

Location: 4690 Tompkins Avenue (APN: 037 -2544-017-01)
(see map on reverse)

Proposal: At a 2-acre property (bound by Tompkins Ave, Wilkie St, and Fair Ave) containing a vacant senior facility (built c. 1928), one occupied duplex, seven occupied single family homes, another vacant non-residential facility, an internal through block driveway between facilities and residences, open spaces, and trees:

Split the lot along the internal driveway; convert the vacant senior facility into 40 condominium units, with façade and site changes including balconies and patios; demolish the other vacant non-residential facility to create a surface parking lot on-site along Tompkins Ave; create additional parking stalls throughout the site; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications including stairs on grade leading to Fair Ave.

Community meetings and a Design Review Committee meeting on June 26, 2013 have been held; suggested revisions have been incorporated and a parking study has been submitted and reviewed

Applicant: Kevin Skiles

Phone Number: (415) 659-9409

Owner: 4690 Tompkins LLC

Planning Permits Required: Major Conditional Use Permit to exceed 7 units on two lots in the RM-3 Zone on an existing site exceeding one acre;
Minor Conditional Use Permits to create a Multifamily Dwelling Residential Facility in the RM-3 Zone; for lot split between existing buildings; for a shared access facility;
Tentative Parcel Map to split one lot into two and establish 40 new condominium units;
Regular Design Review for construction of new dwelling units and for exterior architectural and site modifications;
CEQA Class 32 Infill Development Project environmental review exemption;

General Plan: Mixed Housing Type Residential

Zoning: RM-3 Mixed Housing Type Residential Zone

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines:
In-Fill Development Projects;

Section 15183 of the State CEQA Guidelines:

Projects Consistent with a Community Plan, General Plan or Zoning
Potential Designated Historic Property (Survey rating: B+3)

Historic Status:

Service Delivery District: 4

City Council District: 4

Dates Filed: February 20, 2013 / November 14, 2013 (TPM)

Action to be Taken: Decision by Planning Commission

Staff Recommendation: Approve with Conditions

Finality of decision: *Appealable to City Council within 10 calendar days*

For Further Information: Contact case planner **Aubrey Rose AICP, Planner II** at
(510) 238-2071 or arose@oaklandnet.com

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: CMD13067 / TPM10191 / T1300012
Applicant: Kevin Skiles
Address: 4690 Tompkins Avenue
Zone: RM-3

SUMMARY

The applicant requests Planning Commission approval of Zoning Permits to convert a vacant senior nursing home facility into a forty unit condominium building. The proposal involves:

- Subdividing the property;
- Converting the facility into condominium units;
- Performing façade improvements;
- Demolishing a building;
- Creating a surface parking lot; and
- Site improvements.

At least four community meetings and a Design Review Committee meeting have been held regarding the project. A parking study has been submitted. The Building Division has reviewed and commented on the project. Various suggested design revisions have been incorporated.

Staff recommends approval subject to Conditions as described in this report.

PROPERTY DESCRIPTION

The 2.35 acre site is at the end of a City block terminating at Wilkie Street between Tompkins and Fair Avenues. It is located east of MacArthur Boulevard and the 580 freeway. The property consists of nine merged lots sloping upward from Tompkins (approximately 18-percent cross sloping grade). The site was used as a senior nursing home facility/campus starting in the 1930s, with additions and other structures added over the years. It features a vacant 63,000 square-foot senior nursing home facility building (Beulah Heights, built c. 1928) facing Tompkins and centered at Wilkie, with an addition running along Wilkie to Fair; a vacant civic building along Tompkins ("House of Psalms"); one occupied duplex and seven occupied single family homes towards Fair, curvilinear driveways with parking spaces at Tompkins/Wilkie that run through the block between buildings to connect Fair and Tompkins together. This interior street contains twenty-one parking spaces. The site also contains open spaces and trees. The main building on the property has been essentially vacant for approximately fifteen years.

The main facility (Beulah Heights) is a Potential Designated Historic Property of "major importance" (Survey rating: B+3) under the Oakland Cultural Heritage Survey. This is due to the original portion of the building. It is primarily two stories with a third story tower addition. The building has stucco siding and a partially tiled roof. The building contains approximately fifteen kitchens and once contained ninety-four bedrooms. Rear entrances face the interior driveway. The building has been largely vacant for approximately fifteen years.

The Tompkins frontage (300 feet) faces a church and two single family homes. The Wilkie frontage (365 feet) faces three homes, a duplex and a vacant lot. The Fair frontage (420 feet) faces five homes. The interior lot line (325 feet) abuts three single family properties. The site is part of a mixed housing type residential zone consisting of homes, duplexes, and small apartment buildings (mostly four-plexes). The site is flanked by single family home zoning on three uphill sides and approximately one dozen apartment buildings extend west downhill approximately one thousand feet to MacArthur Boulevard (approximately 6-percent slope). To the west is a six-acre public elementary school campus on Steele Street and to the south is a one-acre bed & breakfast/conference center on Daisy Street. Across the 580 freeway to the south is the Mills College campus. To the north is the Laurel shopping district. To the east is an additional shopping center and large open space areas in the hills.

PROJECT DESCRIPTION

The proposal is to convert the vacant facility into forty market rate condominiums. This would involve:

- Subdividing the lot along the internal driveway into two lots sharing the driveway;
- Retrofitting the interior of the vacant facility into units;

- Façade and site alterations including installation of balconies and creation of patios;
- Demolition of the other vacant building to create a surface parking lot on-site along Tompkins;
- Creation of additional parking stalls throughout the site;
- Tree removal and replacement;
- Installation of landscaping throughout the site;
- Installation of exterior illumination; and
- Other minor site modifications.

Subdivision/Condominium units

The subdivision will result in one lot with the existing occupied nine residences and another lot containing the vacant facility. Condominium units would consist of a total of twenty-one (21) one-bedroom units and nineteen (19) two-bedroom units. The basement crawl space would be partially excavated and converted into three (3) of the one bedroom condominiums with patios. The first floor would contain condominiums and six exterior patios (10' x 10') and balconies (5' x 5') would be constructed. Some patios would be adjoined. The second floor would contain condominiums with new balconies. The third floor would contain two (2) of the condominiums, a manager's unit, and balconies. Units would be sold or rented at market rate.

Building exterior

Windows would be enlarged and updated throughout and building. Mounted lighting would be installed. Along the Tompkins elevation, doors would replace windows to service the new balconies. The balconies would contain metal rails and four-inch stucco trim would be applied around doorways. Balconies would consist of usable types, some containing space interior to the unit, as well as purely decorative types. A new ramp would be installed and new patios would be created with patterned paving, six-foot high divider walls, concrete piers and metal rails. Decorative lights, new sill trim, raised planters, and new front doors would be installed. The building would be repainted. Along the Wilkie frontage, three garage doors and exterior stairs would also be replaced.

Site improvements

Trash enclosures would be installed behind the Tompkins parking lot and beside the Fair driveway. Gaps in a retaining wall along Wilkie would be filled. A fence and gate would be installed at the Tompkins driveway. Infiltration planters would be installed there on either side. Front and side paths would be improved with decorative paving. Three new twelve-foot tall light poles would be installed at the driveway and parking lot. Stairs would be added on grade leading to Fair, a recent revision to the proposal.

Open space

Usable open space, both private and group, would be provided through the patios at the first floor, balconies at the second and third floors, a courtyard, a terrace, and a garden. Some of the open spaces would be interior to the site, not facing a street. A large, gated outdoor community area would be installed along Wilkie.

Parking

The demolished non-residential building would be replaced with a new eighteen space open parking lot with a new curb cut, trees, landscaping, and lighting. Hedges would be installed to screen the parking lot from residential units. Ten additional spaces would be created in the front driveway at Tompkins. Two spaces would be added alongside the Wilkie driveway. Total parking on-site would be fifty-nine spaces. Bicycle parking would also be installed, including two spaces in the front yard. A stairway would be constructed to connect the new lot with the upper parking lot.

Trees and landscaping

The site contains fifty-eight trees consisting of forty species and twelve protected trees. The project would remove several trees and replace with new trees. The City's Tree Division has recommended approval of the Tree Permit.

BACKGROUND

In 2000, a twenty-seven unit residential project was proposed at this site by previous owners. The project was denied by the Planning Commission in 2004 and an appeal was denied by the City Council in 2004. That proposal lacked adequate site improvements (landscaping, new paint, new paving).

In 2012, a new owner approached the Planning and Zoning Division with a concept for the current proposal. Staff advised the developer that any project should be designed to be compatible with the neighborhood, should meet requirements to avoid variances (for example, deficient parking), and that a neighborhood meeting should be held to introduce the proposal to the community (Zoning Pre-Application #ZC120015). A neighborhood meeting was held by the developer and the project was formally submitted. Follow-up neighborhood meetings were held by City staff due to significant neighborhood interest and opposition led by the BEST (Buell-Enos-Steele-Tompkins) neighborhood committee. On June 26, 2013 the Design Review Committee reviewed the project. The Committee heard public testimony including testimony from BEST and its representative Ms. Leila Moncharsh. Community concerns related to use and design are summarized as follows:

Change in use not conducive to site or neighborhood; preferred use is senior facility; affordable housing and/or rental units undesirable; density is excessive and detrimental to neighborhood character and function; negative effect on surrounding property values; nuisances (air quality, noise, privacy (from balconies), traffic/speeding, lack of public transit, crime, parking- guest capacity and street width); property owner's business structure and strategies

Parking (appearance); preserved more trees; use trees to screen window glare; install additional landscaping; vehicular exiting (On site alley should be one-way/downhill only); child safety; and slope stability

The Committee directed staff to work with the applicant to address potential issues of design; vehicular exiting; slope stability; tree preservation; and privacy issues related to trees, windows, and balconies. Subsequent community meetings were held in the form of smaller focus groups at the site on August 16, 2013 and at the neighborhood representative's office on September 23, 2013. In response, the applicant conducted a satisfactory parking study; redesigned the plans to contain greater tree preservation, more parking spaces, and stairs on grade; and submitted an application for a subdivision to complete the apartment units as condominiums. Lastly, the applicant met with a BEST member to follow-up. These items are discussed further in the Key Issues and Impacts section of this report.

GENERAL PLAN ANALYSIS

The property is located in the Mixed Housing Type Residential area under the General Plan. The intent of the area is: "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." Desired Character and Uses is: "Future development within this classification should be primarily residential in character." The proposed conversion to a multi-family facility is, therefore, consistent with the intent and desired character and uses of the General Plan as well as the following Policies:

Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Policy N6.1 Mixing Housing Types.

The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Policy N7.1 Ensuring Compatible Development.

New residential development in Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

The proposal is a residential in-fill development project that reuses and enhances a long vacant Potential Designated Historic Property as well as the mix of housing types in a residential area. These items are discussed further in the Key Issues and Impacts section of this report.

Staff finds that the proposal conforms to the General Plan.

ZONING ANALYSIS

The property is located in the RM-3 Mixed Housing Type Residential Zone. The intent of the RM-3 Zone is: "to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate."

Considerations to approve the project relate to compatibility of density with the site and surrounding neighborhood; usability of resultant subdivided lots; quality of architectural and site modifications; applicability of an environmental review exemption; and appropriateness of tree removal plan. Density would increase dramatically although not to the maximum conditionally permitted density under Zoning. Lot coverage (building footprint) and impervious surface (paving) would decrease. Parking would increase beyond the required supply. Open space would increase, primarily through the installation of patios and balconies.

The following table indicates existing and proposed development standards:

	<u>Existing</u>	<u>Proposed</u>	<u>Required/Allowed</u>
Lots	1	2	25
Units	9	49	68 (136 affordable or senior)
Usable Group Open Space	NA	10,791 sq ft	4,090 sq ft
Parking Spaces	21	59	49
Lot Coverage	61,368 sq ft (60%)	56,299 sq ft (55%)	51,075 sq ft (50%)
Impervious Surface	33,357 sq ft (32%)	28,288 sq ft (28%)	51,075 sq ft (50%)

These items are discussed further in the Key Issues and Impacts section of this report. The project meets Planning Code requirements for buffering (screening residential parking), bicycle parking, recycling, landscaping, and Green Building. The proposed design for conversion into a multi-family facility and site is, therefore, consistent with the intent of the Planning Code and the following Purpose of the Planning Code:

"To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space...." (OMC Sec. 17.07.030(D).)

Staff finds that the proposal conforms to the Planning Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15332 of the State CEQA Guidelines exempts "In-Fill Development Projects." The proposal to create additional dwelling units within an existing structure in a developed urban area meets the conditions described in Section 15332. In addition, CEQA mandates that projects which are consistent with the development density established by existing zoning or general plan policies for which an EIR was certified shall not require additional environmental review. (CEQA Guidelines, § 15183(a).)

The proposal does not require a Traffic Impact Study under the City's environmental review thresholds or a Transportation Demand Management Plan under the City's Standard Conditions of Approval for new vehicle trips generated according to ITE (Institute of Transportation Engineers) guidelines (Attachment F). The project exceeds required on-site parking pursuant to the Planning Code. Nonetheless, staff required the applicant to obtain a parking study. The study (Attachment F) indicates the neighborhood contains adequate on-street parking although as indicated excess on-site supply is proposed. Additionally, the proposal would not impair the Potential Designated Historic Property status of the property's primary structure. The minor alterations would not have the potential to disqualify the property from Landmark eligibility or have substantial adverse effects on the property's character-defining elements.

The project is therefore exempt from further Environmental Review.

KEY ISSUES AND IMPACTS

Following are staff's responses to outstanding concerns regarding the proposal:

The residentially-zoned site has traditionally been classified as civic (senior nursing home) and neighbors have expressed interest in the site returning to this use rather than a denser multi-family use. However, the City has received an application for a multi-family project and is obligated to review and process the application for conformity and compatibility. The City's review generally does not involve suggestions by the Planning and Zoning Division of alternative land uses to replace a viable proposal. Were an application for a senior nursing home to be filed, it would be processed by the Division and either approved or denied by the Planning Commission, as it would be a conditionally permitted use.

The site is already multi-family in use (with two large vacant buildings) as are several other properties in this Zoning District extending along Buell Street from the site to MacArthur Boulevard. The proposal for forty-nine units total is fewer than the maximum number of units conditionally permitted by current and prior Zoning of 68 units, or 136 if approved as a senior or affordable housing project under a Density Bonus and Incentive procedure (which often includes reduced parking). Were the lot to be hypothetically cleared and subdivided with single family homes, under Zoning the lot size would potentially yield up to fifty households under a scenario of twenty-five single family homes and twenty-five secondary units (fifty units total). The prior use contained ninety-four bedrooms whereas the proposal would consist of fifty-nine bedrooms (within forty condominiums). In the past, city planning practice tended to segregate uses such as single family homes, apartments, and senior facilities. Current trends are to mix housing types in residential zones, and to locate senior facilities in mixed use (urban residential and commercial) areas close to amenities.

The concerns for potential crime as a result of future residents and/or their guests is beyond the scope of a Zoning review, although the applicant has modified his proposal to construct apartment units to the development of condominium units for sale or rent. Condominiums denote home ownership and are, therefore, generally considered less prone to generation of crime. The project will reuse a vacant Potential Designated Historic Property that may otherwise become further dilapidated and could attract vandals and squatters. Staff anticipates improvements will actually enhance neighborhood character and property values. Additionally, Conditions of Approval require a CPTED review (Crime Prevention Through Environmental Design), although staff finds the proposal to be largely in compliance.

Neighbors expressed concern for the corporate parent company of the property owner. This is not a Zoning issue, although staff would point out that many developers are for-profit operations with corporate affiliations. Neighbors also expressed concerns for the property owner's ownership and management of a rooming house located in Oakland's Central Business District. Although often considered problematic by the public, the City strives to preserve housing alternatives that provide transitional and supportive housing. In the case of the subject property, staff understands that the current owner (project applicant) has improved the overall condition of the building.

Parking would be provided on-site in to meet the demand. The longer internal driveway would be converted to a one-way street. The proposal does not require a Traffic Impact Study under the City's environmental review thresholds or a Transportation Demand Management Plan under the City's Standard Conditions of Approval for new vehicle trips generated. The parking study (Attachment F) indicates the neighborhood contains adequate on-street parking although as indicated, excess on-site supply is proposed. Staff would also point out that a senior nursing home facility scenario would also generate traffic and parking demand including a greater number of delivery and transport vehicles and visitors. Public transit, which is located approximately one thousand feet away at MacArthur Boulevard (AC Transit with connections to BART), is more accessible for non-senior pedestrians.

Air quality is not anticipated to be an issue. Noise should increase only minimally given open spaces are primarily at the interior of the site, and given the site has been and continues to be inhabited. Staff notes, permitted uses such as childcare could be issued with no Zoning review and could potentially generate more noise than the proposed use. Additional trees have been preserved for appearance and screening and ample landscaping is proposed. The Building Division has reviewed the subdivision and required various seismic, geotechnical, and soil studies prior to construction, as set forth in a Memorandum dated January 14, 2014 (Attachment E); these requirements are included as Conditions of Approval. Concern was expressed by the Design Review Committee, neighbors, and staff for various architectural components of the proposal; particularly the design of balconies and patios. The Secretary to the Landmarks Board reviewed the proposal because the building is a B-rated Potential Designated Historic Property and recommended that the plans should be revised to eliminate some of the street-facing balconies. Elimination of these balconies would also reduce potential privacy impacts to neighbors. The applicant has revised plans accordingly.

CONCLUSION

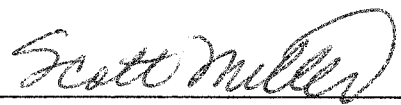
In conclusion, staff finds the proposal, especially with revisions to address concerns to the extent possible, to be a positive, viable infill project meeting the needs, goals, and policies of the City and conforming to Zoning requirements. The proposal provides for an adaptive re-use of a long-vacant PDHP that provides additional housing opportunities. Staff recommends approval subject to conditions.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination.
 2. Approve the Major Conditional Use Permit, Minor Conditional Use Permits; Tentative Parcel Map; Regular Design Review; and Tree Removal Permit subject to the attached Findings and Conditions of Approval.

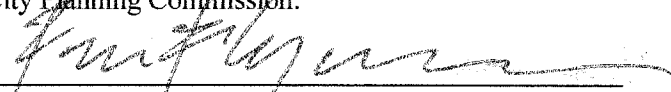
Prepared by:


AUBREY ROSE, AICP
Planner II

Approved by:


SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:


RACHEL FLYNN, Director
Department of Planning and Building

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Plans
- D. Design Review Committee staff reported dated June 26, 2013
- E. Building Division Memorandum dated January 14, 2014
- F. Parking Study (Transportation Memorandum) by TJKM dated October 1, 2013
- G. Correspondences

ATTACHMENT A: FINDINGS

This proposal meets all the required findings under the General Use Permit Criteria (OMC Sec. 17.134.050); RM Mixed Housing Type Residential Zones Regulations / Property Development Standards (OMC Sec. 17.17.050(A)(3)); Conditional Use Permit to Subdivide a Parcel Between Existing Buildings (OMC Sec. 17.106.010B); Conditional Use Permit for Shared Access Facilities/Use Permit Criteria (OMC Sec. 17.102.090(B)); Regular Design Review Criteria (OMC Sec. 17.136.050); Tentative Maps/Action On (OMC Sec. 16.08.030); Parcel Maps/Lot Design Standards (OMC Sec. 16.24.040) of the Oakland Planning Code (OMC Title 17) and In-Fill Development Projects under California Environmental Quality Act, Guidelines Section 15332, as set forth below and which are required to approve your application. Required findings are shown in **bold type**; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA

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

The project will enhance an existing underutilized site with improvements featuring the renovation and conversion of a vacant B rated building into market rate for sale housing for persons of all ages compatible with the mixed housing type residential neighborhood adjacent to public transit that links to shopping. The building has been vacant for fifteen years and the project will reuse the building at a site providing privacy, parking, open space, and landscaping compatible with the neighborhood.

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

The project will enhance an existing underutilized site with major improvements. The project will provide much needed housing units in an attractive building located in a pleasant neighborhood.

3. 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 project will enhance an existing site with improvements. The project will provide much needed housing units in close proximity to public transit and the 580 freeway as well as to schools, shopping districts, and open space.

4. The proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code:

The proposal conforms to design review criteria as described in a separate section of this attachment.

5. For proposals involving a One- or Two-Family Residential Facility: If the Conditional Use Permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following 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

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 closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

The project site does include homes and a duplex; however, the Conditional Use permit does not concern regulations governing development standards such as height, yards, coverage, or building length. This finding is, therefore, inapplicable.

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

The property is located in the Mixed Housing Type Residential area under the General Plan. The intent of the area is: "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." Desired Character and Uses is: "Future development within this classification should be primarily residential in character." The proposed design for a multi-family facility and site is, therefore, consistent with the intent and desired character and uses of the General Plan as well as the following Policies:

Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Policy N6.1 Mixing Housing Types.

The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Policy N7.1 Ensuring Compatible Development.

New residential development in Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

The proposal is a residential in-fill development project that enhances a potential designated historic property formerly serving a use that was classified as civic and technically not residential, as well as the mix of housing types in a residential area.

SECTION 17.17.050(A)(3) - RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS / PROPERTY DEVELOPMENT STANDARDS

a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;

The project features an existing building on an existing site in a mixed housing type neighborhood located one thousand feet from a major arterial and freeway. The project will provide privacy, parking, open space, and

landscaping for new residents and will continue to be compatible with the surrounding neighborhood.

d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;

Open space will be largely located at the large site's interior, with trees for screening and new stairs on grade to reach the public right-of-way.

e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.

The lot contains driveways, parking, and walkways and will be improved with additional parking that is landscaped and illuminated.

SECTION 17.106.010B – CONDITIONAL USE PERMIT TO SUBDIVIDE A PARCEL BETWEEN EXISTING BUILDINGS

1. All principal structures are habitable or in sound condition:

The single family homes and duplexes are inhabited; the large facility will be renovated into forty condominium apartment units.

2. The proposal will not result in a lot which is so small, so shaped, or so situated that it would be impractical for subsequent permitted uses:

The subdivision will rely on a shared access facility.

3. The proposal will result in a reasonable amount of usable open space and off-street parking spaces for any Residential Facilities involved:

Usable open space and required parking will be maintained on each resultant parcel.

SECTION 17.102.090(B) – CONDITIONAL USE PERMIT FOR SHARED ACCESS FACILITIES/USE PERMIT CRITERIA

1. Compliance with Guidelines. Each shared access facility proposal shall be in compliance with the City Planning Commission guidelines for development and evaluation of shared access facilities.

The existing internal driveway will become a shared access facility.

2. Public Safety. The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to city standards for roadway layout and design.

The shared access facility will consist of an existing driveway that will be converted to one-way for increased safety.

3. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.

The shared access facility will consist of an existing driveway that is internal to a large property and primarily screened from the public right-of-way.

4. On-Going Owner Responsibility. Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the city thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.

This criterion is included as a Conditional of Approval.

5. Certification. Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.

This criterion is included as a Conditional of Approval.

SECTION 17.136.050 - REGULAR DESIGN REVIEW CRITERIA

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

A. For Residential Facilities.

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures:

The proposed design will enhance a B rated building and large landscaped site with paint, balconies, patios, new enlarged windows, new doors, new trees and landscaping, new illumination, new paving, less impervious surface, and other improvements.

