Oakland City Planning Commission STAFF REPORT

Case File Number CMD10-028 **July 21, 2010**

Location:	**250 10th Street (Lincoln Square) (APN 002-0071-001-00)**
Proposal:	To allow multipurpose sports fields and other improvements in existing paved section of Alice Street right-of-way closed to traffic and adjacent to Lincoln Square Park and Lincoln School in Chinatown
Contact Person/Phone Number:	Allison Schwartz, Public Works/CEDA, 510-238-7310
Owner:	City of Oakland
Case File Number:	**CMD10-028**
Planning Permits Required:	Major Conditional Use Permit for one-half acre of park improvements in the CBD-X and OS/NP Open Space Zoning Districts and Regular Design Review, within Alice Street right-of-way and closed to traffic between 10th Street and 11th Street, within the existing paved section
General Plan:	Central Business District
Zoning:	CBD-X Central Business District-Mixed Commercial Zone (Project in Street); OS Open Space (NP Neighborhood Park) Zoning District/S-12 Combining Zoning District (Lincoln Square)
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; Modification of Facilities Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
Historic Status:	Alice Street Is Not Designated a Historic Property (DHP)/City Landmark; Lincoln Square is a DHP
Service Delivery District:	Metro
City Council District:	2
Staff Recommendation:	Approve
Finality of Decision:	Appealable to the City Council
For Further Information:	Contact David Valeska at **(510) 238-2075** or dvaleska@oaklandnet.com

SUMMARY

The applicant proposes to renovate and remodel an existing one-half acre playground use within the right-of-way of Alice Street between 10th and 11th Streets, an extension of the Lincoln Park activity, in Chinatown. The right-of-way was closed to traffic in 1976. The proposal requires a Major Conditional Use Permit for modification of facilities in the OS/NP Neighborhood Park Zoning District, and Regular Design Review for the modified facilities. Within the CBD-X Mixed Commercial Zoning District (Alice Street right-of-way), Recreational Assembly is a permitted activity and open facilities are conditionally permitted. The Zoning Manager has referred the entire facility to the Planning Commission, including uses which otherwise required Minor Conditional Use Permit or are permitted in the Zoning District. The proposal implements the City Council's March 2010 direction to apply for State Proposition 84 funding for the project, pursuant to the Council's October 2009 parks priority determination.

PROJECT DESCRIPTION

On 1/2 acre of Alice Street between 10th and 11th Streets, the project includes:

- Improving existing pavement and painting for sports courts
- Installing an artificial turf multipurpose field, primarily for youth soccer
- Removing and reconfiguring paving, landscaping, seating and other amenities at the edges of the sports courts, including portions of Lincoln Square in the Open Space Zoning District.

CITY OF OAKLAND PLANNING COMMISSION

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Applicant: Allison Schwartz, Public Works/CEDA
Address: 250 10th Street
Zone: O(NP), CBD-X

- Retaining and modifying underground utilities which will remain in the right-of-way.

The work is proposed for construction to go to bid in October 2010, to commence by April 2011, and for the sports courts to open by Fall 2011.

PROPERTY DESCRIPTION

The site is a flat rectangular paved half-acre parcel of City street right-of-way, closed to through traffic by the City Council Resolution 54671 (see attached Exhibit H) and rebuilt under City Council Resolution 55436 (project 80120) in 1976. The playground use was opened in 1977 as compensating open space for the new Lincoln Park recreation center addition funded by a 1974 Federal Housing and Urban Development grant.

Within the closed street right-of-way approximately a dozen parking spaces are used by the School District; however, documents on file show that this use is neither authorized nor permanent and would be replaced by playground uses in the future.

Lincoln Park, adjacent to the closed street, was one of the original open space squares of Oakland in the mid-19th Century and is a City landmark. The portion of the Park adjacent to Alice Street includes walls, benches, trees and shrubs, lighting and other improvements which allow a transition from Alice Street sports courts to the main portion of Lincoln Park. Lincoln School is on the opposite side of the Alice Street right-of-way.

GENERAL PLAN ANALYSIS

The CBD-X zoning regulations are consistent with the Central Business District category of the General Plan, which apply to the Alice Street right-of-way at Lincoln Park. The existing and proposed activities within the Alice Street right-of-way are consistent with the CBD General Plan designation. The OS (NP) zoning regulations are consistent with the Urban Open Space Category of the General Plan, which apply to portions of the Park outside of Alice Street right-of-way. Community education/group assembly uses, such as youth playgrounds constitute one of the categories of facilities which are allowed through Conditional Use Permit review and approval. The General Plan Open Space, Conservation Area and Recreation Element (OSCAR) states on page 4-1 that there are: "8 acres (of parkland) for every 1,000 residents." The goal is 10 acres per 1,000 residents. The City has 1.33 acres of local-serving park acreage per 1,000 residents (1.65 acres per thousand residents in the Central Business District/Chinatown Area). The adopted standard for local-serving parks is 4.00 acres per 1,000 residents.

Page 4-6 of the General Plan OSCAR identifies goals for "Neighborhood Parks" in sizes of 2 to 10 acres each serving up to a quarter mile radius, including: "children's play areas/tot lot; hard court area for basketball; multi-purpose turf area (ballfield);...picnic tables and sitting areas." Lincoln Park and adjacent closed street right-of-way in Alice Street fulfill this requirement.

Page 5-12 of OSCAR states for: "Lincoln Square. This urban space is the most popular park in Chinatown and receives very heavy use. It would benefit from some greening of the asphalt area, an upgraded children's play area, and an enclosed outdoor patio area adjacent to the recreation center." The proposal addresses the first two recommendations, although it does not relate to any recreation center patio, which would be a separate future project.

Therefore, refurbishing and expanding the sports court is consistent with the spirit and letter of the General Plan, especially OSCAR.

ZONING ANALYSIS

Alice Street right-of-way is within the CBD-X Central Business District Mixed Commercial Zoning District. In CBD-X, Recreational Assembly (park) and Group Assembly are Permitted Activities and Open Non-Residential Facilities are Conditionally permitted. Regulations for OS(NP) zoning district for adjacent Lincoln Park itself, Section 17.11.060 state that a Conditional Use Permit is required for modifications to an open space facility in this zoning district. While an Outdoor Performance Area/Stage/Amphitheater such as the one shown on the plans requires a Major CUP, the following Activities each require a Minor CUP which is referred to the Commission by the Zoning Manager due to community interest in the park:

Athletic Fields, Basketball Courts, Benches and Street Furniture Over 100 Square Feet in Area, Playgrounds/Tot Lots/Childrens' Play Equipment (Over 1,000 Square Feet in Area), Parking and Lighting (General).

(While "Athletic Field Lighting" is not a permitted or conditional use, the 15 to 25 foot tall Gardco cobrahead lighting planned for the park is more accurately described as General Lighting and is thus not in conflict. There are no standard ballfield lights in the plan).

Regular Design Review is required for major new or remodeled facilities in such parks. The proposal is consistent with these requirements. Findings required for approval are set forth in Attachment A.

REVIEW BY OTHER AGENCIES

The proposed modifications have been reviewed by the Parks and Recreation Advisory Committee (PRAC), as well as neighborhood groups and others over the past few years, resulting in the current design. In compliance with Section 17.135.030(C), the PRAC July 14, 2010 public hearing was held to review the changes; no one spoke in opposition to the plan. Staff will give the Planning Commission a verbal update at the July 21, 2010 hearing. The City Council has funded the improvements by a vote on March 1, 2010 as part of a grant application under State Proposition 84 funding.

ENVIRONMENTAL DETERMINATION

The request is Categorically Exempt under Section 15303 of the California Environmental Quality Act Guidelines for modified facilities, and Section 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

Issues include potential visual impacts, recreational benefits, neighborhood effects, security and parking/traffic.

Potential Visual Impacts. The visual impacts of the change would be minimal, since the area to be rebuilt for sports courts is approximately the same as the existing sports courts approved by the City Council in 1976. By designing the enclosure to relate well to nearby existing buildings and landscaped areas, the visual impacts should be minimal. The sports courts would be 5 inches or less above grade, and this change would be slightly visible from streets, a minimal impact.

Recreational Benefits. Currently, Lincoln Park and the adjacent portion of Alice Street form the primary neighborhood park and sportscourts for over a mile radius, excluding schools. During the school year,

the facility may serve over 1,000 persons (mainly children) in a day and several hundred at one time. The Alice Street right-of-way carries much of the burden for sports court uses. Page 5-12 of OSCAR states that the park provides substantial recreational benefits to the neighborhood.

Effects on Neighborhood. Playground noise is likely to continue to be noticeable for some Chinatown residents, as it has been since 1977. Up to several hundred children playing at one time will create intermittent noise for residential neighbors. This is expected to be below the thresholds of the General Plan Noise Element, less than 45 cnel/ldn (decibel equivalents) measured inside these residences, less than the sound of classical music playing on a radio. There is substantial freeway, train, port and other ambient noise in the area as well. Noise is anticipated to end before 10 pm and not to commence before 8 am, 7 days a week, since the Alice Street segment would be managed by Parks and Recreation staff under the same methods as with existing Lincoln Park facilities.

Security. Congregation of children in any neighborhood can raise security concerns for their safety. Parks and Recreation and schools programs provide for adult supervision and enforced security followup for all activities in such facilities. Security response time, including police and fire protection, is measured in minutes at this location. Past calls for security enforcement at other centers of this size and type in the City have generally been limited and at a reasonable level due to precautions taken by program staffs.

Parking/Traffic. Currently a dozen parking spaces are provided on the park, used mainly by Lincoln School staff on an interim/temporary basis. Documents on file show that the City has not authorized long-term use. This would not continue after the project is installed. Inside Chinatown and the Central Business District, improvements to the Park are not expected to cause previous traffic estimates to be exceeded. Outside of Chinatown and the Central Business District there will likely be few if any traffic effects.

Staff finds that impacts are minimal and the public benefits of improved recreation facilities immediate and substantial. Public necessity supports the approval of the project, subject to conditions of approval.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit and Regular Design Review subject to the attached findings and conditions.

Prepared by:

David Valeska

David Valeska, Planner II

Approved by:

Scott Miller

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:

Scott Miller, for

ERIC ANGSTADT

Deputy Director of CEDA

LEGAL NOTICE: The decision of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision is announced (Code of Civil Procedure Section 1094.6).

ATTACHMENTS:

A. Findings
B. Conditions
C. Plans and Elevations
D. Applicant Correspondence
E. Neighbor Correspondence
F. Landscape Map
G. Vicinity Map
H. City Council Resolution 54671

ATTACHMENT A

FINDINGS FOR APPROVAL:
This proposal meets all the required findings as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

Section 17.136.070(B) Regular Design Review Criteria, Nonresidential Facilities:

1. **That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section1 17.102.030:**

   The park facilities modifications consist of minor changes to design elements which already relate well to each other. The sports court rebuilding and use will not alter landscape, building height, bulk or other factors to a noticeable extent. The texture, materials, colors and other design elements are typical in parks of this type.

