

**Oakland City Planning Commission****STAFF REPORT**

Case File Number: TTM8161 &amp; CDV13-267

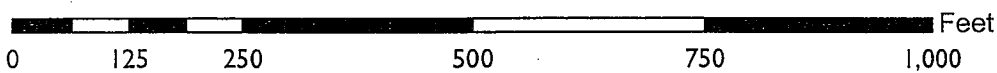
February 5, 2014

<b>Location:</b>	<b>5300-5310 San Pablo Avenue (APN's: 013-1186-013-03 &amp; 02)</b>
<b>Proposal:</b>	To subdivide two vacant lots into an eight mini-lot development with a shared-driveway accessed from 53rd Street, and construct three-story buildings for the development of four commercial units and sixteen residential dwelling units that include ground-level off-street covered parking spaces.
<b>Applicant:</b>	Francesca Boyd for Dogtown Development Co., LLC
<b>Phone Number:</b>	(510) 428-1714
<b>Owner:</b>	53 <sup>rd</sup> Street/San Pablo Avenue, LLC
<b>Case File Number:</b>	<b>TTM8161, CDV13-267 and T1400005</b>
<b>Planning Permits Required:</b>	1) Tentative Tract Map for a subdivision of two vacant parcels into eight mini-lots; 2) Minor Conditional Use Permit for eight mini-lots and shared-access facility (driveway); 3) Regular Design Review for new construction; 4) Minor Variances for a reduced rear yard building setback where 15 feet required is required (11 feet at the building wall and 9 feet at the bay windows) are proposed, and to reduce or eliminate the required group open space for this project; and 5) Tree Protection Permit to remove four trees within the property.
<b>General Plan:</b>	Community Commercial
<b>Zoning:</b>	CC-2 Community Commercial Zone
<b>Environmental Determination:</b>	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.
<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP) Survey Rating: None (vacant property)
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	1
<b>Date Filed:</b>	September 19, 2013 (revised plans submitted on January 3, 2014)
<b>Action to be Taken:</b>	Decision by the Planning Commission based on staff report
<b>Finality of Decision:</b>	Appealable to City Council within 10 calendar days
<b>For Further Information:</b>	Contact Case Planner: <b>Mike Rivera</b> at (510) 238-6417, or by email at <a href="mailto:mrivera@oaklandnet.com">mrivera@oaklandnet.com</a> .

**PROJECT SUMMARY**

The proposal is to subdivide two vacant lots into eight mini-lots accessed by a shared-driveway from 53rd Street. The development includes the construction of two rows of three-story buildings that will contain a total of four commercial units, sixteen residential dwelling units and sixteen covered off-street parking spaces. The development is located at the northeast corner of San Pablo Avenue and 53rd Street, near the City of Emeryville border. The subject property is bounded by similar commercially zoned properties to the south, west and north, and residentially zoned properties to the east. The proposal also includes a Tree Permit (T1400005) to remove four protected trees within the property. (The City Public Works/Tree Division Agency is the decision-making body for the tree permit application). Per Section 16.04.050 (Subdivisions) of the Oakland Municipal Code (OMC), the Planning Commission is the decision-making body for this application. Staff recommends approval of the project subject to the required Findings (**Attachment A**) and Conditions of Approval. (**Attachment B**)

# CITY OF OAKLAND PLANNING COMMISSION



Case File: TTM8161, CDVI3267 and TI400005  
Applicant: Francesca Boyd for Dogtown Development Co., LLC  
Address: 5300-5310 San Pablo Avenue  
Zone: CC-2

## PROPERTY DESCRIPTION

The property is located at the northeast corner of the intersection of San Pablo Avenue and 53rd Street, and near the City of Emeryville border (to the west and southwest). The two vacant lots measure 15,431 square feet and are surrounded by a seven foot high fence. An existing curb cut (driveway) along San Pablo Avenue will be replaced with a new curb. The property contains a small shed and a billboard that will both be removed. The property also contains a cluster of trees along the east, southeast and west property lines that will remain, except for four trees that will be removed. The property is bounded to the north by a commercial building, to the east by a single-family residences, to the south (across 53rd Street) by a multi-family residence and to the west (across San Pablo Avenue) by commercial facilities and Emery High School.

## PROJECT DESCRIPTION

Subdivision/Mini-Lot Development: The applicant proposes to subdivide two vacant lots into eight rectangular-shaped mini-lots served by a shared-access facility (driveway) at the center of the 53<sup>rd</sup> Street frontage. The proposed driveway will provide the only vehicular access to and from the development. The following table lists the dimensions for the mini-lot subdivision:

	Lot Width	Lot Depth	Lot Size	Shared-Driveway 24 ft. wide x 119.91 ft. deep
Lot 1 (Building 1)	30 ft.	63.82 ft.	1,915 sq. ft.	Provided
Lot 2 (Building 2)	30 ft.	63.82 ft.	1,915 sq. ft.	Provided
Lot 3 (Building 3)	30 ft.	63.82 ft.	1,915 sq. ft.	Provided
Lot 4 (Building 4)	29.99 ft.	63.82 ft.	1,913 sq. ft.	Provided
Lot 5 (Building 5)	30 ft.	64.82 ft.	1,945 sq. ft.	Provided
Lot 6 (Building 6)	30 ft.	64.82 ft.	1,945 sq. ft.	Provided
Lot 7 (Building 7)	30 ft.	64.82 ft.	1,945 sq. ft.	Provided
Lot 8 (Building 8)	29.91	64.82 ft.	1,940 sq. ft.	Provided

The provision of Section 17.142 of the Oakland Planning Code (OPC) for Mini-Lot Development provides for certain properties to be developed such that each proposed building can be on its own individual lot as long as the entire development site complies with the applicable development standards for zone (in this case, CC-2 Zone) in terms of density, lot area, height, minimum yard setbacks, parking, and open space. The subdivision (Tentative Tract Map) proposal includes the siting of the buildings (three-story high) on each of the eight mini-lots. The Map shows Lots 1-4 to the west and Lots 5-8 to the east of the proposed shared-access facility (driveway).

