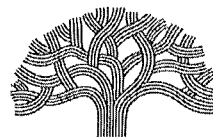


# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department

(510) 238-3941

Bureau of Planning

FAX (510) 238-6538

TDD (510) 238-3254

Sent via U.S. Mail and Electronic Mail

January 22, 2018

Leslie Werosh  
Ability Now  
4500 Lincoln Ave  
Oakland, CA 94602

**RE: Case File No. PLN16425; 4500 Lincoln Ave; 029 1009-010-05**

Dear Ms. Werosh:

Your application, as described below, has been **APPROVED** for the reasons stated in Attachment A, which contains the findings required to support this decision. Attachment B contains the Conditions of Approval for the project. This decision is effective ten (10) days after the date of this letter unless appealed as explained below.

The following table summarizes the proposed project:

<b>Proposal:</b>	To lease out the athletic field for weekday and weekend use and be available from 6:30 a.m. to 7:00 p.m.
<b>Planning Permits Required:</b>	Minor Conditional Use Permit for a Recreational Assembly Activity in the RD-1 Zone and Regular Design Review to construct an 8'-10' tall solid wood fence and install 10' tall temporary netting along Lincoln Avenue and safety lighting mounted onto the building.
<b>General Plan:</b>	Detached Unit Residential; Institutional
<b>Zoning:</b>	RD-1 Detached Unit Residential -1 Zone
<b>Environmental Determination:</b>	Exempt per CEQA Guidelines Section 15301: Existing Facilities, Section 15332: Infill Exemption; and Section 15183: Projects consistent with a Community Plan, General Plan or Zoning
<b>Historic Status:</b>	Non-Historic Property
<b>Service Delivery District:</b>	3
<b>City Council District:</b>	4

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm on February 1, 2018**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Heather Klein, Planner IV**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1,622.57** in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such

issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Heather Klein, Planner IV**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Heather Klein, Planner IV** at (510) 238-3659 or [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com), however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



ROBERT MERKAMP  
Acting Zoning Manager

cc: Councilmember Annie Campbell Washington  
Bijal Patel, Deputy City Attorney  
Bill Quesada, Inspection Services

Crystal Land, Head Royce School  
Annie Mudge, Cox Castle Nicholson  
Leila Moncharsh, Veneruso and Moncharsh

Ability Now / Head Royce Interested Parties Mailing List  
Ability Now / Head Royce Interested Parties Email List

Attachments:

- A. Findings
- B. Conditions of Approval, including Standard Conditions of Approvals
- C. Final Noise Analysis, Wilson Ihrig, dated January 2, 2018

## ATTACHMENT A: FINDINGS

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

### **Regular Design Review Criteria (Section 17.136.050)**

#### **B. For Nonresidential Facilities and Signs.**

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

The proposal will achieve and maintain a group of facilities that are well related to each other. The fence and netting will be located on an existing play field and will improve it for further use. The netting will be screened by trees and will not be generally visible from Lincoln Ave. The fence will be wood and will be setback from the property line. Wood fences are typical of both civic and residential facilities. Further improvements may also be made to the playing field surface.

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

The proposed design, with the Conditions of Approval, will be of a quality and character that harmonizes with the area. The fence will be wood and typical of fences on civic sites and surrounding residential parcels. The netting will be largely screened by the existing vegetation along Lincoln Ave. As a result, the netting will not generally be noticed from the street. The lighting will be downcast and is typical of safety lighting on properties. The lighting will not be used for field lighting purposes to extend field time for night time use. Further improvements may also be made to the playing field surface.

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

The subject site is classified as Detached Unit Residential and Institutional per the City of Oakland General Plan's Land Use and Transportation Element (LUTE). The Detached Unit Residential classification is intended to create, maintain, and enhance residential areas primarily characterized by detached, single-unit structures. The desired character should remain residential with appropriate allowances for schools and other small civic institutions. The Institutional classification is intended to create, maintain and enhance areas appropriate for educational facilities, cultural and institutional uses, health care and medical uses as well as other uses of similar character. This project would allow an existing underutilized civic facility (playing field) to be used by another civic facility. Specifically, the project meets the following LUTE Objectives and Policies:

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

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

Policy N2.3 Supporting Institutional Facilities: The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses.

The playing field is existing and is used by Ability Now clients. This proposal will increase the use of the field minimally by allowing Head Royce to use the field for sports practice. With the fence and Conditions of Approval regarding time of use, number of persons using the field and area of use, the field will be appropriately designed and managed to be sensitive to surrounding neighbors.

The project also is consistent with the following Open Space Conservation and Recreation Element of the General Plan (OSCAR) Objectives and Policies:

Objective OS-3: Institutional and Functional Open Space: To retain major institutional and functional open space areas and enhance their recreational and aesthetic benefits.

Policy OS-3.1: University, College and Institutional Open Space: Retain open space at Oakland's universities, colleges and other institutions where such open space provides recreational, aesthetic, conservation or historic benefits to the community.

Head Royce School currently busses students to practice fields around the City including space at Mills College and other institutional open space. While, the playing field would not be open for public use which is the objective of the above policies and instead be solely for Head Royce and Ability Now use, this would allow the facilities at these other institutional sites to be available for usage by other members of the public.

No district plan or other development control plan applies to the site. The City's Small Project Design Review Manual generally applies to Non-Residential Facilities. However, the Manual only covers signs; building elevations, awnings and colors; and Sidewalk Cafes, Outdoor Seating Areas and Related Structures which are not applicable to the proposal project. No other design guidelines apply.

### **General Use Permit Criteria (17.134.050)**

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

The location, size and design of the existing playing field will not change. Amenities such as fencing, netting field improvements and lighting are typical of playing fields and building safety. The operating characteristics as part of the field lease to Head Royce School will not affect the livability or appropriate development of abutting properties and the surrounding neighborhood. No changes in scale, bulk, coverage or density is proposed. As already stated, the field is existing and is used. The proposal is to allow further use of an existing facility. With appropriate Conditions of Approval, the field will not result in additional noise above what is permitted per the Planning and Municipal Codes. No additional traffic trips are expected as the School students are already located

near the project site and will walk to Ability Now. On weekends, when School is not in session, the limited number of students will not result in a traffic impact.

- 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, design and site planning of the field will not change and provides a convenient and functional civic environment. As noted above, the netting will be screened and will not be generally visible from the street. The fencing is typical of both residential and civic environments and will be attractive and sided on both faces. Further improvements may also be made to the playing field surface. The improvements will be as attractive as the nature of the use and its location and setting warrant.

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

The proposed Recreational Assembly Activity will enhance the successful operation of the existing field in its basic community function. The field is already used by Ability Now clients and will be further used by Head Royce School students. These School students are bussed to nearby fields and allowing them access to a closer field will open up other playing fields for additional community use as an essential service. With appropriate Conditions of Approval, impacts related to noise and traffic will be reduced.

- D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;**

As discussed above, the project conforms to the non-residential regular design review criteria.

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

As discussed above, the Project meets all the applicable guidelines and the Oakland General Plan's goals and policies.

