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 11.16.16
DRAWING NO. C-3



PLANT NOTES:

1. THE CONTRACTOR SHALL VERIFY PLANT QUANTITIES FROM THE PLANTING PLAN. QUANTITIES SHOWN IN THE LEGEND ARE FOR CONVENIENCE ONLY.
2. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
3. PLANT GROUNDCOVER IN SHRUB AREAS AS NOTED, USE TRIANGULAR SPACING.
4. SEE DETAIL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
5. THERE WILL BE NO MATERIALS OR PLANT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE OWNER OR THE LANDSCAPE ARCHITECT.
6. PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS (2% MIN)
7. IN THE EVENT OF ANY DISCREPANCIES BETWEEN THIS PLAN AND ACTUAL SITE CONDITIONS, THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED IMMEDIATELY.
8. ENTIRE SITE IS TO BE ROUGH GRADED BY THE GRADING CONTRACTOR TO WITHIN FOOT OF FINISH GRADE. LANDSCAPE CONTRACTOR IS TO FINE GRADE ALL LANDSCAPE AREAS.
9. ALL SITE UTILITIES ARE TO BE PROTECTED DURING CONSTRUCTION. IN THE EVENT OF CONFLICT BETWEEN THE PLANS AND UTILITIES THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT. ANY DAMAGE TO UTILITIES, STRUCTURES, OR OTHER FEATURES TO REMAIN, AND CAUSED BY THE LANDSCAPE CONTRACTOR SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
10. THE WORK IN THESE DRAWINGS AND SPECIFICATIONS MY RUN CONCURRENTLY WITH WORK BY OTHERS. THE LANDSCAPE CONTRACTOR SHALL COORDINATE THE WORK WITH OTHER CONTRACTORS.
11. PRIOR TO ANY DIGGING OR TRENCHING, CALL UNDERGROUND SERVICE ALERT (800.227.2600
12. PROTECT EXISTING STORM DRAIN INLETS DRAIN INLETS, WITH FILTER FABRIC. FOR THE DURATION OF THE PROJECT.
13. ALL NEW PLANTED AREAS TO RECEIVE 3" MIN. LAYER OF BARK MULCH. SEE PLANTING SPECIFICATIONS.

PLANT LIST:

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	WUCOLS
	TREES					
T1	LAGERSTROEMIA I. 'MUSKOGEE'	MUSKOGEE CRAPE MYRTLE	2	24"BOX	STANDARD	LOW
T2	LOPHOSTEMON CONFERTUS	QUEENSLAND BRUSH BOX	4	24"BOX	STANDARD	LOW
	SHRUBS					
S1	RHAPHIOLEPIS I. 'MINOR'	DWARF YEDDA HAWTHORN	56	5 GAL		LOW
S2	PITTOSPORUM T. 'VARIEGATA'	MOCK ORANGE	50	5 GAL		LOW
S3	CALLISTEMON C. 'LITTLE JOHN'	LITTLE JOHN DWARF CALLISTEMON	--	5 GAL		LOW
S4	LANTANA C. 'RADIATION'	RADIATION BUSH LANTANA	76	5 GAL		LOW
S5	MUHLENBERGIA RIGENS	DEER GRASS	44	5 GAL		LOW
S6	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX	5	5 GAL		LOW
S7	AGAVE ATTENUATA	LIONS TAIL	13	5 GAL		LOW
	VINES					
V1	ROSA BANKSII	LADY BANKS ROSE	4	15 GAL	ON SCREEN	LOW
	GROUND COVERS					
G1	BULBINE FRUTESCENS	STALKED BULBINE	---	1 GAL	18" O.C.	LOW
G2	ROSMARINUS O. 'HUNTINGTON CARPET'	HUNTINGTON CARPET ROSEMARY	---	1 GAL	36" O.C.	LOW
G3	EUONYMUS F. 'ACUTUS'	WINTER CREEPER	---	1 GAL	24" O.C.	MEDIUM
G4	PEA GRAVEL	---	---	---	3" DEPTH	--
G5	OPHIOPOGON P. 'NIGRESCENS'	BLACK MONDO GRASS	---	1 GAL	18" O.C.	MEDIUM

