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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent

Board Meeting Date April 11, 2018

Subject **Resolution No. 1718-0042 Authorizing the District to Apply for CEQA
Categorical Exemption for the Educational Leadership Campus**

Action Requested Approval by the Board of Education of Resolution No. 1718-0042 Authorizing the District to Apply for CEQA Categorical Exemption for the Educational Leadership Campus

Background and Discussion On December 19, 2016, the Board passed Resolution No. 1617-0007 which authorized staff to move forward with the rehabilitation of 1025 Second Avenue and the Ethel Moore Building to house the District's administrative functions and be named the Marcus Foster Education Leadership Campus ("ELC").

The California Environmental Quality Act ("CEQA") Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) section 15331, Historical Resource Restoration/Rehabilitation (Class 31), exempts projects that are limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

This Resolution 1718-0042 authorizes the District to apply for CEQA Categorical Exemption for the ELC. The Project meets the definition of the Class 31 Categorical Exemption. The Project is not anticipated to cause a substantial adverse change in the significance of a historical or archaeological resource. It is not likely to create a material impairment to the significance of the Paul Robeson Administration Building as a whole. Almost all of its character-defining features would be preserved. There are no known unusual circumstances that would disqualify the Project from being categorically exempt. The applicable requirements of CEQA have been fulfilled for the Project.



Recommendation	Approval by the Board of Education of Resolution No. 1718-0042 Authorizing the District to Apply for CEQA Categorical Exemption for the Educational Leadership Campus
Fiscal Impact	None
Attachments	<ul style="list-style-type: none">• Resolution 1718-0042 Authorizing the District to Apply for CEQA Categorical Exemption for the Educational Leadership Campus

OAKLAND UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 1718-0042

**AUTHORIZING THE DISTRICT TO APPLY FOR CEQA CATEGORICAL EXEMPTION FOR THE
EDUCATIONAL LEADERSHIP CAMPUS**

WHEREAS, the Oakland Unified School District ("District") has developed the Educational Leadership Campus ("ELC") Measure J Project ("Project") described in detail below, located at the former Paul Robeson Administrative Building at 1025 2nd Avenue, Oakland, California and the adjacent Ethel Moore Memorial Building ("Buildings"). The Project would restore and modernize the damaged and uninhabitable Buildings to functional standards to provide District space for staff to support the District's administrative services.

WHEREAS, the Project is described in the California Environmental Quality Act ("CEQA") Categorical Exemption report attached hereto as Exhibit A and incorporated by reference. It includes, without limitation, the project would rehabilitate two existing buildings: the Paul Robeson Administration Building and the Ethel Moore Memorial Building. The building footprints would not be modified. The original character-defining features and exterior finishes would be preserved in place where possible. The rehabilitation of these two buildings would provide office space for OUSD administrative offices, which would be relocated back to the site from their temporary location at 1000 Broadway in Oakland.

WHEREAS, the California Environmental Quality Act ("CEQA") Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) section 15331, Historical Resource Restoration/Rehabilitation (Class 31), exempts projects that are limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

WHEREAS, the Project, in a manner that is generally consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, would repair exterior stucco surfaces; repaint the buildings and trim; replace roofs; repair exterior gutters, eaves, and railings; repair or replace window sashes; and install an elevator and ADA [Americans with Disabilities Act] access. Interior improvements would consist of some changes to reception counters for ADA accessibility, changes to the location of hallway doors, repair of staircases, window treatments, elevator replacement, subdivision of some spaces, and repainting and stucco repair. Some landscaping would be removed and replaced near the Ethel Moore Memorial Building (EMMB);

WHEREAS, CEQA Guidelines section 15300.2 provides exceptions to the categorical exemptions in certain conditions exist. For example, CEQA Guidelines section 15300.2(c) provides that if unusual circumstances exist, an otherwise categorically exempt project would be disqualified from being exempt;

WHEREAS, Michael Baker International was retained to determine whether the Project fell within any of the exceptions to the Categorical Exemption and its analyses and report is attached hereto as Exhibit A.

WHEREAS, the District is unaware of any adverse impact to a historic or archaeological resource or unusual circumstances that would negate the use of the Class 31 Categorical Exemptions.

NOW, THEREFORE, it is found, determined and resolved by the District's Board of Education ("Board") as follows, for good and sufficient cause based on the entire record of proceedings:

1. The above recitals are true and correct.
2. The Project meets the definition of the Class 31 Categorical Exemption.
3. The Project is not anticipated to cause a substantial adverse change in the significance of a historical or archaeological resource. It is not likely to create a material impairment to the significance of the Paul Robeson Administration Building as a whole. Almost all of its character-defining features would be preserved.
4. There are no known unusual circumstances that would disqualify the Project from being categorically exempt.
5. The applicable requirements of CEQA have been fulfilled for the Project.

BE IT FURTHER RESOLVED that the Board hereby determines that the Project is categorically exempt from CEQA.

BE IT FURTHER RESOLVED that the Board hereby approves the Project.

BE IT FURTHER RESOLVED that the Superintendent and the Superintendent's designee are hereby authorized and directed to file a Notice of Exemption for the Project with the Clerk-Recorder's Office of the County of Alameda.

Attachments:

Exhibit 1. Educational Leadership Complex Categorical Exemption Report by Michael Baker International

Passed by the following vote:

PREFERENTIAL AYE: Gema Quetzal (Student Director)

PREFERENTIAL NOE: None

PREFERENTIAL ABSENT: Enasia McElvaine (Student Director)

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Jody London, Nina Senn, Roseann Torres, Shanthi Gonzales,
James Harris, Vice President Jumoke Hinton Hodge and President Aimee Eng

NOES: None

ABSTAINED: None

RECUSE: None

ABSENT: None

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District, held on APRIL 11, 2018.

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OAKLAND UNIFIED SCHOOL DISTRICT

Aimee Eng

Aimee Eng
President, Board of Education

Kyle Johnson-Trammell

Kyle Johnson-Trammell
Superintendent and Secretary, Board of Education

Exhibit A

OAKLAND UNIFIED SCHOOL DISTRICT MARCUS FOSTER EDUCATIONAL LEADERSHIP COMPLEX PROJECT

CATEGORICAL EXEMPTION

Prepared for:

OAKLAND UNIFIED SCHOOL DISTRICT
955 HIGH STREET
OAKLAND, CA 94601

Prepared by:

Michael Baker
INTERNATIONAL

1 KAISER PLAZA, SUITE 1150
OAKLAND, CA 94607

MARCH 2018

1.0

PROJECT DESCRIPTION

The following describes the proposed Marcus Foster Educational Leadership Complex Project (project) and includes a description of the project site, existing site conditions, and the proposed project components.

1. PROJECT SETTING

The project site is located at 1025 2nd Avenue, in Oakland, California (Assessor's Parcel Number [APN] 19-25-2-5). Oakland is the largest city in Alameda County, which is one of the nine counties that make up the San Francisco Bay Area (**Figure 1, Regional Vicinity**).

The 1.6-acre project site is bordered by East 10th Street to the southwest, 2nd Avenue to the southeast, and East 11th Street to the northeast (**Figure 2, Project Location**). The Lake Merritt Channel is approximately 1,000 feet northwest of the project site and the Oakland Estuary, which connects to the San Francisco Bay approximately 1 mile south of the project site. Interstate 880 (I-880), a major north-south freeway, is 0.5 mile south of the project site. The project site is under the jurisdiction of the Oakland Unified School District (OUSD).