- F. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, maximum lot coverage, or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:**

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

2. At least sixty percent (60%) of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an

**alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.**

This finding is not applicable as the project does not involve a One- or Two-Family Residential Facility but a Community Education facility.

## **CEQA FINDINGS**

The project includes the leasing of an existing playing field, construction of a fence and installation of temporary netting playing field improvements and lighting only. Staff has evaluated the project according to the California Environmental Quality Act (CEQA) and determined it is exempt from environmental review under Sections 15301, 15332 and 15183, each as a separate and independent basis, and when viewed collectively, as an overall basis for CEQA clearance.

Section 15301 of the CEQA Guidelines exempts from CEQA review those facilities which are existing. This exemption includes projects that involve negligible or no expansion of use beyond what is existing. The project site already contains a playing field that is used by Ability Now with no restriction on number of students, time of day, or use or activity on the field. Only 50 Head Royce students would use the field at any one time during weekdays and 25 students on Saturdays and this is negligible given the lack of restrictions on field use. This exemption also includes accessory (appurtenant) structures such as fences, netting, and lighting.

Section 15332 of the CEQA Guidelines exempts from CEQA review infill development projects. The project is located within the city limits and the existing field to be used is no more than 5 acres; has no value as habitat for endangered, rare or threatened species as the field is currently in use by the Ability Now students; and the site is already served by utilities and public services. The project would not result in any significant effects related to traffic, noise, air quality and water quality.

A traffic analysis was completed as part of an enrollment increase at Head Royce School (total of 906 students). This analysis showed that during the week, and am and pm peak hour timeframes, the new enrollment would not result in significant traffic impacts in the surrounding area. This analysis was part of an overall CEQA determination made by the Planning Commission in 2016 and was not challenged. With this proposal, students from Head Royce will be using the Ability Now field. These children are already being bussed or dropped-off or picked-up by parents and as such are existing traffic trips. Allowing use of the existing playfield across the street will eliminate existing trips currently being made to drive these same students to practice fields around the City. Having the field closer to the School will reduce the traffic trips as the students can just walk over to Ability Now after school. As such, no additional trips would result in the lease of the playing field during the week. During the weekend, traffic in the area is less heavy than during weekday peak hours as the majority of the students are not arriving or leaving the School, and residents are not leaving or coming home from work. Furthermore, only 25 students will be attending practices on Saturdays. These limited trips are not expected to result in significant traffic impacts especially when the School's larger population coming during the weekdays was shown not to result in an impact.

A noise study (attached) was prepared by a noise consultant which concluded that the project would meet the City's noise ordinance, and therefore, not result in a noise impact or cumulative noise impact. The final noise study (attached) also demonstrated that the project would not exceed the City's CEQA threshold of significance for noise even without a fence. In addition, though not required, the play fence does have noise reduction properties which will further reduce the noise. Finally, staff has added additional Conditions of Approval related to noise, times of use, etc. to even further reduce noise.

The project only involves minimal construction related to the ball fence and improvement of the field surface. Staff has included the standard Condition of Approval related to air quality and construction to address the fence and field surface improvement. The use of the field for sports practice will not result in an air quality impact.

The project which involves only use of the field will not result in a water quality impact as no or only limited water will be used. The site is an existing playfield and does not provide habitat for rare, threatened or endangered species.

Furthermore, this project doesn't meet the exceptions in CEQA Section 15300.2 to disqualify it for an exemption. The project is not located in a particularly sensitive environment. The field is currently used by Ability Now clients and was intended for playing field use. It would not result in a cumulative impact of successive projects of the same type and the same place being significant. No successive projects like this are anticipated and Ability Now and Head Royce will coordinate schedules and use. The fencing and netting are typical of field uses. The lighting is for security purposes only and not for night field use. Per the Conditions of Approval, all practice activities will cease at sundown or by 7 p.m., whichever is earlier. There is no reasonable possibility that a sports practice activity on a playing field will have a significant effect due to unusual circumstances. Finally, the project is not located near a scenic highway, on a hazardous waste site or in a historic resource.

As noted above, this project is also consistent with the City's General Plan and Zoning subject to CUP and Design Review approval, consistent with CEQA Section 15183.

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**ATTACHMENT B: CONDITIONS OF APPROVAL**

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

**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans dated **December 8, 2016**, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

Specifically:

- Lease and use of the field for Head Royce School only for athletic practices with restrictions on number of persons, hours and days as further described in Condition 26.

Ability Now may continue to use the field for their own use without restriction.

**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. 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

**14. 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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**15. 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

#### **16. 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

#### **17. 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

### **18. 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

### **19. 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

### **20. 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

## **21. 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

## **22. 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

**23. 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

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

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

[www.greenhalosystems.com](http://www.greenhalosystems.com) or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

## **25. Lease with Head Royce School Only**

Requirement: The Conditional Use Permit for lease of the playing field is with Head Royce School only. If Ability Now wishes to lease the field to other entities, Ability Now will need to apply for a determination so that the City can review the terms of the proposed use of the field and whether the terms are consistent with Head Royce's proposal or a Revision application is necessary. Any expansion of field use by Head Royce, including but not limited to number of teams/students, times of use, lighting and location) will require a Revision application.

## **26. Terms of Field Use (Lease with Head Royce)**

Requirement: Ability Now shall ensure compliance with the following terms of the field use through their lease with Head Royce School.

- The field must remain available to Ability Now clients as the primary user of the project site.
- The daytime weekday field use for Head Royce School is from 2:30 PM-7 PM or sundown if earlier than 7 PM.
- The field will be available on Saturdays only (no Sundays or holidays) for a two-hour period between 9:00 AM - 1:00 PM.
- The field will be used for sports practices only and shall not be used for Head Royce School Physical Education (PE) classes, scrimmages or games.
- The field shall be used either by two teams at a time or up to 50 people whichever is greater, on weekdays and by one team or up to 25 people, whichever is greater, on Saturdays.
- During weekends, coaches will ensure that the active field use is generally located closer to Lincoln than neighbors.
- No summer use or summer-school use of the field is permitted. Use for practices may commence up to two weeks before the start of the fall athletic competition season as established by the North Coast Section of the California Interscholastic Federation or mid August (approximately August 15<sup>th</sup>) whichever is later.
- Field whistle use must be pea whistles and conform to the recommendations in the Noise Analysis. No amplified or bullhorn noise is permitted.
- No visitors such as parents, spectators or other persons that will result in cheering section which would increase noise are permitted on the field sidelines. Coaches are the exception.
- Head Royce students will walk to Ability Now and coaches shall encourage parents to pick-up or drop-off students up in the Ability Now parking lot as opposed to the street. Head Royce School and Ability Now shall actively evaluate the parking situation and manage the parking lot at Ability Now to ensure that enough parking spaces are available for Head Royce students. If there is not enough parking at Ability Now or the lot is occupied by Ability Now clients, Head Royce students shall walk to Ability Now.
- If necessary, the City may require that a noise consultant be retained to monitor the practice noise. If a violation is found of the noise ordinance, the consultant shall recommend measures to reduce the noise and Head Royce School shall implement the recommendations.



