

**Case File Number CM05-178
2005**

June 1,

Location:	200 Harrison Street (APN 001 –0151-005 & 006)(4/18/05)
Proposal:	To establish an Emergency Shelter Residential Activity for 30 adults within an existing structure.
Applicant:	George L. Lozano, Covenant House California
Owner:	We The People Legal Foundation Inc. and Edmund G. Brown Jr.
Case File Number:	CM05-178
Planning Permits Required:	Major Conditional Use Permit
General Plan:	Estuary Plan, Mixed Use District
Zoning:	C-45 Community Shopping Commercial and S-4 Design Review Combining Zones
Environmental Determination:	Exempt, 15301 State CEQA Guidelines; minor alterations to existing facilities
Historic Status:	Not a Potentially Designated Historic Property
Service Delivery District:	Metro
City Council District:	3
For further information:	Contact Case Planner Chris Candell at 510 238-6986 or ccandell@oaklandnet.com

SUMMARY

The applicant wishes to establish an Emergency Shelter Activity for up to 30 adults aged 18-23 who have voluntarily joined the program. Most residents will be transported weekdays to an existing community service center located at 2781 Telegraph Avenue where they will receive training, counseling, and education. A few residents will remain on site for in-house services while those with jobs will use public transportation to commute. Residents will be under supervision when on site by a staff of between two and eight trained adult counselors and security staff. Residency is contingent upon adherence to a multi-level program of instruction, life skills training, counseling, and rules of behavior (House Rules see Attachment “B”). Residents unable to meet these rules will be subject to discipline including removal from the program. The program will take place within an existing two and three-story 17,487 square foot house formerly used as a residence by Jerry Brown; it is located on a 16,000 square foot lot at corner of Harrison Street and Second Street with ten off-street parking stalls. No external changes are proposed. A Major Conditional Use Permit is required in the C-45 Zone to establish this type of activity.

The existing facilities, previously used as a residential structure are adequate for the proposed use. The impacts from traffic and parking would be minimal since parking for the peak shift of ten employees and one facility van will be provided on site in the adjacent parking lot. According to program regulations and s conditioned, residents will not be allowed to have their own motor vehicles. Overall traffic and parking impacts would be equal to or less than the former residential use of this property. Off-site family meetings are encouraged; on site visitations are strictly limited to approval in advance for special circumstances such as out of state family or for health reasons. The use is compatible with surrounding residential, commercial and industrial uses in this active mixed use neighborhood. As conditioned, nuisance activity such as loitering will be prohibited. The project meets the standard Conditional Use Permit findings and the special findings for Emergency Shelter Residential Activities (17.102.212) related to traffic, parking, staffing, deliveries, and distance to other similar facilities. Therefore, staff recommends approval of the Major Conditional Use Permit.

PROJECT DESCRIPTION

The applicant has a 36-year record of operating similar facilities world wide with about 21 locations in the United States and abroad. The primary focus of the organization is to provide services to homeless and run-away youth and young adults. The applicant wishes to establish an Emergency Shelter Residential Activity and transitional program for up to 30 homeless young adults from Oakland and the East Bay ranging in age from eighteen to twenty-three who voluntarily join the program and sign agreements to abide by the rules and regulations of Covenant House. The program is not subject to State licensure. Covenant House receives 70% of its funding from private sources with the balance coming from grants. Non-security staff will be trained at a level that meets or exceeds the requirements for Transitional Housing.

Twenty four of the residents will be part of an emergency shelter program and six will be part of a transitional housing program. All residents are assigned a case manager. An individualized performance based case plan is developed for each resident. Most residents will be transported via Covenant House vans from the Harrison Street site to the main community service center located at 2781 Telegraph Avenue. These residents will be at the Telegraph Avenue location from 9:30 AM to 5:30 PM Monday, Wednesday, and Friday, and from 9:30 AM to 1:30 Tuesday and Thursday. At the Telegraph Avenue site they will receive life skills training, counseling, and education. The remainder of the residents will either use public transportation to commute to jobs or stay on-site for in-house services. Although most intake of residents occur at Telegraph Avenue, some intake will occur at the Harrison Street in cases when new residents are processed late in the day. On Tuesday and Thursday from 1:30 PM to 5:30 PM, residents without jobs will be off site seeking employment, or obtaining training and or education.