2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;

The existing facility and site to be improved are located in a mixed housing type residential neighborhood adjacent to a single family neighborhood. The improvements to the structure and site described in this report that are visible from the public right-of-way and adjacent properties will enhance the residential character of the neighborhood.

3. That the proposed design will be sensitive to the topography and landscape.

The proposal involves preservation of several mature trees and minimal grading at the 2.35 acre site.

4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;

The proposal will include new stairs on grade and improvements to a steep driveway.

5. 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 design modifications to an existing B rated building conform to the City's Design Review Criteria (Guidelines) for High Density Housing.

D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or

Alterations to the B rated building are compatible with the existing structure.

2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or

As described in previous findings, the alterations will enhance the B rated structure.

3. The existing design is undistinguished and does not warrant retention

The B rated structure is distinguished and alterations will not detract from its design quality.

SECTION 16.08.030 – TENTATIVE MAPS/ACTION ON

(Pursuant to California Government Code Section 66474, Chapter 4 of the Subdivision Map Act).

The Advisory Agency shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

A. That the proposed map is not consistent with the applicable general and specific plans as specified in the State Government Code Section 65451.

The proposal to subdivide an existing developed lot and convert a building there into condominium apartment units is consistent with the Mixed Housing Type Residential area of the General Plan and the RM-3 Mixed Housing Type Residential Zone as described in the staff report.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The subdivision along a central through access to split a site and to complete new apartment units in an existing building as condominiums is consistent with the Mixed Housing Type Residential area of the General Plan and the RM-3 Mixed Housing Type Residential Zone as described in the staff report.

C. That the site is not physically suitable for the type of development.

The existing developed site with a central through access and a 63,000 square foot building is suitable for a lot split and condominium apartments.

D. That the site is not physically suitable for the proposed density of development.

The resultant lot to contain an 63,000 square foot building can accommodate forty condominium apartment units and the other resultant lot to contain seven homes and one duplex will conform to the General Plan and Zoning and will all be served by open space and parking.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The site is developed, will not be further developed with new structures, and is located in a developed urban neighborhood not directly adjacent to significant open space.

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The site is developed, is not proposed to be further developed with new structures, and is located in a developed urban neighborhood. The proposal includes open space, light, air and will be served by utilities.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision).

The site does not contain easements.

H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The site is already developed.

SECTION 16.24.040- PARCEL MAPS/LOT DESIGN STANDARDS

A. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:

- 1. Lots created in conjunction with approved private easements.**
- 2. A single lot with frontage on a public street by means of a vehicular access corridor provided that in all cases the corridor shall have a minimum width of twenty (20) feet and shall not exceed three hundred (300) feet in length. Provided further, the corridor shall be a portion of the lot it serves, except that its area (square footage) shall not be included in computing the minimum lot area requirements of the zoning district.**

The lots will contain street frontage.

B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.

The lot lines shall follow an existing access driveway that runs perpendicular to a cross slope.

C. All applicable requirements of the zoning regulations shall be met.

The project conforms to Zoning regulations and no variances are required.

D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:

1. Where the area is still considered acreage.
2. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development.

The two resultant lots will be larger than surrounding lots.

E. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.

The project will preserve numerous mature, healthy trees.

IN-FILL DEVELOPMENT PROJECTS (CALIFORNIA ENVIRONMENTAL QUALITY ACT, GUIDELINES SECTION 15332)

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project conforms to the General Plan and Planning Code and no variances are required as described in the staff report.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The 2.35 acre site is located entirely within the City of Oakland.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The site was developed as early as 1928 and contains significant impervious surface.

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

The proposal does not require a traffic study or transportation management plan although a parking study has indicated no adverse impacts and a driveway will be improved and converted to one-way.

(e) The site can be adequately served by all required utilities and public services.

The site is already developed and is located in an urbanized area. New dwelling units will be served by existing utilities and public services.

ATTACHMENT B: CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report**, and the plans dated **October 30, 2013 and November 7, 2013 (TPM)** and submitted on **February 20, 2013 and November 14, 2013 (TPM)**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:

I. Major Conditional Use Permit to exceed 7 units on two lots in the RM-3 Zone on an existing site exceeding one acre; Minor Conditional Use Permits to create a Multifamily Dwelling Residential Facility in the RM-3 Zone, for lot split between existing buildings, for a shared access facility; Tentative Parcel Map to split one lot into two and establish 40 new apartment dwelling units as condominiums; Regular Design Review for construction of new dwelling units and for exterior architectural and site modifications; CEQA Class 32 Infill Development Project environmental review exemption; and Tree Removal Permit to remove Protected Trees to: split the lot along the internal driveway; convert the vacant senior facility into 40 condominium apartment units, with façade and site changes including balconies and patios; demolish the other vacant non-residential facility to create a surface parking lot on-site along Tompkins Ave; create additional parking stalls throughout the site; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications including stairs on grade leading to Fair Ave.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits 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 permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the **Planning Code, Subdivision Regulations, and Tree Ordinance** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance with other Requirements**

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. 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 of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

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

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, **Conditions** or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **Conditions** if it is found that there is violation of any of the **Conditions** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. 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 Conditions of Approval.

6. **Signed Copy of the Conditions**

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (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, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the 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 applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

13. Compliance Matrix

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a **Conditions** compliance matrix that lists each condition of approval, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

14. Construction Management Plan

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval.

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

Ongoing throughout demolition, grading, and/or construction

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). 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 possible.
- 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. as soon as feasible. In addition, building pads should be laid as soon as possible after grading 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 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) 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.

- i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.
- j) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- l) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- n) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- o) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- p) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- s) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- t) Minimize the idling time of diesel-powered construction equipment to two minutes.
- u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.
- v) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- x) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

16. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- 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) Stationary noise sources shall be located as far from adjacent receptors 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.
- d) 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.

17. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

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

18. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.

- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - a) Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
 - b) Prohibition of Z-duct construction.

19. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 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 Planning and Zoning Division and Building Services.

20. Construction Traffic and Parking

Prior to the issuance of a demolition, grading or building permit

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.

21. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on 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) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- 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 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 notification of 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.

22. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

23. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

24. Asbestos Removal in Structures

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

25. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

26. Tree Removal Permit

Prior to issuance of a demolition, grading, or building permit

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

27. Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- d) Minimum planting areas must be available on site as follows:
 - i. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.

- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

28. Tree Protection During Construction

Prior to issuance of a demolition, grading, or building permit

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

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

29. Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

- b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

30. Soils Report

Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.

A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:

A. Logs of borings and/or profiles of test pits and trenches:

- a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.
- b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
- c) All boring logs shall be included in the soils report.

B. Test pits and trenches

- a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
- b) Soils profiles of all test pits and trenches shall be included in the soils report.

C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.

D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.

- E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:
- a) Site description;
 - b) Local and site geology;
 - c) Review of previous field and laboratory investigations for the site;
 - d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;
 - e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;
 - f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;
 - g) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;
 - h) All other items which a Soils Engineer deems necessary;
 - i) The signature and registration number of the Civil Engineer preparing the report.
- F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.

31. Geotechnical Report

Required as part of the submittal of a tentative Tract Map or tentative Parcel Map

- a) A site-specific, design level, Fault Zone geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval to the Building Services Division. Specifically:
 - i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.
 - ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).
 - iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.
 - iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.
 - v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project's design phase, shall be incorporated in the project.
 - vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.

- vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.

- b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.

32. Vegetation Management Plan

<http://www.oaklandnet.com/wildfirePrevention/WildfirePreventionAssessmentDistrictMap.pdf>

Prior to issuance of a demolition, grading, and/or construction and Ongoing

- a) The project applicant shall submit a vegetation management plan to the Planning and Zoning Division and Fire Services Division that includes if deemed appropriate, but not limited to the, following measures:
 - i. Removal of dead vegetation overhanging roof and chimney areas;
 - ii. Removal of leaves and needles from roofs;
 - iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation;
 - iv. Trimming back vegetation around windows;
 - v. Removal of flammable vegetation on hillside slopes greater than 20%;
 - vi. Pruning the lower branches of tall trees;
 - vii. Clearing out ground-level brush and debris;
 - viii. Stacking woodpiles away from structures.
- b) The project applicant shall enter into a maintenance agreement with the City that ensures that landscaping will be maintained and adhere to measures listed above.

33. Drainage Plan for Projects on Slopes Greater than 20%

Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a drainage plan to be reviewed and approved by the Building Services Division. The drainage plan shall include measures to reduce the post-construction volume and velocity of stormwater runoff to the maximum extent practicable. Stormwater runoff shall not be augmented to adjacent properties or creeks. The drainage plan shall include and identify the following:

- i. All proposed impervious surface on the site;
- ii. Anticipated directional flows of on-site stormwater runoff;
- iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces;
- iv. Source control measures to limit the potential for stormwater pollution; and
- v. Stormwater treatment measures to remove pollutants from stormwater runoff.

34. Erosion, Sedimentation, and Debris Control Measures

Prior to issuance of demolition, grading, or construction-related permit

The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs)" for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:

- a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the street, gutters, stormdrains.

- b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.
- d) Install filter materials acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- e) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- f) Direct and locate tool and equipment cleaning so that wash water does not discharge into the street, gutters, or stormdrains.
- g) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
- h) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- i) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- j) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the street, gutter, stormdrains.
- k) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).
- l) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately

35. Site Design Measures for Post-Construction Stormwater Management

Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:

- i. Minimize impervious surfaces, especially directly connected impervious surfaces;

- ii. Utilize permeable paving in place of impervious paving where appropriate;
- iii. Cluster buildings;
- iv. Preserve quality open space; and
- v. Establish vegetated buffer areas.

Ongoing

The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.

36. Source Control Measures to Limit Stormwater Pollution

Prior to issuance of building permit (or other construction-related permit)

The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing

The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

37. Post-Construction Stormwater Management Plan

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

a) The post-construction stormwater management plan shall include and identify the following:

- i. All proposed impervious surface on the site;
- ii. Anticipated directional flows of on-site stormwater runoff; and
- iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
- iv. Source control measures to limit the potential for stormwater pollution;
- v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
- vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.

b) The following additional information shall be submitted with the post-construction stormwater management plan:

- i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
- ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

38. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

39. Stormwater and Sewer

Prior to completing the final design for the project's sewer service

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

40. Compliance with the Green Building Ordinance, OMC Chapter 18.02

Prior to issuance of a demolition, grading, or building permit

The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, OMC Chapter 18.02.

- a) The following information shall be submitted to the Building Services Division for review and approval with the application for a building permit:
 - i. Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards.
 - ii. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.

- iii. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - iv. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below.
 - v. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - vi. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - vii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- b) The set of plans in subsection (a) shall demonstrate compliance with the following:
- i. CALGreen mandatory measures.
 - ii. All pre-requisites per the **GreenPoint Rated** checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.
 - iii. **Minimum 50 points (6 Community; 30 Energy; 5 IAQ/Health; 6 Resources; 3 Water)** per the appropriate checklist approved during the Planning entitlement process.
 - iv. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Planning and Zoning Division that shows the previously approved points that will be eliminated or substituted.
 - v. The required green building point minimums in the appropriate credit categories.

During construction

The applicant shall comply with the applicable requirements CALGreen and the Green Building Ordinance, Chapter 18.02.

- c) The following information shall be submitted to the Building Inspections Division of the Building Services Division for review and approval:
- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
 - ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
 - iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

After construction, as specified below

Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to **Build It Green** and attain the minimum certification/point level identified in subsection (a) above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Planning and Zoning Division the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

41. Compliance with the Green Building Ordinance, OMC Chapter 18.02, for Building and Landscape Projects Using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist
Prior to issuance of a building permit

The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, (OMC Chapter 18.02.) for projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist.

- a) The following information shall be submitted to the Building Services Division for review and approval with application for a Building permit:

- i. Documentation showing compliance with the 2008 Title 24, California Building Energy Efficiency Standards.
 - ii. Completed copy of the green building checklist approved during the review of a Planning and Zoning permit.
 - iii. Permit plans that show in general notes, detailed design drawings and specifications as necessary compliance with the items listed in subsection (b) below.
 - iv. Other documentation to prove compliance.
- b) The set of plans in subsection (a) shall demonstrate compliance with the following:
- i. CALGreen mandatory measures.
 - ii. All applicable green building measures identified on the StopWaste.Org checklist approved during the review of a Planning and Zoning permit, or submittal of a Request for Revision Plan-check application that shows the previously approved points that will be eliminated or substituted.

During construction

The applicant shall comply with the applicable requirements of CALGreen and Green Building Ordinance, Chapter 18.02 for projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist.

- a) The following information shall be submitted to the Building Inspections Division for review and approval:
- i. Completed copy of the green building checklists approved during review of the Planning and Zoning permit and during the review of the Building permit.
 - ii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

PROJECT-SPECIFIC CONDITIONS

42. Building Division Memorandum: Subdivision

Prior to issuance of a building permit and parcel map

All Conditions of Approval from the Memorandum dated January 14, 2014 shall be incorporated into plans as follows:

1. Coordinate the language for the City Surveyor's and City Engineer's statements with the city prior to submittal of the Final Map.
2. Show location, purpose, and width of all existing and proposed easements.
3. Note that the property lies within the Hayward Fault Alquist-Priolo Zone, a seismic hazard zone. A site-investigation report prepared by a certified engineering geologist shall be performed prior to the City signing the Final Map. The results of the report may limit the applicants ability to develop the lot. Add a statement to the Map that says "This real property lies within the following hazardous area: A SEISMIC HAZARD ZONE – Alquist – Priolo Zone pursuant to Section 2696 of the Public Resources Code. These hazards may limit your ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. The maps on which these disclosures are based estimate where natural hazards exist. They are not definitive indicators of whether or not a property will be affected by a natural disaster. Transferee(s) and transferor(s) may wish to obtain professional advice regarding hazards and other hazards that may affect the property."
4. Please place the following statement on the Final Map:

PUBLIC ADVISORY

"This map is based on private surveys performed by licensed professionals and will not be updated or corrected by the City of Oakland after its filing. No warranty, either expressed or implied, is made by the City of Oakland that this map and the survey information on which it is based is correct, accurate, and current, nor that the City will retain for public inspection any related information which may be subsequently submitted to the City, including alleged or actual discrepancies, inaccuracies, deficiencies, and errors."

5. Show location of the City of Oakland monuments used to establish the basis of bearing and the property lines. Provide identification numbers for City of Oakland monuments.

6. Show existing lot number(s) from earlier parcel maps for adjacent lots and the lot to be divided. Also provide numerical or alphabetic designation for each new parcel.
7. Revise title to include the following: "Lot One Being for Condominium Purposes – Forty Residential Condominiums".
8. Show nearest intersection and distance to that intersection.
9. Provide survey documentation showing the location of the all the existing buildings and their setback from all the property lines. If required the buildings shall be brought into conformance with the California Building Code.
10. The four-foot wood fence near existing house Number 5 appears to cross the proposed property line. The fence shall be moved to one lot or the other or the lot line can be adjusted or the fence can be removed.
11. Improvements within the public right-of-way may be required for this project. A P-job permit and a signed Subdivision Improvement Agreement shall be completed prior to the City signing the Parcel Map.

43. Shared Access Facility

Prior to issuance of a building permit

Pursuant to OMC Sec. 17.102.090 the following requirements apply:

- 1. Compliance with Guidelines.** Each shared access facility proposal shall be in compliance with all applicable City standards, including but not limited to the City Planning Commission guidelines for development and evaluation of shared access facilities.
- 2. Public Safety.** The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to City standards for roadway layout and design.
- 3. Aesthetics.** A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.
- 4. On-Going Owner Responsibility.** Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.
- 5. Certification.** Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.

emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to City standards for roadway layout and design.

3. **Aesthetics.** A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.

4. **On-Going Owner Responsibility.** Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.

5. **Certification.** Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.

44. **Windows, Eaves and Door Details.**

Prior to issuance of building permit.

The applicant shall submit to the Planning and Zoning Division for review and approval, a window, eaves and door schedule, including cross-sections and elevations, and final architectural details of the structure. Details shall show wood or wood-like (such as aluminum clad) windows that have a minimum two inch recess from the surrounding exterior walls, have wood-like sash dimensions, and contain exterior trim with minimum depth of 2-inches from the surrounding exterior walls. Each window shall be single or double vertically hung.

45. **Exterior Materials Details.**

Prior to issuance of building permit.

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show the details of the exterior of each building. These details shall include the labeling of all the materials and treatments proposed for the exterior of each building. All materials and treatments shall be of high quality that provides the building with significant visual interest. All stucco shall be smooth coat and applied wet at the site. All material at ground level shall be made of durable material that can be maintained in an urban environment.

46. **Crime Prevention Through Environmental Design (CPTED) Review**

Prior to applying for a building permit

The applicant shall complete the CPTED Residential Checklist located at the following link:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak022688.pdf>

The applicant shall make any projects revisions necessary to meet the checklist and submit the checklist and revised plans if applicable to the Planning and Zoning Division.

47. **Tree Permit**

Prior to a final inspection

All Conditions of Approval recommended in the attachment by the Tree Division must be met.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

TREE PERMIT DECISION

City of Oakland, Public Works Agency

Tree Services Division, 7101 Edgewater Drive, Oakland, CA 94621, (510) 615-5934

Chapter 12.36, Oakland Municipal Code

Permit #: T13-00012

Address: 4690 Tompkins

Expires: One year from date of issuance

Decision: 4-10-13*

Applicant: Rich Caldwell / HKIT Architects

Permit Type: Development

TREE DECISION COMMENTS: The applicant submitted a tree inventory on sheet L2.0, dated 2-20-13, for the Tompkins Avenue Remodel. The inventory listed 40 trees. Within the inventory, 21 trees were not protected: Monterey pine #26 was dead and the other 20 trees were either too small to require a permit or were eucalyptus trees.

There were 19 protected trees on the property. The applicant planned on preserving six street trees on the Tompkins Avenue side of the project. That left 13 protected trees to consider for removal.

Two trees proposed for removal were in good health, suitable for preservation and added significant monetary value to the property: magnolia #29 and deodar cedar #30. This permit denied the applicant's request to remove them. **Condition of Approval #19 was added to require additional protection measures (see last page).**

A total of 11 protected trees were impacted by the proposed grading, construction and new landscaping. The trees were approved for removal as shown below in the Tree Decision Table.

Tree Decision Table

Removal Approved		Preservation Required	
Quantity	Identified As	Quantity	Identified As
11	Tree #: 1, 2, 5, 7, 9, 10, 11, 12, 14, 24, 32	8	Magnolia #29, deodar cedar #30, sweet gum street trees #35-40

PERMIT REVIEW – FINDINGS (A): If granted, the applicant's request would accomplish the following objectives:

- ☒ 1. To insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
- ☐ 2. To avoid an unconstitutional regulatory taking of property.
- ☐ 3. To take reasonable advantage of views, including such measures as are mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of the Oakland Municipal Code).
- ☒ 4. To pursue accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Public Works shall constitute compliance with this criterion.
- ☐ 5. To implement the vegetation management prescriptions in the S-11 site development review zone.

PERMIT REVIEW – FINDINGS (B): Any one of the following situations is grounds for permit denial, regardless of the findings in section (A) above:

- ☐ 1. Removal could be avoided by reasonable redesign of the site plan, prior to construction.
- ☐ 2. Removal could be avoided by trimming, thinning, tree surgery or other reasonable treatment.
- ☐ 3. Adequate provisions for drainage, erosion control, land stability or windscreen have not been made.
- ☐ 4. The tree is a member of a group of trees in which each tree is dependent upon the others for survival.

OAKLAND MUNICIPAL CODE SECTION 12.36.060 CONDITIONS OF APPROVAL

The following conditions are imposed:

1. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant and its contractor shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its 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 for or on account of any damage to property or bodily injury, including death, or damage sustained or arising out of, related to or caused by in any way from the performance of work in this tree permit matter. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
2. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its 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, (a) an approval by the City relating to this tree permit matter, City's CEQA approvals and determination, and/or notices in the tree permit matter; or (b) implementation of such. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
3. **Letter of Agreement.** Within ten (10) calendar days of the filing of any Action as specified in conditions 1 or 2 above, the applicant and/or its contractor shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.
4. **Debris.** All debris created as a result of any tree removal work shall be removed from the property by the applicant within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
5. **Dust.** Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration and photosynthesis.
6. **Fencing.** Tree protection fencing shall be chain link, installed on posts driven into the ground and shall be a minimum of 5 feet tall. The fencing shall be installed at the perimeter of the drip line or a lesser distance if demolition or construction does not allow it, for trees listed above in "Preservation Required".
7. **Hazards.** The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the City Arborist.

8. **Insurance.** Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
9. **Miscellaneous.** No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the drip line of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within the drip line any protected trees. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
10. **Nesting Birds.** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.
11. **Permit.** Tree removal, as defined in the Protected Trees Ordinance, Section 12.36.020 of the Oakland Municipal Code, may not start unless and until the applicant has received this permit from Tree Services.
12. **Posting.** The applicant shall post a copy of the tree removal permit in plain view on site while tree removal work is underway.
13. **Pruning.** Construction personnel shall not prune trees or tree roots. Tree pruning of the crown or roots (if done) shall be performed by a licensed, insured tree work contractor that has an arborist on staff certified by the International Society of Arboriculture.
14. **Recording.** The applicant/owner(s) shall record the conditions of approval attached to this permit with the Alameda County Recorder's Office in a form prescribed by the Director of Public Works.
15. **Root Protection.** Roots shall be preserved and no activities shall affect the health and safety of existing trees. If roots are encountered, they may be cut only if they are less than two-inch diameter. Hand tools must be used to cut the roots; the use of excavators, backhoes, or similar equipment is prohibited. Roots larger than two-inch diameter may be cut only if inspected and approved in advance. All work must be done by a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.
16. **Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the property owner/contractor shall immediately notify the Tree Services Division of such damage. If, in the professional opinion of the City Arborist, such tree cannot be preserved in a healthy state, the Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Arborist to compensate for the loss of the tree that is removed.
17. **Landscape Plan.** Prior to the Certificate of Occupancy, new landscape shall be installed as shown on Sheets L1.0 and L3.0, prepared by VanDorn Abed Landscape Architect, Inc., dated February 20, 2013.

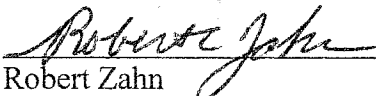
18. Sidewalks. The damaged sidewalk shall be repaired in compliance with the rules and regulations of the City of Oakland, including a sidewalk repair permit if more than 25 square feet of sidewalk is being repaired. Contact the Sidewalk Division at 238-3499 for more information.

19. Other Conditions:

- a. The property owner shall retain a consulting arborist. The arborist shall review and pre-approve the site design changes required to provide long-term preservation of magnolia #29 and deodar cedar #30. Site development shall not damage the trees directly or indirectly. The arborist shall be a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.
- b. The arborist shall recommend, implement, and monitor preservation measures for pre-construction, construction and post-construction phases.
- c. Preservation measures shall include, but are not limited to:
 - i. Wood chip mulch
 - ii. Supplemental irrigation
 - iii. Pruning
 - iv. Tree Protection Zone with chain-link fencing
 - v. Hand digging to protect roots.