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

   The sports courts remodeling will enhance the Central area/Chinatown neighborhood's recreation and sense of community. The improvement, supporting development of youth, is an element of preserving private and public investments in the area. Park staff manages operations to control impacts.

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

   Page 5-12 of the General Plan Open Space, Conservation and Recreation (OSCAR) discusses the importance of Lincoln Square park to its neighborhood and the City, making upgrades and maintenance of the park consistent with this General Plan Element. No new elements introduced to the Park with this rebuilding would conflict with the General Plan. In addition, Section 17.11 of the Zoning Code regulates the OS-NP Open Space Neighborhood Park and CBD-X Central Business District Mixed Commercial zoning district. Conditional Use approval is required for the uses shown on the plan. Simultaneously with obtaining the Conditional Use Permit, the facility has been analyzed and found to be in conformity with the Zoning Code, design guidelines and the General Plan.

Section 17.134.050 General Use Permit Criteria:

A. **That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic**

facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

Lincoln Square Park has been a harmonious element of the Central Business District/Chinatown neighborhood for decades. Modifications planned for the facility will complement and be compatible with surrounding properties. Traffic movements tend to be off-peak hour, within the capacity of surrounding streets. No buildings are being modified. The open nature of the remainder of the sports court improvements to the park assure that bulk, coverage and density will not be an issue. Civic facilities and utilities are available at the site.

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

The location of the facility in the Central Business District/Chinatown provides convenient recreational access for residents. The rebuilt facility will be better able to serve the civic function of a Neighborhood Park.

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

Rebuilding Lincoln Square park's sports courts will increase its ability to enhance basic community functions in the Central Business District/Chinatown.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070(B) for non-residential facilities.

Fulfillment of design review criteria has been demonstrated above in this document. The park rebuilding design reflects almost two years of staff work and neighborhood input to achieve a functional yet aesthetic design.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

Fulfillment of General Plan and Zoning criteria has been demonstrated above in this document. The General Plan Open Space, Conservation and Recreation Element lists Lincoln Square park as one of the most important Neighborhood Park resources in the community.

Section 17.135.060: No Net Loss of Open Space Finding

A. That there is no net loss of open space in the park in excess of one hundred (100) square feet unless the approval is conditioned upon replacement with open space of comparable value.

The modification of the park's sports court facilities does not expand the area currently under roof and enclosed on 2 sides by over 100 square feet. A condition has been added to this action to assure compliance. The remaining area is sufficient to perform the functions of this Neighborhood Park.

Section 17.136.050: Designated landmarks, Additional Design Review Criteria

1. **That the proposal will not adversely affect the exterior features of the designated landmark, nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features.**

   The Alice Street right-of-way is not a landmark feature of the property, being outside the area designated for the historic designation; it will have no effects on the landmark status of the park.

2. **That the proposal will not adversely affect the special character, interest or value of the landmark and its site, as viewed both in themselves and in their setting.**

   Construction at the sports courts is outside of the area designated for the historic area and would have no effect on it.

3. **That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties.**

   Work done for the sports courts is not applicable to the standards and guidelines listed above; the playground area will appear and function substantially the same as currently; and it is not historic. The sports court re-construction will not affect the historic area.

4. **If the proposal does not conform to criteria set forth in 1, 2 and 3 above:**
   a. **That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it.**
   b. **That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.** (Finding not applicable).

ATTACHMENT B

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

STANDARD CONDITIONS:

1. **Approved Use.**
Ongoing.
a. The project shall be constructed and operated in accordance with the authorized use as described in this letter and the plans dated **March 29, 2010** and submitted **April 30, 2010,** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, conditions of approval or use shall required prior written approval from the Director of City Planning or designee.
b. This action by the Director of City Planning ("this Approval") includes the approvals set forth below. This approval includes: CMD10-028 for a Major Conditional Use Permit and Regular Design Review to allow reconstruction and remodeling of an existing sports court area in Alice Street between 10th and 11th Streets, including an artificial turf playground, and border modifications in Lincoln Park, including:
Athletic Fields, Basketball Courts, Fences, Walls and Gates, Playgrounds/Tot Lots/Children's Play Equipment (More Than 1,000 Square Feet), Outdoor Performance Area/Stage/ Amphitheater, Benches and Street Furniture Over 100 Square Feet, Landscaping, Parking for Use Within the Park, General Lighting

2. **Effective Date, Expiration, Extensions and Extinguishment**
Ongoing.
Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits have been issued, or 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 permit, 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 valid building permit for this project may invalidate this approval if the said extension period has also expired.

3. **Scope of This Approval; Major and Minor Changes**
Ongoing.
The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance with Other Requirements.**
Prior to issuance of a demolition, grading, P-job or other construction related permit.
a. The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed

by the City's Building Services Division, the City's Fire Marshall, and the City's Public Works Agency.

b. The applicant shall submit approved plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing.

a. The City Planning Department reserves the right at any time during construction, to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification or other corrective action.

b. Violation of any term, Conditions or project description relating to the Approvals 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 Approvals 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

6. Signed Copy of the Conditions

With submittal of a demolition, grading and building permit.

A copy of the approval letter and Conditions shall be signed by the property owner and submitted with each set of permit plans submitted for this project.

7. Indemnification

Ongoing

a. The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul, this approval or any related approval by the City. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. 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 a claim, action or proceeding to attack, set aside, void or annul this Approval or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment or invalidation of this or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7a above, or other conditions of approval.

8. Compliance with Conditions of Approval
Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability
Ongoing
Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and if any 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. Job Site Plans
Ongoing throughout demolition, grading, and/or construction
At least one (1) copy of the approved plans, along with the Approval Letter and Conditions of Approval shall be available for review at the job site at all times.

11. Recycling Space Allocation Requirements
Prior to issuance of a building permit
The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. Pursuant to Section 17.118.020 of the Oakland Planning Code, this condition shall apply to new commercial and industrial development that requires a building permit. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.
Ongoing.
No deviation shall be made from the approved drawings or conditions of approval that alters the project's siting, height, exterior appearance, and/or required new landscaping without prior written approval from the Oakland Planning & Zoning Department.

12. Construction Practices.
During construction.
All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.

13. Days/Hours of Construction Operation
Ongoing throughout demolition, grading and/or construction.
The project applicant shall require construction contractors to limit standard construction activities as follows:

a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 AM and 4:00 PM Monday through Friday.
b) Any construction activity proposed to occur outside of the standard hours of 7:00 AM to 7:00 PM Monday through Friday for special activities (such as concrete pouring which

may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

i) Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

ii) After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.

d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.

e) No construction shall take place on Sundays or Federal holidays.

f) 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.

14. Noise Control

a. Ongoing throughout demolition, grading and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to City review and approval, which includes:

a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible.
b) Impact tools (e.g. jack hammers, pavement breakers and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, and this should achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
c) Stationary noise sources shall be located as far from adjacent receptors as possible and they shall be muffled and enclosed with temporary sheds, incorporate insulation barriers or other measures to the extent feasible.
d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

15. Noise Complaint Procedures

a. Ongoing throughout demolition, grading and/or construction

Prior to the issuance of each building permit, along with submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

a) A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department, during regular construction and off-hours;
b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and whom to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers, during regular construction and off-hours;
c) The designation of an on-site construction complaint and enforcement manager for the project;
d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures & practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

16. Announcement Sound System

Ongoing

The project applicant shall operate the sound system to show consideration for neighboring uses after residential and work live structures are constructed on properties across perimeter streets. No sound systems louder than 45 ldn/cnel at any off-site sensitive receptor (e.g. homes) shall operate between the hours of 9 pm and 9 am. No sound systems shall operate which are louder than 65 ldn/cnel at any perimeter street.

17. No Net Loss of Open Space

Ongoing

Unless overriding considerations exist, any increase in permanent structure coverage within the OS Open Space zone shall be contingent upon a finding that there has been no net loss of urban parkland from July 28, 1998, the baseline effective date of the OS regulations, unless provided by the Municipal Code. If this finding cannot be made, approval shall be conditioned upon provision of replacement open space of comparable value and of an area equal to or greater than the space covered which shall be made available concurrently, within one (1) year. Because the design does not increase the area under roof by over 100 square feet, the design is deemed in compliance with this requirement, if built as shown on the plans.

18. Lighting

Ongoing

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site. Walkway lighting shall not exceed 10 lumens, nor building lighting exceed 30 lumens, as viewed from the nearest property line, without Planning and Zoning approval. No lighting standard shall be over 25 feet tall.

19. Encroachment Permits

Prior to Issuance of Building Permits

The applicant shall obtain any necessary Encroachment Permits for structures placed in the Alice Street right-of-way and comply with the conditions of such permits.

City of Oakland
Community and Economic Development Agency
Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
1106 Madison Street
Oakland, CA 94612

Project Title: **CMD10-028**

Project Applicant: **Alison Schwartz, Public Works/CEDA, City of Oakland 238-7310**

Project Location: **250 10th Street, Lincoln Square Park, APN 002-0071-001-00**

Project Description: **Conditional Use Permit, Design Review for Reconstruction of Sports Courts in Alice Street Right-of-way Closed in 1976 for Open Space Purposes & Related Amenities**

Exempt Status: CHECK ALL THAT APPLY

Statutory Exemptions {Article 18:Section 21080;15260}	**Categorical Exemptions {Article 19:Section 21084;15300}**
[ ] Ministerial {Sec.15268}	[ ] Existing Facilities {Sec.15301}
[ ] Feasibility/Planning Study {Sec.15262}	[ ] Replacement or Reconstruction {Sec.15302}
[ ] Emergency Project {Sec.15269}	[XX] Small Structures {Sec.15303}
[ ] General Rule {Sec.15061(b)(3)}	[ ] Minor Alterations {Sec.15304}
[ ] Other: {Sec._____}	[XX] Other {Sec.15183}
	[ ] In-fill Development {Sec. 15332}

Reasons why project is exempt: **Facility as proposed maintains and diversifies the park use while preserving most of the existing amenities and has minimal changes to site and streetscape. Nearby residences will receive only manageable impacts from the facility due to sensitivity of design and siting on the parcel.**

Lead Agency: City of Oakland, Community and Economic Development Agency, Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Department/Contact Person: **David Valeska, Planner II** **Phone**: **(415) 238-2075**

_____ _____
Signature (Scott Miller, Zoning Manager) Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.

*ENVIRONMENTAL DECLARATION
(CALIF. FISH AND GAME CODE SEC. 711.4)

: FOR COURT USE ONLY

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY :

LEAD AGENCY:
COMMUNITY & ECONOMIC
DEVELOPMENT AGENCY/PLANNING
250 Frank H. Ogawa Plaza
Room 2114
Oakland, CA 94612

APPLICANT: Public Works/CEDA
Contact: Alison Schwartz (510) 238-7310
City of Oakland

FILING NO. _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT: CLERK'S USE ONLY

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION — PLU 117
[X] A – STATUTORILY OR CATEGORICALLY EXEMPT
$50.00 (Fifty Dollars) – CLERK'S FEE

[ ] B – DE MINIMUS IMPACT – CERTIFICATE OF FEE EXEMPTION REQUIRED — PLU 117
$50.00 (Fifty Dollars) – CLERK'S FEE

2. NOTICE OF DETERMINATION – FEE REQUIRED
[ ] A – NEGATIVE DECLARATION — PLU 116
$1,800.00 (Eighteen Hundred Dollars)-
STATE FILING FEE
$50.00 (Fifty Dollars) – CLERK'S FEE

[ ] B – ENVIRONMENTAL IMPACT REPORT — PLU 115
$2,500.00 —(Twenty Five Hundred Dollars) – STATE
FILING FEE
$50.00 (Fifty Dollars) – CLERK'S FEE

[ ] C -- Certificate of Fee Exemption — PLU 117
& De Minimis Impact Fee_
$50.00 (Fifty Dollars) – CLERK'S FEE

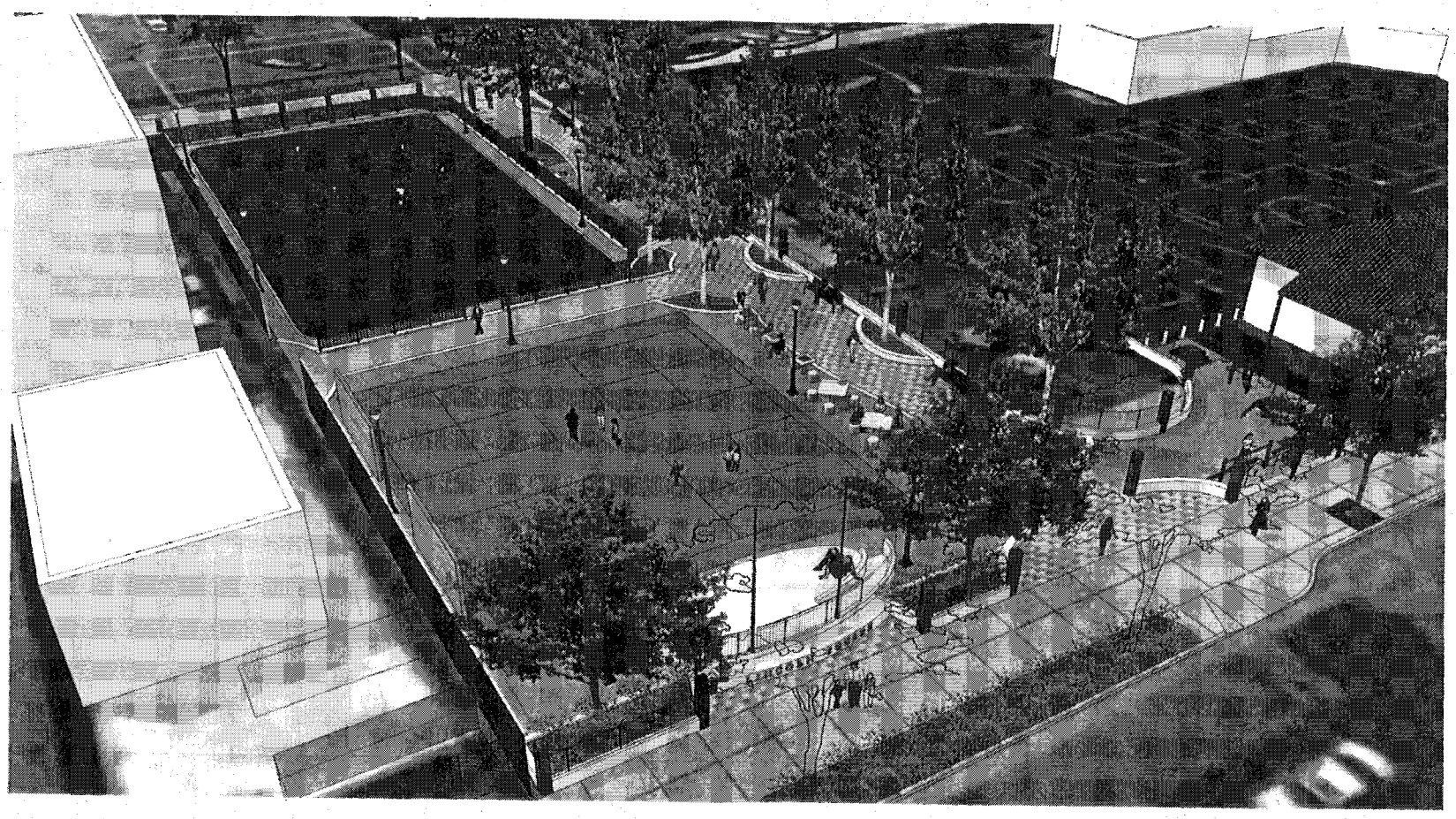
*THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FIVE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: **ALAMEDA COUNTY CLERK**

APPROVED BY: City Planning Commission: September 19, 2007 (date) Unanimously (vote)
City Council: _____(date)_____(vote)