Residents will be in the emergency program for an average of 30 days and a maximum of 180 days. After that time they will be reunified with their family, find independent living situations, or join the longer term transitional program. Participants of the transitional program will stay on site for an average of six to nine additional months but no more than 18 months.

Staffing

Residents will be under supervision when on site by a staff of between two and ten trained adult counselors and security staff. From 9:00 AM until the residents return at 5:30 PM there will be three to ten staff on the premises. From 5:30 PM to 9:00 PM there will be one security guard and at least one other staff member but up to ten staff members as needed. From 9:00 PM to 11:00 PM there will be a minimum of one security guard and two staff members. From 11:00 PM to 9:00 AM the next morning there will be at least two staff members on duty.

Parking and deliveries

Parking is located within a gated parking lot shared by the adjacent building. There will be a maximum of ten staff on site at any given time. There will be a maximum of two facility vans onsite. Including the one handicap stall, there are ten parking stalls on site. Deliveries will be made inside the rolling gate and time restricted from between 7:30 AM to 6:00 PM.

Conditions of residency

Residency is contingent upon adherence to a multi-level program of instruction, life training, counseling, and adherence to rules of behavior (House Rules Attachment "B"). Residents unable to meet these rules will be subject to discipline including removal from the program. Residents will be searched upon returning to the residence each day for weapons and contraband. They will be evaluated against their

individualized case plans on a daily and weekly basis. Any resident that poses a danger to him or herself, other residents, staff, or neighbors will be promptly expelled from the program.

Visitation

In general, visitation will be strictly limited. Unauthorized visitors will be turned away by staff. Residents are encouraged to meet with family off site. Residents may visit with family on site only with advance approval for out of state visitors and for health reasons.

Location and facilities

The program will take place within an existing two and three-story 17,487 square foot house formerly used as a residence for Jerry Brown located on a 16,000 square foot lot at the corner of Harrison Street and Second Street. There is a small area to the rear of the parking lot that is available for outdoor activities and smoking. Existing landscape is well maintained. No external changes are proposed.

PROPERTY DESCRIPTION

The property is located at 200 Harrison Street at the corner of Second Street. The structure was constructed in 1996 to house Jerry Brown and We The People Legal Foundation Inc. The residential structure is located in an area of artist lofts, loft style apartments, offices, light industrial uses, retail, and the Amtrak station. The site is across Second Street from the Amtrak station and is located close to the Estuary, Produce District, and Jack London Square. There are no other licensed residential care or Transitional Housing activities within 300 feet of this establishment (Attachment "C"). The building is an existing two and three-story 17,487 square foot residential facility on a 16,000 square foot lot. There are parking facilities for ten vehicles. There is a small outdoor open space at the rear of the parking lot. There is one strip of landscaping between the building and the parking lot. No external changes are proposed.

GENERAL PLAN ANALYSIS

This project is located in the Estuary Plan Area, Mixed Use District. The General Plan is silent regarding Emergency Shelter Residential Activities. The intent of this classification is to "Encourage the development of a mix of uses, including housing, within a context of commercial, light industrial/manufacturing uses, and ancillary parking." The desired character and uses section of the General Plan states that primary future uses should be residential. This use is residential in character; the program participants will live on site. The use is compatible in density and intensity to live work lofts and life-style lofts elsewhere in the surrounding area. In addition, the activity has characteristics of a mixed use combining residential uses with administrative and vocational training activities. Therefore the proposed use conforms to the intent of the General Plan Land Use Classification.

ZONING ANALYSIS

The proposed uses include an Emergency Shelter Residential Activity and a second use that has attributes of a Transitional Housing Residential Activity and a Service Enriched Housing Residential. All of these activities require a major Conditional Use Permit.

An Emergency Shelter Residential Activity is defined at Section 17.10.112 which includes the provision of short term housing, partly on a less-than-weekly basis and partly for a longer period, with or without a fee,

to individuals who are homeless and who may require special services. The short term occupancy of up to 26 young adults 18-23 meets this definition.