The project site is located in an urban area, surrounded by a mix of institutional and multi-family residential uses. South of the project site is La Escuelita School, a K through 8 school under the jurisdiction of OUSD. Dewey Academy High School, also under the jurisdiction of OUSD, is northeast of the site. The Lakeview Towers Apartments, a high-rise multi-family apartment complex, and Laney College, a community college, are to the east of the site, while the Lake Merritt Channel and a surrounding park are to the northwest.

2. PROJECT SITE EXISTING CONDITIONS

The project site currently houses two buildings: the Paul Robeson Administration Building (formerly the School Administration Building) and the Ethel Moore Memorial Building (EMMB). The Paul Robeson Administration Building is directly adjacent to the parcel boundary along 2nd Avenue. The EMMB is located along East 11th Street, set back approximately 40 feet from the parcel boundary.

These buildings housed OUSD administrative offices until 2010 and 2013, respectively. In 2013, due to water damage and safety concerns, all OUSD employees were temporarily relocated from the project site to the Trans Pacific Center at 1000 Broadway in Oakland. However, during this time the site has remained in continuous use by OUSD for the following uses: (1) Oakland Adult and Career Education; (2) a video recording facility documenting construction of OUSD's La Escuelita project across the street; (3) ongoing use of the parking lot by Dewey Academy staff and for OUSD events; and (4) use of the parking lot by the City of Oakland for access and staging for the Lake Merritt Channel Improvements Project.

PAUL ROBESON ADMINISTRATION BUILDING

The Paul Robeson Administration Building is a 71,455-square foot, four-story office and assembly building with a partial basement. The building is approximately 70 feet tall with a concrete footing foundation and built with reinforced concrete. The building is organized in two wings in a "T" plan, with a long office wing that runs parallel to 2nd Avenue and a perpendicular assembly wing that stretches from the center of the building.

Originally called the School Administration Building, the Paul Robeson Administration Building opened in 1929 to serve as the administrative building for Oakland Public Schools (now OUSD). The building's primary function was as the site of administrative offices for the school

PROJECT DESCRIPTION

superintendent, administrative staff of Oakland Public Schools, and the Board of Education. In 1992, the building was renamed the Paul Robeson Administration Building in honor of the actor, singer, and civil rights activist.

The Paul Robeson Administration Building is a significant building that is eligible for the California Register of Historic Resources (CRHR) under criteria 1, 2, and 3 (Siegel & Strain Architects et al. 2016). However, although eligible, the building is not officially listed.

ETHEL MOORE MEMORIAL BUILDING

The Ethel Moore Memorial Building is a 14,091-square-foot, three-story rectangular building that functions as a two-story building with a full basement. The building is approximately 42 feet tall. The building was constructed with conventional wood framing and a reinforced concrete perimeter foundation.

The Ethel Moore Memorial Building opened in 1922 and served as the Alameda County Public Health Center from 1922 until 1932. The building housed private social services and public health organizations until the mid-1970s. By 1976, the building was occupied by Oakland Unified School District and was used as OUSD offices until 2010.

The Ethel Moore Memorial Building is a significant building that is eligible for the CRHR under criteria 1, 2, and 3 (Siegel & Strain Architects 2016). However, although eligible, the building is not officially listed.

3. GENERAL PLAN DESIGNATION AND ZONING

The project site is designated Urban Residential in the City of Oakland General Plan. The Urban Residential classification is intended to create, maintain, and enhance areas of the city that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with access to transportation and other services.

According to the City of Oakland (2016) Zoning Map, the project site is zoned Lake Merritt Station Area District – 1, Residential (D-LM-1) Zone. The intent of the D-LM-1 Zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan appropriate for high-density residential development with compatible commercial activities. The zoning allows for residential, civic, commercial, and industrial activities. The civic activities allowed include essential service, child-care activities, administrative, community assembly, recreational assembly, cultural activities, and community education. A conditional use permit is required for civic activities that involve health care, utility, and vehicular or which would have an extensive impact such as airports, colleges, recreational facilities, stadiums, or correctional institutions.

4. PROPOSED PROJECT

The project would rehabilitate two existing buildings: the Paul Robeson Administration Building and the Ethel Moore Memorial Building. The building footprints would not be modified. The original character-defining features and exterior finishes would be preserved in place where possible.

The rehabilitation of these two buildings would provide office space for OUSD administrative offices, which would be relocated back to the site from their temporary location at 1000 Broadway in Oakland.



FIGURE 1
Regional Vicinity

Michael Baker
INTERNATIONAL

PROJECT DESCRIPTION

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FIGURE 2
Project Location

Michael Baker
INTERNATIONAL

PROJECT DESCRIPTION

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HISTORICAL REHABILITATION**Paul Robeson Administration Building**

After rehabilitation/construction, the Paul Robeson Administration Building would consist of four floors and a basement. Table 1 includes a description of the proposed project components.

TABLE 1
PAUL ROBESON ADMINISTRATION BUILDING REHABILITATION

Feature	Proposed Rehabilitation
Exterior Concrete	Repair to replicate original form and profile.
Exterior Wood (4th Floor)	Repair and repaint, replicating replaced sections to match dimensions and profile of existing members.
Stair Towers	Repair stucco exteriors and make connection to building watertight.
Basement	Perform work to prevent water intrusion.
Roof	Modern fourth-floor modular addition to be removed and a new roof system installed for 100% of roof areas.
Pedestrian Roof Deck	Deck to be designed to provide pedestrian roof access.
Steel Windows	Would not be removed or replaced but would be repaired and replicated, as needed.
Wood Windows	Wood windows, including frames and trim, are slated for removal. Exterior trim would be replicated and new aluminum frames would be installed.
Interior Partitions and Doors	All interior partitions and doors would be demolished and replaced with new partitions and doors.
Interior Floor, Wall, and Ceiling Finishes	New carpet and epoxy floors would be installed. Existing walls would be repaired and painted. Existing ceiling items would be removed and finishes would be stripped and replaced. Existing lighting would be removed and replaced.
Interior Window Treatment	New sun shades and drapery would be installed.
Elevators	Existing elevator cabs would be removed and replaced with new elevators.

PROJECT DESCRIPTION

Ethel Moore Memorial Building

After rehabilitation/construction, the Ethel Moore Memorial Building would consist of three floors. Table 2 includes a description of the proposed project components.

TABLE 2
ETHEL MOORE MEMORIAL BUILDING REHABILITATION

Feature	Proposed Rehabilitation
Stucco	Existing stucco would be cleaned. Damaged areas would be replaced with new stucco with a composition that would match historic stucco.
Paint	Peeling paint and vandalized paint would be painted to match original as-built color.
Wood Water Table Trim	Would be repaired and repainted/recoated.
Roof	Asphalt shingles would be removed and replaced with Spanish tiles to match as-built roof tiles in color, size, profile, and pattern.
Chimney	Would be scraped and repainted.
Gutters	Would be removed and replaced with new replica gutters.
Scuppers	These building drainage details would be repainted. They would only be repaired if necessary.
Eaves and Soffit	Would be removed and replaced with replicas as needed.
Windows	Would be repaired or replaced with replicas as needed.
Ironwork	Original coatings that may remain are severely compromised. Ironwork would be refinished and replaced with replicas as needed, including building lettering.
Exterior Concrete	Would be cleaned, repaired, and removed and replicated as needed.

LANDSCAPING

Five trees would be removed and replaced with 11 new trees in front of the Ethel Moore Memorial Building. Shrubs and ground cover would also be added. Eleven new trees would be installed in front of the Paul Robeson Administration Building.

SITE CIRCULATION

There would be no changes to curb cuts or driveways to the project site. Minor modifications would be made to parking lot striping and drive aisle locations to improve site circulation.