GREENSCEEN IMAGE

PLANT SYMBOLS

INDICATES PLANT KEY
INDICATES PLANT QUANTITY
EXISTING TREE TO REMAIN

Landscape Planting Plan

Scale 1" = 20 ft

BEFORE EXCAVATING CALL 811 48 HOURS BEFORE ALL PLANNED WORK OPERATIONS

811 Know what's below. Call before you dig.

PAUL JAY REED No. 2002 LANDSCAPE ARCHITECT STATE OF CALIFORNIA

ARCHITECTURAL DIMENSIONS

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PROJECT INFO.

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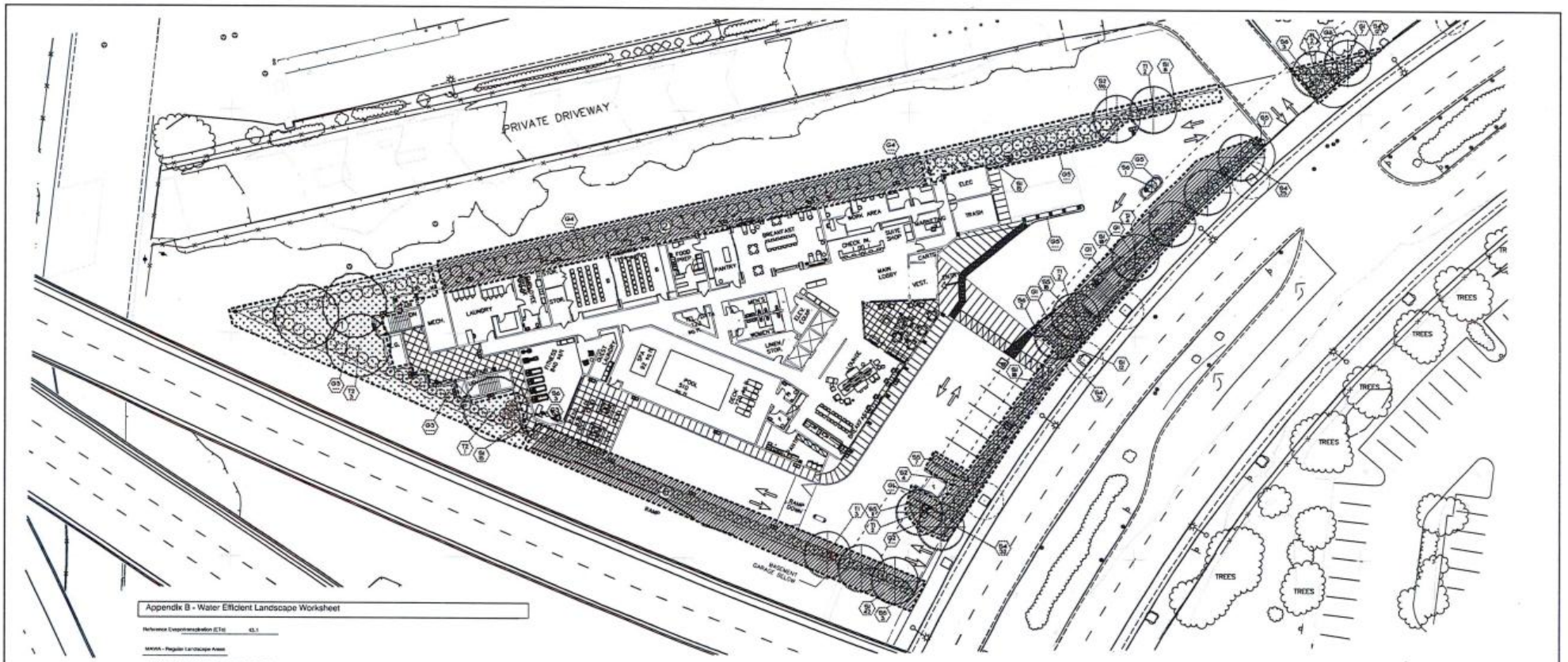
MANDELA PKWY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17
DRAWING NO. L1.0