With a maximum of only six long-term residents, the other use is clearly subordinate to the main activity. The secondary use has attributes of a Transitional Housing Residential Activity and a Service Enriched Housing Residential. The City of Oakland defines Transitional Housing Residential Activity in part by deferring to the State of California definition. The State definition of transitional housing refers only to youths up to 18 years of age whereas this program is for 18-23 year-old adults. Otherwise, this secondary use meets the criteria for Transitional Housing Residential and Service Enriched Housing Residential defined by the City of Oakland below.

Transitional Housing Residential Activity include all types of "transitional housing programs" as defined by the state of California, which are designed to assist persons in obtaining skills necessary for independent living in permanent housing and which have all of the following components:

- A. Support services programs that include regular individualized case management services and may include alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development.
- B. Use of a living unit by a resident in a structured living environment, which use is conditioned upon compliance with the transitional housing program rules and regulations.
- C. A rule or regulation which specifies an occupancy period of not less than thirty (30) days, but not more than twenty-four (24) months.

Service-Enriched Permanent Housing Residential Activities which include permanent housing in which residents are tenants who live independently and have access to various support services, such as, health, mental health, education and employment/training services.

The Facility type is a Rooming House Facility which is permitted in the C-45 District.

In the C-45 Community Shopping Commercial and S-4 Design Review Combining Zones, Emergency Shelter Activities, Transitional Housing Residential Activity, and Service Enriched Housing require a Conditional Use Permit. This activity requires a Major Conditional Use Permit as enumerated in Section 17.134.020(A) 2, Definition of major and minor conditional use permits. To permit the establishment of this use, the Planning Commission must make the regular Conditional Use Permit findings of Section 17.134.050, and the special use permit findings for Emergency Shelter Residential Section 17.102.212. The special findings are related to: staffing, traffic, parking, and delivery of goods, noise, and a restriction on overconcentration of such facilities. Rooming House Facilities are permitted by right.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines list projects that are categorically exempt from environmental review. Section 15301 exempts minor alterations to existing facilities. No external changes are proposed. The off-site environmental impacts and overall intensity of the use will be similar to that of the earlier use of the building as a residential structure. Therefore, the proposed change in use is minor and will not create any adverse environmental impacts.

KEY ISSUES AND IMPACTS

Program and history

The applicant has operated similar programs in 21 locations in the United States and abroad for 36 years. The programs provide residential care programs for run-away, homeless, and troubled youth and young adults. They are expanding services to fill the gaps in such service in the Bay Area and in Oakland in particular. The applicant has had an existing community service center program at 2781 Telegraph Avenue for the last five years. Police who work the area around the Telegraph Avenue site report no ongoing problems with young adults who are part of the program. However, with two schools plus the community service center in this portion of Telegraph Avenue, there have been complaints made by merchants about youth in general.

The program is well structured. As conditioned, it is unlikely to create any adverse impacts related to nuisance, noise, traffic, or parking. Residents will be under close supervision while on site. The program provides for a progressive system of discipline and disruptive residents will be removed from the program. As conditioned, residents will not be allowed to loiter on public property. A designated smoking area will be established for residents who smoke. Conditions of approval require an adequate number of adult staff to be on site at all times.

Outreach

The applicant conducted a community meeting on May 2, 2005. The meeting was attended by approximately 38 residents and developers. Whereas most of the people in attendance conceded the value of such a program they had concerns about locating the project in their neighborhood. Neighbors expressed fears that the use will negatively affect property values, decrease safety, and may impact future development in the area. One of the developers explained that he will have to disclose the presence of such an activity in the area. Some residents said they would not have bought a residence near this activity if it was disclosed to them that the activity was nearby. The main reason for the concern appears to be the perception that there will be a lack of control over the 30 young adults who would live there. Since this meeting staff has received email letters both for and against the project (See Attachment "D"). Overall, the following concerns and suggestions for conditions of approval were made:

1. Residents or staff using the roof-top gardens for activities would reduce privacy and safety for adjacent neighbors. This concern is based on neighbors who have seen people jump from the roof of 200 Harrison Street to their residence in the past. They asked for a condition to prevent use of the roof by residents or staff. Staff has investigated this possibility and determined that it is possible to walk from the roof of 200 Harrison Street to the BART building and climb into the balconies of the 4th Street lofts. Staff has included a condition of approval to include a barrier or a use restriction. In addition staff has added a condition stating that if the barrier is installed, residents may use the area only under supervision until 8:00 PM.
2. One resident asked the applicant if they would ever add community service activities or move the community service activities at the Telegraph Avenue site to this site. To address this concern, staff has added a condition that except for emergency after-hours intake, the site shall not be used as a community service or resource center for non-residents unless the proposal is first reviewed and approved by the Planning Commission.