5. PROJECT CONSTRUCTION

Project construction would begin in the spring of 2018. The State Architect has power of approval over OUSD building design, and OUSD would obtain such permissions prior to construction.

Construction would take place during the school year. However, all efforts would be made to reduce disturbance to students at nearby schools resulting from any potential noise, dust, or other construction activities.

PROJECT DESCRIPTION

Construction activities would generally take place between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, in accordance with the City of Oakland's (2017) construction noise requirements. Construction would not take place on Sundays or holidays.

Construction vehicles would access the site via East 10th Street. Roads would not be closed during construction, and all road access would be maintained during construction.

PROJECT DESCRIPTION

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CATEGORICAL EXEMPTION ANALYSIS

1. EXEMPT STATUS

The project qualifies for a California Environmental Quality Act (CEQA) Categorical Exemption under Section 15331, Historical Resource Restoration/Rehabilitation (Class 31).

2. REASON WHY THE PROJECT IS EXEMPT

CEQA Guidelines Article 19, Categorical Exemptions, lists classes of projects that are exempt from CEQA requirements. This section analyzes why the project meets the conditions for a Class 31 Categorical Exemption, and discusses the reasons why the possible exceptions to categorical exemptions, found in Section 15300.2, Exceptions, do not apply to this project. The statutory language of each condition and possible exception is printed in bold italics, followed by the project-related analysis for each condition and exception.

CATEGORICAL EXEMPTION ANALYSIS

15331, Historical Resource/Rehabilitation (Class 31)

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

The proposed project meets this condition. The proposed project would be categorically exempt from environmental review under CEQA because it would rehabilitate exterior and interior features of the buildings in a manner that is generally consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

The project would repair exterior stucco surfaces; repaint the buildings and trim; replace roofs; repair exterior gutters, eaves, and railings; repair or replace window sashes; and install an elevator and ADA [Americans with Disabilities Act] access. Interior improvements would consist of some changes to reception counters for ADA accessibility, changes to the location of hallway doors, repair of staircases, window treatments, elevator replacement, subdivision of some spaces, and repainting and stucco repair. Some landscaping would be removed and replaced near the Ethel Moore Memorial Building (EMMB).

Project details are described more fully in the *Application of the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings to the Ethel Moore Memorial and Paul Robeson Buildings, Oakland Unified School District* (Archaeological/Historical Consultants 2018), included as Appendix A to this document.

Conclusion

As outlined above and detailed in the *Application of the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings to the Ethel Moore Memorial and Paul Robeson Buildings, Oakland Unified School District*, the proposed project would repair, stabilize, rehabilitate, restore, preserve, conserve, or reconstruct the Paul Robeson Administration Building and the EMMB. These activities would be undertaken following the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing

CATEGORICAL EXEMPTION ANALYSIS

Historic Buildings. Therefore, the project qualifies for the exemption category under Section 15331, Historical Resource Restoration/Rehabilitation (Class 31), under CEQA.

3. EXCEPTIONS TO CATEGORICAL EXEMPTION ANALYSIS

15300.2, EXCEPTIONS

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception does not apply to the proposed project. Exception (a) disqualifies a project from a categorical exemption due to the project's location. However, exception (a) only applies to the categorical exemption Classes 3, 4, 5, 6, and 11. The project is a Class 31 exemption and as such, this exception does not apply to the project.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

This exception does not apply to the proposed project. The project would rehabilitate two existing buildings: the Paul Robeson Administration Building and Ethel Moore Memorial Building. As shown in Tables 1 and 2 of the Project Description and detailed in the *Application of the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings to the Ethel Moore Memorial and Paul Robeson Buildings, Oakland Unified School District*, the project would rehabilitate exterior and interior features of the buildings. Some landscaping would be removed and replaced near the EMMB. The rehabilitation of these two buildings would provide office space for OUSD administrative offices, which would be relocated back to the site from their temporary location at 1000 Broadway in Oakland.

There are no other known renovation projects for historic resources in the vicinity. Renovation of the Dewey Academy across 11th Street is proposed in the future; however, the projects are not similar in type. While the Marcus Foster Educational Leadership Complex Project would renovate existing buildings that are eligible as historic resources, the Dewey Academy project would include the construction of a new multipurpose building, vehicle circulation improvements, and various site improvements. Further, as discussed below, the project would not result in any significant environmental impact and would not contribute to any cumulative environmental impacts. Therefore, this exception would not apply to the proposed project.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

This exception does not apply to the proposed project. The project would rehabilitate existing buildings on the site and would not construct new or substantially expanded uses. There would be no alteration of the site plan or orientation of uses on the site. Construction would be undertaken using standard construction equipment, which would be removed at the completion of construction. Once construction activities are completed, the buildings would be used as they have been used in the past—as school administrative offices. The project is located in an urbanized area on a site that has been developed since the 1920s. No unusual circumstances

exist at the project site. Therefore, the project would not result in changes on the site that would create significant effects on the environment.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

This exception does not apply to the proposed project. There are no designated local or state scenic highways in the project vicinity (Caltrans 2017; Oakland 1974). As such, the project would not impact any scenic resources within an officially designated state scenic highway.

(e) Hazardous Waste Sites. 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.

This exception does not apply to the proposed project. Government Code Section 65962.5, the Cortese List, contains locations of hazardous materials release sites in California that meet certain criteria. These sites are compiled from the EnviroStor database, the GeoTracker database, and other state and local agency lists.

A search of the EnviroStor database (DTSC 2017a), the GeoTracker database (SWRCB 2017), and the Cortese List website (CalEPA 2017) was conducted in June 2017 for the project site. A review of the records indicate that the project would not be located on a site included on any list compiled pursuant to Government Code Section 65962.5.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Archaeological Resources

This exception does not apply to the proposed project. The project would not include extensive ground-disturbing activities. The demolition of existing entryways, installation of an elevator, and construction of new ADA-compliant ramps would include some ground disturbance. However, the possibility of discovering any cultural resources is low. The project site is in a previously disturbed area that is currently covered in asphalt. Additionally, most of the work would take place within the existing buildings. Therefore, there would be no impact on archaeological resources and this exception would not apply. In the case of discovery of unknown cultural materials during construction, stop work procedures would be implemented in accordance with federal, state, and local regulations until a qualified archaeologist is able to inspect the site.

Historic Resources

This exception does not apply to the proposed project. An analysis of the proposed project components for the EMMB and Paul Robeson Administration Building was prepared to analyze their compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. This analysis is included in Appendix A: *Application of the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings to the Ethel Moore Memorial and Paul Robeson Buildings, Oakland Unified School District* (Archaeological/Historical Consultants 2017).

CATEGORICAL EXEMPTION ANALYSIS

As detailed in Appendix A, the proposed work on the Ethel Moore Memorial Building meets all the Secretary of the Interior's Standards for Rehabilitation.

The proposed work on the Paul Robeson Administration Building meets the Secretary of the Interior's Standards for Rehabilitation in all but two spaces: the Board of Education Room and Hunter Hall. The proposed general remodeling of the Board of Education room does not meet Standard #2 (alteration of historic features and spaces) or Standard #4 (retention of later features that acquired significance in their own right). The alterations to Hunter Hall, which include removal of the ceiling and partitioning of the assembly space into offices, do not meet Standard #2 (alteration of features and spaces) or Standard #5 (removal of distinctive features and finishes).

However, despite these changes, the proposed project would not create a material impairment to the significance of the Paul Robeson Administration Building as a whole. Almost all of its character-defining features would be preserved, it would continue in its original use, and it would retain its ability to convey its significance as a 1920s school administration building of monumental scale.