**27. Other Special Assembly Permits**

Ability Now may wish to hold one-time special events such as fund raisers, not associated with the lease with Head Royce School. These events will require a special event permit subject to the terms issued by the City Administrator's Office. No amplified noise is permitted without a City Administrator permit. Regular assembly permits will need a permit from the Bureau of Planning.

**28. Fencing and Netting**

The proposed netting will be green, brown or black to blend in with the existing vegetation and ensure less visibility from Lincoln Avenue. The fence shall be wood, be consistent with the recommendations in the noise report to further the fence's noise reducing properties, and shall be installed with siding on both sides to provide an attractive fence elevation to adjacent neighbors.

**29. Field Surface Improvements**

The field surface may include sod, turf, or other pervious material. The field will be maintained at all times.

**30. Storage**

All field equipment such as balls, cones, flags, etc. shall be stored in an appropriate shed or box, the design and location to be approved by the Bureau of Planning or be stored inside Ability Now. Goals shall be temporary and shall be stored when not in use in an appropriate location on the field.

**31. Lighting**

Lighting shall meet Condition of Approval 13 and shall be of a low wattage enough for security but not to facilitate night use of the field.

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**Applicant Statement**

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

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Name of Project Applicant

---

Signature of Project Applicant

---

Date

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

**NOTICE OF EXEMPTION**

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

**Project Title:** Case No. PLN16425  
**Project Applicant:** Leslie Werosh, Ability Now  
**Project Location:** 4500 Lincoln Ave; 029 1009-010-05

**Project Description:** Lease out the athletic field for weekday and weekend use and be available from 2:30 p.m. to 7:00 p.m. for a Recreational Assembly Activity on weekdays and 9:00 to 1:00 p.m. on Saturdays; construct an 8'-10' tall solid wood fence, field surface improvement, and install 10' tall temporary netting along Lincoln Avenue and safety lighting mounted onto the building.

**Exempt Status:**

**Statutory Exemptions**

- ☐ Ministerial {Sec.15268}  
☐ Feasibility/Planning Study {Sec.15262}  
☐ Emergency Project {Sec.15269}  
☐ Other: {Sec. \_\_\_\_\_}

**Categorical Exemptions**

- ☒ Existing Facilities {Sec.15301}  
☐ Replacement or Reconstruction {Sec.15302}  
☐ Small Structures {Sec.15303}  
☐ Minor Alterations {Sec.15304}  
☒ In-fill Development {Sec. 15332}  
☐ General Rule {Sec.15061(b)(3)}

**Other**

- ☒ Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}  
☐ \_\_\_\_\_ (Sec. \_\_\_\_\_)

**Reasons why project is exempt:** See attached. The project which involves the leasing of an existing playing field, minor fence construction and temporary netting and lighting, with appropriate conditions of approval, will not have a significant impact on the environment and is exempt from Environmental Review.

**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:** Heather Klein, Planner IV

**Phone:** 510-238-3659

Signature (Darin Ranalletti, Environmental Review Officer)

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:       CITY OF OAKLAND  
                      Bureau of Planning  
                      250 Frank H. Ogawa Plaza, Suite 2114  
                      Oakland, CA 94612

APPLICANT:         Leslie Werosh  
                      Ability Now  
                      4500 Lincoln Ave  
                      Oakland, CA 94602

: FILING NO.

**CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:**  
**(PLEASE MARK ONLY ONE CLASSIFICATION)**

**1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION**

☒ A – STATUTORILY OR CATEGORICALLY EXEMPT

\$50.00 – COUNTY CLERK HANDLING FEE

**1. NOTICE OF DETERMINATION (NOD)**

☐ A – NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$2,280.75 - STATE FILING FEE

\$50.00 (Fifty Dollars) – COUNTY CLERK FILING FEE

☐ B – ENVIRONMENTAL IMPACT REPORT

\$3,168.00 – STATE FILING FEE

\$50.00 (Fifty Dollars) – CLERK'S FEE

3. ☐ **OTHER:** \_\_\_\_\_

**\*\*A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.\*\*\* BY MAIL FILINGS: PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES. IN PERSON FILINGS: PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPE.**



**MEMORANDUM**

January 2, 2018

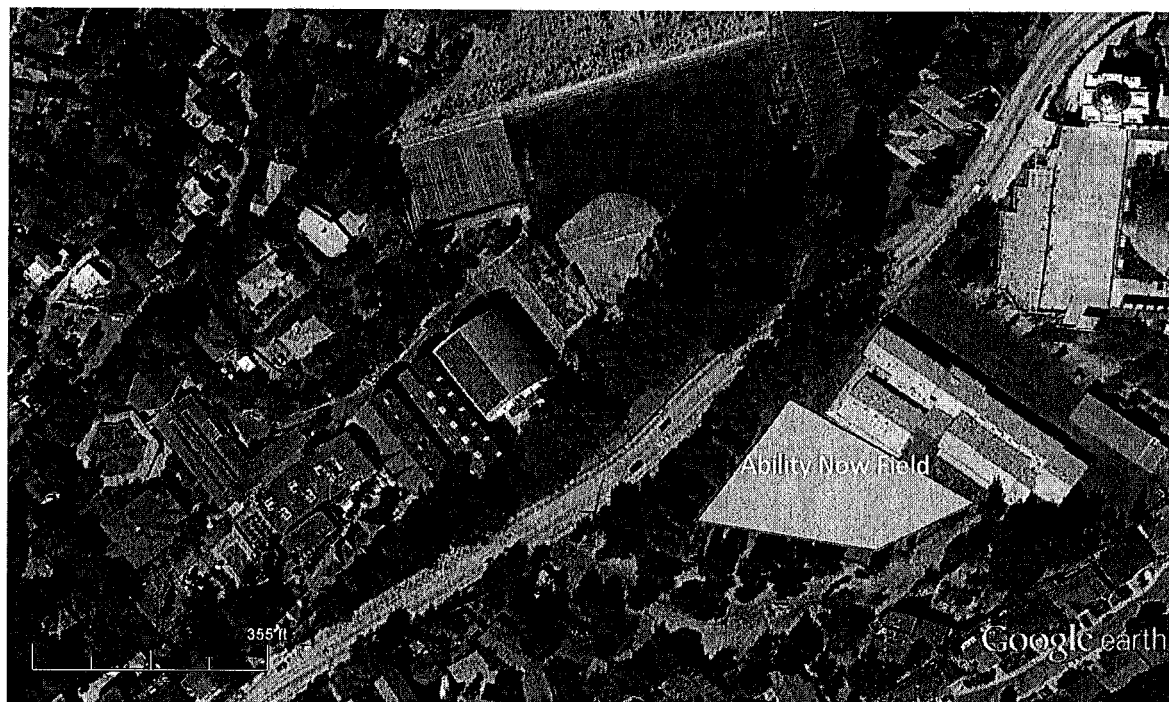
To: Heather Klein, City of Oakland  
From: Deborah Jue  
Subject: Ability Now Sports Field

This memorandum summarizes our noise evaluation of the Ability Now (ANBA) field for sports practice use. This memorandum supersedes all previous noise analyses, and now includes (a) a noise model projecting noise levels from the proposed activities at the ANBA field and (b) field measurements taken at Head Royce School (HRS) soccer practices at the existing HRS field in September 2017. Both sets of noise data are then analyzed against the two relevant City of Oakland CEQA thresholds of significance for noise: compliance with the City's noise ordinance in the Planning Code and an assessment of whether the project would result in a permanent 5 dBA increase above ambient noise levels.