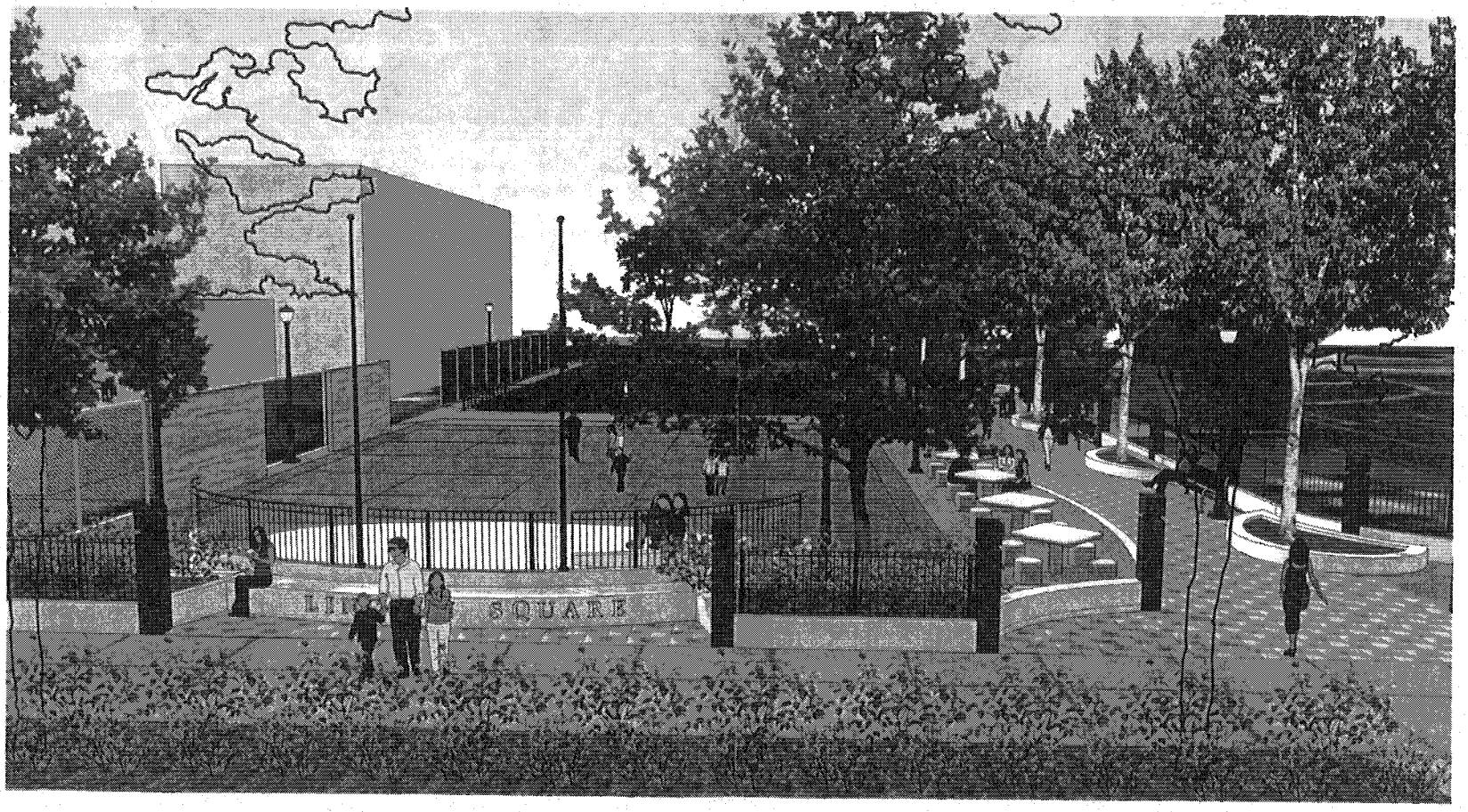
Bird's Eye View from the East

LINCOLN SQUARE PARK / ALICE STREET DESIGN CONCEPT
CITY OF OAKLAND

BOTTOMLEY ASSOCIATES
URBAN DESIGN & CITY PLANNING

8-28-2009

ATTACHMENT C

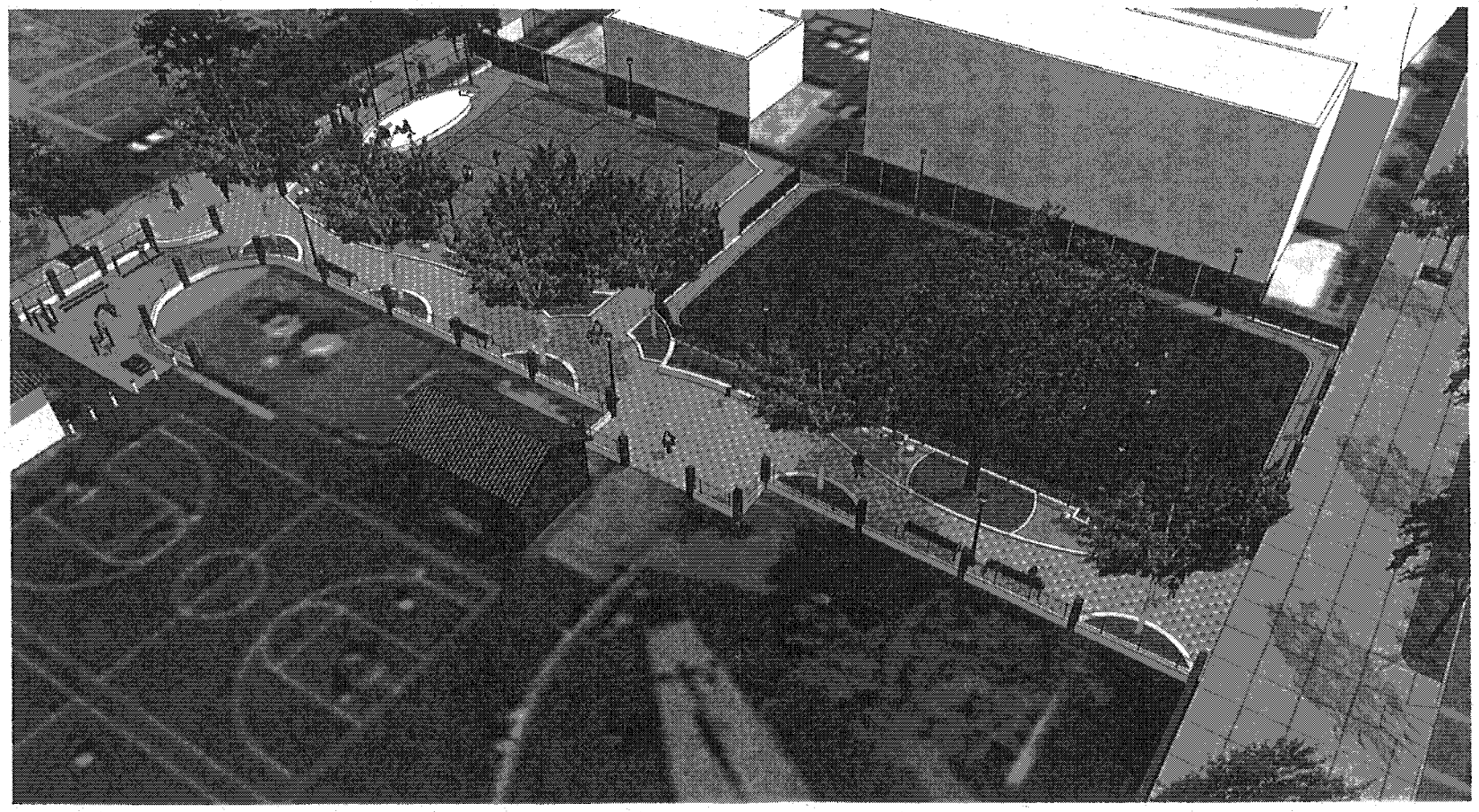


View from 11th Street

LINCOLN SQUARE PARK / ALICE STREET DESIGN CONCEPT
CITY OF OAKLAND

BOTTOMLEY ASSOCIATES
URBAN DESIGN & CITY PLANNING

8-28-2009

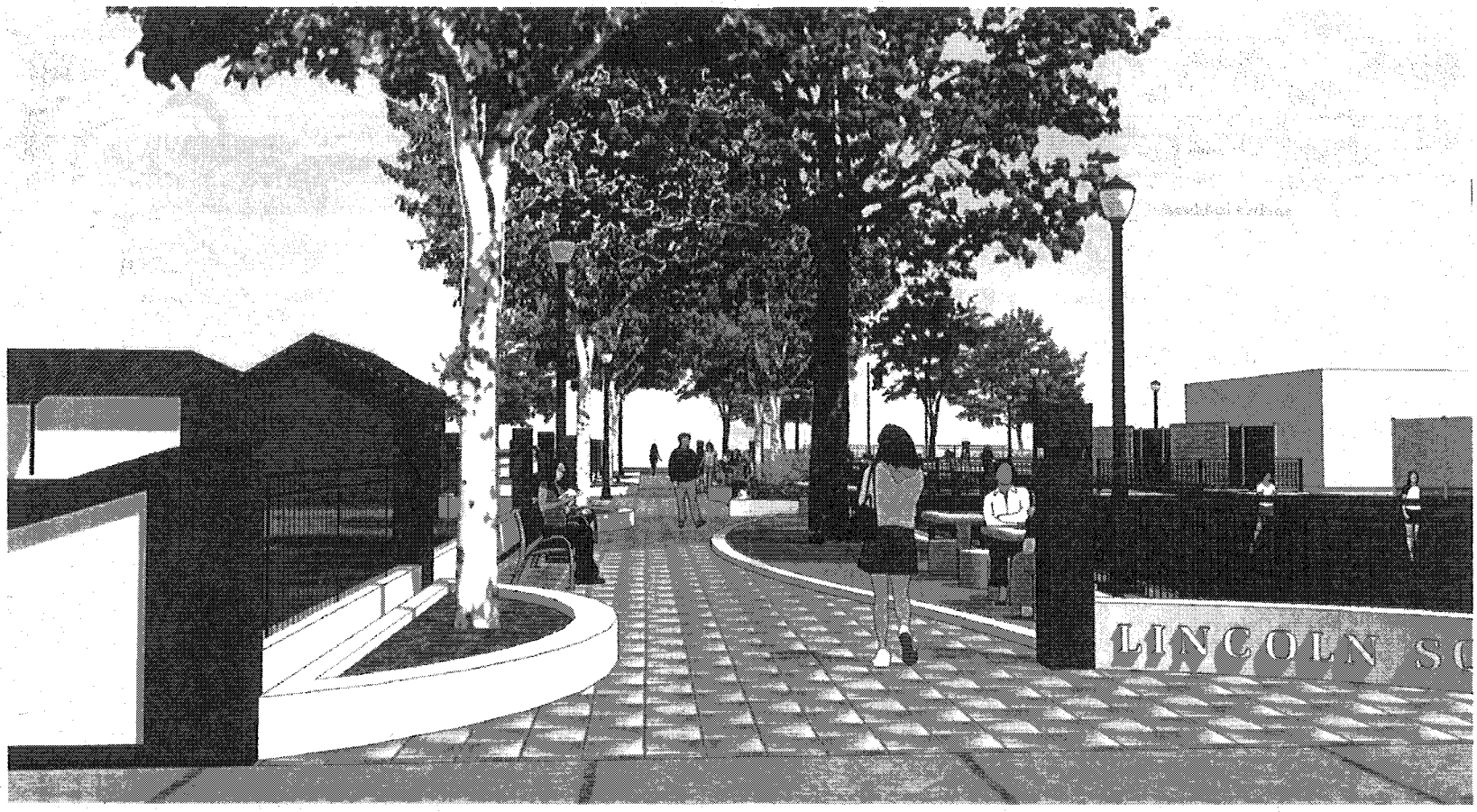


Bird's Eye View from the West

LINCOLN SQUARE PARK / ALICE STREET DESIGN CONCEPT
CITY OF OAKLAND

BOTTOMLEY ASSOCIATES
URBAN DESIGN & CITY PLANNING

8-28-2009

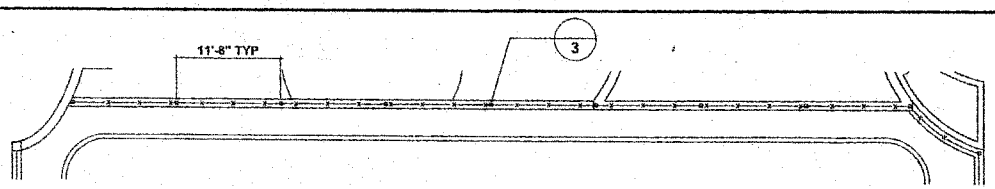


View from 10th Street

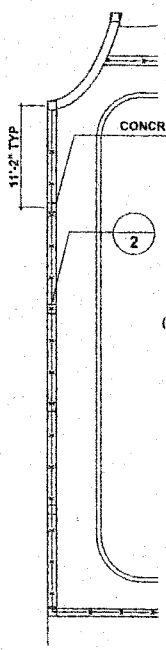
LINCOLN SQUARE PARK / ALICE STREET DESIGN CONCEPT
CITY OF OAKLAND

BOTTOMLEY ASSOCIATES
URBAN DESIGN & CITY PLANNING
8-28-2009

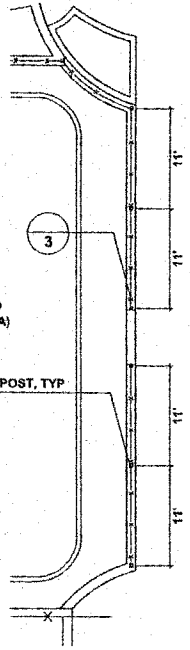
50% SUBMITTAL PLANS
NOT FOR CONSTRUCTION



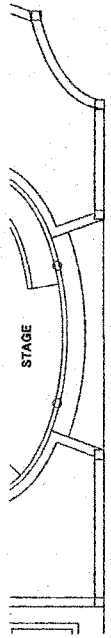
1. FENCE @ WEST SIDE OF FIELD



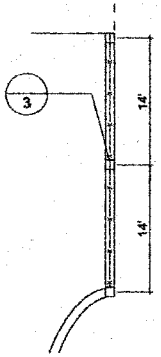
2. FENCE @ SOUTH SIDE OF FIELD



3. FENCE @ NORTH SIDE OF FIELD

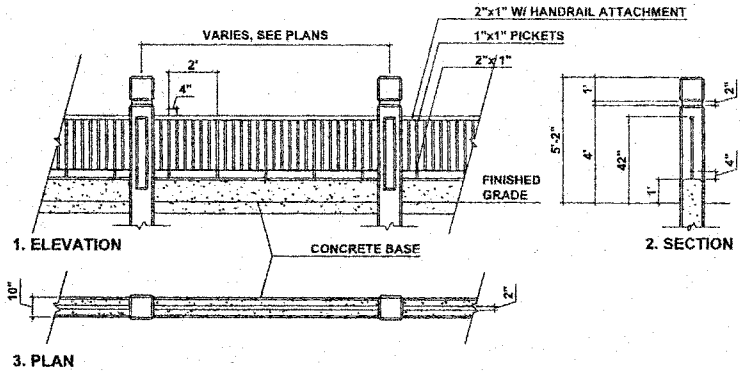


4. COLUMNS @ STAGE

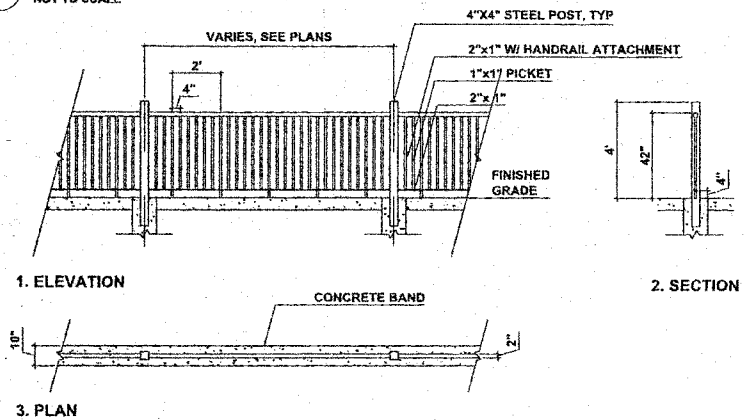


5. FENCE @ STRETCHING AREA

1 PERIMETER FENCE LAYOUT
NOT TO SCALE



2 PERIMETER FENCE WITH COLUMNS
NOT TO SCALE



3 PERIMETER FENCE WITH POSTS
NOT TO SCALE

LINCOLN SQUARE SITE IMPROVEMENT PROJECT
City Project No. C329610

CITY OF OAKLAND
DESIGN AND CONSTRUCTION SERVICES DEPARTMENT
250 FRANK H. OGAWA PLAZA, SUITE 4314 • OAKLAND CA. 94612
(510) 238-3437 • FAX (510) 238-7257
PROJECT NO.