CEQA Guidelines Section 15064.5 defines a substantial adverse change to a historic resource as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. CEQA Guideline 15064.5(b)(2) further states that the significance of an historical resource is materially impaired when a project:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Given that the proposed project would not create a material impairment to the significance of either the EMMB or the Paul Robeson Administration Building as a whole, the project would not cause a substantial adverse change in the overall significance of a historical resource as described in CEQA Guidelines Section 15064.5(b)(1). Therefore, the exception would not apply to this project, and the project would qualify for a Class 31 Categorical Exemption.

REFERENCES

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CATEGORICAL EXEMPTION ANALYSIS

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APPENDIX A

**APPLICATION OF THE SECRETARY OF THE INTERIOR'S STANDARDS
FOR THE REHABILITATION OF HISTORIC BUILDINGS TO THE
ETHEL MOOR MEMORIAL AND PAUL ROBESON BUILDINGS
OAKLAND UNIFIED SCHOOL DISTRICT**

Application of the Secretary of the Interior's Standards
for the Rehabilitation of Historic Buildings

to

The Ethel Moore Memorial and Paul Robeson Buildings
Oakland Unified School District



William Kostura and Daniel Shoup
Archaeological/Historical Consultants
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January 2018



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Introduction

In January 2013, the Oakland Unified School District (OUSD) headquarters for the Board of Education, Superintendent and central leadership staff at 1025 Second Avenue sustained extensive water damage. This building, known as the Paul Robeson Building, has since been vacant and staff has been working from a leased space at 1000 Broadway in Oakland. A separate building on the same site known as the Ethel Moore Memorial Building (121 East 11th Street) was vacated several years ago due to seismic concerns.

The Paul Robeson and the Ethel Moore Buildings occupy a 1.5-acre site. The Paul Robeson Building was built in 1928-1929 as the Oakland School District's administration building. A four-story concrete building, it has a gross floor area of 56,301 square feet excluding the basement. The Ethel Moore Memorial Building was built in 1922 as the Alameda County Public Health Center, but has been used since 1932 as a school administration building. It is a three-story wood-framed building with a gross floor area of 13,676 square feet.

Both buildings have been vacant since about 2010 and have been extensively vandalized. The proposed rehabilitation of these two buildings would provide office space for OUSD administrative offices, which would be relocated back to the site from their temporary location at 1000 Broadway in Oakland. Together with a proposed multi-purpose room to be constructed across East 11th Street from the Ethel Moore Memorial Building, the rehabilitated buildings will form the OUSD's proposed Marcus Foster Educational Leadership Complex.

In 2016-2017 architectural historian Michael R. Corbett wrote historical evaluations finding both the Ethel Moore and Paul Robeson buildings to be eligible for the California Register of Historical Resources (California Register) under Criteria 1, 2, and 3. The Ethel Moore Memorial Building's Period of Significance is 1922-1932, while that of the Paul Robeson Building is 1929 to 1973.

This report will examine the proposed rehabilitation of the two buildings to determine whether the work meets the Secretary of the Interior's Standards for Rehabilitation. The evaluation is based on plans from project architects Shah Kawasaki Associates, and on discussions with Shah Kawasaki staff and Betty Marvin of the City of Oakland Cultural Heritage Survey. Architectural historian Michael Corbett and historic architect Mary Hardy also shared insights with the authors.



The Secretary of the Interior's Standards and Guidelines

The Secretary of the Interior's Standards for Rehabilitation (the Standards) are the most common treatment used for historic buildings. Developed in 1977 and codified in 36 Code of Federal Regulations (CFR) 67, the intent of the Standards is "to assist the long-term preservation of a property's significance through the preservation of historic materials and features." The use of the term "rehabilitation" implies that some changes to the building will be made in order to allow it to efficiently meet contemporary needs. However, the repairs or other alterations made should not damage the materials, characteristics, or finishes that are important to the building's historic character.

The ten standards, as revised in 2017, read as follows:

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.*
2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.*
3. *Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*
4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*
7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*
8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*
10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*



Ethel Moore Memorial Building

Character-Defining Features

The Ethel Moore Memorial is a three-story, free-standing wood-framed building clad in stucco with symmetrical facades and a hipped roof. The rectangular form and the details on all four sides express a restrained Italian Renaissance style, with the highest level of aesthetic expression on the north façade, which is the main entrance. After construction, the building would be accessed from E. 11th Street by a new elevator and stairway on the southeast side of the building, existing entry stairs on the east side of the building, and an existing staircase on the middle of the building.

The building was found eligible for the California Register in 2016. In 2017, the evaluator produced a memorandum outlining the Character-Defining Features (CDFs) of the building. Under CEQA, CDFs are those physical characteristics of an historical resource that convey its historical significance (14 CCR §15064.5).

Setting

- Concrete retaining wall and terraced lawn
- Foundation plants (unknown type, now missing)
- Lilli Pilly (*Acmena smithii*) trees along the base of the building. The current trees should be removed because they were planted too close to the building, and are now damaging the roof. New trees of the same or similar type should be planted so as not to damage the building
- Approach sidewalk, which is on an axis with the main entry and connects to the "Entry sequence" (see below)

Exterior

- Symmetrical front and rear façades
- The entry sequence, including sidewalk on axis with main entry and the ceremonial double staircase that rises around a planter at ground level wall to the second level entry
- Ground level of entry stair, north wall faced with blind arch and "Ethel Moore Memorial" panel
- Second level of entry stair with main entry framed in arch order of pilasters and blind arch (with cast cement bas-relief garlands)
- "Ethel Moore Memorial" panel with cast metal lettering at ground level of entry stair (letters are missing, but "shadow" visible on wall)
- Decorative iron at entry stair
- Grilles at windows near entry stairs
- Stair rails at entry stairs
- Hip roof (clay tile was present during period of significance, now missing)
- Decorative leader heads (copper gutter and downspouts, now missing)
- Existing stucco walls with relief panels and blind arches
- Stuccoed chimney
- Exposed shaped wood rafter ends
- Wood belt course at 2nd and 3rd floors



Windows

- Multi-pane operable double-awning windows at upper floors
- Large arched window on west at interior stair
- Small arched window
- Operable double casement windows at ground floor
- Stucco finish with shallow arched relief
- Color: original color is unknown. We recommend paint analysis in a minimum of three locations – eaves, stucco walls, and trim

Interior

- Mostly symmetrical plan
- T-plan circulation with double-loaded corridor and open stair
- Wood stair, turned wood balusters and rail
- Natural light and ventilation at most rooms
- Indirect natural light and cross-ventilation through operable glazed transoms at corridors
- Plaster finish at walls
- Decorative wood molding: baseboard, chair rail, picture, and crown molding
- Paneled wood doors (some glazed)
- Multi-pane glazed paired doors



Proposed Work

Setting

Landscaping: The five Lilli Pilly (*Acmena smithii*) trees on the grounds are mature, and thus are probably original, and are contributing feature of the historic property. However, the roots of the trees are large and may cause impacts to the building foundation. These trees will be removed and replaced with 11 new trees of the same or similar species.

Exterior

Stucco Surface: Existing stucco would be cleaned. Damaged areas would be replaced with new stucco with a composition that would match historic stucco.

Paint: Peeling paint and vandalized paint would be painted to match original as-built color.

Wood Water Table Trim: Would be repaired and repainted/recoated.

Roof: The roof was originally covered with clay tiles; the current roof covering, of asphalt shingles, is an alteration. The shingles will be removed and clay tiles will be replaced with Spanish-style clay tiles to match the original appearance in color, size, profile, and pattern. The US Tile series from Boral, or a very similar product, will be used.