**PROJECT DESCRIPTION**

The current proposal is for Ability Now to lease the field to the Head Royce School (HRS) for team practices. The field is located on the opposite side of Lincoln Avenue from the Head Royce campus, as shown in Figure 1. These fields will not be used for games and thus no spectators are anticipated. The Ability Now field would only be used by Head Royce for organized school teams, for middle to high school age children (e.g., 11 to 18). The HRS soccer teams typically field teams up to 22 players and lacrosse teams up to 15 players. If teams practice concurrently, with coaches, there could thus be 50 people at the Ability Now practice field during weekday practices. The Saturday practices would only include one team (up to 25 people). The proposed layout includes netting to prevent balls from entering traffic or neighbors' homes, and a fence on the south side to shield noise, as shown in Figure 2 below. The source sound levels assumed for these calculations assume "yelling or cheering," even though such yelling or shouting is not likely on an on-going basis. More typically during a practice individual vocal effort would be less.

HRS would not use the field for PE practices, games or special events and no amplified sound would be used for any HRS athletic activities. Further, potential HRS activities would only occur from mid-August when team practices begin, through the school year, between the hours of 2:30 and 7 PM Monday through Friday, or a 2-hour period between 9 AM and 1 PM on Saturdays.



**Figure 1 Aerial Photo of the Head Royce Campus and Ability Now Field**

This memo first sets forth the City's thresholds of significance for noise, then presents the results of the modelled and actual noise measurements from the proposed use of the field and finally compares the modeled and actual noise levels to the two thresholds of significance. The memo concludes that:

- Based on the noise levels measured at two HRS soccer practices, the modelled noise levels likely overestimate noise generation from the project. This noise analysis is thus conservative.
- The project will comply with the City's noise ordinance without noise control measures, however, a fence is nonetheless proposed on the south side of the field.
- The project will not result in a permanent 5 dBA increase over ambient noise levels.

The overall conclusion of this memo is that the proposed use of the field for sports practices will not result in a significant noise impact.

## **Oakland Noise Ordinance Evaluation Thresholds**

### **Planning Code Limits**

Table 1 below summarizes the City of Oakland noise limits for residential receivers (per Planning Code 17.120.050). The City limits the cumulative number of minutes that a sound can be received at a noise sensitive neighbor, as shown in the left column; the noise limits are shown in the second from left column.



**Table 1 Oakland Noise Limits (section 17.120.050.A, Table 17.120.01)**

Cumulative minutes per Hour	Corresponding Statistical Noise Level, $L_N$	Noise Limit Daytime Hours (7 AM to 10 PM)	Noise Limit Nighttime Hours (10 PM to 7 AM)
20	$L_{33}$	60	45
10	$L_{17}$	65	50
5	$L_8$	70	55
1	$L_2$	75	60
0	$L_{max}$	80	65

The Code also includes a provision for noise that consists primarily of music or speech (17.120.050.E): *"Each of the noise level standards specified above in Subsections A. ... shall be reduced by five (5) dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting."*

Whether the intermittent sounds from sports practice, such as a kid calling for the ball or saying "I'm open," qualifies as "speech" is debatable. The fundamental reason that noise limits for music or speech are lower than for other sounds is that people tend to begin to listen more intently to music or speech to try to understand the lyrics or what is being said. This is essentially a natural reflex that people do unconsciously. The intermittent sounds from sports practice are very brief and do not contain much informational content for listeners to try to understand and thus the rationale for imposing a 5 dBA penalty does not exist in this instance. Nonetheless, this analysis concludes that the proposed activities will not exceed Oakland's noise limits, even with the 5 dBA reduction in the applicable limits.

### **Permanent Increase in Ambient Noise Levels**

The City's CEQA thresholds of significance also include a determination of whether the project would generate noise that results in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project. This evaluation of the permanent noise increase is made on an  $L_{dn}$  or CNEL basis which has been used in other CEQA documents approved and certified.

### **Noise Models**

#### **Simple Noise Model**

As noted above, activities from HRS could start as early as 2:30 PM on weekdays, but they would all finish by sundown or 7:00 PM, whichever is earlier. On Saturdays the field could be used for two hours between 9 AM and 1 PM. Thus, the HRS activities would be subject to the daytime noise limits. Noise from soccer and lacrosse sports practices can include the sounds of kids' voices and coach's whistles. From similar projects we have analyzed, intermittent sounds from a few voices, whistles and all-team cheers comprise the bulk of episodically louder noises. However, the incidence of all team cheers during practices is fairly low. Such noises are much more likely to occur during competitions, which will not be allowed. (Note that the noise measurements taken from actual HRS practice discussed below confirms the absence of cheering during practice.) Much more likely are individuals raising their voices as they call out to each other. Whistles would typically sum to 5

minutes or less in an hour, and individual or group yells could aggregate to 10 to 20 minutes per hour.

From the acoustical literature, following are typical noise levels for a human voice at a distance of 50 feet (denoted as "reference levels" below):

- A single voice talking normally can generate a sound level of 36 dBA
- A single voice yelling or shouting can generate a sound level of 63 dBA
- A group of 50 people cheering or yelling together (e.g., team cheer) generates a sound level of 80 dB.

With two teams practicing during weekdays, there could be as many as 50 people on the two fields at one point. We do not believe all 50 people yelling at the same time is a likely scenario, and on-going cheering is not typical of team practices. Consider that there will only be as many as 50 people present if two teams are practicing simultaneously. When two teams practice their activities are independent, not synchronized. As such, even an all-team yell or cheer would only include up to 25 voices. More typically during team practice, several players could call out to others simultaneously, perhaps during drills a handful of those in attendance would shout or yell at the same time; if all voices originate at the same position, such a combination of six voices would generate a sound level of 71 dBA at 50 feet distance. Note that a maximum of six voices yelling simultaneously was confirmed during observations and field measurements of practices described further below.

A coach's whistle can generate a sound level of 70 to 85 dBA at 50 feet distance depending on the type of whistle and the manner in which it is used. Youth sports typically use pea whistles which are much quieter than the Fox40 classic and similar whistles used in professional sports. The coach typically blows a short tweet for an aggregate duration between 1 to 5 minutes per hour.

Thus, for our simple noise model we identified three different noise sources that could potentially be identifiable by the neighbors, whistles, single voices and group voices. Using these reference levels summarized in Table 2, and observations from soccer practices, we developed a simple model to assess the sound from soccer practice for these three noise sources using different aggregate time durations using these assumptions.