 4-10-13

Mitch Thomson Date
Certified Arborist WE-1937A
Certified Tree Risk Assessor #907

 4-10-13

Robert Zahn Date
Senior Forester
Certified Arborist WE-8102A

***This decision of the Public Works Agency, Tree Services Section may be appealed by the applicant, or the owner of any "adjoining" or "confronting" property, to the City Council within five (5) working days after the date of this decision and by 5:00 p.m. The term "adjoining" means immediately next to, and the term "confronting" means in front of or in back of. An appeal shall be on a form prescribed by and filed with the City Clerk, at One Frank H. Ogawa Plaza, second floor. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City or wherein such decision is not supported by the evidence in the record and must include payment of \$500.00, in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal this decision and raise any and all issues in your appeal may preclude you from challenging this determination in court.*

[illegible]

4690 Tompkins LLC
728 Union Street / Suite #210 / San Francisco, CA 94123
CONTACT: Kevin Skiles

JKIT Architects
238 Ninth Street / Suite 240 / Oakland, CA 94607
CONTACT: Rich Caldwell, Principal
PHONE: (510) 625-9800 FAX: (510) 625-9801

Luk and Associates
738 Alfred Nobel Drive / Hercules, CA 94547
CONTACT: George Luk
PHONE: (510) 724-3388 FAX: (510) 724-3383

VanDorn Abed Landscape Architect, Inc.
81 14th Street / San Francisco, CA 94103
CONTACT: Shan VanDorn
PHONE: (415) 864-1921 FAX: (415) 864-4796

SITE DATA

[illegible]

CONSTRUCTION	MAIN BUILDING
UNITS, NEW ENCLOSED BUILDING	
ONE BEDROOM	
TWO BEDROOM	
TOTAL 42 ENCLOSED BUILDING	
UNITS, EXISTING BUNGALOWS #46	
TOTAL IMPROVED UNITS ON SITE	
BUILDING AREA (S.F.)	
REMODELED MAIN BUILDING GROSS AREAS	
BASEMENT	
FLOOR 1	
FLOOR 2	
FLOOR 3	
TOTAL MAIN BUILDING GROSS AREA	
EXISTING BUILDING GROSS AREAS	
S.N. (TO BE DEMOLISHED)	
BUNGALOWS #1-46	
TOTAL EXISTING GROSS AREA	
TOTAL IMPROVED GROSS AREA	
NET CHANGE TO GROSS AREA	
PERCENTAGE CHANGE - GROSS AREA	

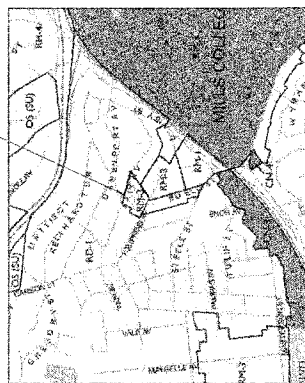
EXISTING CONCRETE EXTERIOR BEARING WALLS WITH WOOD INTERIOR PARTITIONS	21	53%
	19	48%
	40	UNITS
	9	UNITS
	49	UNITS

REQUIRED OPEN SPACE / UNIT - GROUP	SUSTAINMENT OF PRIVATE TOWN - GROUP
PROVIDED OPEN SPACE WHEN PRIVATE SUBMITTED	PROVIDED OPEN SPACE WHEN PRIVATE SUBMITTED
LOWEST SUBMITTING HEIGHT PRIVATE OPEN SPACE LOWEST SUBMITTING HEIGHT PRIVATE OPEN SPACE LOWEST SUBMITTING HEIGHT PRIVATE OPEN SPACE NET GROUP OPEN SPACE REQUIRED	LOWEST SUBMITTING HEIGHT PRIVATE OPEN SPACE LOWEST SUBMITTING HEIGHT PRIVATE OPEN SPACE LOWEST SUBMITTING HEIGHT PRIVATE OPEN SPACE NET GROUP OPEN SPACE REQUIRED
PROVIDED GROUP OPEN SPACE	PROVIDED GROUP OPEN SPACE
WALK COURTYARD	WALK COURTYARD
WALK TERRACE	WALK TERRACE
GARDEN	GARDEN
COMPANY TERRACE	COMPANY TERRACE
SIDE YARD	SIDE YARD
TOTAL GROUP OPEN SPACE REQUIRED	TOTAL GROUP OPEN SPACE REQUIRED
PROVIDED PRIVATE OPEN SPACE	PROVIDED PRIVATE OPEN SPACE
INDIVIDUAL OPEN SPACE	INDIVIDUAL OPEN SPACE
BUILDING OPEN SPACE	BUILDING OPEN SPACE
TOTAL PRIVATE OPEN SPACE PROVIDED	TOTAL PRIVATE OPEN SPACE PROVIDED
PROVIDED GROUP OPEN + TZO PRIVATE	PROVIDED GROUP OPEN + TZO PRIVATE
MARKING BOUNDARY MARKING REQUIRED	MARKING BOUNDARY MARKING REQUIRED

200 S.F. / UNIT	85 S.F. / UNIT		
	34 UNITS		
	6 UNITS		
	4,690 S.F.	2,157 S.F.	1,101 S.F.
		928 S.F.	1,594 S.F.
		695 S.F.	2,657 S.F.
		1,205 S.F.	10,791 S.F.
		432 S.F.	
		5,477 S.F.	

BICYCLE PARKING REQUIRED	SHORT TERM
	LONG TERM
LOADING ZONE REQUIRED	
PARKING REQUIRED	
RATIO	
TOTAL	
ALLOWABLE COMPACT	
PARKING EXISTING	
PARKING PROVIDED (DIFFER TO	
REGULAR STALLS	
HC STALLS	
COMPACT STALLS	
TOTAL PROVIDED	

PROJECT



A circular compass rose with a vertical line and a horizontal line intersecting at the center. The text "TRUE NORTH" is written vertically along the left side of the circle.

1000

© COPYRIGHT 2010 HWT ARCHITECTS

PROJECT INFORMATION
October 30, 2013 - HKIT #20280

ARCHITECTS

TOMPKINS AVENUE
Urban Green Investments



**PARKING
LOT EXHIBIT**

4600 TOMPKINS AVE.
OAKLAND, CA
JOB NO. 12076A10
DRAWN D.A.D.
CHECKED G.L.
JOB CAPTAIN G.L.
ISSUE OCT. 2013

[illegible]

DRAWING TITLE
PRELIMINARY
GRADING AND
DRAINAGE PLAN

SCALE 1" = 20'

5



SECRET

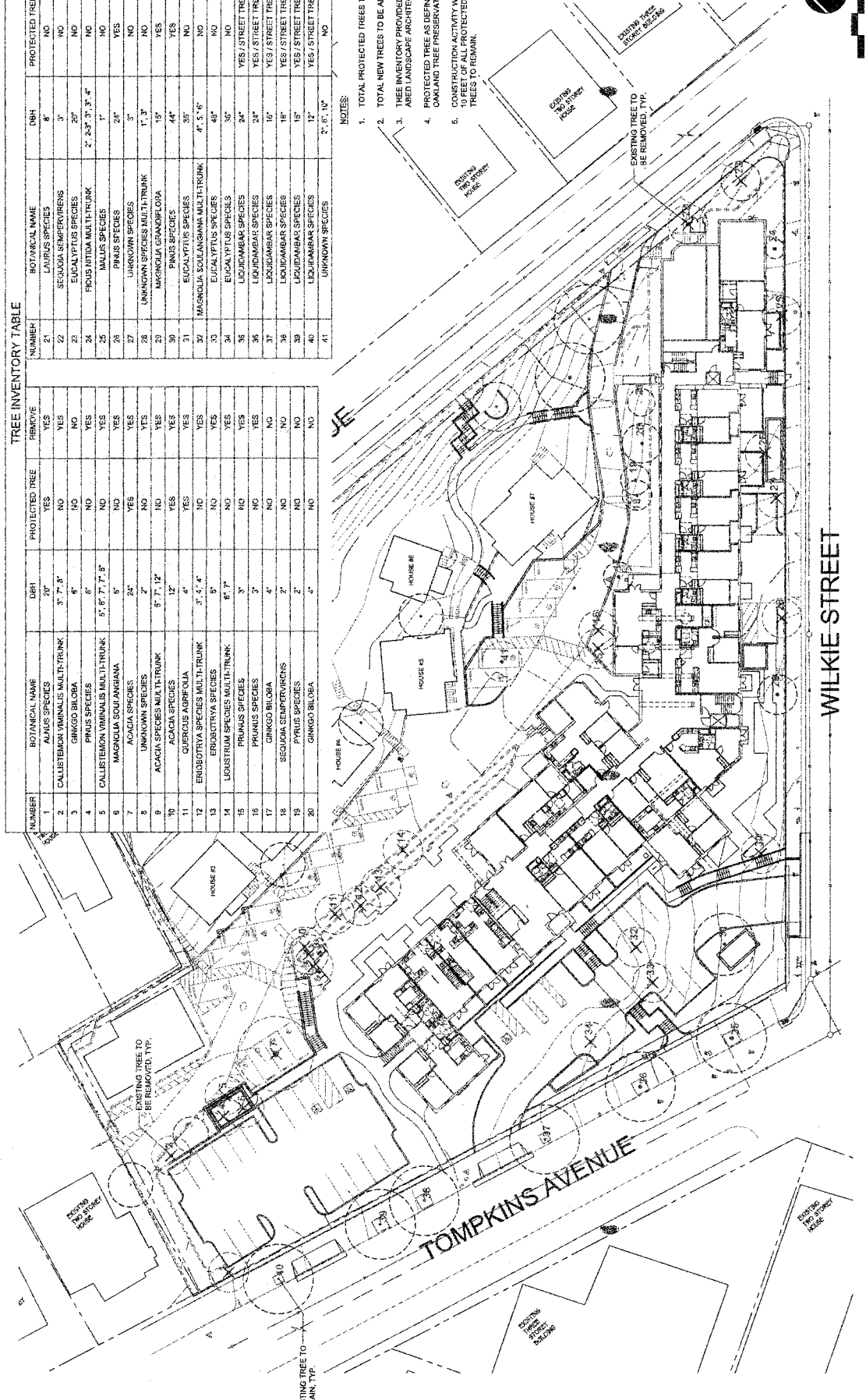
TOMPKINS AVE N U E

Journal of Management Inquiry 20(1) 3-17
© The Author(s) 2011
Reprints and permissions: sagepub.com/journalsPermissions.nav
DOI: 10.1177/1056492611400706
jmi.sagepub.com

TREE INVENTORY TABLE

NUMBER	BOTANICAL NAME	DBH	PROTECTED TREE	REMOVE
1	ALNUS SPECIES	3"	YES	YES
2	CALLISTEMON VIMINALIS MULTI-TRUNK	3" 7" 8"	NO	YES
3	GRINCOBILLOA	6"	NO	NO
4	PRUNUS SPECIES	5" 6" 7" 7" 5"	NO	YES
5	CALLISTEMON VIMINALIS MULTI-TRUNK	5" 6" 7" 7" 5"	NO	YES
6	MAGNOLIA SOULANGIANA	24"	YES	YES
7	ACACIA SPECIES	2"	YES	YES
8	UNKNOWN SPECIES	2"	NO	YES
9	ACACIA SPECIES MULTI-TRUNK	5" 7" 12"	YES	YES
10	ACACIA SPECIES	12"	YES	YES
11	QUERCUS AGROFOLIA	4"	YES	YES
12	ERIODOTYA SPECIES MULTI-TRUNK	3" 4" 4"	YES	YES
13	ERIODOTYA SPECIES	5"	NO	YES
14	LIQUIDAMBAR SPECIES MULTI-TRUNK	6" 7"	NO	YES
15	PRUNUS SPECIES	3"	NO	YES
16	PRUNUS SPECIES	3"	NO	YES
17	GRINCOBILLOA	4"	NO	NO
18	SEQUOIA SEMPERVIRENS	2"	NO	NO
19	PYRUS SPECIES	2"	NO	NO
20	GRINCOBILLOA	4"	NO	NO

- NOTES:
- TOTAL PROTECTED TREES TO BE REMOVED: 6
 - TOTAL NEW TREES TO BE ADDED: 33
 - TREE INVENTORY PROVIDED BY VAN DORN
 - AREED LANDSCAPE ARCHITECTS
 - PROTECTED TREE AS DEFINED BY CITY OF OAKLAND TREE PRESERVATION ORDINANCE.
 - CONSTRUCTION ACTIVITY WILL OCCUR WITHIN 10 FEET OF ALL PROTECTED TREES AND STREET TREES TO REMAIN.



VAN DORN ABED
LANDSCAPE ARCHITECTS, INC.
1511 14TH ST., SAN FRANCISCO, CA
94101 TEL: (415) 398-4411 FAX: (415) 398-4478

URBAN GREEN INVESTMENT
TOMPKINS AVENUE REMODEL
OAKLAND, CALIFORNIA

TREE DISPOSITION PLAN
SCALE: 1"=20'-0"

DATE: 10/30/13

L2.0

PLANT SCHEDULE

TREES	COMMON NAME	CONT	WATER NEEDS	WATER NEEDS	WATER NEEDS
ACER PLATANUS 'SANGO KAKU'	COAL BARK MAPLE	24" BOX	M	NASSELLA TENNESSEANA	1 GAL
CARPINUS BETULUS 'FRANZ FONTAINE'	FRANZ FONTAINE HORNBEAM	24" BOX	M	PENIBETUM RUBRUM	1 GAL
CELTIS SINENSIS	CHINESE HAWKBEERRY	24" BOX	M	PHORMIUM TEXAS TONEY TIGER	1 GAL
CELANIA PAVLOVA	AUSTRALIAN WILLOW	24" BOX	M	PHORMIUM X 'DUET'	1 GAL
HYMENOPHYLLUM FLAVUM	SWEETSHADE	24" BOX	M	PHORMIUM X 'GOLD SWORD'	1 GAL
LACHNOCARPUS X 'MUSKOGEE'	LAVENDER GRAPE MYRTLE	24" BOX	M	PITISPORUM TOBIANA 'VAREGATA'	5 GAL
LOPHOSTEMON CONFERTUS	BIRCHEN BOX	24" BOX	M	PRUNUS CAROLINIANA 'BRIGHT N TIGHT' TM	5 GAL
PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	24" BOX	M	RHAPHIOLEPS SPECIES	5 GAL
QUERCUS AGRIFFOLIA	COAST LIVE OAK	24" BOX	M	ROSMARINUS OFFICINALIS 'PROSTRATUS'	5 GAL
RUS LANCEA	AFRICAN SUMAC	24" BOX	M	SALVIA SPECIES	5 GAL
TRISTANIA LAURINA	WATER GUM	24" BOX	M	SOLVIA HETEROPHYLLA	5 GAL
ULMUS PARVIFOLIA 'TRUE GREEN'	TRUE GREEN ELM	24" BOX	M	TEUCRIUM MARITIMUM	5 GAL
ABUTILON	COMMON NAME	5 GAL	M	WESTRINGIA FRUTICOSA 'MORNING LIGHT'	5 GAL
ABELIA X GRANDIFLORA 'PROSTATA'	PROSTATA GLOSSY ABELIA	5 GAL	M	XYLODIA CONGES LUM 'COMPACTA'	5 GAL
ANGONANTHOS FLAVUS 'BIG RED'	RED KANGAROO PAW	5 GAL	M	VIBES PALMER	5 GAL
ANGONANTHOS X 'BUSH GOLD'	KANGAROO PAW	5 GAL	M	CLYTOSTOMA CALLISTEGODIES	5 GAL
ANGONANTHOS X 'PINK JEW'	PINK JEW KANGAROO PAW	5 GAL	M	MACADYENA INGLESCAT	5 GAL
ARCTOSTAPHYLOS SPECIES	MANZANITA	5 GAL	M	ROSA BANKSIAE 'LUTEA'	5 GAL
ASPARAGUS DENSIFLORUS 'MYERS'	MYERS ASPARAGUS	5 GAL	M	GROUND CONGERS	5 GAL
ASPIDISTRA ELATOR	CAT IRON PLANT	5 GAL	M	ARCTOSTAPHYLOS X 'EMERALD CARPET'	5 GAL
AZALEA SOUTHERN INDICA HYBRID 'GEORGE L. TAFFER'	SOUTHERN INDICA AZALEA	5 GAL	M	CAREX CONICA 'SHOWLINE'	5 GAL
BAMBUSA MULTIPLEX 'ALPHONSE KARR'	ALPHONSE KARR BAMBOO	5 GAL	M	COTONEASTER DAMMERI 'LOWFAST'	5 GAL
CAREX TESTACEA	BROWN SEDGE	5 GAL	M	ECHEVERIA AGAVOIDES	5 GAL
CELANOTHUS X 'JULIA PHELPS'	CALIFORNIA LIAC	5 GAL	M	ERODIUM REICHARDII	5 GAL
CHONOROPETALUM TECTORUM	CAPE RUSH	5 GAL	M	FRAGARIA CHLOROPHYLLA	5 GAL
CORREA PULCHRELLA	AUSTRALIAN FUCHSIA	5 GAL	M	MENTHA SPECIES	5 GAL
DIERIS BICOLOR	FORTNIGHT LILY	5 GAL	M	HEPETA X FASSENII	5 GAL
ECHEVERIA X 'TUBESCATA'	HEN AND CHICKS	5 GAL	M	VERBENA SPECIES	5 GAL
ERODIUM KARYNSOGANUS	FLERABANE	5 GAL	M		
ERODIUM UNBELLETTUM	SULFURFLOWER BLACKWHEAT	5 GAL	M		
ERYTHRAEA X 'BONNIE MAUIE'	WALLFLOWER	5 GAL	M		
ERYTHRAEA X 'WENDLOCK BEAUTY'	COMPACT WALLFLOWER	5 GAL	M		
ERYTHRAEA SPECIES	EURYOPS	5 GAL	M		
FESTUCA GAUCHA 'ELIJAH BLUE'	BLUE FESCUE	5 GAL	M		
GALVEZA SPECIOSA	ISLAND BUSH SNAPDRAGON	5 GAL	M		
GERANIUM INDOANUM	TRAILING GERANIUM	5 GAL	M		
GREVILLEA X 'NOVELLII'	GREVILLEA	5 GAL	M		
HEBE SPECIOSA	NEW ZEALAND HEBE	5 GAL	M		
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	5 GAL	M		
LANTANA MONTEVIDENSIS	TRAILING LANTANA	5 GAL	M		
LAVATEA THURINGACA	TREE MALLOW	5 GAL	M		
LEONOTIS LEONURUS	LION'S TAIL	5 GAL	M		
LIMNODIUM PEGEEN	STATICE	5 GAL	M		
LIMNODIUM PEGEEN	SILVERY SUNPROOF BLUE LILYTURF	5 GAL	M		
LIMNODIUM PEGEEN	SILVERY SUNPROOF	5 GAL	M		
MAHLEBERGIA BICENS	DEER GRASS	5 GAL	M		
NANDINA DOMESTICA 'COMPACTA'	DWARF HEAVENLY BAMBOO	5 GAL	M		
NANDINA DOMESTICA 'GULF STREAM' TM	HEAVENLY BAMBOO	5 GAL	M		

VAN DORN ABED
LANDSCAPE ARCHITECTS, INC.
81 14TH ST., SAN FRANCISCO, CA
77 94103 PH 415 864-7511 FAX 415 864-7512

URBAN GREEN INVESTMENT
TOMPKINS AVENUE REMODEL
OAKLAND, CALIFORNIA

CONCEPTUAL PLANT SCHEDULE
SCALE: NA

DATE: 10/30/13

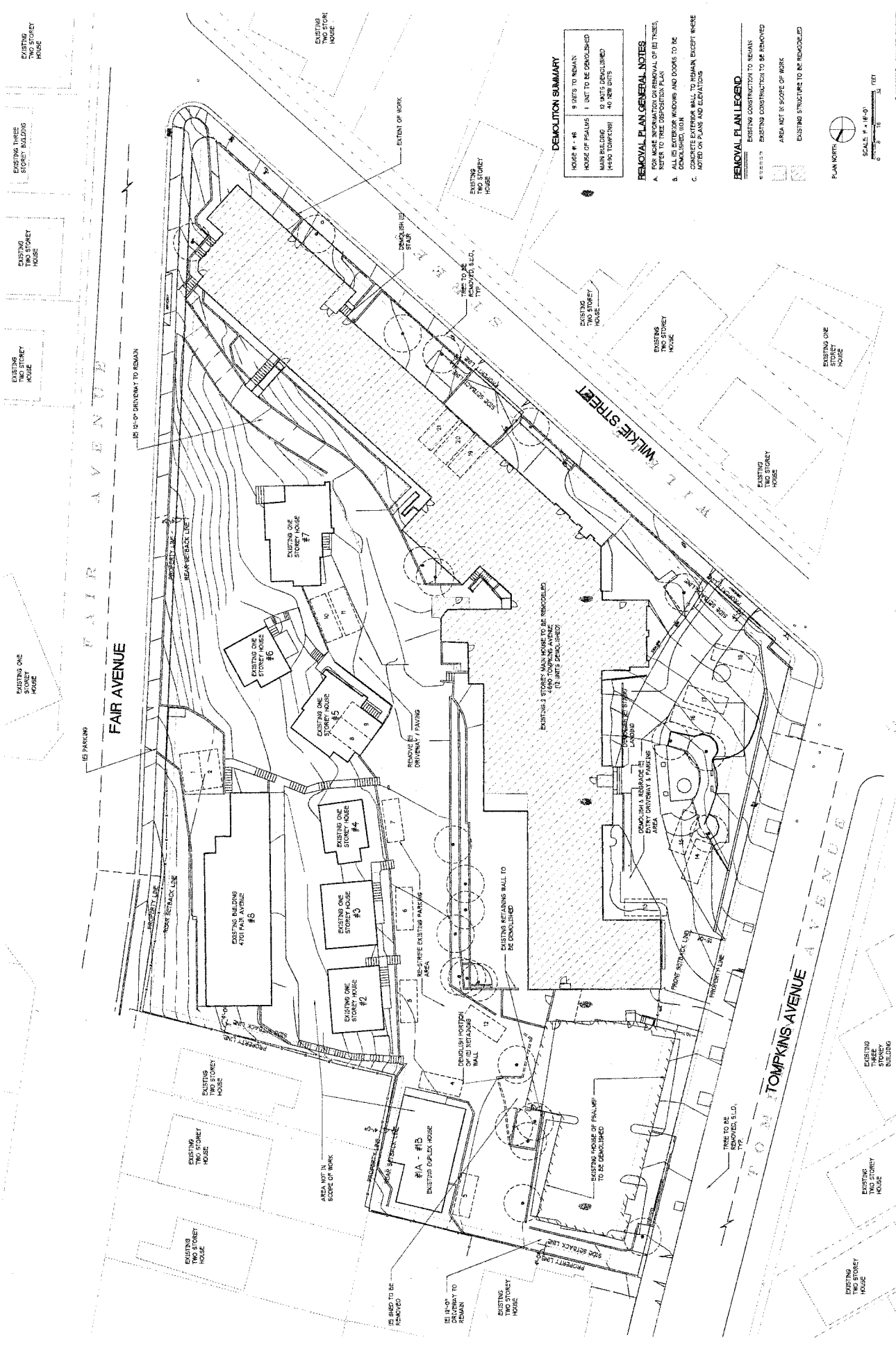
L3.0

PLANTING AND WATER USE DESIGN INTENT STATEMENT

The planting design utilizes drought tolerant & low water use plant materials. Shade tolerant plants will be utilized on the North facing sides of the project. The plants will be selected utilizing the State of California's Model Water Efficient Landscape Ordinance plant list and ET Calc water management computer software.