Other concerns expressed at the meeting including the proposed number of residents, potential loitering, curfew, preventing residents from roaming the neighborhood, rules of residency, opening a soup kitchen, and checking for weapons. These issues have been addressed in the conditions of approval.

Traffic and Parking

Parking is adequate and traffic will not be significantly affected. The applicant shows 10 proposed parking stalls on the side of the building in a parking lot shared by the adjacent property. The Oakland Municipal Code Section 17.116.060 B requires one third of a parking stall for each dwelling unit, one third of a parking stall for each employee at peak shift, and one stall for each facility vehicle. There is one dwelling unit, which generates (.33) of a parking stall, a maximum of ten employees at peak shift generating (3.3) parking stalls and up to two facility vehicles generating (5.63)-parking stalls. The total required parking is therefore 5.63 or six parking stalls which is about one half of the parking provided. Most parking can be accommodated on site

The proposed use would generate about 26 to 52 trips per day for employees excluding van use and four to eight trips per day for transporting residents to off site treatment and appointments. The residents would use public transportation as much as possible to commute to school, jobs, and other services not located at 2781 Telegraph Avenue. Since the residents are prohibited from driving, staff will provide rides when public transportation is not feasible. Harrison and Second Street have sufficient capacity to handle the anticipated traffic without detrimentally affecting the level of service at adjacent intersections.

Compatibility of Facilities to existing surrounding uses and neighborhood context

The neighborhood context is varied and is presently in transition. Originally part of the industrial and transportation center surrounding the Port, the area is transforming into a residential area dominated by residential loft style multifamily apartments and condominiums. There are a number of residential projects currently under construction. These living units will bring a significant number of new residents to the area upon completion.

The proposed activity will operate much like a residential use. The shelter residents, like most residents in the area, will commute off-site during the day and return in the evening. However, unlike neighboring residents, they will be a curfew for most residents from 6:00 PM until they leave the next morning at about 8:00 AM. Some residents will have night jobs and will return at different hours. While on site, residents must observe strict quiet hours and other restrictions to minimize adverse off-site impacts such as loitering. As conditioned, with respect to traffic, parking, noise, and loitering, the impacts of the use will be similar to those of an ordinary residential activity

The facility is physically and aesthetically compatible to surrounding uses. The building is of a similar size, scale and appearance to residential lofts, office, and light industrial uses in the area. The building is in the middle of the size range for buildings in the area. It is smaller than the new residential construction and larger than some of the older buildings nearby. The exterior siding is a grey colored corrugated metal material and is similar to the material in used in old and new construction in the area. The simple design is topped with a characteristic saw tooth roof pattern formerly found in industrial builds of the area and now found on new loft style residences.

The facilities can easily accommodate the number of residents. There are six suites, three bedrooms, and several large common areas within the building. Most suites will only have three residents. There is one large kitchen. There is one bathroom in each suite, one shared bathroom for the three former guest bedrooms, and four bathrooms on the lower floor. There is one ground level paved area and an atrium that will double as open spaces for outdoor activity which will allow for limited outdoor recreation.

Regulatory Context

Regulations in the form of special findings were adopted in 1999 to provide guidance in evaluating applications for special Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and

Emergency Shelter Residential Activities. Key issues addressed in the regulations are staffing qualifications, parking, traffic, noise, and overconcentration of activities. In addition, the proposed use must meet the regular Conditional Use Permit findings. The key issues in the regular Conditional Use Permit findings are compatibility of the use and structure to the neighborhood, and that the use will enhance the functional living environment of the neighborhood without the introduction of adverse impacts on the abutting properties or appropriate development of the neighborhood.