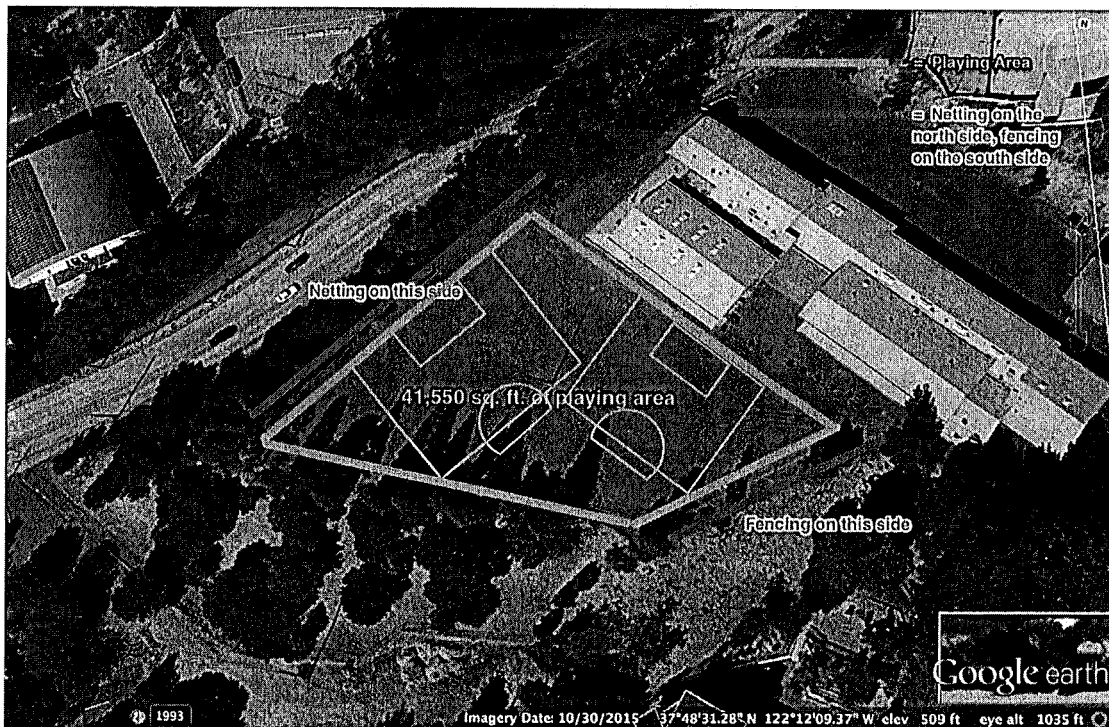
**Table 2 Reference noise levels for simple model – applied at each field**

Source	Reference Level at 50 ft.	Category (Minutes per hour)	Oakland Noise Limit (dBA)	Oakland Adjusted Noise Limit (dBA)
Single Voice <sup>1</sup>	63 dBA	10	65	60 <sup>(5)</sup>
Group (loud) <sup>2</sup>	71 dBA	10	65	60 <sup>(5)</sup>
Group (quiet) <sup>3</sup>	53 dBA	20	60	55 <sup>(5)</sup>
Whistle <sup>4</sup>	80 dBA	5	70	65 <sup>(6)</sup>
Maximum (whistle)	80 dBA	0	80	75 <sup>(6)</sup>
Note 1: single voice yelling or shouting; Note 2: up to 6 voices yelling or shouting at the same instant, typical of team practice (on either field) Note 3: 25 voices in raised conversation, which could be typical for a team warm-up period Note 4: Assumes whistle selection limits sound to 80 dBA at 50 feet. Note 5: If these activities were considered "speech", noise limit reduced 5 dBA Note 6: If one limits a whistle because it contains a tone, noise limit reduced 5 dBA				

As noted above, the reference levels in Table 2 above assume the recipient of the noise is 50 feet from the noise source. In this instance for the proposed project, the recipients would range from 165 feet to over 460 feet from the noise source on the ANBA field. Noise levels attenuate as they travel farther from the source. Figure 2 illustrates a possible field layout at the ANBA field – the center of these fields was used as the center points for the model. Table 3 summarizes the potential noise at neighboring residential properties using these specific sound source values, incorporating standard assumptions regarding the shielding effect of the existing terrain and without the proposed ball fence. This analysis provides noise estimates for receivers at the upper level decks of the homes, except for 65 Camelia (which is modelled at the first level deck and top-level patio because these areas are closer than the upper deck) and 18 Camelia (which is modelled in the front yard because this house is on the other side of Camelia from the ANBA field.). Any higher-level windows would experience the sound indoors, and with an open window that sound level is typically 10 to 15 dBA lower than the outside level. Figure 3 illustrates a representative sample of the noise estimates from Table 3.

In the interest of being conservative, the City of Oakland's five-decibel downward adjustment is included to establish the final compliance thresholds for group voice yells and shouts.

**Based on these modeled results, the project would comply with the City's noise ordinance without noise control and no noise control measures or noise fence would be required.**