LICENSED LANDSCAPE ARCHITECT — TERRY K. BOTTOMLEY — 3031 — STATE OF CALIFORNIA

BOTTOMLEY ASSOCIATES URBAN DESIGN & CITY PLANNING 400 GRAND AVE. SUITE 202 OAKLAND, CALIFORNIA 94610 (510) 893-3668	No.	DATE	BY	REFERENCE
CHECKED BY TKB				
DESIGNED BY TKB				
DRAWN BY LZ				

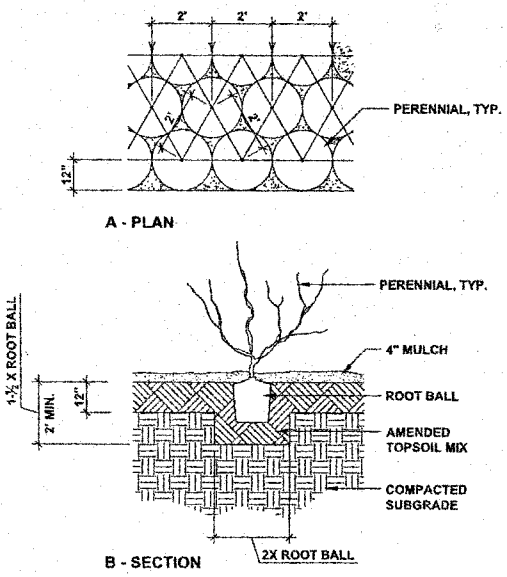
FENCING & COLUMN DETAILS

SCALE:
HOR:
VERT:
DATE: OCT 15, 2009

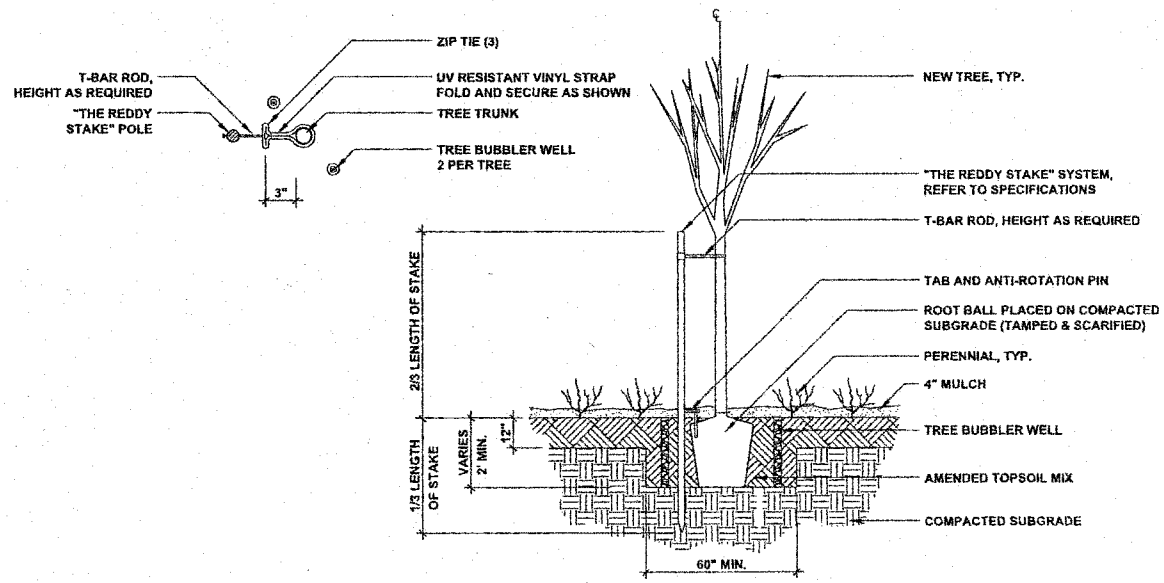
SHEET NO.
D-1
5 OF

50% SUBMITTAL PLANS
NOT FOR CONSTRUCTION

SYMBOL	BOTANICAL NAME	COMMON NAME	PLANT GROUP SIZE	QUANTITY EACH	MULCH	PLANTING LIMITS		REMARKS
						MIN. DISTANCE FROM TRVD WAY (FT)	ON CENTER (FT)	
TREES								
◯	TBD	TBD	36" BOX	X	——		SEE PLANS	SEE DETAIL FOR PLACEMEMT
SHRUB								
⊙	TBD	TBD	5 GAL	X	IN MULCHED AREAS		SEE PLANS	SEE DETAIL FOR PLACEMEMT
GROUND COVER								
▒	TBD	TBD	SEEDED	X	IN MULCHED AREAS		SEE PLANS	SEE DETAIL FOR PLACEMEMT



1 PERENNIAL PLANTING
NOT TO SCALE



2 TREE PLANTING AND BUBBLER
NOT TO SCALE

LINCOLN SQUARE SITE
IMPROVEMENT PROJECT
City Project No. C329610

CITY OF OAKLAND
DESIGN AND CONSTRUCTION SERVICES DEPARTMENT
250 FRANK H. OGAWA PLAZA, SUITE 4314 • OAKLAND CA, 94612
(510) 238-3437 • FAX (510) 238-7227
PROJECT NO. _____

BOTTOMLEY ASSOCIATES
URBAN DESIGN & CITY PLANNING
1330 GRAND AVE., SUITE 303
OAKLAND, CALIFORNIA 94610
(510) 893-3600

CHECKED BY	TKB
DESIGNED BY	TKB
DRAWN BY	LZ

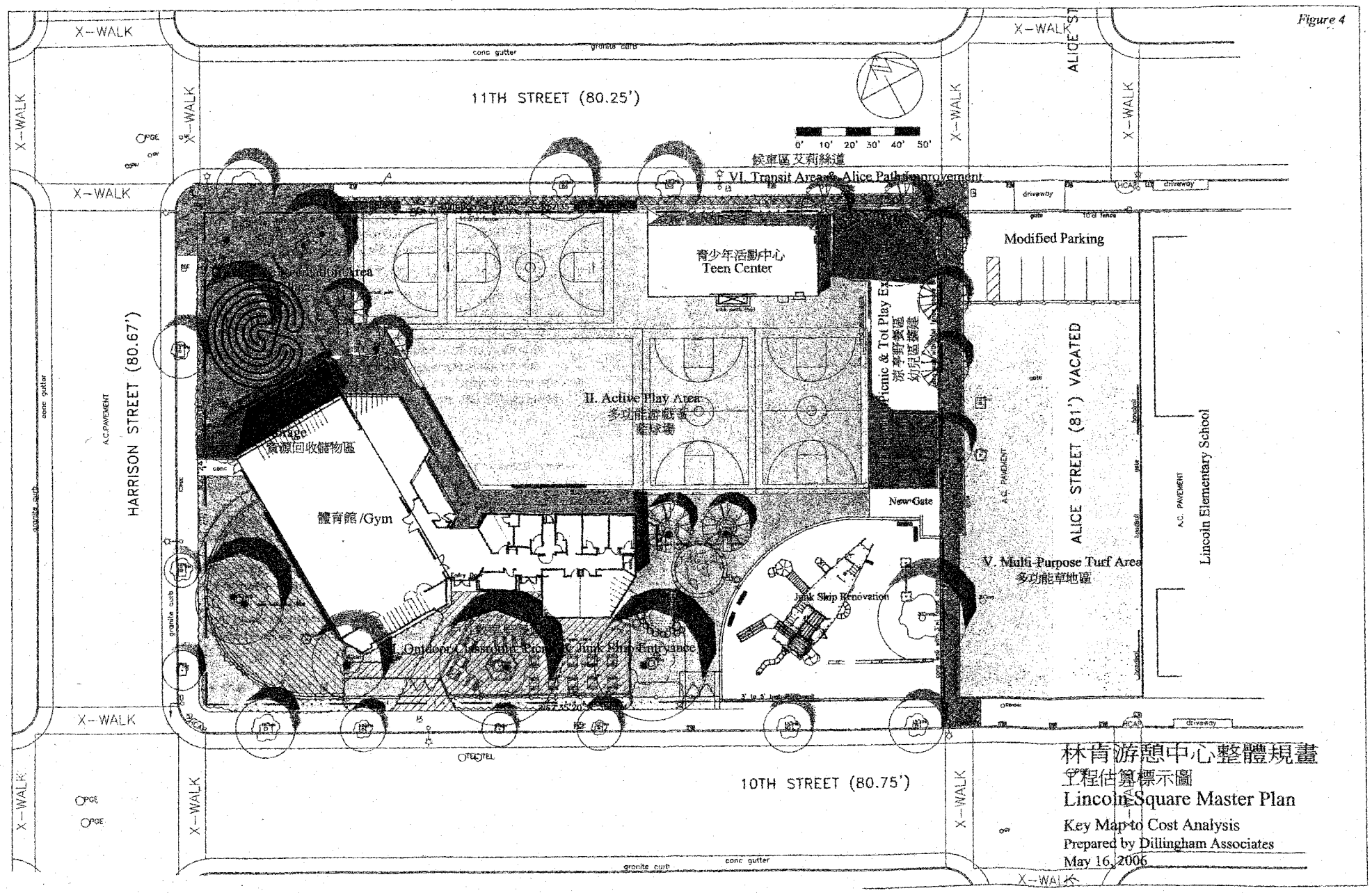
No.	DATE	BY	REFERENCE

PLANTING DETAILS

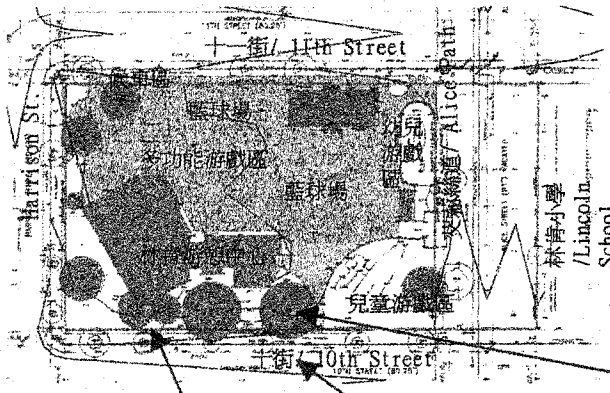
SCALE:
HOR:
VERT:
DATE: OCT 15, 2009

SHEET NO.
P-2
11 OF ____

Figure 4


11TH STREET (80.25')
10TH STREET (80.75')
HARRISON STREET (80.67')
ALICE STREET (81') VACATED
ALICE ST
X-WALK
conc gutter
granite curb
A.C. PAVEMENT
0' 10' 20' 30' 40' 50'
候車區 艾莉絲道
VI. Transit Area & Alice Pathway Improvement
青少年活動中心
Teen Center
Modified Parking
Picnic & Tot Play Ex
游樂野餐區
幼兒區擴建
II. Active Play Area
多功能遊戲區
籃球場
資源回收儲物區
體育館/Gym
New Gate
V. Multi-Purpose Turf Area
多功能草地區
Junk Skip Renovation
Lincoln Elementary School
driveway
gate
HCAP
林肯游憩中心整體規畫
工程估算標示圖
Lincoln Square Master Plan
Key Map to Cost Analysis
Prepared by Dillingham Associates
May 16, 2006

The renovation of the beloved Junk Ship structure, which does not meet current play safety standard, is underway.