The proposed use meets the specific criteria of Section 17.102.212 in the following ways:

- Staff will meet or exceed the State Licensing Agency requirements even though this is not a State licensed facility. The applicant has a generally good 36 year record.
- Residents will be transported off-site via vans most of the time and on an as needed basis. Students will walk or use public transportation to commute to services not offered at either site. This will reduce traffic impacts to a level comparable to that of the use of the site as a boarding house or residence. Second Street and Harrison Street are capable of handling anticipated traffic.
- In general, the activity will generate about the same amount of parking as the previous use. Staff will use nine of the ten spaces with the remaining space used for the facility van. Few, visitors for residents are expected. The parking demand due to visitors will be far less than that normally generated by residential activities in the surrounding area. Visitation will be strictly limited and will only occur only under special circumstances.
- Delivery of goods can be made to the parking lot; there is adequate space for temporary parking of delivery vehicles off-street. As conditioned, deliveries will only occur during normal business hours and therefore should not adversely affect nearby residents or businesses.
- As a condition of residency, residents must abide by regulations that will include rules that limit noise to levels that will not adversely affect the livability of the surrounding properties.
- The proposed use is located more than 300 feet from the nearest Residential Care or Transitional Housing activity.

In addition, the project meets the regular Conditional Use Permit findings. The proposed use will be compatible with existing activities and facilities in the neighborhood. The size and scale of the building is comparable with adjacent multiple residential development, offices, and other businesses. The activity will enhance the neighborhood by providing a necessary community service and preparing residents for a productive independent life. Adverse impacts will be minimized through transporting residents in vans, using on-site parking for employees, limiting noise, and prohibiting loitering through conditional rules of residency. In short, the approval of this Conditional Use Permit and the recommended conditions and requirements will assure that this activity will be operated in a manner that will minimize impacts on the adjacent neighborhoods. If desired, the Planning Commission may request that the report be brought to them after six months of full operation to confirm that there are no significant impacts.

RECOMMENDATIONS:

1. Affirm staff's environmental determination under CEQA guidelines Section 15301 (Categorical Exemptions).
2. Approve the Major Conditional Use Permit subject to the attached findings and conditions.

Prepared by:

Chris Candell
Planner II

Approved by:

GARY PATTON
Deputy Director of Planning and Zoning

Approved for forwarding to the
City Planning Commission:

CLAUDIA CAPPIO

ATTACHMENTS:

- A. Plans
- B. House Rules for residents
- C. Map of nearby Residential Care or Transitional Housing facilities.
- D. Letters in favor and against the proposal.

FINDINGS FOR APPROVAL:

This proposal meets the required findings under Section 17.134.050, General Use Permit Criteria and Section 17.102.212 Special Regulations Applying to Residential Care, Service-enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

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.**

The building is existing and compatible in size, design and operating characteristics to other businesses and residential development in the area. The primary use will be residential and as conditioned, will not adversely affect the livability or appropriate development of abutting properties by generating excessive noise, loitering, or other nuisance activity. Parking and traffic will be equal to or less than that of a comparable sized apartment complex or other residential use. Residents will use public transportation, be transported on and off site in vans, and on-site parking is provided for employees. Harrison Street and Second Street are capable of handling the anticipated traffic without adversely affecting the level of service at adjacent intersections.

- 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 proposed activity will not conflict with a convenient living environment. The operation of the proposed activity will not adversely affect the livability or appropriate development of abutting properties because traffic, parking and other impacts will be equal or less than those generated by a comparable sized apartment building or other residential use.

- 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 activity will provide an essential service to the community by offering a quality-Emergency Shelter for young adults in Oakland and the East Bay.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

As conditioned the exterior and landscaping will be maintained, Any exterior changes will be reviewed by the Zoning Administrator prior to issuance of any building permits.

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

The proposal is an Emergency Shelter Residential Activity and conforms to the intent of the General Plan by providing an activity that is primarily residential in nature.

Section 17.102.212, Special Regulations Applying to Residential Care, Service-enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities:

- A. 1. That the staffing of the facility is in compliance with any State Licensing Agency requirements.**

Although not subject to State Licensing Agency requirements, staffing levels will meet or exceed State requirements.

- 2. That if located in a residential zone, the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.**

The project is not located in residential zone. However, residents will be transported by public transportation and facility vans to most off-site training and care facilities or medical care. Employees will generate a minimum of traffic comparable to a similar sized apartment building.