**Figure 2 Ability Now Field with Example Field Layout**

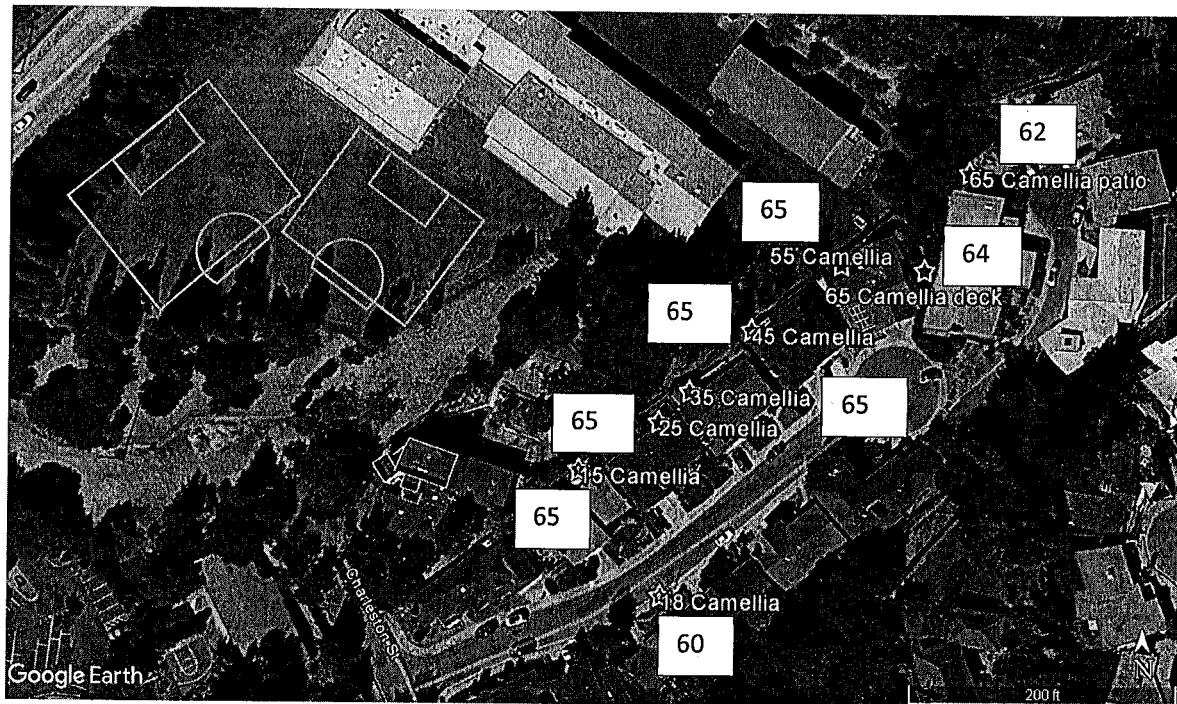




**Table 3 Typical Noises from Soccer Practice – Noise Model (Both fields combined)**

Noise Limit		60dBA	65 dBA	65 dBA	70 dBA	80 dBA
Adjusted Noise Limit (speech/ tone)		55 dBA	60 dBA	60 dBA	65 dBA	75 dBA
		Modeled Noise Level <sup>2</sup> (dBA)				
	Distance Range <sup>1</sup>	Group (quiet) – 20 min./hr.	Group (loud) – 10 min./hr.	Single Voice – 10 min./hr.	Whistle 5 min./hr.	Any sound, 0 min./hr. <sup>3</sup>
15 Camellia	165-405 ft.	26	44	36	48	65
25 Camellia	165-405 ft.	30	48	40	52	65
35 Camellia	165-405 ft.	37	54	47	59	65
18 Camellia	285-525 ft.	25	43	35	47	60
45 Camelia	165 to 405 ft.	37	54	47	59	65
55 Camelia	210 to 450 ft.	38	56	48	60	64
65 Camelia lower deck	270-510 ft.	38	56	48	60	63
65 Camelia top	270-510 ft.	38	56	48	60	62
Exceeds either noise limit threshold?		No	No	No	No	No
<p>Note 1: Total distance range from near edge of the near field to the far edge of the far field. The model assumes that the center of the near field would be about 240 to 345 ft from the neighbors and the center of the far field would be about 340 to 460 ft away.</p> <p>Note 2: Except for the whistles evaluated for “any sound 0 min/hr”, the values assume the noise from each source occurs on each field <b>always occurs simultaneously</b> with the other field. As discussed above, this simple noise model addresses three identifiable noise sources and the noise limit with the assumed aggregate time per field.</p> <p>Note 3: While whistles could be sounded at either field, the maximum sound from any whistle use is most likely to occur at the nearest field, at the nearest edge of the field (assuming no ball fence). These values were calculated to include the maximum sound of a single whistle used simultaneously at both fields.</p>						

Figure 3 shows where the nearby residences are located, along with the noise levels from Table 3.



**Figure 3 Simple model results – Any sound generated 0 minutes/hour (dBA) from Table 3**

### HRS soccer practice - field measurements

To verify these modeled results, Wilson Ihrig conducted field measurements at the existing HRS athletic field from boys Middle School and JV/Varsity soccer practices (approximately 1.5 hours duration) on September 6 and 27, 2017, respectively. A sound monitor was set up at the east end of the field at the edge of the parking lot, which is approximately 110 feet from the center of the existing HRS field. The slight elevation of the noise monitor above the field (about 10 feet) allowed full exposure of the microphone to sounds generated on the field also simulates conditions existing at the ANBA field with respect to those homes at the top end of Camellia Place, some of which are about 35 feet above the field. Approximately 25 players were on the field for the Middle School practice and approximately 22 players were on the field for the JV/Varsity practice. Results for each practice are summarized in Table 4.



**Table 4 Soccer practice results – with other noise sources<sup>1</sup>**

Category	Event/ Statistical Descriptor	Noise Level (dBA)	Comment
Minutes/ hour	Middle School – 110 ft. center distance		
20	L <sub>33</sub>	54	Mostly ambient, not soccer
10	L <sub>17</sub>	56	Soccer, traffic and parking lot
5	L <sub>8</sub>	59	Soccer, traffic and parking lot
1	L <sub>1.7</sub>	63	Soccer, traffic and parking lot
0	L <sub>max</sub>	73	Loud yell at 40 ft. from the microphone (soccer)
	L <sub>90</sub>	48	Background from non- HRS sources
	L <sub>eq</sub>	55	Combination of all HRS and background sources
Minutes/ hour	JV/Varsity 110 ft. center distance		
20	L <sub>33</sub>	61	Mostly ambient, not soccer
10	L <sub>16</sub>	64	Soccer, traffic and parking lot
5	L <sub>8.3</sub>	66	Soccer, traffic and parking lot
1	L <sub>1.7</sub>	70	Soccer, traffic and parking lot
0	L <sub>max</sub>	82	Loud yell at 15 ft. from the microphone (soccer)
	L <sub>90</sub>	54	Background from non- HRS sources
	L <sub>eq</sub>	62	Combination of all HRS and background sources
<b>Note 1: Other noise sources included other after school activities, traffic on Lincoln Boulevard and cars and other noises in the HRS parking lot</b>			

The simultaneous occurrence of loud voices during practice was consistent with model expectations discussed above: at any given moment, fewer than 6 strong voices were measured at the same time from any distance. And, as expected, at no time were all players on the field vocalizing simultaneously. Furthermore, during these soccer practice measurements, additional noise from activities in the parking lot, tennis courts and other sports practices could be heard, as well as noise from traffic on Lincoln Avenue and aircraft overflights. The results in Table 4 above conservatively include all HRS activities, including the parking lot and school sports activities, that occurred during the measurements, and non-HRS activities that could not be easily filtered out of the analysis. These other HRS activities would not be heard by the Camelia Street residents but are included in the results to be conservative. Results from the measurements shown in Table 4 were then applied to the conditions at the Ability Now field, and they are shown in Table 5 with the assumption that both fields would be in use simultaneously (for a total of 50 players). If only one field is in use, the noise levels would be less.