Chimney: Would be scraped and repainted.

Gutters: Would be removed and replaced with new replica gutters.

Scuppers: These building drainage details would be repainted. They would only be repaired if necessary.

Eaves and Soffit: Would be removed and replaced with replicas as needed.

Decorative Iron Railings, Grilles, and Lettering:

Original coatings that may remain are severely compromised. Ironwork would be refinished where possible, and replaced with replicas as needed, including building lettering.

Exterior Concrete: Would be cleaned, repaired, and removed and replicated as needed.

Window Sash: A window survey prepared by Shah Kawasaki in 2017 found that the existing wood sash windows (mostly Donovan hopper windows and casements) were in a variety of conditions. Those on the south and west exposures were in fair to poor condition, while those on the north and east exposures were generally in fair to good condition. Window sash in good condition will be repaired, while deteriorated sash will be replaced with replicas. However, most window sash in the east facade would be removed or obscured to allow construction of an ADA stair tower; see below.



East Façade ADA access: This access will take the form of a stair and elevator tower on the east side of the building. This tower will obscure most of the east facade from almost all vantage points. The architects state that there will be a space between the staircase and the building; thus the extended eave will not be removed. The existing fire escape and window sash in the central and right-hand bays will be removed. The sash in the bay at left will remain in place. The tower will rise to a height greater than the current eave line but lower than the peak of the hipped roof.

Interior

Lobby Reception Stations: There two of these in the lobby, one to either side immediately after entering. They consist of paneled counters upon which partitions were later added. The non-original partitions will be removed, and the original paneled counters will be retained. Since the counters are too high for use by a person in a wheelchair, the architects will provide a lowered (seated height) desk at the backside of the existing counter for staff to work at, and, on the public side, to provide a standalone desk at 34" height and to attach a low shelf for writing/transactions. This will allow the historic counters to be retained while providing ADA accessibility.

Lobby Memorial Displays: Displays will be built in the lobby commemorating Ethel Moore and Marcus Foster.

Lobby Hallways: Hallways lead left and right from the lobby to office spaces. Because the offices off the hallways would be re-configured, the architects intend to reposition most or all of the doors in the hallways. The doors, their trim, and the transoms would all be re-used. Baseboards and wainscot moldings would also be maintained, being replaced in kind where necessary. Thus, the only change to the hallways would be the locations of the doors.

Lobby Staircase: Most railings and balusters have been destroyed by vandalism, though square newel posts and some balusters remain. These features will be restored to their original appearance, using surviving elements as guides. However, the height of the railings is too low per current code. For this reason, the base of the staircase railings will be raised four inches; this will allow the balusters to be replicated to their original dimensions while meeting code regarding the height of the railing. A new wooden guardrail will be added at the top of the staircase to effectively increase the height of the railing.

3rd Floor Reception Room: This is a large room opposite the head of the staircase. It is to remain a large open space and its original finishes are to be retained. The large accordion door will be retained, but will be fixed in place instead of being openable. Shelving will remain, its uses to be determined later.



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3rd Floor Hallways: As in the main floor below, hallways branch left and right from the central reception space. These hallways would be preserved, but the doors, sidelights, and transom panels would be moved to new locations in the hall. Wainscot railing and baseboard would be maintained. The lathe and plaster ceilings would be removed and would be replaced with gypsum board of the same texture.



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Application of the Secretary's Standards for Rehabilitation

Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

The original use of this building was as a public health center (1922-1932), home of social service and public health organizations (1932-1976), and school administration (1976-2010). Its continued use by OUSD will continue this history of civic use. This continued use requires minimal changes and thus meets this Standard.

Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

Existing trees will be removed because they were planted too close to the building. Trees of the same or similar type will replace them, preserving the integrity of the building's setting.

The major exterior alteration to the building will be the necessary addition of an ADA access tower on the east side. It will be separated from the historic building by a sufficient distance to allow the roof eave to remain, and because it will not rise to a level above the height of the hipped roof, it will not overwhelm the rest of the building visually. This facade is less articulated than the other three, and it is the most appropriate place to put an ADA access structure. The other three facades, including the two long facades, will remain intact. The long façades are most expressive of the Italian Renaissance style of this building.

On the interior, no historic finishes will be removed. In the lobby, entrances to the Reception Stations will be created cutting into the paneled walls of the counters, turning them into hinged swing doors.

The proposed memorial displays in the lobby will be placed in a location that does not impede its function as an open circulation area. They will be free-standing so as not to impact the existing lobby paneling or fenestration.

The arrangement of the doors on the second and third floor hallways will be modified; however, the original doors, transoms, molding, and wainscoting will be reused in new locations. Since it is the quality of the finishes, rather than the location of the doors, that contribute to the character of the building, this proposed change is in keeping with this Standard.

Given the measures described above, the proposed project meets this Standard.

Standard 3: Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.

The ADA access tower will not create a false sense of historicism. The roof will be replaced using clay tile that approximates as-built drawings as closely as possible. No other additions are being made. Thus, the proposed project meets this Standard.

Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.



The building is generally intact as built, and thus this Standard does not apply.

Standard 5: Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

All window sash except for two bays of sash in the east facade, and all decorative ironwork except for the fire escape in the east facade will be repaired and restored. The work in the east facade is necessary for ADA access.

The arrangement of the doors on the second and third floor hallways will be modified; however, the original doors, transoms, molding, and wainscoting will be reused in new locations. Since it is the quality of the finishes, rather than the location of the doors, that contribute to the character of the building, this proposed change is in keeping with this Standard. The T-plan circulation pattern that characterizes the internal space of the building will be preserved.

No other features are being altered. The proposed project therefore meets this Standard.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Exterior stucco and concrete surfaces will be cleaned, repaired, and repainted to historic colors. Wood sash will be repaired or replaced in kind. Where necessary, deteriorated exterior and interior wood trim, will be repaired or replaced in kind. Deteriorated gutters, eaves, and soffit will be removed and replaced with replicas. Existing materials and original construction drawings are sufficient to substantiate the accuracy of the proposed restorations. Therefore, the project meets this Standard.

Standard 7: Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

This Standard is not applicable, since no such treatments are proposed.

Standard 8: Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

No archeological resources on this site have been identified, and so this Standard is not applicable.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The ADA tower at the east facade is required to provide access; it will require the removal of two bays of windows and the fire escape. The design of the tower will be differentiated from that of the building but will not rise to a level above the top of the hipped roof. Thus, the addition will be compatible with the size, scale, and massing of the building, and therefore will meet this Standard.



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Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

If the ADA access tower is ever removed in the future, the main restoration work that would be required would be replacing wall fabric that was removed where the tower was built and restoring two bays of window sash. Since the original plans of the building are on file and are supplemented with ample photographic documentation, these parts of the building could easily be restored to their original state, and the essential form and integrity of the historic building would remain. Thus, the project meets this Standard.



Paul Robeson Building

Character-Defining Features

This is a four-story, free-standing, T-shaped reinforced concrete building clad in stucco, which expresses a highly restrained “Starved-Romanesque” style. The building is monumental in its scale and feeling. It has served as an administration building for the Oakland Unified School District and its predecessor agency since its construction in 1929.

For all but one of the criteria, the report (Corbett 2016) identifies the Period of Significance (POS) as beginning in 1929 but does not identify an end date because no known event supports a specific end date. For that aspect of Criterion 1 pertaining to the Marcus Foster killing, the POS is 1973. Putting these together, even without an end date, for all intents and purposes the POS is 1929-1973.