WATER USE DESIGN INTENT STATEMENT

The irrigation system will be a fully automatic, low gallon use drip system. This system will be designed to connect to the city's recycled water supply, when available. The low, medium and high water use hydrozones will be on separate valve circuits. All new trees will have separate drip or bubbler circuits. The remote control valves will have integral pressure regulators to prevent fluctuations and ensure constant application rates to minimize over or under watering. The electronic irrigation controller will be weather based and make automatic adjustments based on current climate along with multiple programs and application cycles start times. A rain switch will be installed to prevent irrigation during rainy periods. A flow sensor and master valve will be connected to the controller to allow automatic shut off of any valve circuit or main line in the event of a pipe break to prevent water waste.



DEMOLITION SUMMARY

HOUSE # - #1	9 UNITS TO REMAIN
HOUSE OF PALMS	1 UNIT TO BE DEMOLISHED
MAIN BUILDING	9 UNITS DEMOLISHED
WATER TOWER	NO UNITS

REMOVAL PLAN GENERAL NOTES

A. FOR MORE INFORMATION OR REMOVAL OF REMAINING STRUCTURES, REFER TO THE DISPOSITION PLAN.

B. ALL EXISTING WINDOWS AND DOORS TO BE DEMOLISHED, UNLESS NOTED OTHERWISE.

C. CONCRETE EXTERIOR WALL TO REMAIN EXCEPT WHERE NOTED ON PLANS AND ELEVATIONS.

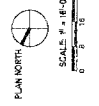
REMOVAL PLAN LEGEND

EXISTING CONSTRUCTION TO REMAIN

EXISTING CONSTRUCTION TO BE REMOVED

AREA NOT IN SCOPE OF WORK

EXISTING STRUCTURES TO BE RECONSTRUCTED



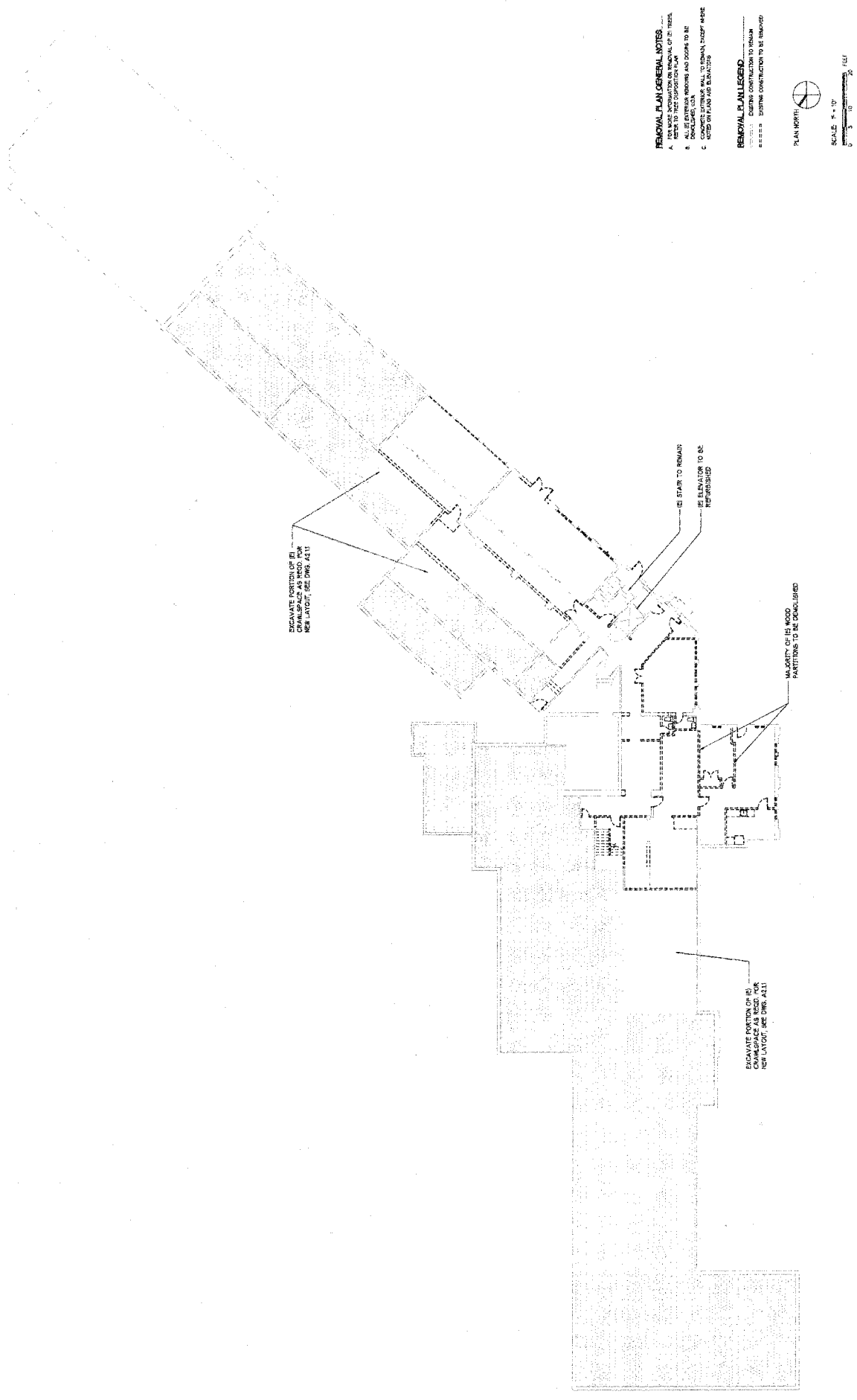
© COPYRIGHT 2008 HKI ARCHITECTS

A7.0

TOMPKINS AVENUE
Urban Green Investments

CONCEPTUAL DEMOLITION SITE PLAN
October 30, 2013 - HKIT #20280

HKI ARCHITECTS



REMOVAL PLAN GENERAL NOTES

- A. REMOVAL OF EXISTING B1 CHAIRSPACE
- B. ALL EXISTING ROOMS AND DOORS TO BE DEMOLISHED, UNLESS NOTED OTHERWISE
- C. EXCAVATION OF B1 CHAIRSPACE AS REQD FOR NEW LAYOUT, SEE DWG. A2.0
- D. EXCAVATION OF B1 CHAIRSPACE AS REQD FOR NEW LAYOUT, SEE DWG. A2.1

REMOVAL PLAN LEGEND

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE REMOVED
- EXISTING CONSTRUCTION TO BE REFINISHED

PLAN NORTH

SCALE: 1/4" = 1'-0"

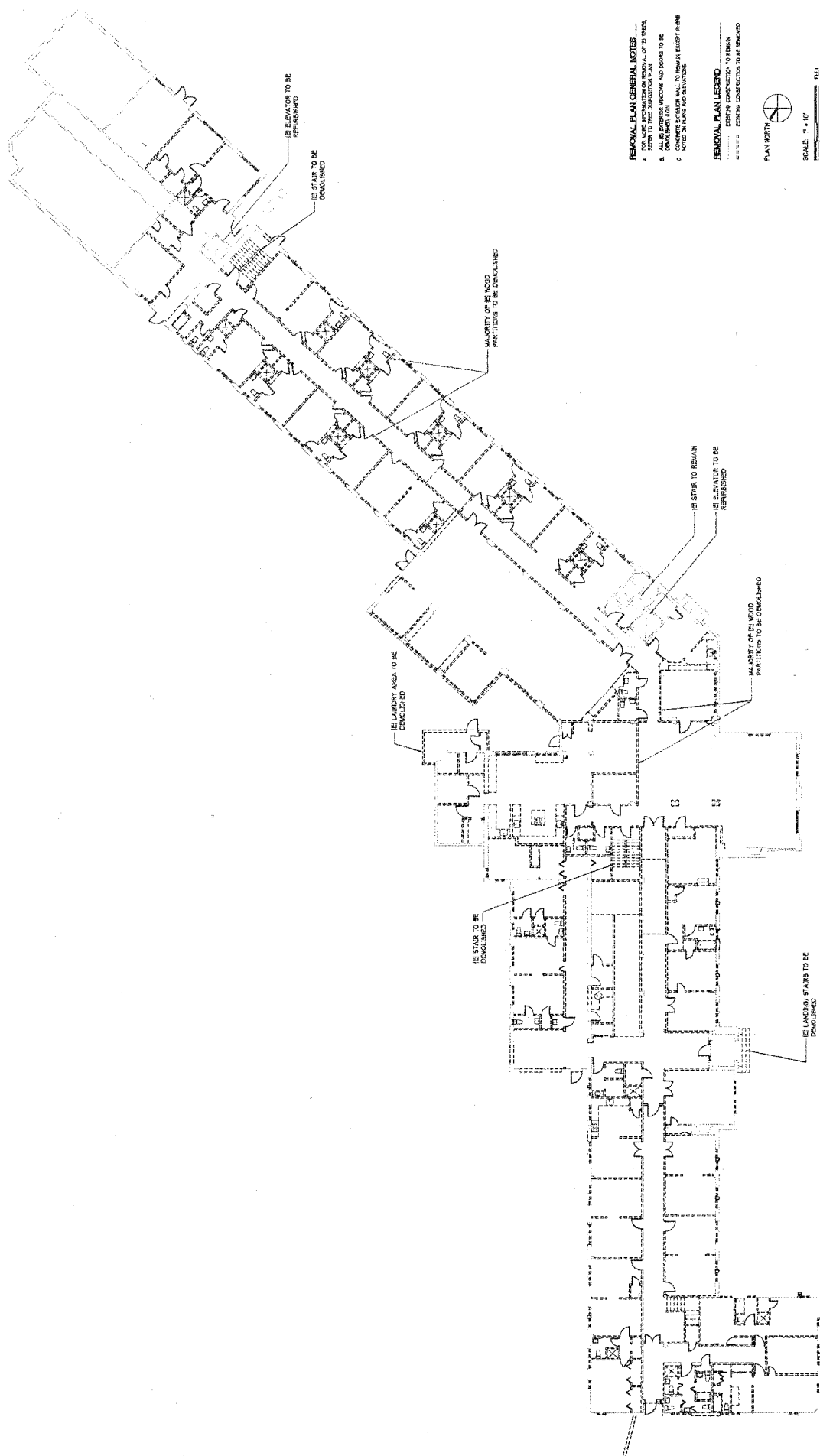
0 5 10 20

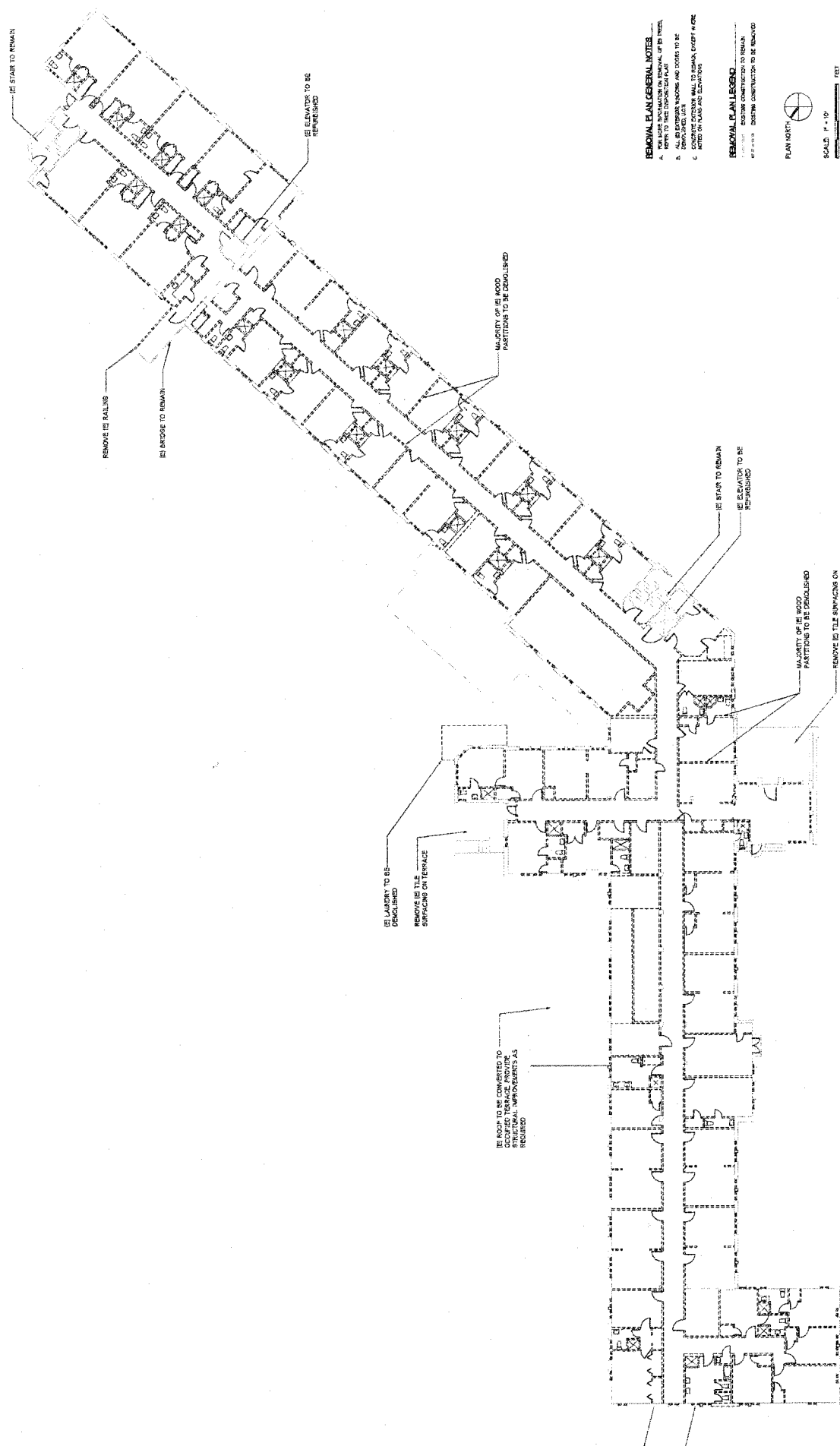
© COPYRIGHT 2003 BY HKIT ARCHITECTS

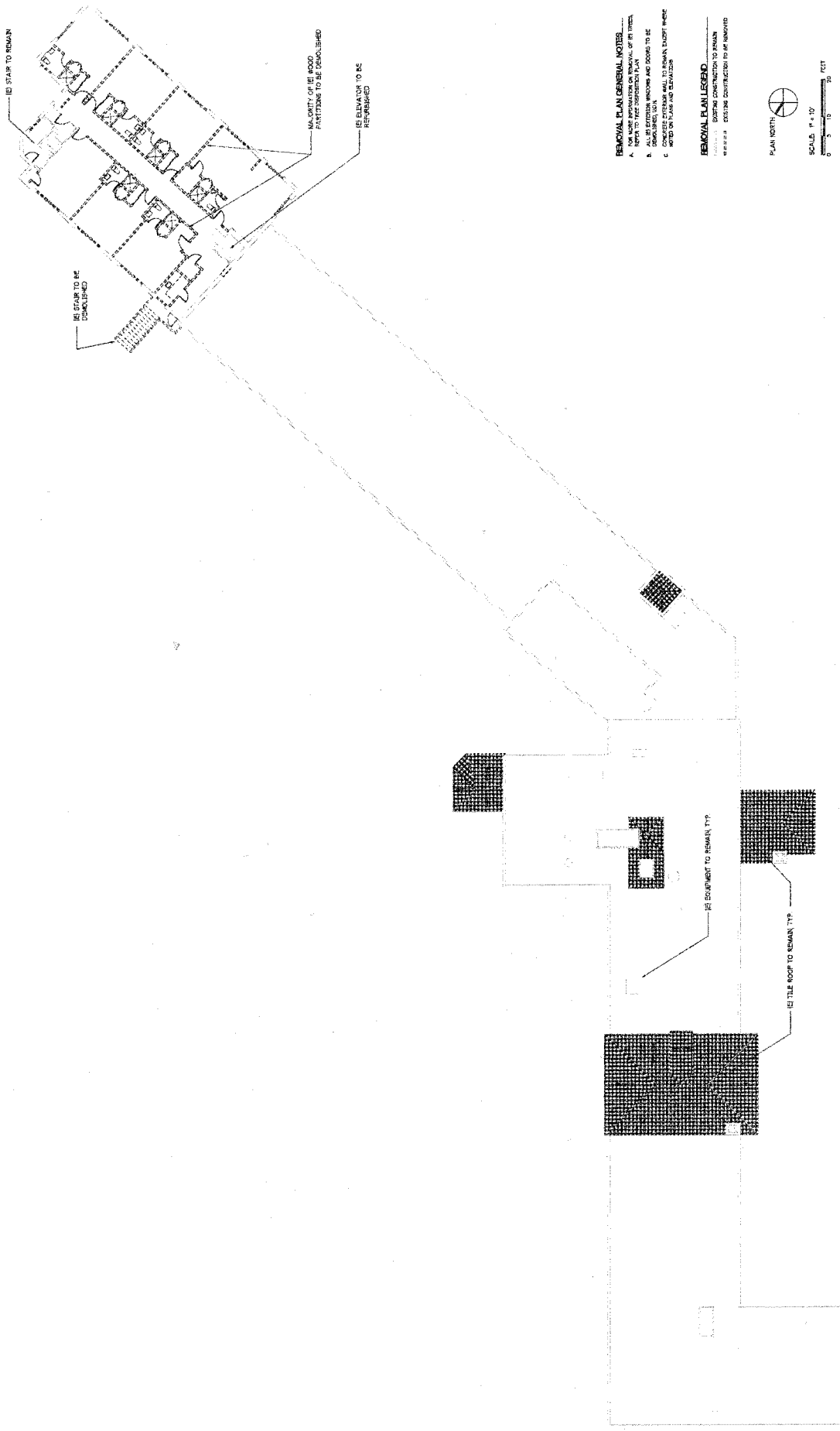
BASEMENT DEMOLITION PLAN
February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments

A2.0.0







REMOVAL PLAN GENERAL NOTES

A. FOR MORE INFORMATION ON REMOVAL OF RT ITEMS, REFER TO THE DEMOLITION PLAN.

B. ALL EXISTING PARTITIONS AND ROOMS TO BE DEMOLISHED, UNLESS NOTED OTHERWISE.

C. CONSIDER EXISTING WALL TO REMAIN, EXCEPT WHERE NOTED ON PLANS AND ELEVATIONS.

REMOVAL PLAN LEGEND

XXXXXX EXISTING CONSTRUCTION TO REMAIN

===== EXISTING CONSTRUCTION TO BE REMOVED

PLAN NORTH

SCALE: 1/8" = 1'-0"

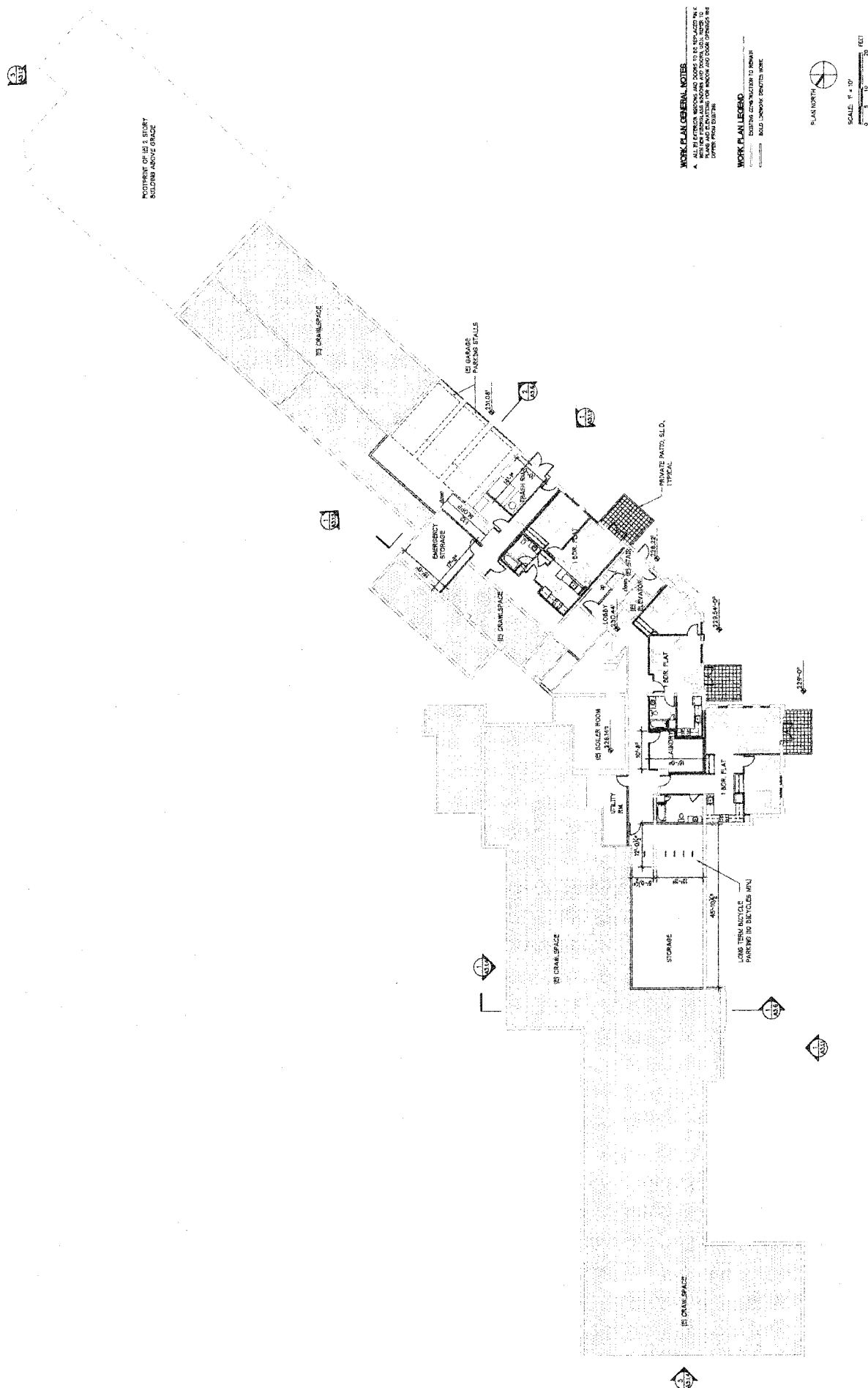
© COPYRIGHT 2008 HKIT ARCHITECTS

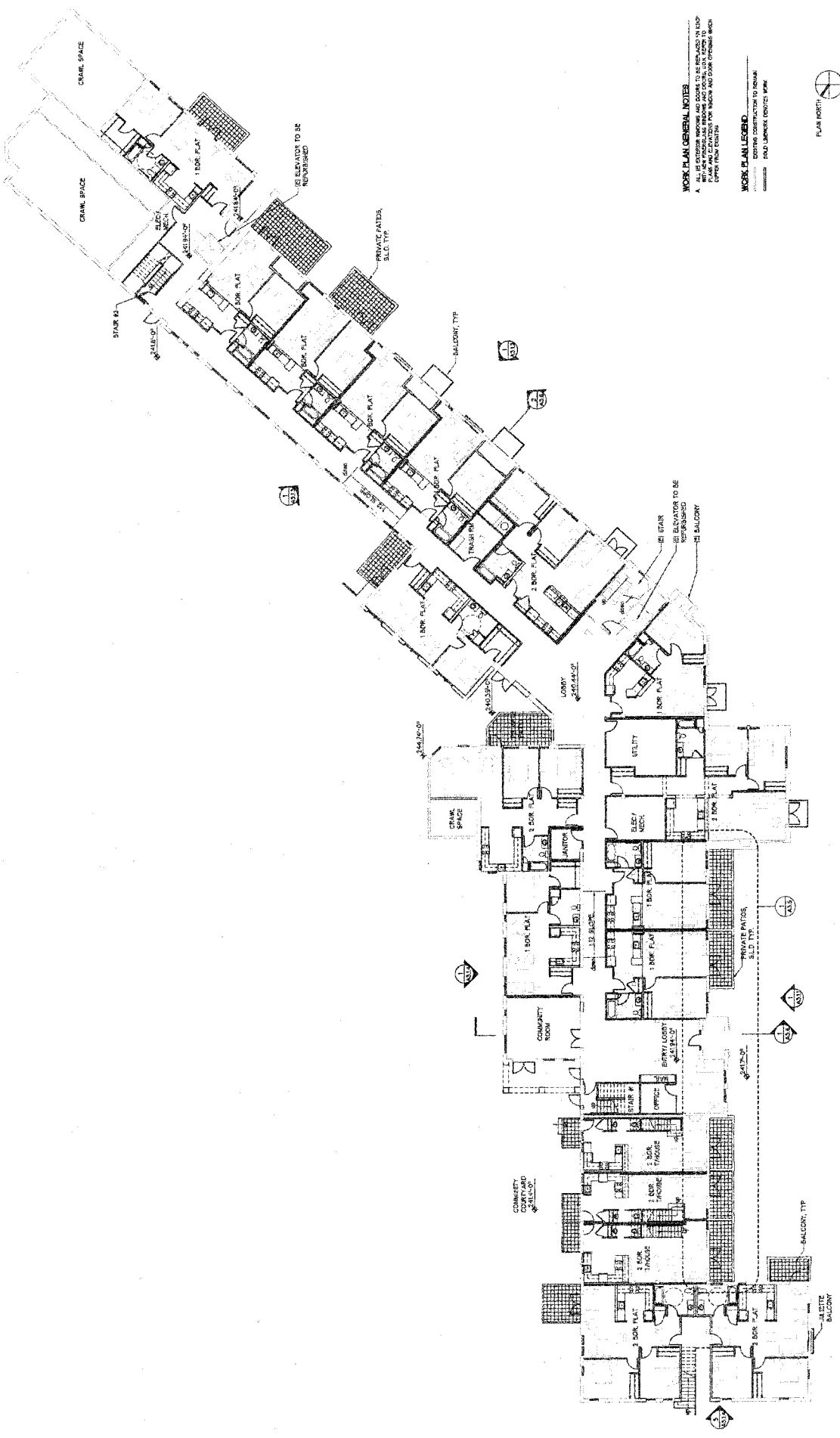
**THIRD FLOOR DEMOLITION PLAN
& PARTIAL ROOF PLAN**
February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments

HKIT ARCHITECTS

A2.0.3



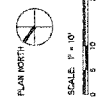


WORK PLAN GENERAL NOTES

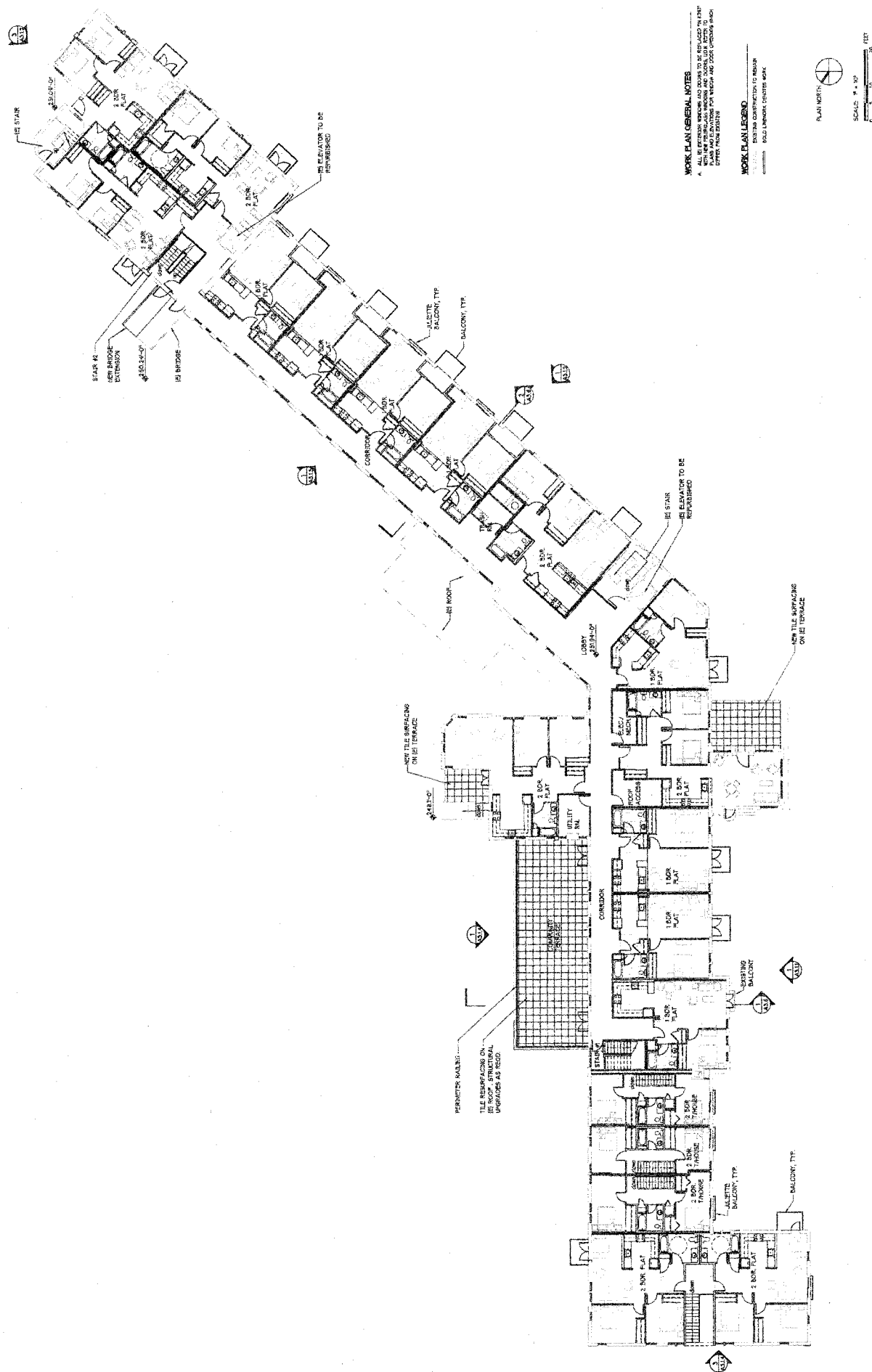
A. ALL EXISTING ROOMS AND DOORS TO BE REMOVED TO BE REPLACED TO MATCH EXISTING CONDITIONS. ALL NEW ROOMS AND DOORS TO BE REPLACED TO MATCH EXISTING CONDITIONS. ALL NEW ROOMS AND DOORS TO BE REPLACED TO MATCH EXISTING CONDITIONS.

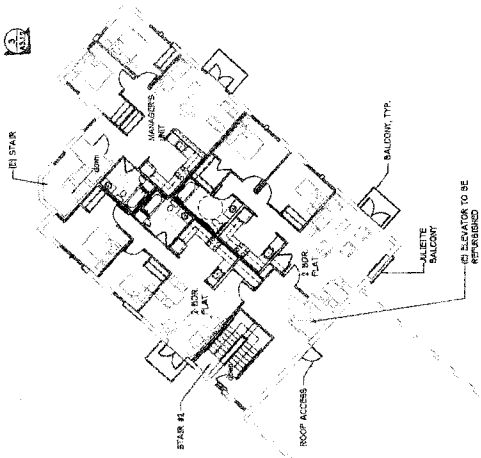
WORK PLAN LEGEND

--- EXISTING CONDITIONS ---
--- NEW CONDITIONS ---

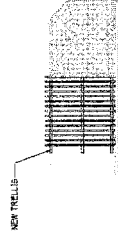
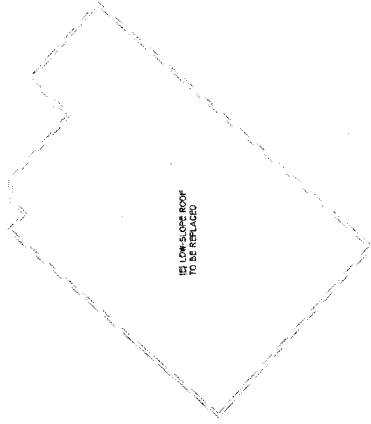


© COPYRIGHT 2013 HKIT ARCHITECTS





① THIRD FLOOR ROOF PLAN
SCALE: 1" = 10'-0"



E1 LOW-SLOPE ROOF TO BE REPLACED

E1 LOW-SLOPE ROOF TO BE REPLACED

E1 TILT ROOF TO REMAIN, TYP.

E1 LOW-SLOPE ROOF TO BE REPLACED

① A2.1.3

① A2.1.3

① A2.1.3

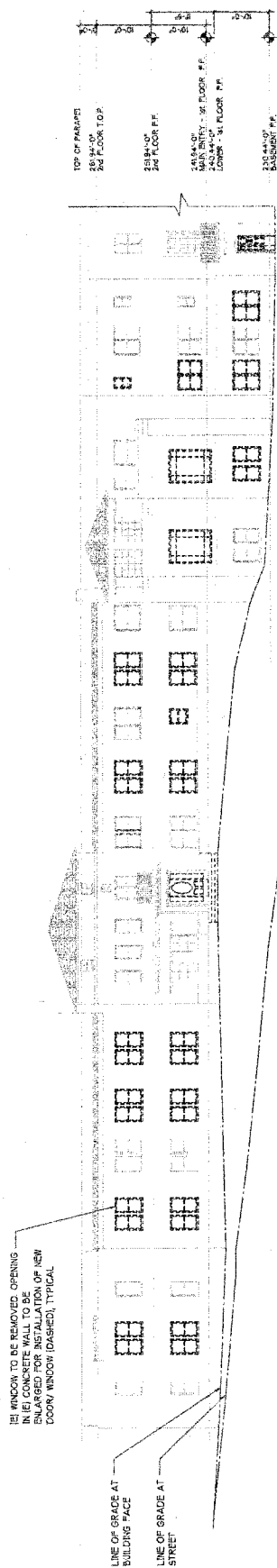
WORK PLAN GENERAL NOTES
1. ALL ROOF WORK SHALL BE IN ACCORDANCE WITH THE CITY OF ALBANY, NEW YORK, DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, SPECIFICATIONS FOR ROADS AND STREETS, EDITION 2008, AND THE CITY OF ALBANY, NEW YORK, DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, SPECIFICATIONS FOR ROADS AND STREETS, EDITION 2008, AND THE CITY OF ALBANY, NEW YORK, DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, SPECIFICATIONS FOR ROADS AND STREETS, EDITION 2008.

WORK PLAN LEGEND
1. ALL ROOF WORK SHALL BE IN ACCORDANCE WITH THE CITY OF ALBANY, NEW YORK, DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, SPECIFICATIONS FOR ROADS AND STREETS, EDITION 2008, AND THE CITY OF ALBANY, NEW YORK, DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, SPECIFICATIONS FOR ROADS AND STREETS, EDITION 2008, AND THE CITY OF ALBANY, NEW YORK, DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, SPECIFICATIONS FOR ROADS AND STREETS, EDITION 2008.

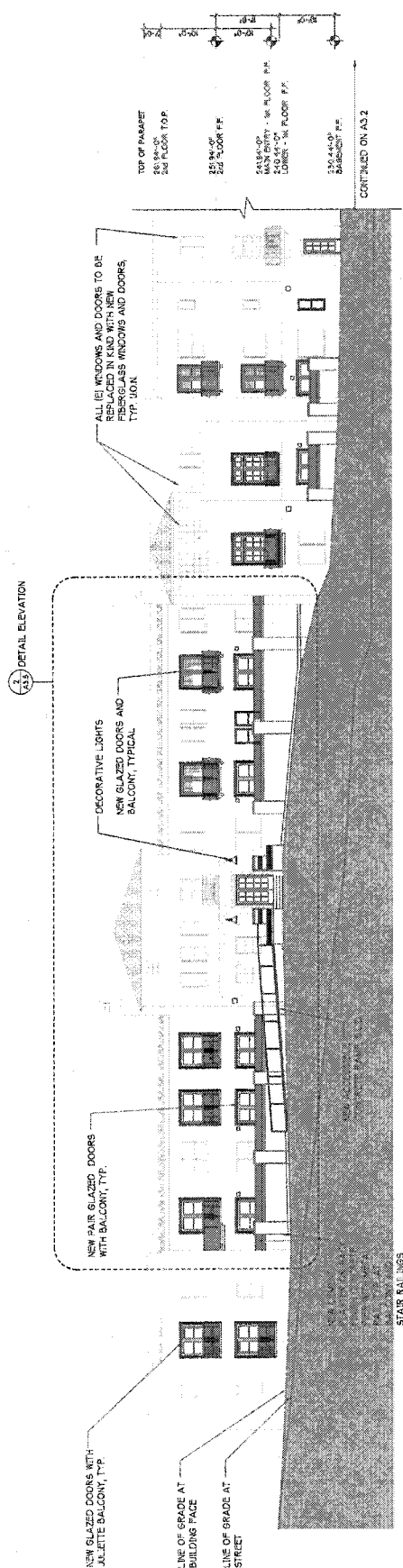


SCALE: 1" = 10'-0"

© COPYRIGHT 2013 BY HKIT ARCHITECTS



1 EXISTING ELEVATION ALONG TOMPKINS AVENUE
— SCALE: 1/8" = 1'-0"



2 PROPOSED ELEVATION ALONG TOMPKINS AVENUE
— SCALE : 1/8" = 1'-0"

GENERAL NOTES:

5. SEE CIVIL AND LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON STAIRS, PATIOS, AND OTHER SITE FEATURES.

SCALE: $\frac{1}{8}'' = 1'-0''$

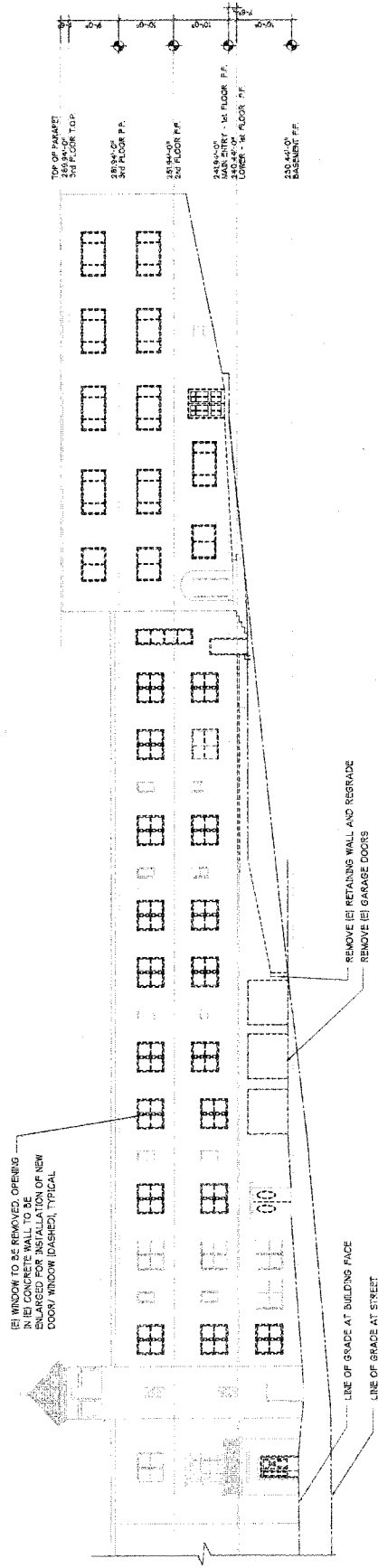

HKIT ARCHITECTS

EXTERIOR ELEVATION - TOMPKINS AVENUE
February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments

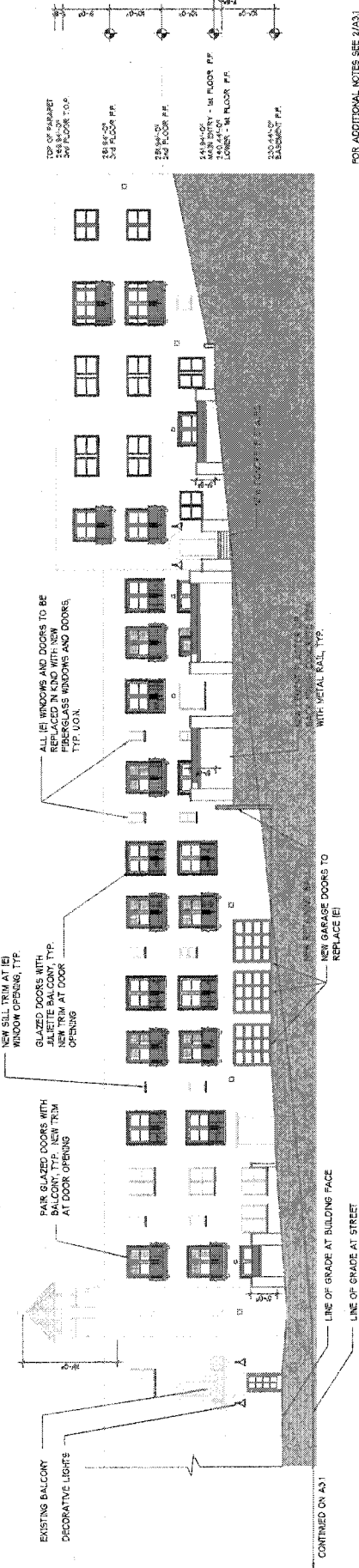
3.

consent was written and signed by the



1. EXISTING ELEVATION ALONG WILKIE STREET

SCALE: 1/8" = 1'-0"

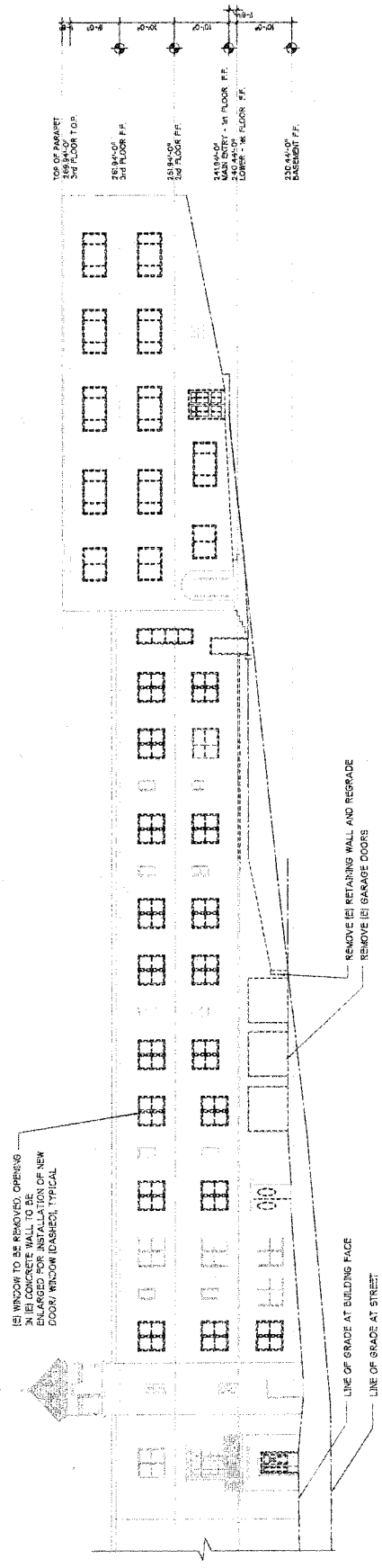


2. PROPOSED ELEVATION ALONG WILKIE STREET

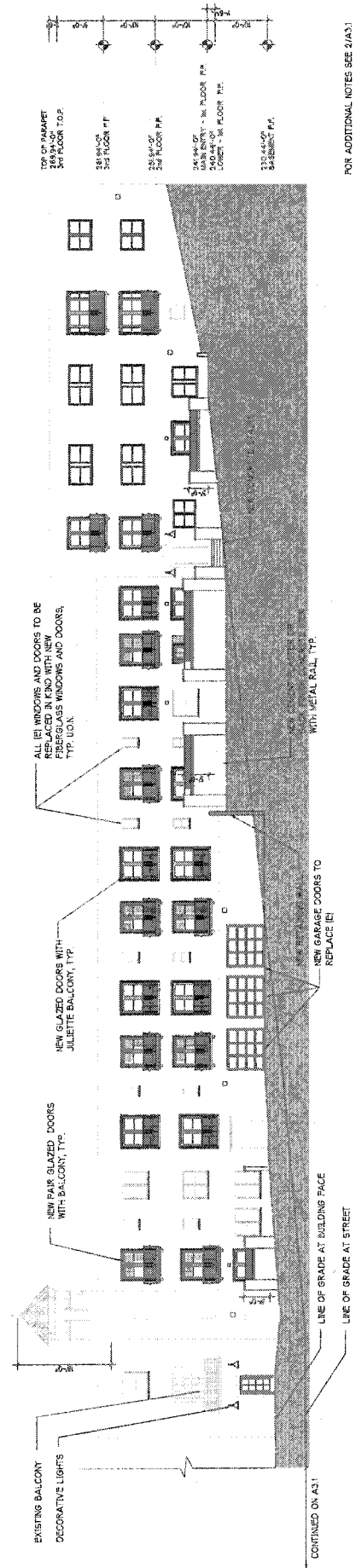
SCALE: 1/8" = 1'-0"

FOR ADDITIONAL NOTES SEE 2/A31

SCALE: 1/8" = 1'-0"



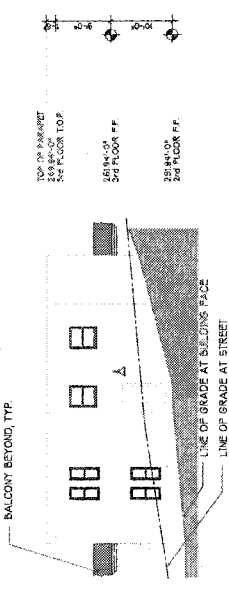
1 EXISTING ELEVATION ALONG WILKIE STREET
SCALE: 1/8" = 1'-0"