Appendix B - Water Efficient Landscape Worksheet

Reference Evapotranspiration (ETo) 43.1

MAWA - Regular Landscape Areas

MAWA = (ETo) x (0.62) x ((0.45 x LA) + ((0.3 x SLA))

landscape area	9,501	s.f.
ETAF	.45	average ETAF for regular landscape areas must be 0.55 residential areas, and 0.45 for non-residential areas.
mawa total	114,249	gallons per year

ETWU - Regular Landscape Areas

ETWU = (ETo) x (0.62) x (ETAF x LA)

hydro-zone number	plant water use	plant factor (PF)	irrigation method	irrigation efficiency	ETAF (PF/IE)	hydro-zone area	ETAF x Area	ETWU
1	medium	0.5	drip	0.81	0.617	2,401	1,482.1	39,685
2	low	0.2	drip	0.81	0.247	1,674	396.5	10,618
3	medium	0.5	drip	0.81	0.617	1,298	801	21,411
4	medium	0.5	drip	0.81	0.617	376	234	6,252
5	low	0.2	drip	0.81	0.247	3,071	747	19,972
6	low	0.2	drip	0.81	0.247	782	193	5,168
					totals	9,501	3856.30	103,048

ETAF calculations

total ETAF x area	3856.30	
total area	9,501	s.f.
average ETAF	0.406	Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

TOTALS

MAWA total	114,249	gallons per year
ETWU total	103,048	gallons per year
9.8		Percentage reduction of Potable Irrigation Water

IRRIGATION HYDRO-ZONE LEGEND

PLANTS ARE GROUP TO HAVE MATCHING WATER REQUIREMENTS AND MICRO-CLIMATE CHARACTERISTICS.

MEDIUM WATER REQUIREMENT

LOW WATER REQUIREMENT

Landscape Hydrozone Plan

Scale 1" = 20'-0"
sheet size = 24"x36"

BEFORE EXCAVATING CALL 811 48-HOURS BEFORE ALL PLANNED WORK OPERATIONS

811 Know what's below. Call before you dig.

PAUL JAY REED No. 2982 ENVIRONMENTAL LANDSCAPE ARCHITECT STATE OF CALIFORNIA

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PROJECT INFO.

MANDELA HOTEL
MANDELA PKWY
OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17

DRAWING NO. L2.0

T1. LAGERSTROEMIA I. 'MUSKOGEE'
MUSKOGEE CRAPE MYRTLE

T2. LOPHOSTEMON CONFERTUS
BRISBANE BOX

S1. RHAPHIOLEPIS U. 'MINOR'
YEDDA HAWTHORN

S2. PITTOSPORUM T. 'VARIEGATA'
MOCK ORANGE

S3. CALLISTEMON V.'LITTLE JOHN'
DWARF WEEPING BOTTLEBRUSH

S4. LANTANA 'RADIATION'
LANTANA

S5. HEMEROCALLIS EVERGREEN YELLOW
DAYLILY

S6. PHORMIUM 'MARGARET JONES'
NEW ZELAND FLAX

S7. AGAVE ATTENUATA
N.C.N.

G1. BULBINE FRUTESCENS 'HALLMARK'
ORANGE STALKED BULBINE

G2. ROSMARINUS O. 'HUNTINGTON BLUE'
PROSTRATE ROSEMARY

G3. EUONYMUS F. 'ACUTUS'
EUONYMUS

G4. PEA GRAVEL

G5. OPHIOPOGON 'JAPONICUS'
MONDO GRASS

Landscape Plant Photo Album

ARCHITECTURAL DIMENSIONS
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PROJECT INFO.

MANDELA HOTEL
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OAKLAND, CA 94608

JOB NO. TUL04
DATE. 10.25.17

DRAWING NO. L3.0