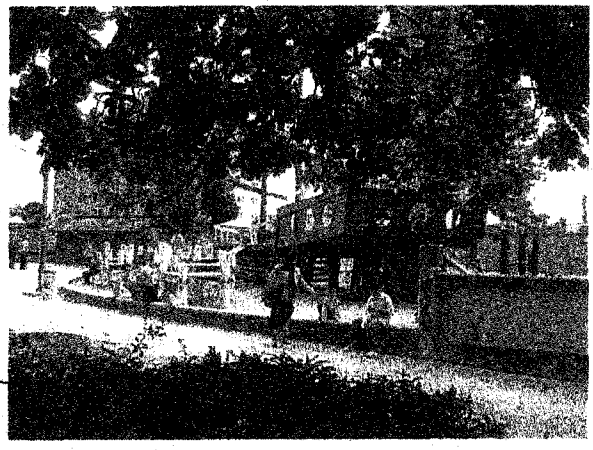


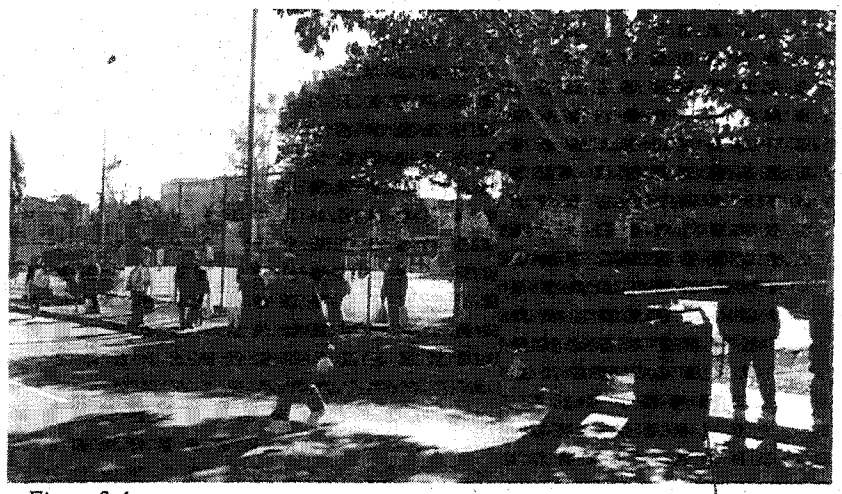
Figure 2.1

The area along 10th street is covered with sloped brick paving and mulch. It is used in the summer when the center is at its full capacity.

Figure 2.2

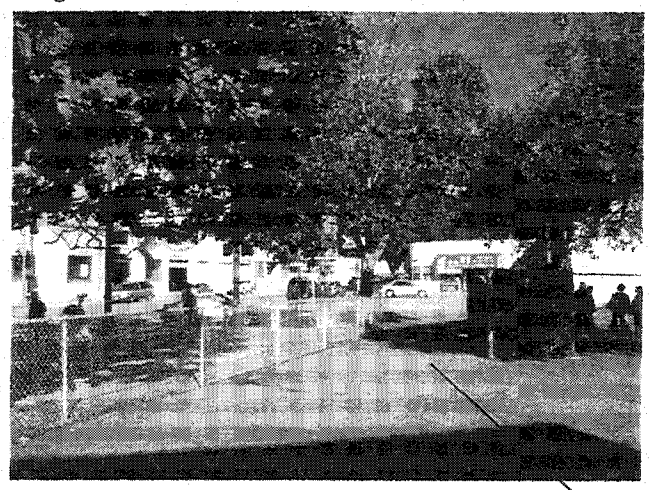
Figure 2.3

The recreation building sits back from Harrison and 10th streets, leaving a sizable space unused.



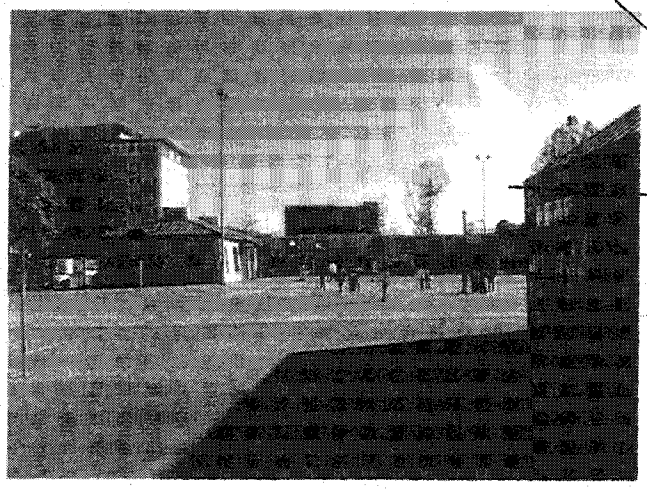
The area along 11th Street is constantly frequented by buses and shoppers.

Figure 2.4



The main entry to the site is poorly defined by the existing trash enclosure and chain link fence.

Figure 2.5



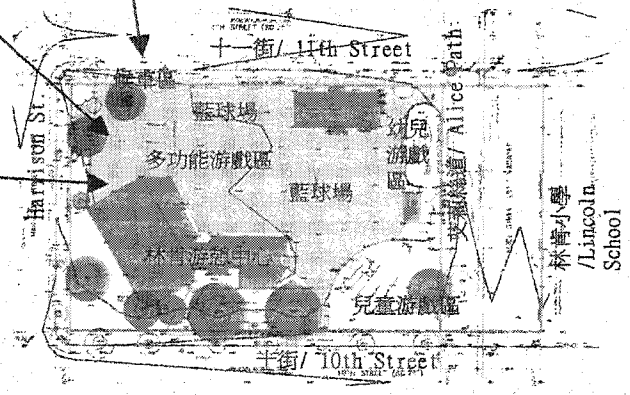


Figure 2.6

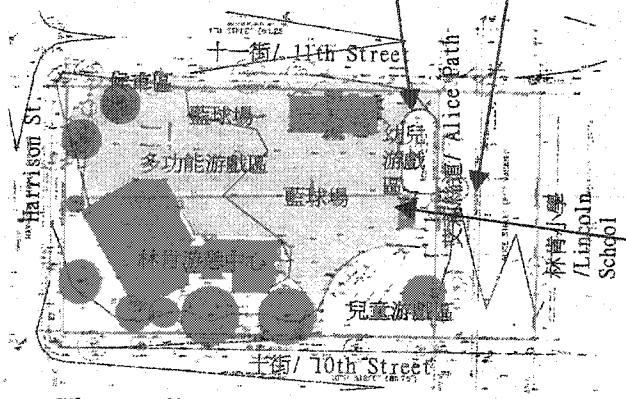
The shady side of the recreation center is unused and is not visible to staff in the office.

Figure 2.7

The tot area, with its composite structure and swing set, offers basic active play function

The closed Alice Street is used for OUSD staff parking and Lincoln School sports activities.

Figure 2.8



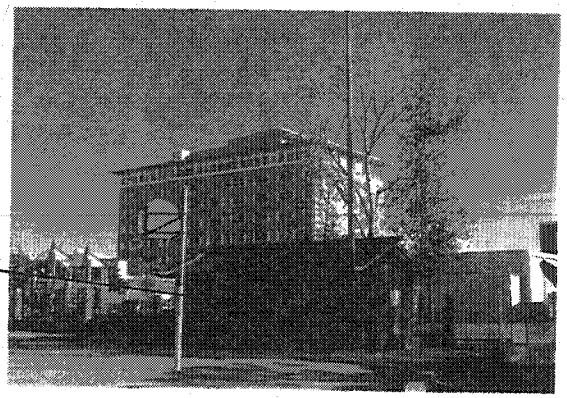
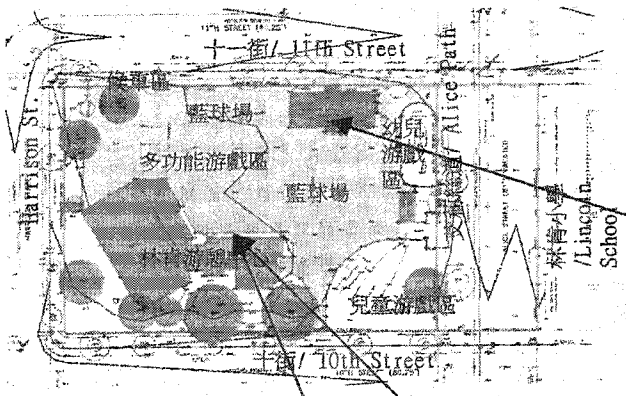


Figure 2.9

The small building is used by the Wa Sung Service Club for storage for their annual Pancake Breakfast event