2 PROPOSED ELEVATION ALONG WILKIE STREET
SCALE: 1/8" = 1'-0"

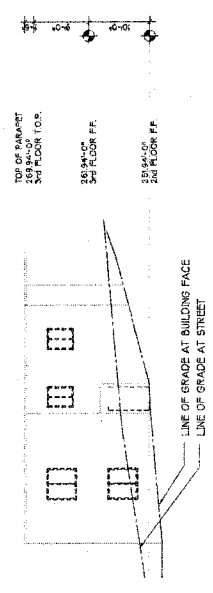
FOR ADDITIONAL NOTES SEE 2/A3.1

SCALE: 1/8" = 1'-0"
0 5 10 FEET

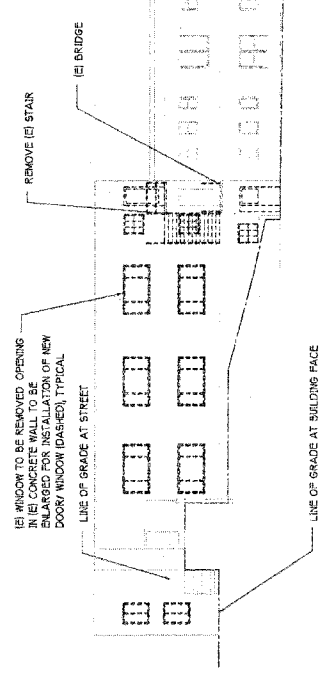


1 EXISTING EAST ELEVATION
SCALE: 1/8" = 1'-0"

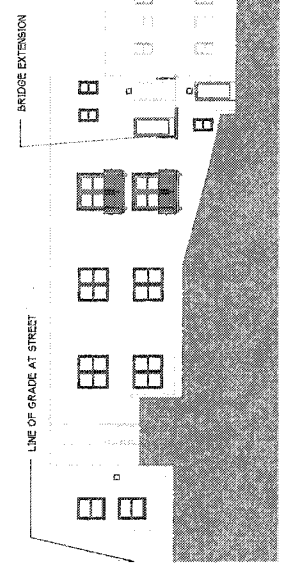
FOR ADDITIONAL NOTES SEE 2(A)31



2 PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"

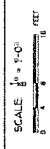


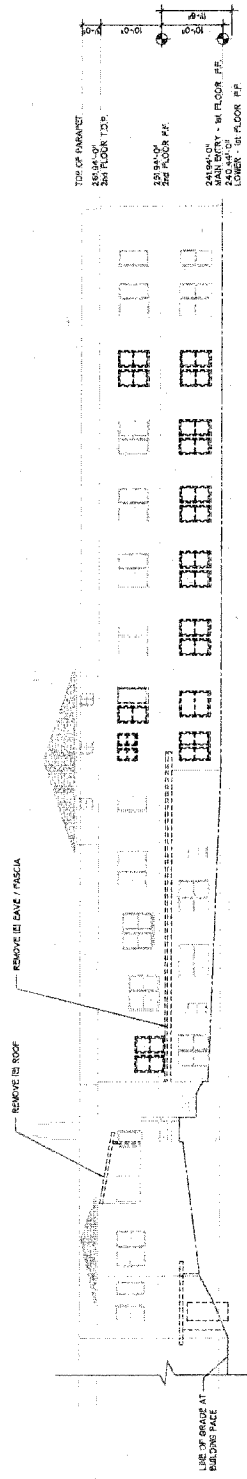
3 EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'-0"



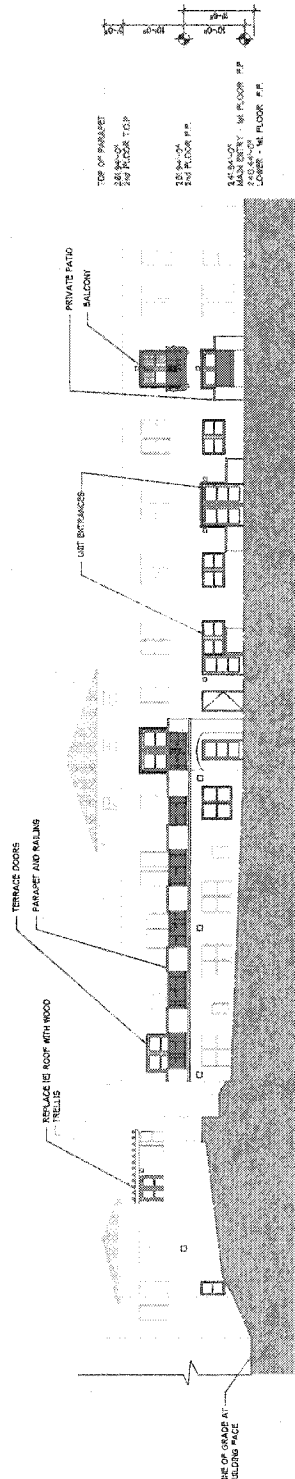
4 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"

FOR ADDITIONAL NOTES SEE 2(A)31

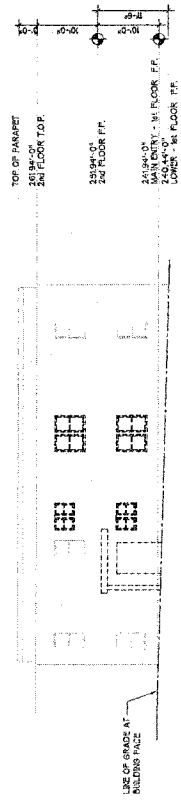




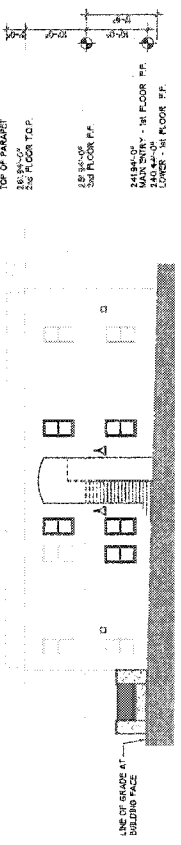
1 EXISTING NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



3 EXISTING NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"



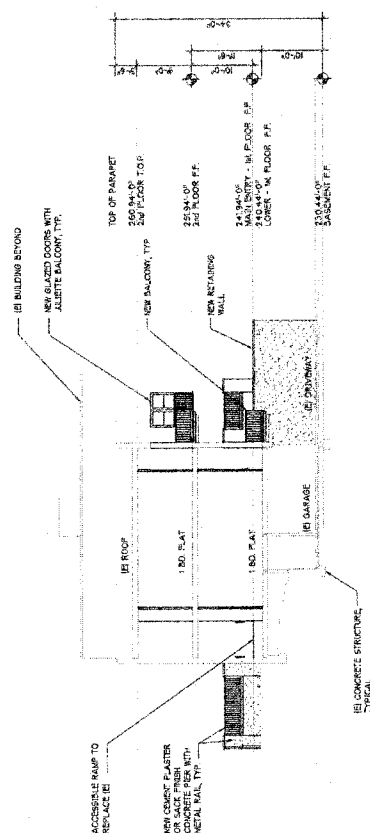
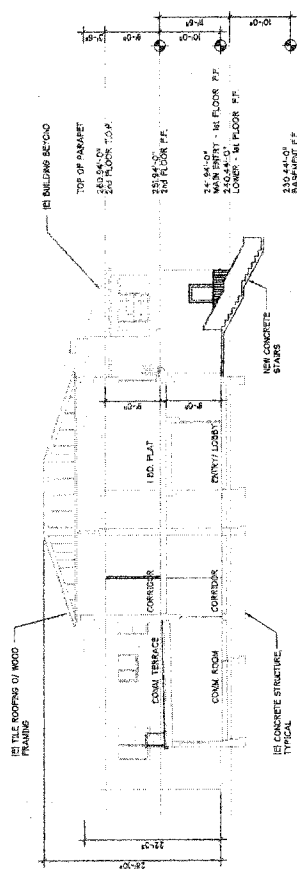
4 PROPOSED NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

FOR ADDITIONAL NOTES SEE DWG. 21A31

SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

© COPYRIGHT 2013 HKIT ARCHITECTS



VESTING TENTATIVE PARCEL MAP NO. 10191

A TWO LOT SUBDIVISION
LOT ONE BEING FOR CONDOMINIUM PURPOSES
OAKLAND - ALAMEDA COUNTY - CALIFORNIA

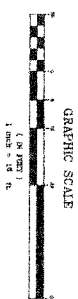
CUNNINGHAM STREET

LOTS 12 & 13, BLOCK 80 - (25 & 6)
LOTS 14, 15, 16, 17, AND THE SOUTHERN 25 FEET
PORTION OF LOT 18, BLOCK 80 - (10 & 40)
ASSISTANT PLANNING MANAGER 037-2241-07-01
CONSISTING OF 2.20 ACRES

**DONALD
VEGAR**

OWNER
DONALD VEGAR
1000 14TH AVENUE
SAN FRANCISCO, CA 94114

LAND SURVEYOR
301 1ST AVE. 4TH FLOOR
SAN FRANCISCO, CA 94105
925-41-1866



TOMPKINS AVENUE

LOT ONE
63,002± SQUARE FEET

LOT TWO
37,032± SQUARE FEET

FAIR AVENUE

WILKIE STREET

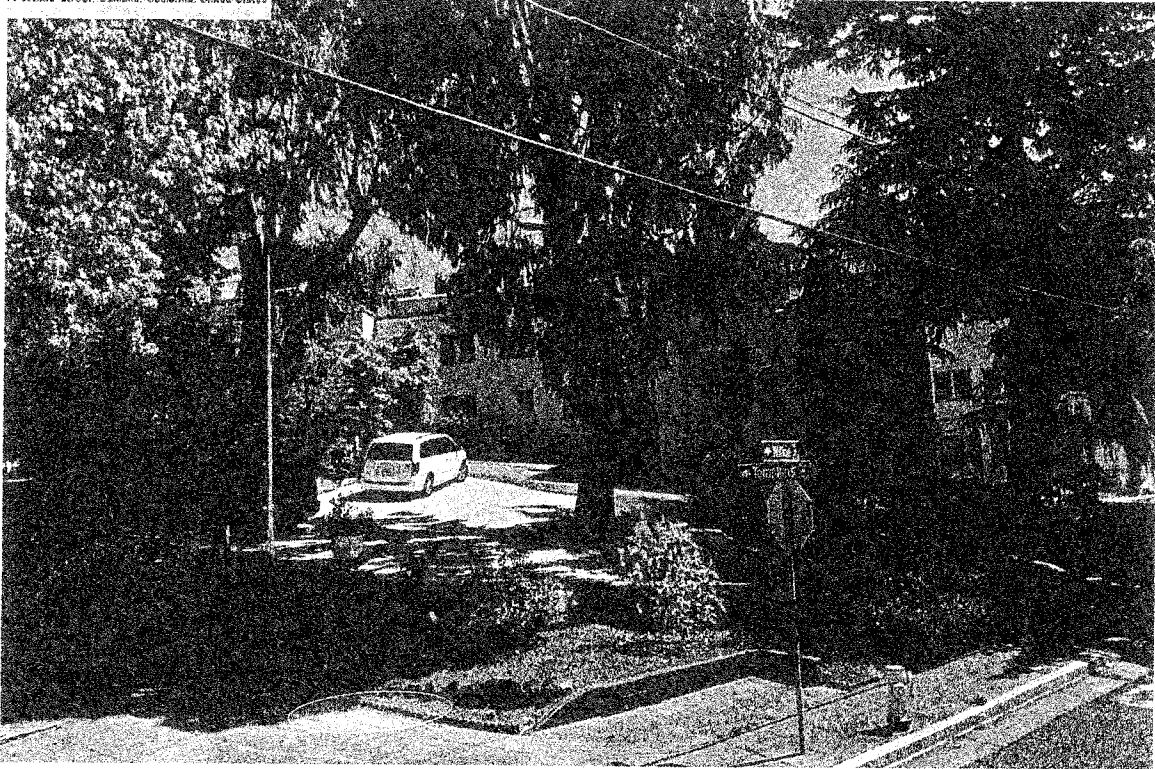
BULL STREET

BLOCK 13

NOTE

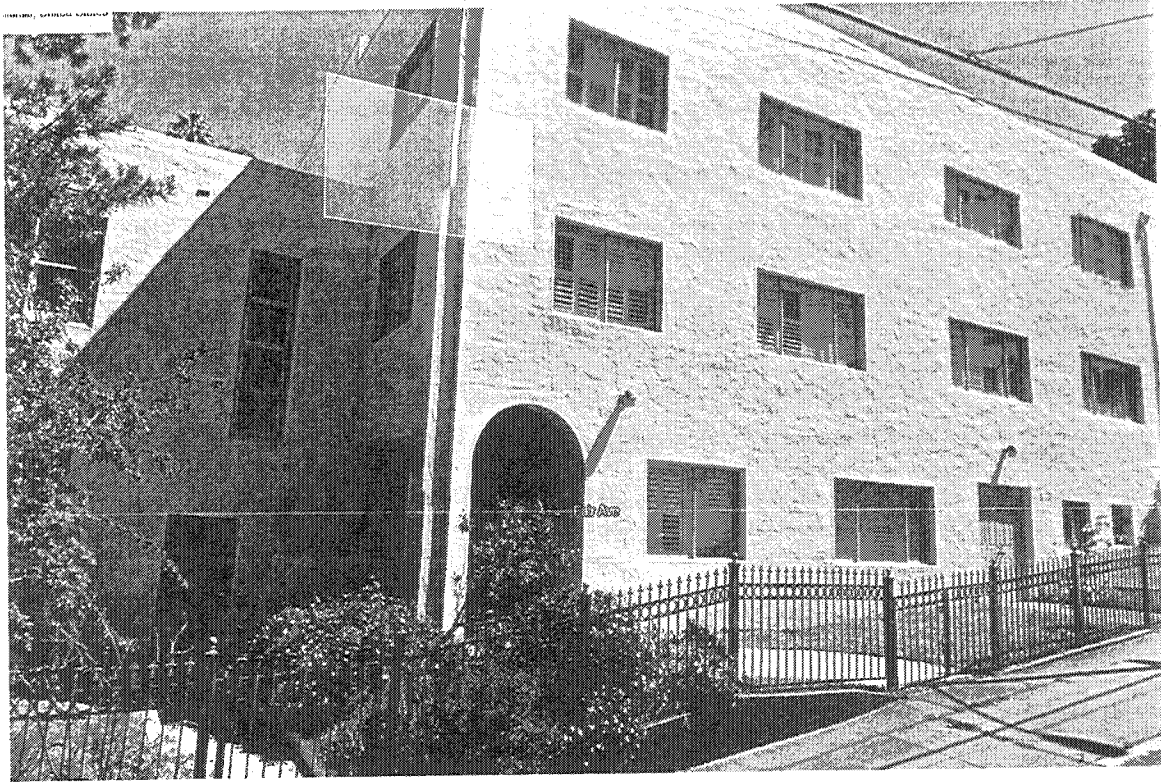
THIS MAP AND INSTRUMENT ARE THE PROPERTY OF THE SURVEYOR. NO PART OF THIS MAP OR INSTRUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE SURVEYOR'S OFFICE IS LOCATED AT 301 1ST AVE. 4TH FLOOR, SAN FRANCISCO, CA 94105. THE SURVEYOR'S PHONE NUMBER IS 925-41-1866. THE SURVEYOR'S FAX NUMBER IS 925-41-1867. THE SURVEYOR'S E-MAIL ADDRESS IS DONALD@VEGAR.COM. THE SURVEYOR'S WEBSITE IS WWW.DONALDVEGAR.COM. THE SURVEYOR'S OFFICE HOURS ARE 9:00 AM TO 5:00 PM, MONDAY THROUGH FRIDAY. THE SURVEYOR'S OFFICE IS CLOSED ON SATURDAY AND SUNDAY. THE SURVEYOR'S OFFICE IS CLOSED ON HOLIDAYS. THE SURVEYOR'S OFFICE IS CLOSED ON 9/11 AND 9/12. THE SURVEYOR'S OFFICE IS CLOSED ON 9/13. THE SURVEYOR'S OFFICE IS CLOSED ON 9/14. THE SURVEYOR'S OFFICE IS CLOSED ON 9/15. THE SURVEYOR'S OFFICE IS CLOSED ON 9/16. THE SURVEYOR'S OFFICE IS CLOSED ON 9/17. THE SURVEYOR'S OFFICE IS CLOSED ON 9/18. THE SURVEYOR'S OFFICE IS CLOSED ON 9/19. THE SURVEYOR'S OFFICE IS CLOSED ON 9/20. THE SURVEYOR'S OFFICE IS CLOSED ON 9/21. THE SURVEYOR'S OFFICE IS CLOSED ON 9/22. THE SURVEYOR'S OFFICE IS CLOSED ON 9/23. THE SURVEYOR'S OFFICE IS CLOSED ON 9/24. THE SURVEYOR'S OFFICE IS CLOSED ON 9/25. THE SURVEYOR'S OFFICE IS CLOSED ON 9/26. THE SURVEYOR'S OFFICE IS CLOSED ON 9/27. THE SURVEYOR'S OFFICE IS CLOSED ON 9/28. THE SURVEYOR'S OFFICE IS CLOSED ON 9/29. THE SURVEYOR'S OFFICE IS CLOSED ON 9/30. THE SURVEYOR'S OFFICE IS CLOSED ON 10/1. THE SURVEYOR'S OFFICE IS CLOSED ON 10/2. THE SURVEYOR'S OFFICE IS CLOSED ON 10/3. THE SURVEYOR'S OFFICE IS CLOSED ON 10/4. THE SURVEYOR'S OFFICE IS CLOSED ON 10/5. THE SURVEYOR'S OFFICE IS CLOSED ON 10/6. THE SURVEYOR'S OFFICE IS CLOSED ON 10/7. THE SURVEYOR'S OFFICE IS CLOSED ON 10/8. THE SURVEYOR'S OFFICE IS CLOSED ON 10/9. THE SURVEYOR'S OFFICE IS CLOSED ON 10/10. THE SURVEYOR'S OFFICE IS CLOSED ON 10/11. THE SURVEYOR'S OFFICE IS CLOSED ON 10/12. THE SURVEYOR'S OFFICE IS CLOSED ON 10/13. THE SURVEYOR'S OFFICE IS CLOSED ON 10/14. THE SURVEYOR'S OFFICE IS CLOSED ON 10/15. THE SURVEYOR'S OFFICE IS CLOSED ON 10/16. THE SURVEYOR'S OFFICE IS CLOSED ON 10/17. THE SURVEYOR'S OFFICE IS CLOSED ON 10/18. THE SURVEYOR'S OFFICE IS CLOSED ON 10/19. THE SURVEYOR'S OFFICE IS CLOSED ON 10/20. THE SURVEYOR'S OFFICE IS CLOSED ON 10/21. THE SURVEYOR'S OFFICE IS CLOSED ON 10/22. THE SURVEYOR'S OFFICE IS CLOSED ON 10/23. THE SURVEYOR'S OFFICE IS CLOSED ON 10/24. THE SURVEYOR'S OFFICE IS CLOSED ON 10/25. THE SURVEYOR'S OFFICE IS CLOSED ON 10/26. THE SURVEYOR'S OFFICE IS CLOSED ON 10/27. THE SURVEYOR'S OFFICE IS CLOSED ON 10/28. THE SURVEYOR'S OFFICE IS CLOSED ON 10/29. THE SURVEYOR'S OFFICE IS CLOSED ON 10/30. THE SURVEYOR'S OFFICE IS CLOSED ON 10/31. THE SURVEYOR'S OFFICE IS CLOSED ON 11/1. THE SURVEYOR'S OFFICE IS CLOSED ON 11/2. THE SURVEYOR'S OFFICE IS CLOSED ON 11/3. THE SURVEYOR'S OFFICE IS CLOSED ON 11/4. THE SURVEYOR'S OFFICE IS CLOSED ON 11/5. THE SURVEYOR'S OFFICE IS CLOSED ON 11/6. THE SURVEYOR'S OFFICE IS CLOSED ON 11/7. THE SURVEYOR'S OFFICE IS CLOSED ON 11/8. THE SURVEYOR'S OFFICE IS CLOSED ON 11/9. THE SURVEYOR'S OFFICE IS CLOSED ON 11/10. THE SURVEYOR'S OFFICE IS CLOSED ON 11/11. THE SURVEYOR'S OFFICE IS CLOSED ON 11/12. THE SURVEYOR'S OFFICE IS CLOSED ON 11/13. THE SURVEYOR'S OFFICE IS CLOSED ON 11/14. THE SURVEYOR'S OFFICE IS CLOSED ON 11/15. THE SURVEYOR'S OFFICE IS CLOSED ON 11/16. THE SURVEYOR'S OFFICE IS CLOSED ON 11/17. THE SURVEYOR'S OFFICE IS CLOSED ON 11/18. THE SURVEYOR'S OFFICE IS CLOSED ON 11/19. THE SURVEYOR'S OFFICE IS CLOSED ON 11/20. THE SURVEYOR'S OFFICE IS CLOSED ON 11/21. THE SURVEYOR'S OFFICE IS CLOSED ON 11/22. THE SURVEYOR'S OFFICE IS CLOSED ON 11/23. THE SURVEYOR'S OFFICE IS CLOSED ON 11/24. THE SURVEYOR'S OFFICE IS CLOSED ON 11/25. THE SURVEYOR'S OFFICE IS CLOSED ON 11/26. THE SURVEYOR'S OFFICE IS CLOSED ON 11/27. THE SURVEYOR'S OFFICE IS CLOSED ON 11/28. THE SURVEYOR'S OFFICE IS CLOSED ON 11/29. THE SURVEYOR'S OFFICE IS CLOSED ON 11/30. THE SURVEYOR'S OFFICE IS CLOSED ON 12/1. THE SURVEYOR'S OFFICE IS CLOSED ON 12/2. THE SURVEYOR'S OFFICE IS CLOSED ON 12/3. THE SURVEYOR'S OFFICE IS CLOSED ON 12/4. THE SURVEYOR'S OFFICE IS CLOSED ON 12/5. THE SURVEYOR'S OFFICE IS CLOSED ON 12/6. THE SURVEYOR'S OFFICE IS CLOSED ON 12/7. THE SURVEYOR'S OFFICE IS CLOSED ON 12/8. THE SURVEYOR'S OFFICE IS CLOSED ON 12/9. THE SURVEYOR'S OFFICE IS CLOSED ON 12/10. THE SURVEYOR'S OFFICE IS CLOSED ON 12/11. THE SURVEYOR'S OFFICE IS CLOSED ON 12/12. THE SURVEYOR'S OFFICE IS CLOSED ON 12/13. THE SURVEYOR'S OFFICE IS CLOSED ON 12/14. THE SURVEYOR'S OFFICE IS CLOSED ON 12/15. THE SURVEYOR'S OFFICE IS CLOSED ON 12/16. THE SURVEYOR'S OFFICE IS CLOSED ON 12/17. THE SURVEYOR'S OFFICE IS CLOSED ON 12/18. THE SURVEYOR'S OFFICE IS CLOSED ON 12/19. THE SURVEYOR'S OFFICE IS CLOSED ON 12/20. THE SURVEYOR'S OFFICE IS CLOSED ON 12/21. THE SURVEYOR'S OFFICE IS CLOSED ON 12/22. THE SURVEYOR'S OFFICE IS CLOSED ON 12/23. THE SURVEYOR'S OFFICE IS CLOSED ON 12/24. THE SURVEYOR'S OFFICE IS CLOSED ON 12/25. THE SURVEYOR'S OFFICE IS CLOSED ON 12/26. THE SURVEYOR'S OFFICE IS CLOSED ON 12/27. THE SURVEYOR'S OFFICE IS CLOSED ON 12/28. THE SURVEYOR'S OFFICE IS CLOSED ON 12/29. THE SURVEYOR'S OFFICE IS CLOSED ON 12/30. THE SURVEYOR'S OFFICE IS CLOSED ON 12/31.