- 3. That if located in a residential zone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generate by the surrounding Residential Activities.**

The project is not in a residential zone. Few visitors are expected to visit this site. As conditioned, visitation of residents will only occur with prior approval by Covenant House and only for family members visiting from out of state or for medical reasons. All other visitations shall occur off site. All unauthorized visitors will be barred from entry by staff.

- 4. That if located in a residential zone, arrangements for delivery of goods are made within the houses that are compatible with and will not adversely affect the livability of the surrounding properties.**

The project is not in a residential zone. Because deliveries will be made during normal business hours, deliveries will not adversely affect the livability of the surrounding properties or significantly increase traffic along Second or Harrison Street.

- 5. The facility's program does not generate noise at levels that will adversely affect the livability of the surrounding properties.**

As a condition of residency, residents must abide by regulations that will include rules that limit noise to levels that will not adversely affect the livability of the surrounding properties.

- B. Restriction on Overconcentration of Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activities shall be located closer than three hundred (300) feet from any other such Activity or Facility.**

There are no other such activities or facilities within three hundred (300) feet of the proposed facility.

CONDITIONS OF APPROVAL**STANDARD CONDITIONS:****1. Approved Use.****a. Ongoing.**

The project shall be constructed and operated in accordance with the authorized use of Emergency Shelter as described in the staff report dated June 1, 2005 and the plans submitted on April 18, 2005 and as amended by the following conditions. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval. Specifically, the project is approved for an Emergency Shelter Residential Activity only for a maximum of 30 residents. Except for emergency after-hours intake to this shelter, there shall be no services provided or advertised for non-residents such as, but not limited to, intake of clients, clinic services, educational resources, and referral services. This condition shall be modified only upon review and approval by the Oakland Planning Commission at a noticed public hearing.

2. Effective Date, Expiration, and Extensions**a. Ongoing.**

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire on June 1, 2006, unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

3. Scope of This Approval; Major and Minor Changes**a. Ongoing.**

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes and requirements imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

4. Modification of Conditions or Revocation**a. Ongoing.**

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved facility is violating any of the Conditions of Approval or the provisions of the Zoning Regulations.

5. Recording of Conditions of Approval**a. Prior to issuance of building permit or commencement of activity.**

The applicant shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

6. Reproduction of Conditions on Building Plans

a. Prior to issuance of building permit.

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

7. Indemnification

a. Ongoing.

8. The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Building, Planning Commission, or City Council. 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.

SPECIAL CONDITIONS FOR TRANSITIONAL HOUSING ACTIVITY:

8. Program Requirements

a. Prior to commencement of activity

At a minimum, program requirements titled "Procedures for disciplinary action, criteria for expulsion" and basic house rules shall be incorporated into these conditions of approval and recorded along with these conditions of approval with the Alameda County Recorder.

9. Number of Residents

a. Ongoing

There shall be no more than 30 residents for the emergency shelter at any given time. Any increase in the number of residents will require a modification to this Conditional Use Permit.

10. Length of Residency

a. Ongoing

The average length of residency for those in the emergency shelter will be 30 days and the maximum length of residency shall not exceed 180 days. The maximum length of residency for those in the service-enriched housing program shall not exceed 18 months.

11. Noise

a. Ongoing

Noise levels from the activity and grounds or any mechanical equipment on site shall comply with the performance standards of Section 17.120.050. If, at any time, 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 Zoning Administrator.

12. Contact information

a. Prior to commencement of activity

The operator shall post on the property a sign that shall be clearly visible from the Harrison Street entrance at the property line indicating the name and 24-hour contact telephone number of the staff responsible for receiving and responding to all written and verbal complaints received by the facility.

The letters of the sign shall be legible and contrast with the background color of the sign and have lettering of a minimum height of one inch.

13. Payphones

a. Ongoing

No external pay phones are permitted on the premises.