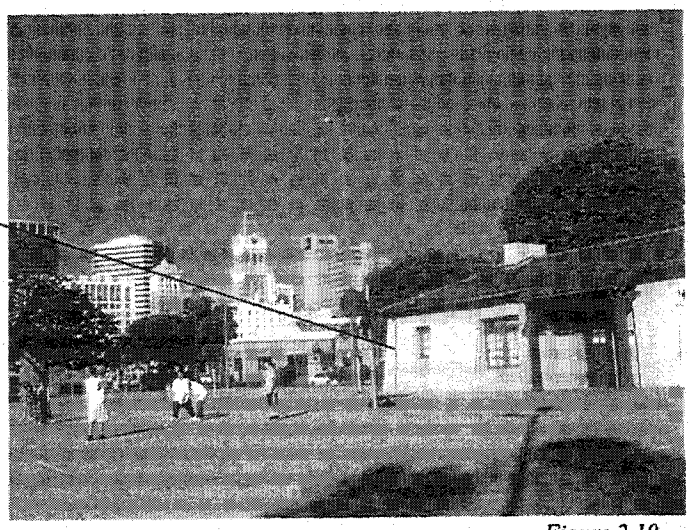


Figure 2.10

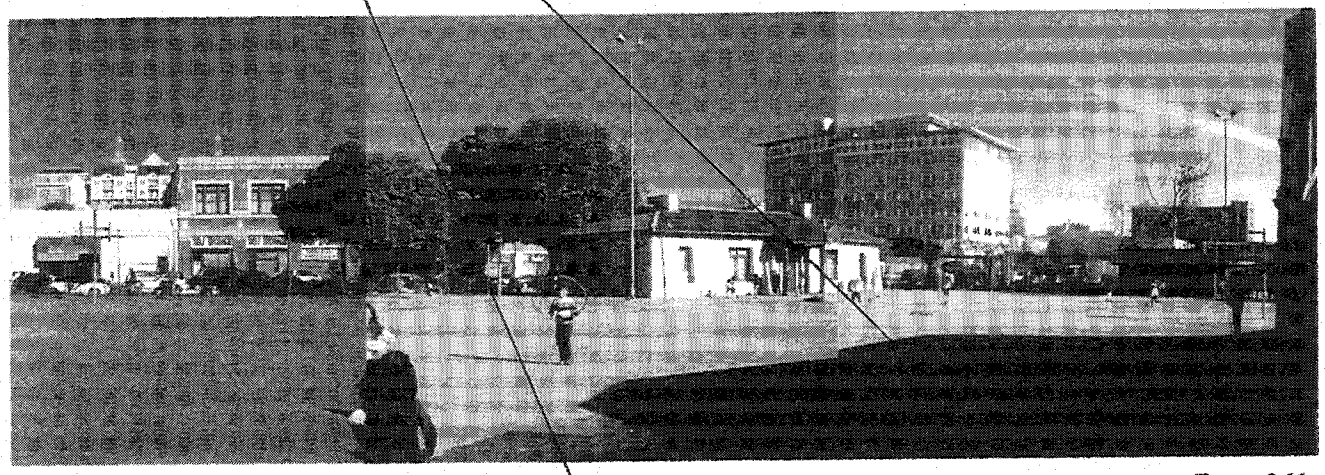


Figure 2.11

Figure 2.12

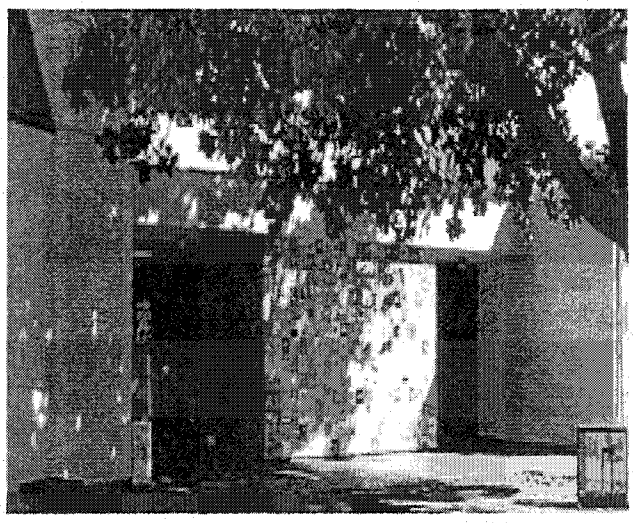
Lincoln Square play ground and recreation building serve approximately 2000 daily users.

Lincoln Square Recreation Center
250 - 10th Street
Oakland, CA 94607
Phone: (510) 238-7738
Maintenance: 238-3208
Council District: 2

Size: 1.38 acres

STAFF:

Gong, Gilbert – Center Director



Brief history:

Lincoln Square was one of the original "Seven Squares" of Oakland. It started as early as 1869 and was at that time called "Oakland Square." On February 12, 1898 it was renamed and dedicated to Abe Lincoln on his birthday. On this occasion a young sequoia tree was planted, around whose roots was deposited soil from each of the nations forty-six states and two territories; soil also from the Washington, Lincoln and Grant tombs, from the Bunker Hill monument and the famed Sloats Monument in Monterey. By the 1930's, the tree was 50 feet tall and 12 inches wide. By now the tree has been long gone. In 1901, the value of the land was $48,000. The park was redesigned in 1941 with money from Neighborhood Youth projects. The Chinese community contributed $2,500. A building was built from the bricks from the old Oakland High School. The play area cost $35,000 and the Junk Ship, built mostly by Parks and Recreation employees, cost $12,000 to construct. In December 1974, HUD approved a $320,000 grant for a new Neighborhood Service Center. There was voiced complaint from the Chinese community against the construction of the center because it was felt that it would take up valuable open space that had been used as a playground for Chinese youth. The City closed Alice Street on both sides to compensate for the loss of the play area. The Wa Sung Service Club donated $15,187 for improvements. Dedication of the new service center was held in October 1977. In 1996, the center underwent seismic upgrading that included meeting ADA compliance. The motif of the park is Chinese because traditionally Lincoln Square has been considered the Chinese Center of Oakland. Lincoln Square is an Oakland landmark that serves the Chinatown community. In 1999, the children's playground was replaced with custom-made play equipment. The new equipment was made possible through a gift from the Trust for Public Land.

The center building has 8,500 square feet and consists of a gymnasium, a game room, crafts room, office, a computer/class room (eight computers), a storage/equipment room, a kitchen, restrooms (4 total stalls), a custodial closet, and a utilities closet. The kitchen contains a Wolf stove with six burners and an oven with ceiling fan, a double sink, and two refrigerators approximately 18 cubic feet each.

Lincoln's outdoor facilities include two lighted basketball courts, lighted hard surface playground with tetherball courts, and a rubber-surfaced play area with Chinese Junk Boat play structure, and swing sets.

Key Maintenance Needs:

Key Needs:

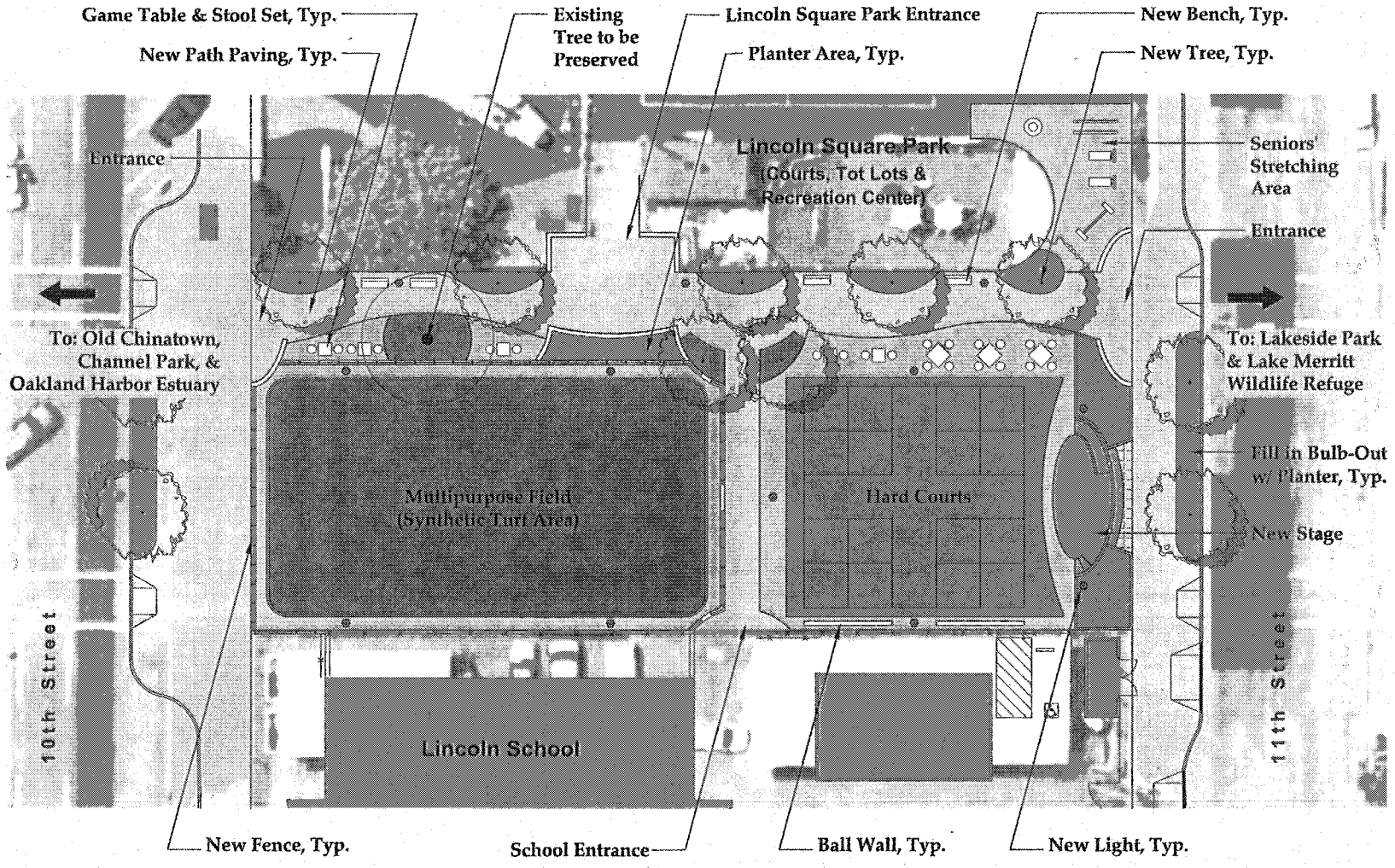
ATTACHMENT D

NEIGHBOR CORRESPONDENCE

As of July 13, 2010, no neighbors had responded to the public notice or made comments regarding this project.

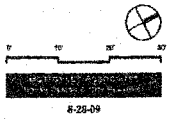
At prior public comment opportunities provided for the park supporters for the project outnumbered persons with concerns.