U. S. AIR FORCE, WASHINGTON, D. C.



U. S. AIR FORCE, WASHINGTON, D. C.

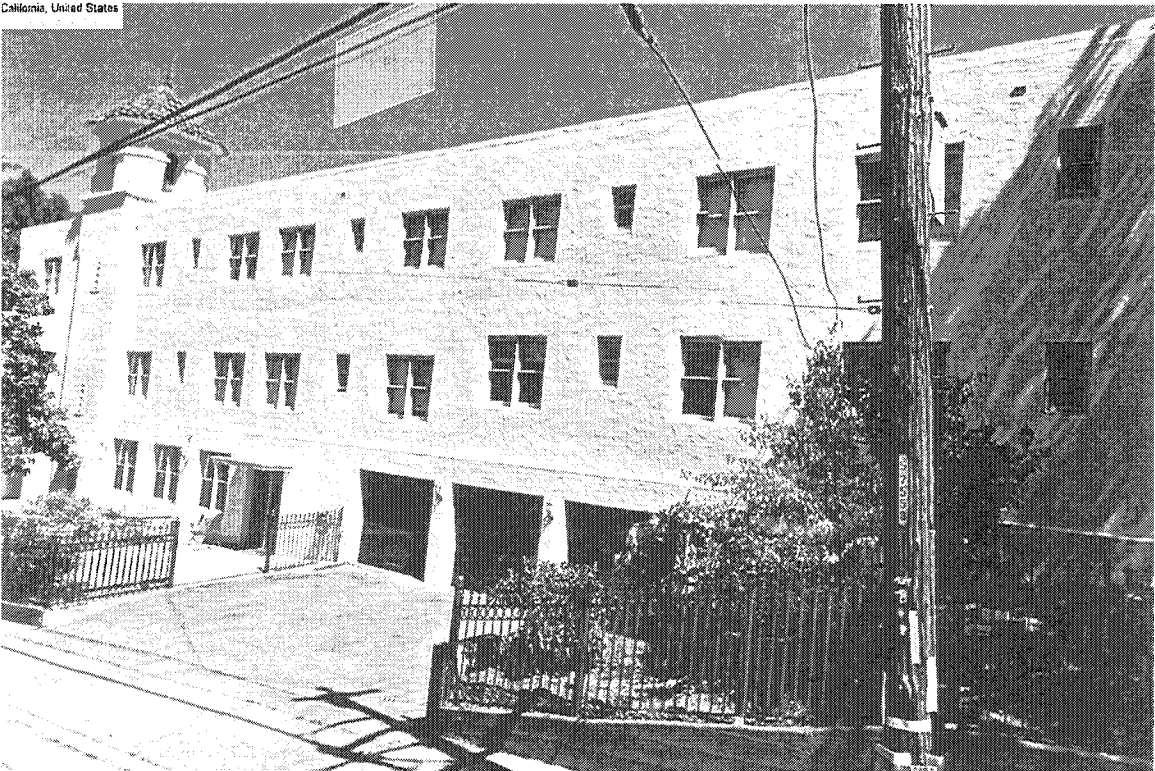




and, California, United States



California, United States



State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code: 7

Page P1 of 2

Other Listings OPB Prelim. B+3
Review Code _____ Reviewer _____ Date _____

*P1. a. Resource Identifier (assign a name or number): 4690 TOMPKINS AV
b. Other Identifier: Beulah Rest Home

*P2. Location:

a. County Alameda

*b. Address 4690 TOMPKINS AV/NE COR WILKIE
City Oakland, CA

Zip 94619

*c. UTM: USGS 7.5' Quad Oakland East Date 1959 (1980)
*d. Other Locational Data (e.g. parcel #, legal description, additional UTM's, etc.)
Parcel no.: 037 2544 017 01

Zone: _____ mE / _____ mN

*P3. a. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, etc.):

4690 TOMPKINS AV, Beulah Rest Home, is a Spanish Colonial residential building on a three-frontage lot in the Home of Peace district. It is 2 stories, attic and basement, with flat and hip roofs, tiled pent roofs, and a hip-roofed tower. Exterior walls are stucco over reinforced concrete. Roofs are irregularly laid mission tile. The main building is a shallow U-plan facing Tompkins Avenue, with about 200' frontage for the main pavilion and wings, plus additions at either end. The center entry is approached by a wide curved driveway. There is colored tile ornament around and above the doorway, a single wrought iron balcony, and simple stucco pilasters. Windows are plain, deeply recessed, double-hung, and numerous. An added dormitory wing along Wilkie Street is plain white stucco. Behind are several cottages and a staff house. Present use is retirement/nursing home, Beulah Rest Home. Surroundings are densely built up, residential.

(see continuation page)

b. Resource attributes: HP03--residential building

*P4. Resources present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District () ☐ Other

*P5. a. Photograph or Drawing

P5. b. Photo number: 744-28
Photo date: 11/15/96



*P6. Date Constructed/Age, and Source:
☐ Prehistoric ☒ Historic ☐ Both
1928ff F
building permit #A33381

*P7. Owner and Address:
4690 TOMPKINS AVENUE
PARTNERSHIP c/o ALICE LOO
2081 15TH ST
SAN FRANCISCO CA 94114

*P8. Recorded by (name, affiliation, address):
Oakland Cultural Heritage
Survey, 250 Frank Ogawa Plaza
Oakland 94612 (510-238-3941)

*P9. Date Recorded: 09/30/98

*P10. Type of Survey: ☐ Intensive
☒ Reconnaissance ☐ Other

*P11. Report Citation: OCHS Completion Report, CLG Project #06-97-12005, 9/30/98 (Citywide)

*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Other

*Recorded by Oakland Cultural Heritage Survey *Date 09/30/98 /X/ Continuation / / Update

P3a. Description, cont'd:

The building is in excellent condition; its integrity is excellent. Its preliminary rating of B+3 reflects its interest as a superior example of a Spanish Colonial institutional building, designed as a retirement home for missionaries by Blaine & Olsen in 1928. It forms a historically related group with the Home of Peace buildings at 4700 Daisy Street.

Photo #744-26
Wilkie street wing (1950s)

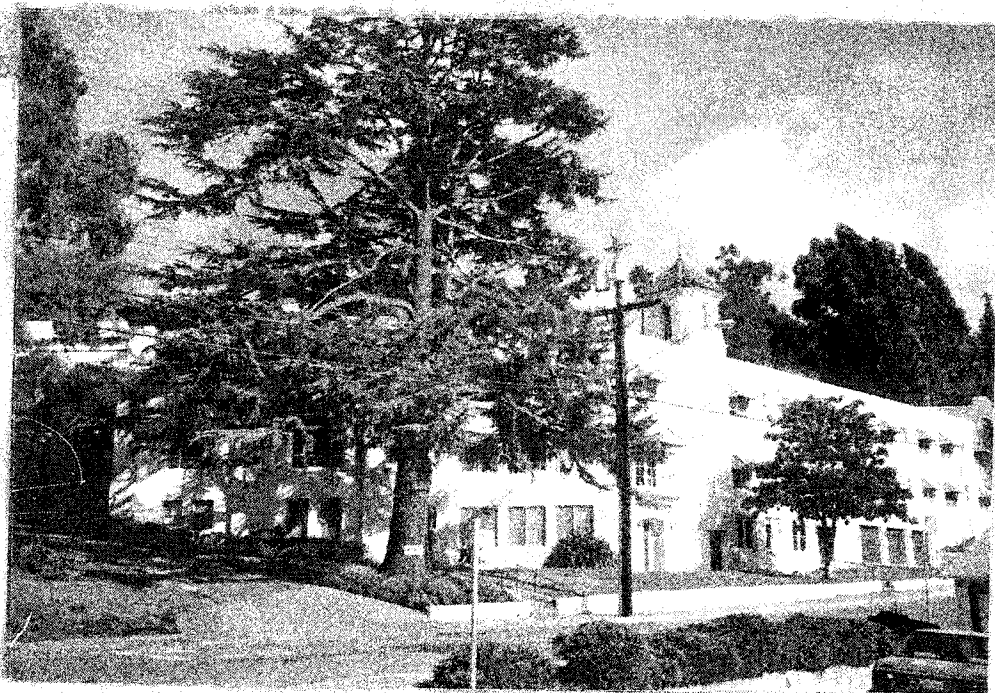
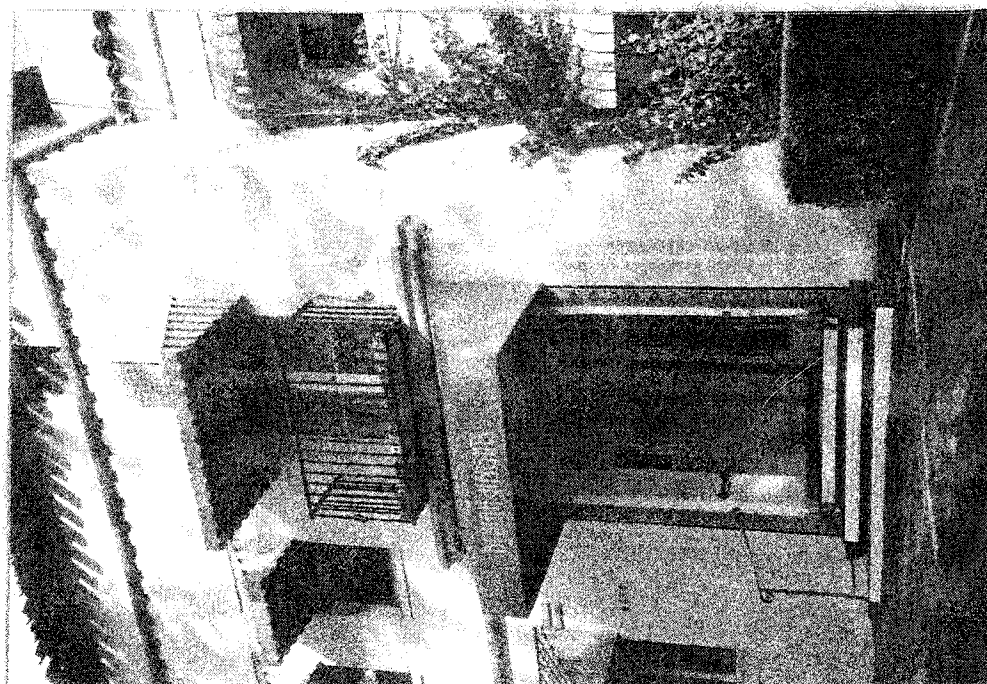


Photo #744-29
main building
entry detail



Oakland City Planning Commission
Design Review Committee

STAFF REPORT

Case File Numbers CMD13067/T1300012

June 26, 2013

Location:	4690 Tompkins Ave (APN: 037 -2544-017-01) (see map on reverse)
Proposal:	Design review for a proposal to convert a vacant senior facility into 40 apartments; construct façade and site changes including balconies and patios facing street frontages; demolish a building to create a surface parking lot on-site along a street frontage; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications.
Applicant/	HKIT Architects
Phone Number:	Paul McElwee (510) 625-9800 x 260
Owner:	4690 Tompkins LLC
General Plan:	Mixed Housing Type Residential
Zoning:	RM-3 Mixed Housing Type Residential Zone
Environmental Determination:	To be determined
Historic Status:	Potential Designated Historic Property (Survey rating: B+3)
Service Delivery District:	4
City Council District:	4
Date Filed:	February 20, 2013
Action to be Taken:	Review proposed design
Staff Recommendation:	Provide design recommendations and refer to Planning Commission
For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or arose@oaklandnet.com

SUMMARY

Staff requests the Design Review Committee review a proposed design to convert a vacant senior facility into forty (40) apartment units including exterior building and site improvements, provide recommendations, in preparation for forwarding the item to the full Planning Commission.

ATTACHMENT D

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD13067 / T1300012
Applicant: Rich Cadwell
Address: 4690 Tompkins Avenue
Zone: RM-3

PROPERTY DESCRIPTION

The property is a 2.35 acre site at the end of a City block between Tompkins Avenue, Wilkie Street, and Fair Avenue. It is located east of the 580 freeway opposite Mills College. The site contains a vacant senior facility (Beulah Heights) situated along Tompkins Avenue and the entire block of Wilkie Street; as well as a curved driveway featuring the main building entrance and ten parking spaces at the corner of Tompkins Avenue, Buell Street, and Wilkie Street, seven occupied detached homes and one occupied detached duplex behind the facility accessed from a driveway off of Fair Avenue, a one-story non-residential building along Tompkins Avenue with a side driveway, and various trees, driveways, and other minor appurtenances. The Tompkins Street frontage measures three hundred feet and faces a church and two single family homes. The Wilkie Street frontage measures three hundred sixty-five feet and faces four homes and a lot. The Fair Avenue frontage measures four hundred twenty feet and faces five homes. The main facility is a Potential Designated Historic Property of "major importance" (Survey rating: B+3) under the City's Cultural Heritage Survey. It is primarily two stories with a third story tower towards the far right side. It has stucco siding and a partially tiled roof. The building currently contains approximately fifteen kitchens. The site is part of a mixed housing type residential zone consisting of homes, duplexes, and apartment buildings. The zone extends downhill to MacArthur Boulevard downhill to the west. The site is surrounded by single family home zoning on three uphill sides.

BACKGROUND

The property consists of nine merged lots. The site was used as a senior facility starting in the 1930s with other structures added over the years. In 2000, a 27-unit project was proposed, and denied by the Planning Commission in 2004. In 2004, the City Council denied the appeal of the rejected project. That project lacked adequate proposed site improvements and neighborhood outreach by the former property owners. In 2012 a new owner approached the Planning and Zoning Division with a concept for the current proposal. Staff recommended a design so that no variances would be required, and to hold a neighborhood meeting. The project was formally submitted and various community meetings have been held with the neighbors. The meetings have alternately been attended by the developer, staff, and the district City Councilmember. The project requires the following approvals:

- Major Conditional Use Permit to exceed seven units in the RM-3 Zone;
- Minor Conditional Use Permit to establish a Multi-Family Residential Facility in the RM-3 Zone;
- Regular Design Review for creation of new dwelling units and for exterior architectural and site modifications;
- CEQA Class 32 Infill Development Project environmental review exemption;
- Tree Removal Permit to remove Protected Trees

It has been staff's practice to forward larger or complex projects requiring a Design Review Permit to the Design Review Committee when additional input is sought prior to a Planning Commission review. In this case, staff forwarded the project due to the size of the site, the historic rating of the primary structure, the adjacency of the site to a neighborhood consisting of single family homes, and community interest. There is also community interest in issues not pertaining to design, including alternate uses; those issues, where relevant, can be dealt with at the Planning Commission level.

PROJECT DESCRIPTION

The proposal is to convert a vacant senior facility into forty (40) apartments; construct façade and site changes including balconies and patios facing Tompkins Avenue and Wilkie Street frontages; demolish a building to

create a surface parking lot along the Tompkins Avenue frontage; tree removal and replacement; installation of landscaping throughout the site; and minor site modifications.

Exterior site preparation would consist of demolition of: the non-residential building along Tompkins Avenue (4868 Tompkins Avenue / House of Psalms), the entry drive, and exterior stairs facing Wilkie Street.

Apartments to be created would consist of a total of twenty-one (21) one-bedroom units and nineteen (19) two-bedroom units. The basement crawl space would be partially excavated to create and convert into three (3) one bedroom apartments with patios. The first floor would contain apartments and six exterior patios (10' x 10') and balconies (5' x 5') would be constructed (some patios would be adjoined). The second floor would contain apartments and balconies would be installed. The third floor would contain two (2) apartments and a manager's unit, and balconies would be installed.

Windows would be enlarged and updated throughout and building mounted lighting would be installed. Along the Tompkins Avenue elevation, doors would replace windows to service new balconies. Balconies would contain metal rails and doors four-inch stucco trim would be applied around doorways. A new ramp would be installed. New patios would be created with patterned paving, six-foot high divider walls, concrete piers and metal rails. Decorative lights, new sill trim, raised planters, and new front doors would be installed. The building would be repainted. Along the Wilkie Street frontage, three garage doors and exterior stairs would also be replaced.

Open space

Usable open space, both private and group, would be provided through patios at the first floor, balconies at the second and third floors, a courtyard, a terrace, and a garden. Some open space would be interior to the site. A large, gated outdoor community area would be installed along Wilkie Street.

Parking

The site contains twenty-one (21) parking spaces, most of which are not visible from the public right-of-way. The demolished non-residential building would be replaced with a new open parking lot with a new curb cut, trees, landscaping, and lighting. The new lot would contain eighteen (18) parking spaces including compact spaces. Additional spaces would be created in the front driveway at Tompkins Avenue. Two spaces would be added alongside the Wilkie Street driveway. Total parking would be fifty spaces. Bicycle parking would also be installed including two spaces at the front yard. A stairway would be constructed to connect the new lot with the upper parking lot. Hedges would be installed to screen the parking lot.

Site improvements

Trash enclosures would be installed behind the Tompkins Avenue parking lot and beside the Fair Avenue driveway. Gaps in a retaining wall along Wilkie Street would be filled. A fence and gate would be installed at the Tompkins Avenue driveway. Infiltration planters would be installed there on either side. The front and side paths would be improved with installation of decorative paving. Three new twelve-foot tall light pole would be installed at the driveway and parking lot.

Trees and landscaping

The site contains fifty-eight trees removal consisting of forty species and twelve protected trees. The project would remove fifty-two tree including seven protected trees. Construction would occur within ten feet of six protected street trees to remain. Thirty-eight new trees would be installed.

Development standards

Density would increase dramatically although not to the maximum conditionally permitted for the site. Lot coverage would decrease. Parking and open space (primarily through patios and balconies) would increase.

GENERAL PLAN INFORMATION

The property is located in the Mixed Housing Type Residential area under the General Plan. The intent of the area is: "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." Desired Character and Uses is: "Future development within this classification should be primarily residential in character." Intensity/Density is: "Development of single family homes, townhouses, and small multi-unit buildings is allowed in this classification." The proposed design for a multi-family facility and site is, therefore, consistent with the intent, desired character and uses, and intensity/density of the General Plan as well as the following Policies:

Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Policy N6.1 Mixing Housing Types.

The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Policy N7.1 Ensuring Compatible Development.

New residential development in Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

ZONING INFORMATION

The property is located in the RM-3 Mixed Housing Type Residential Zone. The intent of the RM-3 Zone is: "to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate." The proposed design for a multi-family facility and site is, therefore, consistent with this intent of the Planning Code and the following Planning Code Purpose:

To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space (OMC Sec. 17.07.030(D))

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15332 of the State CEQA Guidelines exempts "In-Fill Development Projects." The proposal to create additional dwelling units within a structure in a developed area meets this description. The project is therefore exempt from further Environmental Review.

KEY DESIGN ISSUES

Findings

Of the permits required for this project, those relevant to a review by the Design Review Committee are the following:

17.136.050 - Regular design review criteria. A. For Residential Facilities.

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;
2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
3. That the proposed design will be sensitive to the topography and landscape.
4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;
5. 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.

For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations.

D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or
2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or
3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

Additional Conditional Use Permit findings apply to the project. Although the Conditional Use Permit (CUP) will be considered by the full Planning Commission, design-related findings required to approve the CUP are presented here. These findings relate to site compatibility with the surrounding built environment:

Conditional Use Permit (CUP) for density in the RM-3 Zone

- a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;
- d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;
- e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.

Issues

The following issues have been noted by staff and the community; they are outlined here for suggested discussion, along with proposal's ability to meet required findings, by the Design Review Committee:

Historic rating / balconies – a few neighbors may be opposed to any exterior modifications given the structure is a B rated Potential Designated Historic Property. The Secretary to the Landmarks Board finds the proposal to meet required Design Review findings with the following modification: given the building is a B rated Potential Designated Historic Property, plans should be revised to eliminate the street-facing balconies. The removal of these balconies would reduce private usable open space. However, sufficient group open space seems to be proposed. Elimination of these balconies would also reduce potential privacy impacts to neighbors.

Appearance – there has been minimal concern expressed for design improvements proposed for the exterior of the main building and perimeter of the site. Staff finds the changes to windows and installation of patios, balconies (except as noted above), and illumination to be attractive as well as site improvements of new decorative paving, light poles, and garage doors.

Neighborhood design compatibility - several neighbors have expressed concern for the size (density) of the project given it is nearly surrounded by single family homes. The concern is intertwined with the belief by some that the project is simply too large for the neighborhood, irrespective of design; this review is strictly for consideration of design. Staff would point out, the site and structures are existing, that the site is part of a mixed housing type residential zone that connects to MacArthur Boulevard, that maximum density has not been requested, that no variances are required, and that a mix of housing types is considered desirable under the General Plan and Planning Code.

Tree removal – this has been a concern of several residents. Staff would point out, several of the trees requested for removal are at the interior of the site not readily visible from the public right-of-way, and, several new trees to replace the quantity removed would be installed along frontages.

Demolition/creation of surface parking lot – fewer neighbors have expressed concern with (1) demolition of a building of decent appearance, and (2) replacement with a surface parking lot. The historic rating on the property applies to the main building and not to the non-residential building. The building does, however, appear to be in decent condition and as such would generally be considered to be far more aesthetically pleasing than a surface parking lot. To meet a General Plan Goal of providing more housing units through attractive infill development, with various treatments to soften the appearance of the parking lot, the lot may be a viable trade-off. The implication of preserving the building would be dramatic, as a parking variance would be required or several units would need to be eliminated from the proposal, and replaced with larger units, for example.

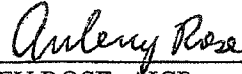
Next steps

Should the Design Review Committee recommend any modifications, the applicant should incorporate them to move forward with a positive staff recommendation. The project will be circulated to other City departments for review and comment for further revisions. The final proposal will then be scheduled for Planning Commission review to discuss both design issues and other issues, including density on the site and related impacts and issues.

CONCLUSION

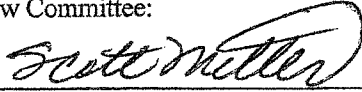
Staff requests the Design Review Committee review the project, provide design recommendations to the applicant and staff, and refer the project to the full Planning Commission with recommendations.

Prepared by:



AUBREY ROSE, AICP
Planner II

Approved for forwarding to the
Design Review Committee:



SCOTT MILLER
Zoning Manager

ATTACHMENTS:

A. Plans

B. Correspondence: Letter from BEST Neighborhood Association dated June 19, 2013

CITY OF OAKLAND
Community and Economic Development Agency
MEMORANDUM

TO: Aubrey Rose
FROM: David Mog 
DATE: January 14, 2014
SUBJECT: TPM 10095
4690 Tompkins Avenue

If the project is to be approved by the Advisory Agency, please attach the following "Conditions of Approval":

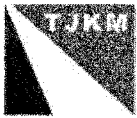
1. Coordinate the language for the City Surveyor's and City Engineer's statements with the city prior to submittal of the Final Map.
2. Show location, purpose, and width of all existing and proposed easements.
3. Note that the property lies within the Hayward Fault Alquist-Priolo Zone, a seismic hazard zone. A site-investigation report prepared by a certified engineering geologist shall be performed prior to the City signing the Final Map. The results of the report may limit the applicants ability to develop the lot. Add a statement to the Map that says "This real property lies within the following hazardous area: A SEISMIC HAZARD ZONE – Alquist – Priolo Zone pursuant to Section 2696 of the Public Resources Code. These hazards may limit your ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. The maps on which these disclosures are based estimate where natural hazards exist. They are not definitive indicators of whether or not a property will be affected by a natural disaster. Transferee(s) and transferor(s) may wish to obtain professional advice regarding hazards and other hazards that may affect the property."
4. Please place the following statement on the Final Map:

PUBLIC ADVISORY

"This map is based on private surveys performed by licensed professionals and will not be updated or corrected by the City of Oakland after its filing. No warranty, either expressed or implied, is made by the City of Oakland that this map and the survey information on which it is based is correct, accurate, and current, nor that the City will retain for public inspection any related information which may be subsequently submitted to the City, including alleged or actual discrepancies, inaccuracies, deficiencies, and errors."