14. Litter

a. Prior to issuance of building permits

At least one non-flammable external litter receptacle and one ashtray shall be installed on the outside of the building in a place accessible to residents and employees. A portable ashtray may be substituted. The location of any permanent ashtray and litter receptacle shall be reviewed and approved by the Zoning Administrator. The location of garbage cans/dumpsters shall be reviewed and approved by the Zoning Administrator.

b. Ongoing

Litter and debris shall be cleared from the external portions of the building and 20 feet on either side of the property along Harrison Street and 2nd Street once per day or as needed to maintain a litter free environment. A portable ashtray, if used, shall remain outside in a location near the entrance during all times that the building is open for business. The ashtray and litter receptacle shall be emptied as often as needed to prevent overflowing.

15. Graffiti

a. Ongoing

Graffiti shall be removed within 72 hours of application.

16. Loitering Signage

a. Prior to commencement of activity

The applicant shall post at least two no loitering signs on the building façade or fence or other visible locations around the site. Signs shall be of a permanent nature and shall have letters a minimum of two inches in height.

17. Loitering

a. Ongoing

The applicant shall actively discourage loiterers. Those persons loitering longer than ten minutes shall be asked to leave the area and not allowed to loiter in front of the building. As a condition of residency residents are prohibited from loitering on public property. Residents may smoke only in designated sites on the property. Staff and residents shall not be allowed to use the roof top adjacent to adjoining structures after 8:00 PM.

18. Staffing

a. Ongoing

The applicant shall insure that staffing levels meet those described in this staff report at all times.

Residents will be under supervision when on site by a minimum staff of two to ten trained adult counselors and security staff. From 9:00 AM until the residents return at 5:30 PM there will be a minimum of three staff on the premises. From 5:30 PM to 9:00 PM there will be at least one security guard and two plus staff members plus one or two supervisors up to a maximum of ten

staff. From 9:00 PM to 11:00 PM there will be at least one security guard and two staff members. From 11:00 PM to 9:00 AM the next morning there will be at least two staff members on duty.

19. Transportation

a. Ongoing

Transportation to off-site training, education and other services shall be via Covenant House vans, public transportation, or on foot. House Rules shall preclude residents of the program from storing or using motor vehicles on site.

20. Parking

a. Ongoing

Employees shall utilize onsite parking first, using on street parking only during shift change or when employees occupy all onsite-parking stalls. Staff shall insure that parking by visitors and staff does not overhang or block the sidewalk. The applicant shall work with the neighbors to resolve parking problems caused by residents, employees, deliveries, or visitations. Covenant House may store and use two vans on site.

21. Delivery of goods

a. Ongoing

All goods for the facility shall be delivered during between the hours of 8:00 AM and 6:00 PM. Delivery drivers shall be instructed not to block parking or driveways of neighbors and to the extent possible to use off street parking when available.

22. Visitation

a. Ongoing

Visitation by family and friends shall only be allowed with advance approval by Covenant House and on a special case by case basis for out of town relatives or for medical reasons. Unauthorized visitors shall be denied access by Covenant House staff. Authorized visitors shall use on-site parking to the extent possible.

23. Compliance review

a. Ongoing

Staff shall provide the Planning Commission with a Conditions of Approval compliance report after six months of operation.

DESIGN:

24. Tenant Improvements

a. Prior to issuance of building permits or commencement of activity

The applicant shall submit floor plans for any proposed construction. The design shall be reviewed and approved by the Zoning Administrator.

25. Roof Garden

a. Prior to issuance of building permits or commencement of activity

The applicant shall submit plans for a barrier between the roof garden and the adjacent structures designed to prevent persons on the roof of 200 Harrison Street from accessing the adjacent structures. This design shall be reviewed and approved by the Zoning Administrator.

26. Signage

a. Ongoing

The applicant shall maintain all exterior finishes, landscaping and signage in good repair.

27. Façade Design and Maintenance

a. Prior to issuance of building permits or commencement of activity

Applicant shall submit plans for exterior improvements that shall include at a minimum, bicycle racks or storage facilities for at least six bicycles. Plans for security exterior cameras and lighting shall be reviewed and approved by the Deputy Director of Planning and Zoning.

b. Ongoing

Lighting, if any, shall be designed and maintained so as not to cast glare onto adjacent properties. Lighting plans shall be reviewed and approved by the Zoning Administrator prior to issuance of building permits.

APPROVED BY: City Planning Commission: _____ (date) _____ (vote)
City Council: _____ (date) _____ (vote)