ATTACHMENT E

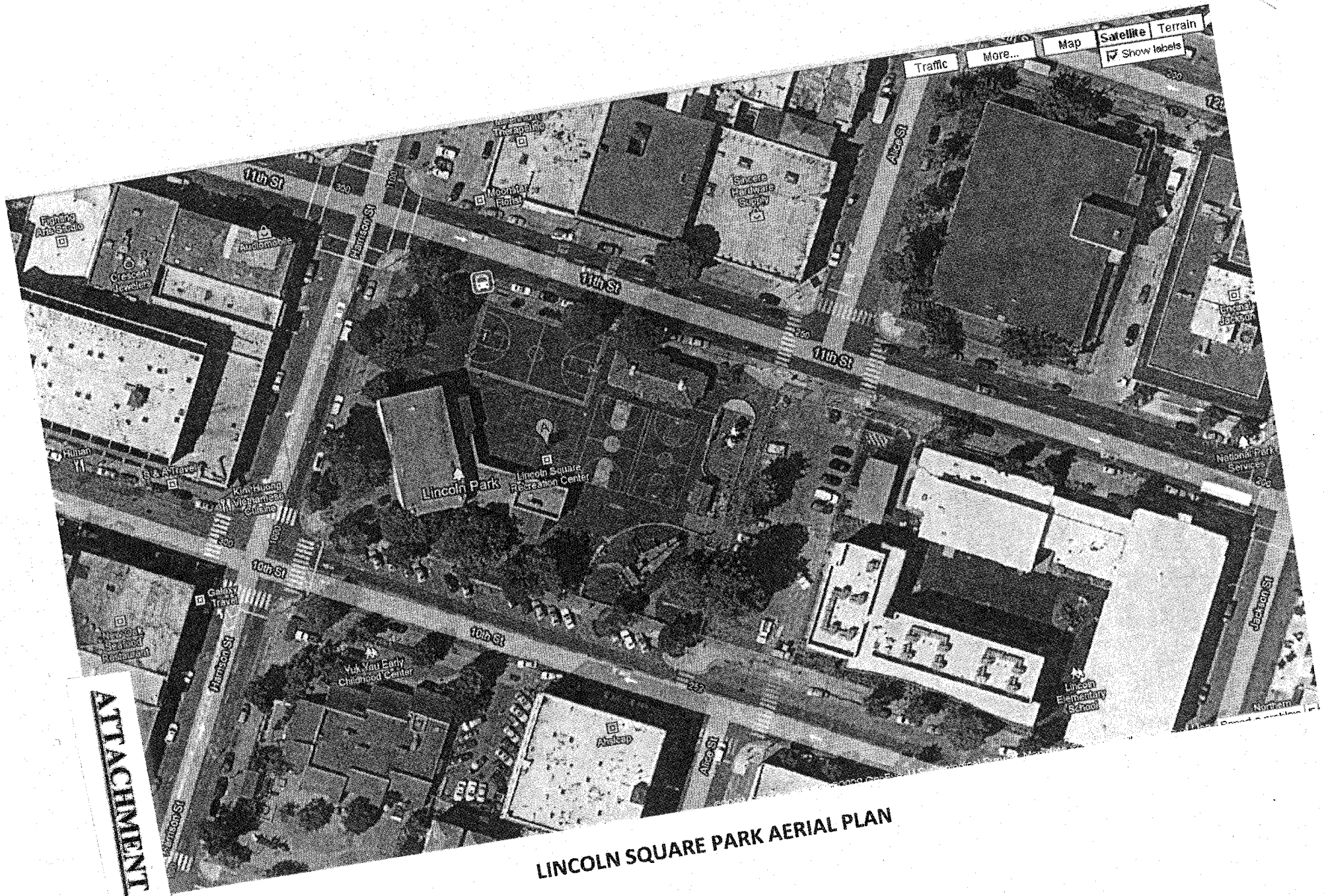


Concept Plan

LINCOLN SQUARE PARK / ALICE STREET DESIGN CONCEPT
CITY OF OAKLAND



ATTACHMENT F



ATTACHMENT G

LINCOLN SQUARE PARK AERIAL PLAN

OAKLAND CITY COUNCIL

RESOLUTION No. 54671 C. M. S.

RESOLUTION PHYSICALLY CLOSING ALICE STREET BETWEEN 10TH STREET AND 11TH STREET TO VEHICULAR TRAFFIC

--oOo--

WHEREAS, Lincoln Square, adjacent to Alice Street, has been selected by the City of Oakland as the location of the Lincoln Neighborhood Center, and

WHEREAS, the physical closing to vehicular traffic of Alice Street between 10th Street and 11th Street will give the public a larger usable space around said neighborhood center, and will make it safer for children from Lincoln School to use the playground facilities of Lincoln Square, and said closing will not materially interfere with access to private property or traffic circulation in the neighborhood, and

WHEREAS, any existing franchises for the use of said portion of Alice Street for public services will remain effective, including water, telephone and telegraph, gas, and electric energy facilities, and the existing right to usé said portion of Alice Street for city services including sanitary sewer, storm drainage and fire alarm facilities will remain effective.

BE IT RESOLVED: That the above described portion of Alice Street is hereby closed to vehicular traffic since it is not now needed for said traffic.

FURTHER RESOLVED: That said physical closing of said portion of Alice Street shall be in no way considered as an abandonment on the part of the City of any of its rights for street purposes or otherwise.

IN COUNCIL, OAKLAND, CALIF., MAR 27 1975, 19____

PASSED BY THE FOLLOWING VOTE:

AYES - [redacted], CHIALVO, ENG, MAGGIORA, OGAWA, ROSE, SUTTER, VUKASIN, AND PRESIDENT READING - 8

NOES - NONE

ABSENT - COTO

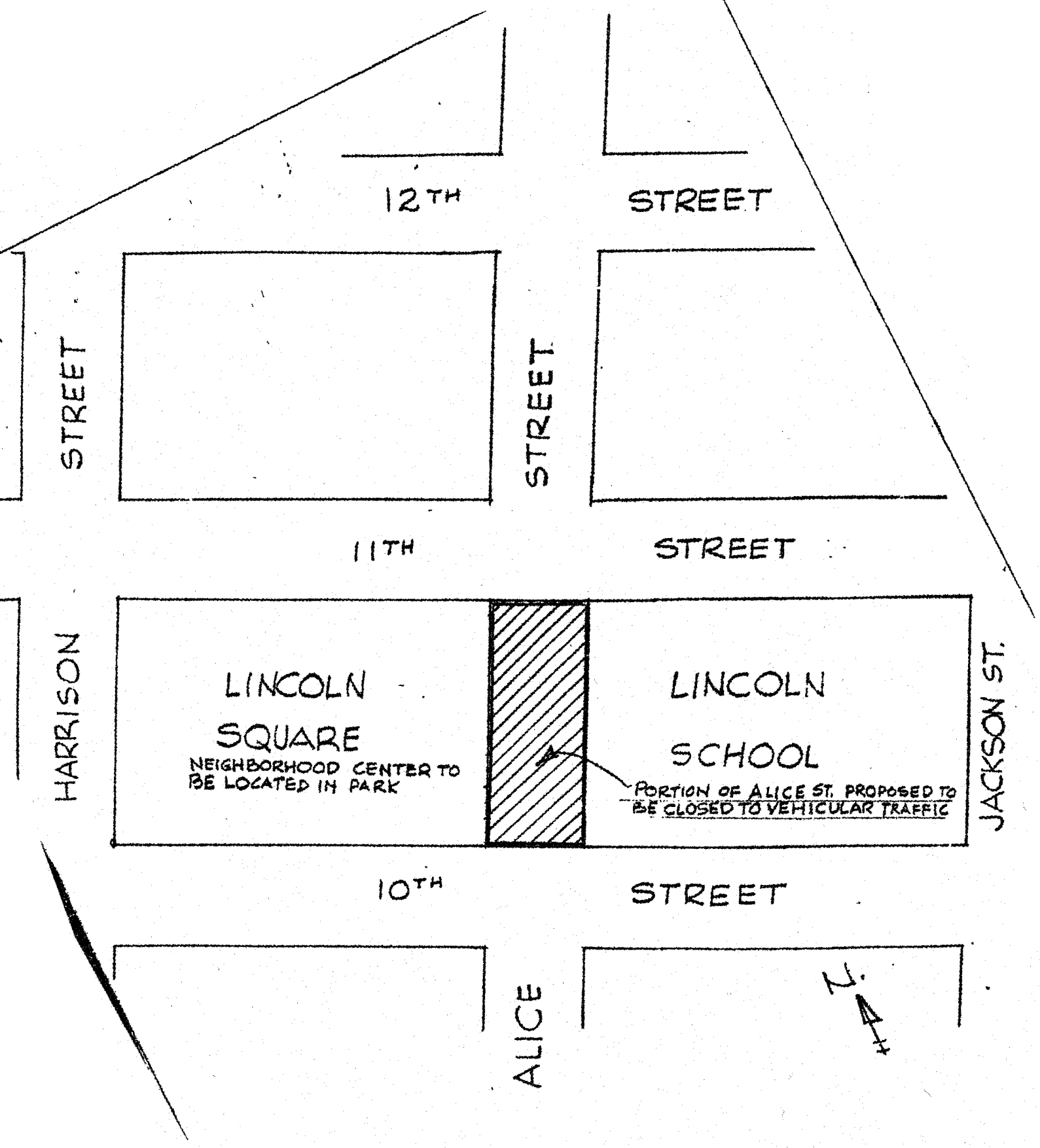
ATTEST: _____
MAYOR OF THE CITY OF OAKLAND, CALIF.

ATTEST: _____
CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND, CALIF.

ATTACHMENT H

C5

600-244 (5/69)


12TH STREET
STREET
STREET
11TH STREET
HARRISON
LINCOLN SQUARE
NEIGHBORHOOD CENTER TO BE LOCATED IN PARK
LINCOLN SCHOOL
PORTION OF ALICE ST. PROPOSED TO BE CLOSED TO VEHICULAR TRAFFIC
JACKSON ST.
10TH STREET
ALICE

CITY OF OAKLAND
Inter-Office Letter

To: Cecil S. Riley, City Manager Attention: Date March 25, 1976

From: Director of Public Works

Subject: AWARD OF CONTRACT for Alice Street Closing between 10th and 11th Streets - 80120

A resolution has been prepared by the City Attorney that awards the contract for the above work to Bay Cities Paving and Grading, Inc.; approves contract prepared by the City Attorney and amount of bonds therefor; directs the City Manager to enter into said contract; directs City Clerk to post notice of said award; rejects all other bids and directs City Clerk to return bid bonds to the unsuccessful bidders.

Bids were received and opened by the City Clerk for this project on March 8, 1976. The estimate for the project was $19,933.50. Seven (7) bids were submitted and the bids ranged from $17,260.00 to $24,266.50. Bay Cities Paving and Grading, Inc. was the low bidder.

This project is to be financed by General Funds contained in the 1975-76 budget.

I recommend that the resolution described above be approved by the City Council.

JAMES E. McCARTY

LG:WH

APPROVED AND FORWARDED TO THE CITY COUNCIL

Office of the City Manager

13B

600-10