ATTACHMENT E

5. Show location of the City of Oakland monuments used to establish the basis of bearing and the property lines. Provide identification numbers for City of Oakland monuments.
6. Show existing lot number(s) from earlier parcel maps for adjacent lots and the lot to be divided. Also provide numerical or alphabetic designation for each new parcel.
7. Revise title to include the following: "Lot One Being for Condominium Purposes – Forty Residential Condominiums".
8. Show nearest intersection and distance to that intersection.
9. Provide survey documentation showing the location of the all the existing buildings and their setback from all the property lines. If required the buildings shall be brought into conformance with the California Building Code.
10. The four-foot wood fence near existing house Number 5 appears to cross the proposed property line. The fence shall be moved to one lot or the other or the lot line can be adjusted or the fence can be removed.
11. Improvements within the public right-of-way may be required for this project. A P-job permit and a signed Subdivision Improvement Agreement shall be completed prior to the City signing the Parcel Map.



Vision That Moves Your Community

Transportation
Consultants

October 1, 2013

Mr. Michael Karpowicz
Urban Green Investments
1746 Union Street
San Francisco, CA 94123

Re: 4690 Tompkins Avenue Parking Study

Dear Mr. Karpowicz:

As requested, TJKM conducted a parking survey for the vicinity of the 4690 Tompkins Avenue residential development in Oakland, CA. The purpose of the survey was to determine the amount of on-street parking in the area of the project site and the demand for on-street parking at various times and days of the week. TJKM performed counts of on-street parking use on Wednesday, September 25th, 2013 at 2:00 pm; Thursday, September 26th, 2013 at 11:15 pm; and Saturday, September 28th, 2013 at 11:15 pm.

In order to determine on-street parking capacities, TJKM assumed a street-line distance of approximately 660 feet (1/8 of a mile) from the project site boundary as the maximum distance that guests visiting the project site would be willing to walk if arriving by car and using nearby on-street parking. Once the precise limits of the cordon area were determined, the number of on-street parking spaces was counted assuming an average parking space length of 22 feet and excluding lengths dedicated to access driveways and other parking restrictions such as bus stops, fire lanes, and near fire hydrants. Figure 1 shows the project vicinity and on-street parking capacities for each street segment. Based on the previously mentioned criteria, TJKM counted 294 total on-street parking spaces in the area of the project site.

Table I compares the on-street parking capacities with the observed parking demand for each street segment within the cordon area. The results indicate a relatively low amount of on-street parking use in the area, especially along the street segments directly adjacent to the project site (Segments "S" through "X"). The following images of the Tompkins Avenue and Wilkie Avenue project site frontages taken Wednesday, September 25th 2013, at 2:00 p.m. further illustrate the relatively low demand for on-street parking adjacent to the proposed project. It should be noted that the curb-to-curb width of Wilkie Avenue is 26.5 feet, which is less than the typical cross section width of 30-32 feet that would reasonably accommodate two-way traffic with on-street parking on either side of the roadway. Because of the relatively narrow curb to curb width of Wilkie Avenue, the City of Oakland may wish to consider parking restrictions along the north side of Wilkie Avenue to better accommodate two-way traffic along the roadway. However, this would only reduce the number of on-street parking spaces in the project vicinity by twelve.

Pleasanton
4305 Hacienda Drive
Suite 550
Pleasanton, CA
94588-8526
925.463.0611
925.463.3690 fax

Fresno
516 W. Shaw Avenue
Suite 200
Fresno, CA
93704-2515
559.325.7530
559.221.4940 fax

Sacramento
980 Ninth Street
16th Floor
Sacramento, CA
95814-2736
916.449.9095

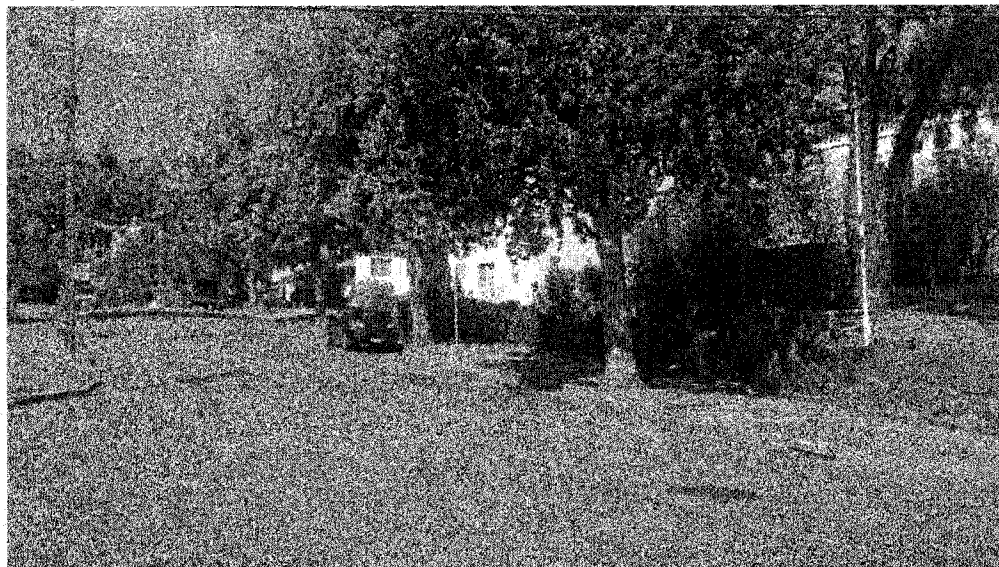
Santa Rosa
1400 N. Dutton Avenue
Suite 21
Santa Rosa, CA
95401-4643
707.575.5800
707.575.5888 fax

tjkm@tjkm.com

J:\JURISDICTION\O\Oakland\010-064 Tompkins Avenue Parking\ L100113.docx

ATTACHMENT F

Tompkins Avenue Project Site Frontage



Wilkie Avenue Project Site Frontage

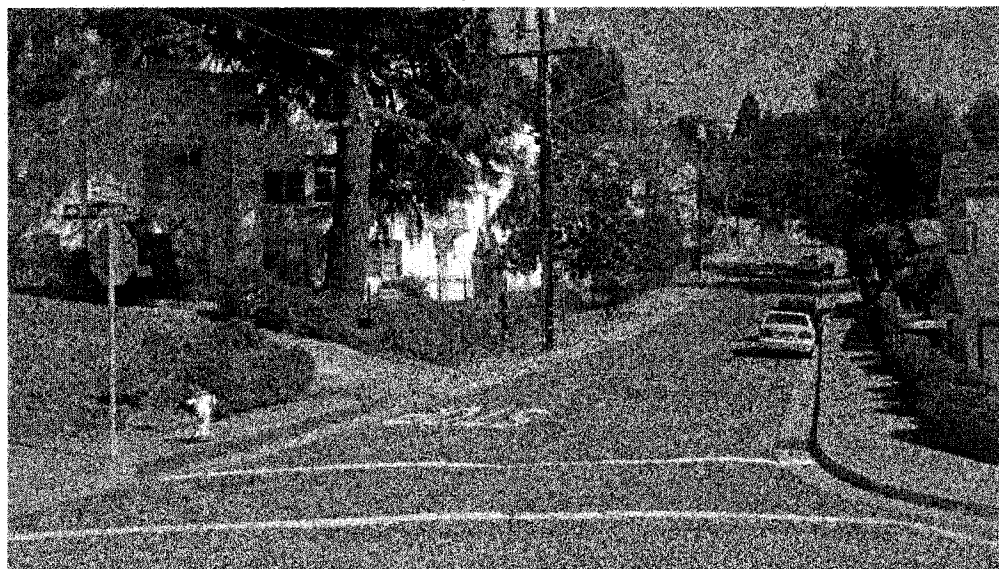


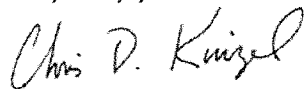
Table I: Existing On-Street Parking Capacities and Demand

ID	Capacity	Survey Period Parking Demand		
		Wednesday 9/25/13 2:00 pm	Thursday 9/26/13 11:15 pm	Saturday 9/28/13 11:15 pm
A	11	3	5	7
B	9	5	11	8
C	11	3	5	2
D	7	0	0	4
E	19	8	13	9
F	17	5	12	11
G	5	2	3	4
H	5	0	1	1
I	6	5	5	5
J	19	8	12	9
K	23	3	3	3
L	20	4	8	9
M	20	3	9	10
N	20	3	10	9
O	11	1	3	3
P	6	0	0	0
Q	21	8	7	6
R	9	4	7	1
S	8	1	0	0
T	12	1	0	0
U	14	4	6	7
V	12	0	0	0
W	3	3	1	1
X	6	3	5	5
Total	294	77	126	114

Of the three survey periods, the Thursday night count indicated the highest demand of 126 on-street spaces used, representing 43 percent on-street parking occupancy. The Wednesday and Saturday counts indicated a total demand of 77 spaces (26 percent) and 114 spaces (39 percent), respectively. In addition, the north side of Enos Avenue (Segment "B") was the only segment observed to be at/above capacity for at least one of the survey periods, with eleven cars parked on-street on Thursday night, two of which were parked in front of access driveways.

TJKM appreciates the opportunity to have conducted this parking survey in the Tompkins Avenue neighborhood. Please contact me if you have any questions or concerns.

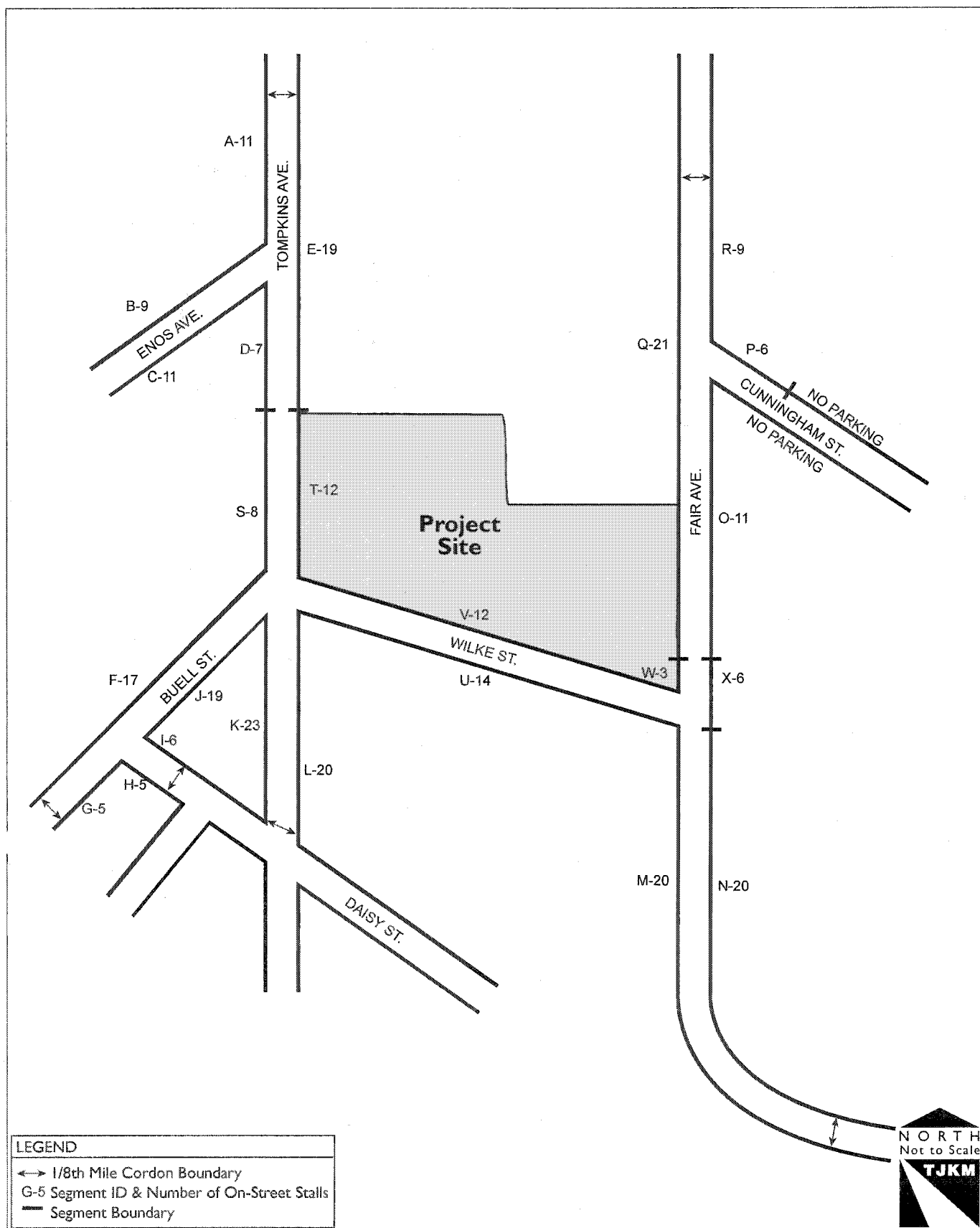
Very truly yours,

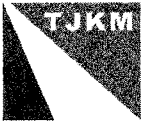


Chris D. Kinzel, P.E.
Vice President

City of Oakland - Parking Study for 4690 Tompkins Avenue
Project Vicinity and On-Street Parking Capacities

Figure
1





Vision That Moves Your Community

Transportation
Consultants

May 10, 2013

Mr. Michael Karpowicz
Urban Green Investments
michael@urbangreeninv.com

Re: 4690 Tompkins Trip Generation

Dear Mr. Karpowicz:

At your request, TJKM Transportation Consultants has conducted a trip generation analysis of the proposed development at 4690 Tompkins Avenue in the City of Oakland.

We understand you will be developing 40 new apartment units at this location. The existing nine cottages will remain and not generate any "new" traffic.

According to the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition*, the trip rates for Apartments, ITE land use code 220, are as follows: a.m. peak hour – 0.51 trips per unit; p.m. peak hour – 0.62 trips per dwelling unit.

Therefore, the estimated trip generation for the new 40-unit apartment is 21 a.m. peak hour trips and 25 p.m. peak hour trips.

Please let me know if there are any questions on this matter.

Very truly yours,

Chris D. Kinzel, P.E.
Vice President

Pleasanton
4305 Hacienda Drive
Suite 550
Pleasanton, CA
94588-2798
925.463.0611
925.463.3690 fax

Fresno
516 W. Shaw Avenue
Suite 200
Fresno, CA
93704-2515
559.325.7530
559.221.4940 fax

Sacramento
980 Ninth Street
16th Floor
Sacramento, CA
95814-2736
916.449.9095

Santa Rosa
1400 N. Dutton Avenue
Suite 21
Santa Rosa, CA
95401-4643
707.575.5800
707.575.5888 fax

tjkm@tjkm.com
www.tjkm.com

Rose, Aubrey

From: Alice Hsu <ahsu512@gmail.com>
Sent: Tuesday, December 03, 2013 2:31 PM
To: patillo@PGAdesign.com; Whales, Jonelyn; jahazielbonillaoaklandpc@gmail.com; Coleman, Michael; Moore, Jim; ew.oakland@gmail.com; Rose, Aubrey; Schaaf, Libby; DL - City Council; Quan, Jean; Santana, Deanna
Subject: Beulah Home
Attachments: RejectionOfUGIProp(3).pdf

Dear City of Oakland Planning Commissioners and Council Members:

I am a resident of Redwood Heights and I am writing to express my disapproval of the proposal to convert the Beulah Home at 4690 Tompkins into a large apartment complex by a company with a poor track record such as UGI.

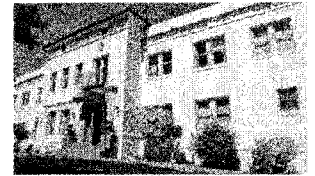
We all know that building an apartment complex will increase our already problematic crime rates in what used to be a very nice neighborhood. We already do not have police force in place to protect us from the ongoing burglaries and armed robberies taking place - let alone be able to deal with what will come later should this project be approved.

Currently our home values are high which generates a good amount of property tax revenue for the city. You may believe that approving such a project will generate more tax revenue for the city in the short term, but you will bring down the value of the homes of this entire neighborhood and eventually you will see your overall tax revenues decrease from the problems that this kind of project will generate for our neighborhood. I am certainly one of the people who will be selling my house and leaving Oakland for good if this project is approved, and I believe many of my neighbors are like-minded. Driving away contributing citizens is not what Oakland needs at this point.

I've also attached a document drafted by our neighborhood steering committee which cites additional reasons. Please do not approve this project.

ATTACHMENT G

November 2013



Why Neighborhood Representatives Rejected Beulah Home Owners' Proposal for Converting Beulah Home into 49 Apartment Units

After additional consultation with neighborhood residents, the Neighborhood Steering Committee representatives elected by members of the community surrounding Beulah Home (4690 Tompkins, Oakland CA 94619) rejected property owner UGI's latest proposal (in which the only change was for five more parking spaces than their original proposal). We continue to want a senior living alternative for the property.

Our reasons for rejecting the proposal and the project as currently proposed are as follows:

1. UGI did not engage in good-faith negotiations with us regarding the neighborhood's primary issue; they dismissed the idea of senior living/housing out-of-hand, stated but did not demonstrate that senior living was economically unfeasible (no documentation), and told us we should be grateful that a company like Urban Green wanted to convert Beulah Home into apartments.
2. UGI also dismissed out-of-hand our proposal to assist them in gaining landmark status under the State's Mills Act for the exterior of Beulah Home nor to seriously examine the possible tax benefits that could accrue to UGI from such status and/or from dedicating the facility to senior housing.
3. The proposed 49 market-rate rental units, and the additional $\pm$ 49-85 tenant vehicles plus visitors' vehicles will cause a deterioration of we residents' "peaceful enjoyment" of our neighborhood. (The Committee representatives also wish to put on the record that this project is only possible even to propose because of the City of Oakland; it bears responsibility for the current zoning of 4690 for apartments. Since the early 1920s, the site of Beulah Home was housing for senior citizens who had small private rooms, shared bathrooms, ate their meals communally, and did not have cars. Even after it was sold in the early 2000s, it was never an apartment house. Nevertheless, the City's Planning Department included it as one when it made its last rezoning plan.)
4. The scale of the project is inappropriate to the neighborhood. We cannot absorb the impact of a 40-unit apartment house. Currently, there are no apartment buildings at all on the uphill side of the 4690 Tompkins property. In addition, there are no apartment houses of more than 6 units in any of the surrounding neighborhoods bounded by MacArthur & Highway 13 (east/west) and Calaveras and the south side of High Street (north/south). Many of the proposed apartments' renters will be driving in and out multiple times each day to work, run errands, etc. Other renters and their guests will choose to park on already parking-congested streets in order to be closer to their apartments.
5. The additional population envisioned in the UGI project will have to rely on already scarce public safety resources. OPD is woefully understaffed and crime including robberies, burglaries, home invasions, muggings, and a murder in 2013

continues unabated. Currently, OPD cannot adequately nor expeditiously address the safety of those of us already in the neighborhood nor can they monitor sufficiently the crime and criminals associated with the two motels, a Seven-Eleven store, and a homeless encampment that are located within three blocks of 4690.

6. Oakland cannot afford to reduce its stock of housing for seniors now. The U.S. population age 65 and older is expected to more than double between 2012 and 2060, from 43.1 million to 92.0 million (U.S. Census Bureau). Oakland needs more elder housing not less—especially when our city's senior population and their need for specialized residential care will only be increasing.
7. While the Steering Committee appreciates UGI's following-through on their commitment to conduct a parking study, there are flaws in the methodology and resulting data it contains.
8. During negotiations, the owners did not adequately address neighborhood concerns regarding traffic flow during morning and evening commutes.
9. We believe UGI's project will necessitate one-way streets that will impede the smooth flow of traffic through the neighborhood.
10. The proposal does not address the increased safety risk to the many pedestrians who regularly walk on the sidewalks bordering 4690.
11. Our concerns regarding tenant behavior issues such as late-night parties/privacy/noise congestion were not addressed by UGI.
12. Neighborhood flight will follow if this project is approved; a number of neighbors in the immediate vicinity have already begun or will begin the process of selling their homes upon approval of the project. This will impact home values throughout the neighborhood.
13. We do not have confidence in UGI as developers or landlords. It has an extremely poor track record as both—from evictions of elderly residents of their apartment houses to create TIC housing to owning and managing the crime-ridden "Ridge" Hotel (residential address with the third-highest number of calls to OPD in 2012).
14. UGI demonstrated a lack of financial and documentary transparency in their initial presentations to the neighborhood as well as in our negotiations with them.

The proposed UGI project at 4690 Tompkins is unacceptable to the neighborhood. We have the signatures of more than 400 residents who do not want Beulah Home converted to an apartment house. After engaging in good-faith discussions and negotiations with UGI under the kind auspices of Councilmember Libby Schaaf, we are prepared to fight this project before the City Planning Commission and appeal any affirmative decision they may make, and, if necessary appeal to the full City Council for relief from this ill-conceived, inappropriate, and near-sighted use of Beulah Home.

Who' we are

We're neighbors who have volunteered to be part of the B.E.S.T. Steering Committee. We live in neighborhoods all around the 4690 property and are dedicated to seeing that Beulah Home continues its 101-year mission to provide senior living housing. We want elders to be, once again, a vibrant part of our community. We oppose the current UGI proposal to convert the Beulah Home site into 49 market-rate rental units. Contact us: gabezreynoso@gmail.com or barbalanier@gmail.com.

Rose, Aubrey

From: taitt <taitt.sato@gmail.com>
Sent: Wednesday, December 11, 2013 8:07 PM
To: Rose, Aubrey; Schaaf, Libby; DL - City Council;
dsantana@oaklandnet.com;jquan@oaklandnet.com
Subject: 4690 Tompkins property -- opposition to apartment unit development

I am writing to express my concern at the proposed apartment complex development being discussed for 4690 Tompkins, Oakland, CA.

I live in the neighborhood where the 4690 Tompkins property is located and while I understand there is an argument for "bringing more business to Oakland", I would like to see the Beulah Home continue its 101 year mission to provide senior living housing. I want elders to be, once again, a vibrant part of the community where I am raising a young child (whose grandparents may well need a place to live as well). As a result, I oppose the current UGI proposal to convert the Beulah Home site into 49 apartment units and thank you for considering my request to take action against this proposal.

Taitt Sato Vigus
4291 Fair Ave., Oakland, CA 94619
415-722-6125