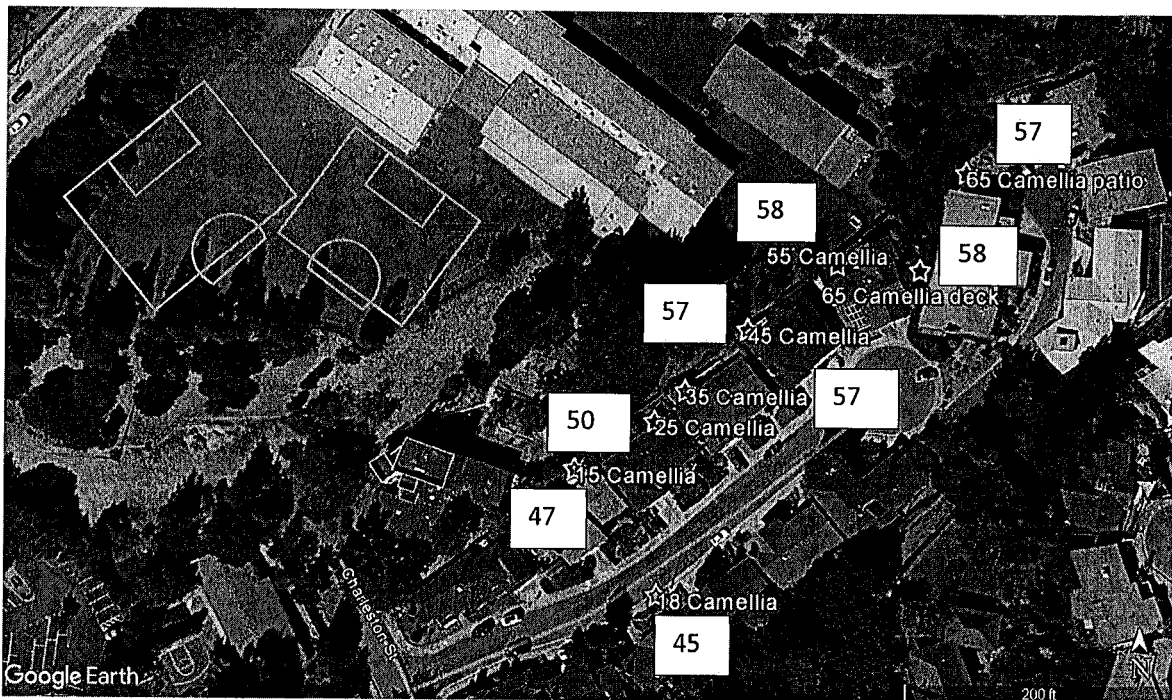
As shown in Table 5 (below) the estimated combined noise levels based on actual sound measurements are less than or similar to the simple model presented above and still within the Oakland noise limits, even accounting for the -5 dBA “speech” or tonal penalty. Thus again, based on measured results, no sound barrier would be required for the case of two teams practicing simultaneously (2 fields); with only one team practicing on the field, the noise levels would be even less.



**Table 5 Estimated soccer practice noise – both fields (dBA)**

Noise Category (minutes per hour):		20	10	5	1	0
Statistical Category		L <sub>33</sub>	L <sub>16</sub>	L <sub>8.3</sub>	L <sub>1.7</sub>	L <sub>max</sub> <sup>2</sup>
	Noise Limit (dBA)	60	65	70	75	80
<b>Receptor</b>	Adjusted Noise Limit – speech/tone (dBA)	55	60	65	70	75
<b>15 Camellia</b>	both fields	41	44	46	50	47
<b>25 Camellia</b>	both fields	45	48	50	54	50
<b>35 Camellia</b>	both fields	51	54	56	60	57
<b>18 Camellia</b>	both fields	40	43	45	49	45
<b>45 Camelia</b>	both fields	51	54	56	60	57
<b>55 Camelia</b>	both fields	53	56	58	62	58
<b>65 Camelia lower deck</b>	both fields	53	56	58	62	58
<b>65 Camelia top</b>	both fields	53	56	58	62	57
Exceeds either noise limit threshold?		No	No	No	No	No
<p><b>Note 1.</b> The model assumes that the center of the near field would be about 240 to 345 ft from the neighbors and the center of the far field would be about 340 to 460 ft away, as was done in Table 3.</p> <p><b>Note 2.</b> Maximum calculated from edge of each ANBA field, 165 to 460 ft., assuming combined effect from both fields</p>						

Figure 4 shows where the nearby residences are located, along with the noise levels from Table 5.



**Figure 4 Model from measured results – Any sound generated 0 minutes/hour (dBA) from Table 5**

### Increase Above Ambient Noise Levels

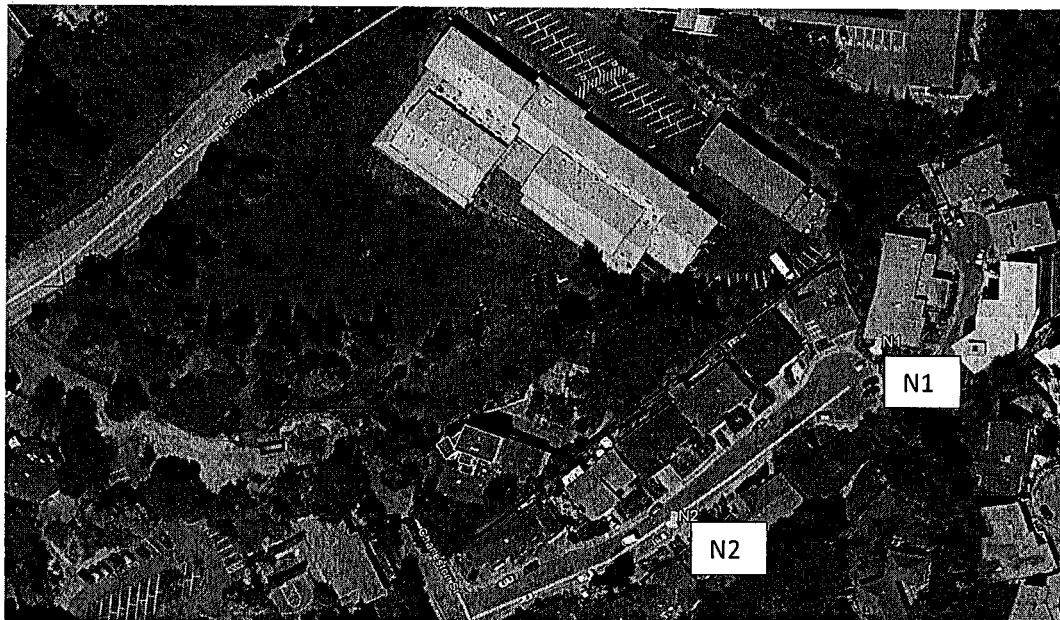
As noted above, the City of Oakland also uses a significance threshold of a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project. It is standard practice to conduct an evaluation of whether a project will have a permanent noise increase on an  $L_{dn}$  or CNEL basis.  $L_{dn}$  is an equivalent noise level for a continuous 24-hour period with a 10-decibel penalty imposed during nighttime and morning hours (10:00 PM to 7:00 AM). The Community Noise Equivalent Level (CNEL) is the equivalent noise level for a continuous 24-hour period with a 5-decibel penalty imposed in the evening (7:00 PM to 10:00 PM) and a 10-decibel penalty imposed during nighttime and morning hours (10:00 PM to 7:00 AM).

### Existing Ambient Noise Levels

The nearest noise-sensitive receptors are residences on Camellia Place. The homes include single-story over garage and multi-story buildings on a slope from the east to the west ends of the street. To document the existing noise environment, Wilson Ihrig measured the noise at two locations on Camellia Place because the street elevation changes by about 50 ft, while the ANBA field is relatively level. Location N1 was placed on a light standard at the east end (top) of Camellia Place, and Location N2 was placed on a light standard towards middle of the block. Both units were placed at a height of about 10 to 12 feet above the ground for security purposes. These locations are shown in Figure 5. To measure ambient noise levels, the loggers were placed farther away from the main source of on-going permanent noise for that area, which comes from traffic on Lincoln Avenue.



The noise loggers measured noise from August 31 to September 12, 2017, documenting noise exposure values of 49 to 55 CNEL at N1 and 51 to 55 CNEL at N2 as indicated in Table 6 below. The average Monday-Saturday noise environment was 52 CNEL at N1 and 54 CNEL at N2. The existing noise environment is in the category of "Normally Acceptable" for residential use, per the Oakland General Plan and Noise Element.