The building was found eligible for the California Register in 2016 (Corbett 2016). In 2017, the evaluator produced a memorandum outlining the Character-Defining Features (CDFs) of the building (Corbett 2017). Under CEQA, CDFs are those physical characteristics of an historical resource that convey its historical significance (14 CCR §15064.5).

Setting

- The Robeson Building was built to the lot line along its front (east) and two sides (north and south). The only “setting” for those edges of the building is the sidewalk which dates from the period of the construction of the building as shown by the 1929 sidewalk stamp at the southeast corner of the block. This stamp is a Contributing Feature but not a Character-Defining Feature.
- For the POS from 1929-1968, our research did not turn up any information about treatment of the area behind the building other than paving for parking. Therefore, there are no Character-Defining Features of the setting for this POS.
- For the POS of 1973, the *Oakland Tribune* reported that Marcus Foster’s killers were “hidden by bushes” before they jumped out and started shooting. It is not known which bushes this refers to or if they are still present. The corner tree and foundation plants on the Ethel Moore Building terrace may be the plants in question. It is possible that police photographs taken at the time of the crime and/or testimony in trials of the accused would identify the plants. In the absence of information about this, these are not Character-Defining Features.

Exterior

- The T-shaped volume of the original building. Although the three fire stair towers and the two rooftop additions were built within the POS, they are contributing features rather than Character-Defining Features.
- Symmetrical façades defined by massing and fenestration.
- Fenestration consisting of rectangular and round-arched window openings with crisp, deep reveals, chamfered edges, and sloping sills; round blind arches; and segmental arched door openings at front and rear.



- Wood, double-hung windows, typically 6-over-6 lites, for office interiors.
- Many windows in the basement level and around the Board of Education room on the first floor have been covered over or filled in; these are Character-Defining Features.
- Operable steel sash windows in three-story arches at front and rear of Assembly Hall wing, the stair wells, the Assembly Hall side casement windows, and the fourth floor round windows.
- The recessed main entry vestibule.
- Unfinished concrete walls with rough texture and evidence of form boards. There was never a cement or stucco finish, but only a weatherproof coating, which is acceptable.
- Decorative corbels in upper level blind arcades visible at the rear in the spring of each blind arch.
- Monochrome exterior. Historic photographs show a light color, but the precise original color should be determined by a paint analysis; given the almost complete absence of decorative detail, the color was an important feature of the building.

Interior

- The double-loaded central corridors on each floor stretching between the north and south stairways – except on the first floor where the central corridor should extend to the Board of Education room at the north end.
- Partitions that divide spaces reached by the corridors are not Character-Defining Features. They were originally intended to be movable for flexible use of spaces. When the building was complete, the *Oakland Tribune* said "that the partitions between rooms and corridors are so constructed that they may be moved with little effort".
- The spaces created by the movable partitions are not Character-Defining Features, but the fabric of the partitions themselves are Character-Defining Features and an effort should be made to reuse them, even in new locations, where original material survives.
- Stained rather than painted wood partitions.
- The grid of concrete columns and beams. This is exposed in some places and should continue to be exposed in some places.
- Plaster finish of perimeter walls.
- Simple baseboards, chair rails, picture rails, and window surrounds in perimeter walls.
- In original stairways (not in the fire stair towers): plaster finishes, "chair rails", and wood hand rails are Character-Defining.
- Natural light and ventilation in most interior spaces.
- Interior wood-paneled doors including glazed panels.
- Partitions at ends of corridors with glazed transoms, sidelights, and paneled glazed doors.
- The space, and finishes and furnishings that date to 1973, are character-defining features. They include the wooden chairs, the wooden barrier and swinging doors between the main part of the room and the stage, wooden wainscoting along the right side (as one stands in the room facing the stage), and the floor. The furniture on the stage could date to 1973, but



this is unknown and may be unknowable. The side walls, and the wall at the rear of the room, have been altered and are no longer character-defining.

- Fourth floor Assembly Hall: the space is a Character-Defining Feature. Details of the original stage and proscenium arch at the east end and the projection room at the west end are unknown. These latter are not Character-Defining Features.
- Original maple floors in the Assembly Hall and linoleum in the corridors and other working spaces are Character-Defining Features not in their specific materials, but in the contrast they reinforce between formal spaces (like the Assembly Hall) and working spaces. Other materials might be acceptable if they retain that contrast.

Proposed Work

Setting

No alterations are planned to the project setting.

Exterior

Paint

The building will be repainted and the current monochrome color scheme will be retained.

Exterior concrete:

Will be repaired to replicate the original form and profile. On the rear of the building, on the top floor, decorative detail around the blind arches has deteriorated. These blind arches, the columns separating them, and the pendants within them will be restored where possible, or stabilized in their current condition.

Exterior Wood (4th Floor): Repair and repaint, replicating replaced sections to match dimensions and profile of existing members.

Stair Towers:

Repair stucco exteriors and make connection to building watertight.

Roof:

The 4th floor modular addition on the roof of the south wing will be removed, and a new roof system would be installed for 100% of roof areas.

Pedestrian Roof Deck: A deck will be designed to provide pedestrian roof access.

Entrance:

The main entrance was originally a revolving door made of wood and clad in copper. It was removed long ago; a plain door of unknown date has been built in its place. The proposed new entrance is currently intended to be a modern storefront of aluminum frame and plate glass.

ADA access

ADA access for the public will be through an existing door at grade to the right of the main entrance. Inside will be a new wheelchair lift. At the rear of the building, there will be an ADA access from the staff parking lot on grade. There is an alternate for a projecting wheel chair lift just to the left of the front entry stair, that will only be considered if OUSD Legal Department or the City requires it.



Windows:

Some windows have original steel sash, and others have original wooden sash. All are divided by muntins into many lights. Existing steel sash is to be repaired and replicated as needed, while the glass panes are to be replaced. Existing wooden sash, including frames and trim, will be removed and replaced with double-glazed aluminum sash that replicates the lite division and profile of the original windows.

Interior

Partitions and Doors: Some hallways are defined by surviving original wooden partitions with transom windows. redesigned. All interior partitions and doors would be demolished and replaced with new partitions and doors.

Floor, Wall, & Ceiling Finishes:

New carpet and epoxy floors would be installed. Existing walls would be repaired and painted. Existing ceiling items would be removed and finishes would be stripped and replaced. Existing lighting would be removed and replaced.

Lobby Staircase: The railing of this staircase is too low by current safety code and will be replaced.

Window Treatments: New sun shades and drapery would be installed.

Elevators: Existing elevator cabs would be removed and replaced with new elevators.

Board of Education Meeting Room (First Floor):

This room is to be generally remodeled, the chairs replaced, and the orientation of the seating rotated under the proposed plans. None of the current furniture or fixtures will remain.

Hunter Hall (Fourth Floor): This large assembly space will be subdivided into smaller rooms plus an L-shaped hallway using permanent partitions. The semi-domed ceiling would be removed, but the framing of the ceiling would remain. The wooden floor would be retained, but the portion that was removed by theft would not be restored. The large window opposite the entrance would be retained and would be either entirely visible from a small conference room it would illuminate. Six of the seven windows on the left side of the room would be visible in one view from a hallway that would run down that side of the hall. On the right side, three of the windows would illuminate a conference room, and the other windows would be visible only from small rooms.



Application of the Secretary's Standards for Rehabilitation

Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

The original use of this building was as the Oakland Unified School District administration building. Since it will continue in this use after remodeling, the proposed work meets this Standard.

Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

In almost every respect the historic character of this building is being preserved. The two most notable exceptions that are planned are the general alterations to the Board of Education Room, which will undergo general remodeling, and Hunter Hall, which will be subdivided into offices. Because of these changes, this aspect of the work does not meet this Standard.

Standard 3: Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

No such changes are planned, and so the proposed work meets this Standard.

Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The only non-original space that has acquired historical significance is the Board of Education Room. Marcus Foster attended a school board meeting here immediately before he was murdered on November 6, 1973. The room thus helps to evoke this event, which was part of the extreme social unrest in Oakland in the 1960s and 1970s, a historically important pattern of history. For that reason, this room, including its wooden chairs (which must have been here in 1973), is considered to be a character-defining feature under Criterion 1 of the California Register. The project plans to remove existing furniture and re-orient the seating within the room, and therefore does not meet this Standard.

Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Almost all of the distinctive character-defining features in this building are to be preserved. The main exception is the planned removal of the ceiling in Hunter Hall. This feature has some distinction for the way it curves to meet the walls of this room, resulting continuous, flowing surfaces. Its removal does not meet this Standard.

Existing wooden sash in the upper stories are to be replaced with double-glazed aluminum sash that replicates the current division into smaller lights. The architects searched for possible replacements and chose new aluminum muntins that will be profiled, with chamfered edges, matte finish, and similar width to the existing muntins. A custom sill will match the steeply sloping existing condition. The change in material from wood to aluminum is acceptable under the Standards if it is not feasible to retain the original, since it replicates the original appearance of the



windows. The profile of the proposed muntin is the closest that the architects were able to find, and its matte or satin finish is appropriate. From the ground, it seems likely that little or any difference between the original and new sash will be apparent. This aspect of the work therefore meets this Standard.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Steel window sash is to be cleaned and repaired in place. The blind arches on the fourth floor exterior, the columns between them, and the pendants within them are they are important architectural details. Several of the columns between the arches, and approximately half of the pendants, are either missing or severely deteriorated. These pendants and columns will be repaired where deteriorated, or consolidated, if missing. If they are replaced, molds will be taken from surviving pendants to replicate the originals. Accordingly, the proposed work meets this Standard.

Standard 7: Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

No such treatments are proposed. Thus, this Standard is not applicable.

Standard 8: Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

No archeological resources on this site have been identified, and the project will not involve excavation. This Standard is therefore not applicable.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

An existing addition on the fourth floor will be removed, restoring the historic profile of the building. A pedestrian roof deck will be added. Deteriorated wood sash windows will be replaced throughout with aluminum windows of the same size, shape, profile, color, and texture. None of these exterior alterations will affect the massing, size, scale, and architectural features. The project therefore meets this Standard.

Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

An existing addition on the fourth floor will be removed, restoring the historic profile of the building. A pedestrian roof deck will be added, but this will not affect the form or integrity of the historic property or its environment and is easily reversible. No other additions or adjacent construction are proposed in the scope of this project. As such, the project meets this Standard.



Summary and Conclusions

Ethel Moore Memorial Building

The proposed work on the Ethel Moore Memorial Building meets all the Secretary of the Interior's Standards for Rehabilitation.

Paul Robeson Building

The proposed work meets the Secretary of the Interior's Standards for Rehabilitation in all but two spaces within the Paul Robeson Building. The proposed general remodeling of the Board of Education room does not meet Standard #2 (alteration of historic features and spaces) or Standard #4 (retention of later features that acquired significance in their own right). The alterations to Hunter Hall, which include removal of the ceiling and partitioning of the assembly space into offices, do not meet Standard #2 (alteration of features and spaces) or Standard #5 (removal of distinctive features and finishes).

Despite these changes, however, the proposed project will not create a material impairment to the significance of the Paul Robeson Building as a whole. Almost all of its character-defining features will be preserved, it will continue in its original use, and it will retain its ability to convey its significance as a 1920s school administration building of monumental scale. Given this, the project does not appear to have the likelihood to cause a substantial adverse change in the overall significance of a historical resource as described in CEQA Guidelines §15064.5(b)(1).



CITY OF OAKLAND
SMALL PROJECT DESIGN REVIEW
APPROVAL

DATE: 3/27/18

SUBMISSION DATE: 3/17/18

PROJECT ADDRESS: 121 E. 11th Street, Oakland CA 94606 (Ethel Moore Building)

APN: 019-0025-002-05

CASE FILE NO.: DS180088 & CP18010

APPLICANT NAME: Shah Kawasaki Architects

MAILING ADDRESS: 570 – 10th Street, Suite 201
Oakland, CA 94607

GENERAL PLAN: Urban Residential

ZONING: D-LM-1

CEQA EXEMPTION: 15301 and 15183

Dear Applicant:

Your application to create a 786 square foot addition and renovation the OUSD Ethel Moore building including new windows, new stucco, window restoration, an interior renovation, ADA upgrades, retaining walls, and landscaping, conforms to the Small Project Design Review Criteria Checklist and to all applicable zoning regulations, and is therefore **APPROVED**. This approval is subject to the Conditions of Approval stated in the following section of this letter.

This design review approval becomes effective immediately and shall expire two calendar years from the date of this letter, unless all necessary permits for construction or alteration have been issued within such period. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, such period of time may be extended by the Director of City Planning or designee, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

NOTICE TO ALL PARTIES: The time within which judicial review must be sought of disposition of the Director of City Planning is governed by Section 1094.6 of the Code of Civil Procedure of the State of California. With certain exceptions, the time is ninety (90) days from date of the decision.

Please note that any desired modifications to the approved plans must be submitted for review by the Planning Department prior to the changes taking place.

To apply for a building permit you must complete an application form and submit additional sets of plans to the Building Services Division. For more information about building permit requirements, please contact the Building Services Division at (510) 238-3443.

If you have any questions regarding this approval, please contact the Planning and Zoning Division at (510) 238-3911.

Signed,


Michael Bradley

-for-

ROBERT MERKAMP
Acting Zoning Manager
Planning and Zoning Division

SMALL PROJECT DESIGN REVIEW

CONDITIONS OF APPROVAL

**ATTACHED AND INCORPORATED INTO CASE: DS180088 & CP18010
121 E. 11TH STREET, OAKLAND CA 94606 (ETHEL MOORE BUILDING)**

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans dated **January 12, 2018**, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. Effective Date, Expiration, Extensions and Extinguishment

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

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.

- iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
- v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
 - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

13. Landscape Plan

a. ***Landscape Plan Required***

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. ***Landscape Installation***

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. ***Landscape Maintenance***

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Lighting

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

16. Asbestos in Structures

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

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

17. Tree Removal During Bird Breeding Season

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

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

18. Tree Permit

a. ***Tree Permit Required***

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

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: Bureau of Building

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

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

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

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. ***Tree Replacement Plantings***

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

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

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

19. Archaeological and Paleontological Resources – Discovery During Construction

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

such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

20. Human Remains – Discovery During Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

21. Construction-Related Permit(s)

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

22. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. Erosion and Sedimentation Control Measures for Construction

Requirement: The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum

extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

24. NPDES C.3 Stormwater Requirements for Small Projects

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:

- a. Direct roof runoff into cisterns or rain barrels for reuse;
- b. Direct roof runoff onto vegetated areas;
- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

25. Architectural Copper

Requirement: The project applicant shall implement Best Management Practices (BMPs) concerning the installation, treatment, and maintenance of exterior architectural copper during and after construction of the project in order to reduce potential water quality impacts in accordance with Provision C.13 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The required BMPs include, but are not limited to, the following:

- a. If possible, use copper materials that have been pre-patinated at the factory;
- b. If patination is done on-site, ensure rinse water is not discharged to the storm drain system by protecting storm drain inlets and implementing one or more of the following:
- c. Discharge rinse water to landscaped area;
- d. Collect rinse water in a tank and discharge to the sanitary sewer, with approval by the City; or haul off-site for proper disposal;
- e. During maintenance activities, protect storm drain inlets to prevent wash water discharge into storm drains; and
- f. Consider coating the copper with an impervious coating that prevents further corrosion.

When Required: During construction; ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

26. Vegetation Management on Creekside Properties

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

- a. Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat;
- b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
- c. Leave stumps and roots from cut down trees to prevent erosion;
- d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
- e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
- f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
- g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
- h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;
- i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
- j. Do not trim/prune branches that are larger than 4 inches in diameter;
- k. Do not remove tree canopy;
- l. Do not dump cut vegetation in the creek;
- m. Do not cut tall shrubbery to less than 3 feet high; and
- n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

27. Construction Days/Hours

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

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and

windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.

- c. No construction is allowed on Sunday or federal holidays.

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

28. **Construction Noise**

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

29. Extreme Construction Noise

a. Construction Noise Management Plan Required

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Public Notification Required

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

30. Operational Noise

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

a. Obstruction Permit Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Traffic Control Plan Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. Repair of City Streets

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

32. Bicycle Parking

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

33. Construction and Demolition Waste Reduction and Recycling

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

34. Underground Utilities

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

35. Recycling Collection and Storage Space

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and

collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

36. Green Building Requirements

a. Compliance with Green Building Requirements During Plan-Check

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

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
 - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
 - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
 - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
 - CALGreen mandatory measures.
 - Per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
 - The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

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

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

When Required: After project completion as specified

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Project Specific Conditions:

37. Window and Door Details.

Prior to issuance of building permit.

The applicant shall submit to the Planning and Zoning Division for review and approval, a window and door schedule details, including cross-sections and elevations, and final architectural details of the front, side and rear elevations.

38. Architectural Detailing and Building Materials

Ongoing.

All cement plaster stucco shall be smooth finish to match the existing texture and applied wet at the job site.

APPLICANT:

I have read and understand and accept responsibility for the conditions of approval for Small Project Design Review Application Number: DS180088 & CP18010, located at 121 E. 11th Street, Oakland CA 94606 (Ethel Moore Building). I agree to abide by and conform to these conditions and will inform the owner and contractor of the conditions. I also agree to abide by and conform to all provisions of the Oakland Planning Code and Municipal Code pertaining to the project located at 121 E. 11th Street, Oakland CA 94606 (Ethel Moore Building).

Date

Applicant Signature



CITY OF OAKLAND
SMALL PROJECT DESIGN REVIEW
APPROVAL

DATE: 3/27/18
SUBMISSION DATE: 3/17/18
PROJECT ADDRESS: 1025 2nd Avenue, Oakland CA 94606 (Paul Robeson Building)
APN: 019-0025-002-05
CASE FILE NO.: DS180087 & CP18011
APPLICANT NAME: Shah Kawasaki Architects
MAILING ADDRESS: 570 – 10th Street, Suite 201
Oakland, CA 94607
GENERAL PLAN: Urban Residential
ZONING: D-LM-1
CEQA EXEMPTION: 15301 and 15183

Dear Applicant:

Your application to renovate the OUSD Paul Robeson building including new windows, window restoration, an interior renovation, ADA upgrades, and new rooftop deck area. conforms to the Small Project Design Review Criteria Checklist and to all applicable zoning regulations, and is therefore **APPROVED**. This approval is subject to the Conditions of Approval stated in the following section of this letter.

This design review approval becomes effective immediately and shall expire two calendar years from the date of this letter, unless all necessary permits for construction or alteration have been issued within such period. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, such period of time may be extended by the Director of City Planning or designee, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

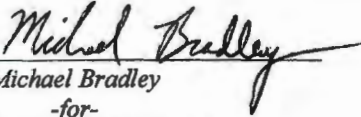
NOTICE TO ALL PARTIES: The time within which judicial review must be sought of disposition of the Director of City Planning is governed by Section 1094.6 of the Code of Civil Procedure of the State of California. With certain exceptions, the time is ninety (90) days from date of the decision.

Please note that any desired modifications to the approved plans must be submitted for review by the Planning Department prior to the changes taking place.

To apply for a building permit you must complete an application form and submit additional sets of plans to the Building Services Division. For more information about building permit requirements, please contact the Building Services Division at (510) 238-3443.

If you have any questions regarding this approval, please contact the Planning and Zoning Division at (510) 238-3911.

Signed,


Michael Bradley

-for-

ROBERT MERKAMP
Acting Zoning Manager
Planning and Zoning Division

SMALL PROJECT DESIGN REVIEW

CONDITIONS OF APPROVAL

ATTACHED AND INCORPORATED INTO CASE: DS180087 & CP18011

1025 2ND AVENUE, OAKLAND CA 94606 (PAUL ROBESON BUILDING)

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans dated **January 12, 2018**, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. Effective Date, Expiration, Extensions and Extinguishment

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

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

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

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

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

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

13. Graffiti Control

Requirement:

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Lighting

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

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

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

- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

16. **Asbestos in Structures**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

17. Archaeological and Paleontological Resources – Discovery During Construction

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

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required

or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Construction-Related Permit(s)

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

20. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation

of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

21. Erosion and Sedimentation Control Measures for Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

22. NPDES C.3 Stormwater Requirements for Small Projects

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:

- a. Direct roof runoff into cisterns or rain barrels for reuse;
- b. Direct roof runoff onto vegetated areas;
- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

23. Vegetation Management on Creekside Properties

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

- a. Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat;

- b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
- c. Leave stumps and roots from cut down trees to prevent erosion;
- d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
- e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
- f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
- g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
- h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;
- i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
- j. Do not trim/prune branches that are larger than 4 inches in diameter;
- k. Do not remove tree canopy;
- l. Do not dump cut vegetation in the creek;
- m. Do not cut tall shrubbery to less than 3 feet high; and
- n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

24. Construction Days/Hours

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

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

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

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

25. Construction Noise

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

26. Extreme Construction Noise

a. Construction Noise Management Plan Required

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for

City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Public Notification Required*

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

27. Operational Noise

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

a. Obstruction Permit Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Traffic Control Plan Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. Repair of City Streets

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

29. Bicycle Parking

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

30. Construction and Demolition Waste Reduction and Recycling

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

31. Underground Utilities

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

32. Recycling Collection and Storage Space

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

33. Green Building Requirements

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

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable

requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
 - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
 - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
 - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
 - CALGreen mandatory measures.
 - Per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
 - The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

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

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

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

When Required: After project completion as specified

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Project Specific Conditions:

34. Window and Door Details.

Prior to issuance of building permit.

The applicant shall submit to the Planning and Zoning Division for review and approval, a window and door schedule details, including cross-sections and elevations, and final architectural details of the front, side and rear elevations.

35. Architectural Detailing and Building Materials

Ongoing.

All cement plaster stucco shall be smooth finish to match the existing texture and applied wet at the job site.

APPLICANT:

I have read and understand and accept responsibility for the conditions of approval for Small Project Design Review Application Number: DS180087 & CP18011, located at 1025 2nd Avenue, Oakland CA 94606 (Paul Robeson Building). I agree to abide by and conform to these conditions and will inform the owner and contractor of the conditions. I also agree to abide by and conform to all provisions of the Oakland Planning Code and Municipal Code pertaining to the project located at 1025 2nd Avenue, Oakland CA 94606 (Paul Robeson Building).

Date

Applicant Signature