**Figure 5 Project Area and Noise Measurement Locations**

**Table 6 Ambient Noise Measurement Results**

Date	Day of the week	Community Noise Equivalent - Level (CNEL)	
		N1	N2
1-Sep	Fri	52	55
2-Sep	Sat	51	53
3-Sep	Sun	52	53
4-Sep	Mon holiday	52	53
5-Sep	Tue	52	54
6-Sep	Wed	51	53
7-Sep	Th	55	55
8-Sep	Fri	49	51
9-Sep	Sat	50	52
10-Sep	Sun	52	53
11-Sep	Mon heavy rain	53	54
Ave Mon-Sat excl holiday and weather		52	54

## Future Permanent Noise Levels

Over a 24-hour period, without a sound barrier the contribution from 4.5 hours of soccer activities on both fields would generate 47 CNEL or less on weekdays. On the weekends when only one field would be used for 2 hours the noise from practice would contribute 41 CNEL or less on weekends at nearby homes on Camellia Pl.<sup>1</sup> The existing CNEL and the project-generated CNEL are added logarithmically to determine the Project+Existing CNEL<sup>2</sup>. Thus, the resulting permanent increase would be 1 dB or less at all residences, less than the CEQA threshold limit of 5 dB as shown in Table 7.

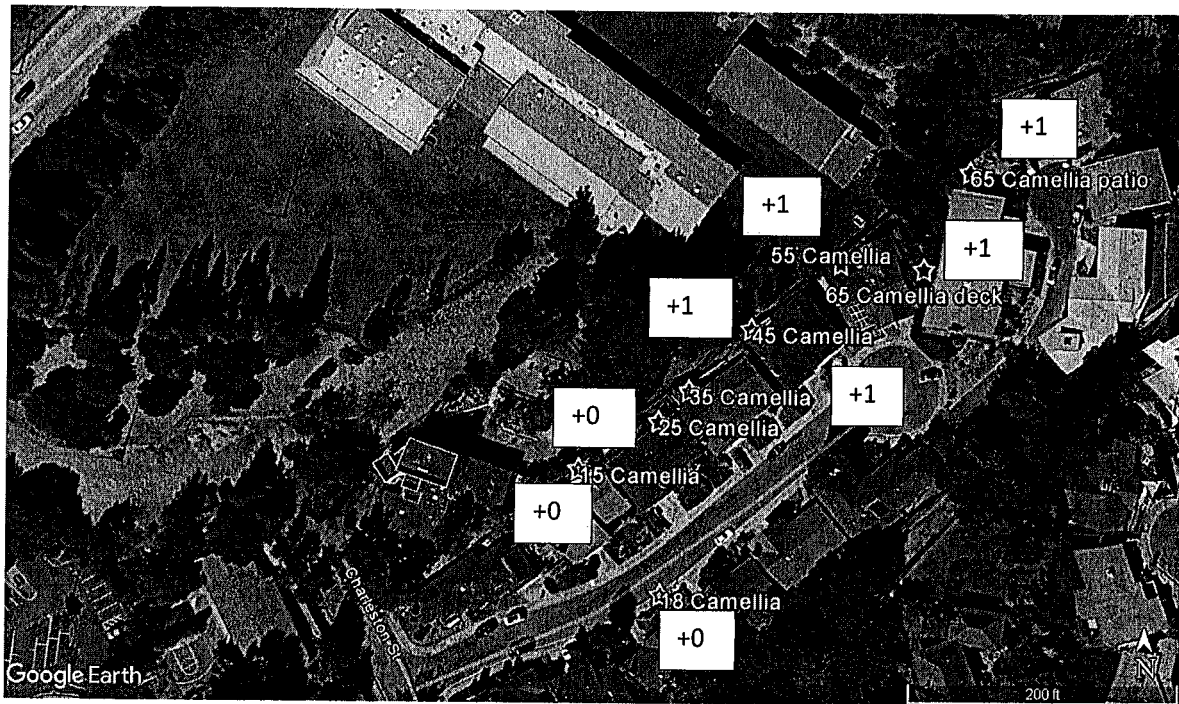
**Table 7 Future Permanent Noise Increase with the Project (CNEL) - Weekday**

Receptor	Representative Existing Noise Measurement	Existing CNEL	Soccer Weekday – without sound barrier (CNEL)	Project + Existing Total CNEL	Increase over Existing
15 Camellia	N1	52	35	52	0
25 Camellia	N1	52	39	52	0
35 Camellia	N1	52	45	53	1
18 Camellia	N1	52	34	52	0
45 Camelia	N1	52	45	52	1
55 Camelia	N2	54	47	54	1
65 Camelia lower deck	N2	54	47	55	1
65 Camelia top	N2	54	47	55	1

Figure 6 shows where the nearby residences are located, along with the noise levels from Table 7.

<sup>1</sup> A constant noise level of 45 dBA generates a CNEL of 52.

<sup>2</sup> When two numbers are greater than 10 dBA apart, the sum of the two numbers increases the larger number by less than a half-decibel. If the two numbers are the same, the sum is 3 dBA greater than either number.



**Figure 6 Future Permanent Noise Increase (CNEL) – weekday condition (worst case) from Table 7**





## Conclusions and Recommendations

The proposed use is expected to comply with the Oakland Noise Ordinance and the proposed use will not result in a permanent increase over ambient noise levels of 5 dBA or more. To reach this conclusion, this analysis used industry-standard modelling techniques and field-tested the reliability of that model by taking noise measurements of HRS team practices. The analysis incorporates several conservative assumptions:

1. The 5-dBA threshold reduction for speech is not likely applicable due to the short duration of spoken words, and yet the threshold reduction was used anyway.
2. The analysis models assumed that up to 50 people could be present if both fields are in use. When only field is in use, the noise levels would be less than those shown above.
3. The modelled results suggest the proposed use would be fully compliant without any noise control measure. The applicant nonetheless proposes constructing a ball fence with sound attenuating properties as part of the application. Such a fence typically would be constructed of  $\frac{3}{4}$ " thick wooden boards in a tongue-in-groove or board-and-batten manner to avoid gaps in the fence that appear as the wood weathers over time. Often the wood is treated to minimize warping, and the wood type and thickness selection are made to provide a surface density of at least 3 or 4 pounds per square feet.
4. The reference sounds used in the model include "cheering", though the proposed use excludes competition. "Cheering" is common at games but rare at practices.
5. Observations made during field-testing at practices reveal that HRS coaches do not use whistles often – usage was far less than the 5 minutes per hour model. HRS coaching staff typically use the commercially available whistles that generate 10 to 20 dBA less noise than those used by professional referees in noisy stadiums.
6. The voices from each team are not synchronized and thus are unlikely to be coincident, and yet Table 3 and Table 5 assume the worst-case scenario at all times by combining the sounds at each practice field as if the sounds of two separate teams were perfectly synchronized.

Both the modelled sounds and actual noise measurements are below the applicable significance standards for noise. Wilson Ihrig thus concludes that the proposed use complies with the Oakland noise ordinance and will not result in a permanent increase of more than 5 dBA.