Site Design: The proposal is to construct three-story buildings on each of the eight proposed mini-lots. The four lots (Lots 1-4) to the west of the shared-access facility (driveway) will have four attached buildings (Buildings 1-4) with ground-floor commercial units fronting on San Pablo Avenue and eight residential dwelling units on the second and third floors. These four buildings include eight side-by-side

covered (carport) parking spaces along the rear of the buildings. Lots 5-8 to the east of the driveway will also have eight residential dwelling units in four buildings (Buildings 5-8). These units will be located on the ground-floor, second and third floors. These four buildings include eight side-by-side (garages) parking spaces accessed from the shared- driveway. The entry to the residential dwelling units will be through a 6-foot high front gate on 53rd Street and along the private driveway. The proposal includes a gated open yard at the end of the driveway (see variance request section), new trees along the rear yard of Buildings 5-8, and street trees in the right-of-way along San Pablo Avenue and 53rd Street.

Building Design: The proposal is to construct two rows of three-story contemporary buildings on both sides of a 24 foot wide shared-access facility (driveway). Buildings 1-4, fronting on San Pablo Avenue measure 31 feet to 35 feet high to the top of the roof, 50 feet deep and 27 feet wide each. These buildings (1-4) have four separate ground-floor commercial units and eight two-bedroom residential dwelling units above, on the second and third floors that include balconies facing San Pablo Avenue and the shared-driveway. The main entry for the commercial and residential units will be from San Pablo Avenue. To the rear of Buildings 1-4, the project includes covered (carport) parking, bicycle storage and trash enclosures. In contrast, Buildings 5-8 located to the east of the shared-driveway and along 53rd Street, measure 30 feet high to the top of the roof, 42 feet deep and 25 feet wide each. Buildings 5-8 have four two-bedroom and four three-bedroom residential dwelling units, located to the rear of the ground-floor, and at the second and third floors. The main entry to these units will be from the front stairway, located adjacent to the shared-driveway. Buildings 5-8 also have eight one-car garages, balconies facing the shared-driveway, and 11- foot deep rear yards.

Along San Pablo Avenue, the storefronts for Buildings 1-4 have large aluminum-frame glazing windows/doors with vertical corrugated metal and horizontal redwood siding to create visual interest. The main entries for the upper residential dwelling units are accessed from two separate 6 foot high wooden gates. The exterior materials for the second and third floors of Buildings 1-4 also combine vertical corrugated metal and horizontal wood siding that include anodized aluminum windows and sliding doors. The south side of Buildings 1 and 5 along 53rd Street, will have similar corrugated metal and wood siding materials. The east sides of buildings 5-8, Hardie panels intertwined by reveal joints and painted with a light olive color finish. The project also includes anodized aluminum windows and sliding doors for all of the residential units are proposed. To the north of Building 4, the facade combines horizontal redwood siding and Hardie panel siding with reveal joints; and to the north of Building 8, the facade contains redwood horizontal siding. To the east of Buildings 1-4 (facing the shared-driveway), a large area of the facade has Hardie panels with reveal-joints and vertical corrugated metal siding on the balconies including redwood siding and wall-sconce lights. To the west of Buildings 5-8 (facing the shared-driveway), horizontal redwood and vertical corrugated metal siding are proposed. The project also includes wall-sconce light fixtures to the side of the garages and balconies.

(See Attachment C)

## GENERAL PLAN ANALYSIS

The property is located in the "Community Commercial" classification of the Oakland General Plan Land Use and Transportation Element (LUTE). The intent of this classification is *"to create, maintain and enhance areas suitable for wide variety of commercial and institutional operations along the City's major corridors and in shopping districts and centers. The desired character and uses in the community commercial districts may include neighborhood center uses and large scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, educational facilities and entertainment uses. The community commercial areas can be complemented by the addition of urban residential and compatible mixed use development. The community commercial General Plan area allows an FAR of 5.0 and a residential density of one dwelling unit per 375 square feet of lot area.* The subject site could have a maximum density of up to 41 dwelling units. The proposed density of 16 residential dwellings is therefore consistent with the General Plan. The proposed project is consistent with the General Plan by developing a large vacant parcel with a new mixed use development

that provides a residential density to support activities along street corridors, and by creating an active ground floor with new commercial uses. The proposal is consistent with the following General Plan objectives and policies:

Objective N3- *To encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.* The proposal provides sixteen new residential dwelling units for the Oakland community.

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.* The proposal is located in an established mixed-use neighborhood area and along a major street corridor. The new construction of a mixed-use development on the vacant site will be an infill development.

Objective N6- *Encourage a mix of housing costs, unit sizes, types and ownership structures.* The proposal provides a mix of row house style residential units with building sizes that average from 1,178 square foot to 1,769 square foot.

Policy N6.2- *Increase Home Ownership. Housing development that increase home ownership opportunities for households of all incomes are desirable.* The proposal provides home ownership opportunities for a range of potential home buyers. The mini-lot development approach will make the sixteen residential dwelling units more affordable due to the smaller lot sizes.

## ZONING ANALYSIS

The property is located in the CC-2 Community Commercial Zone. The intent of the CC-2 zone is *"to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas.* The applicable activity and facility type for this mixed-use "Residential and Commercial" development is one that is permitted in the CC-2 Zone.

Section 17.35.050 (A) and (C) of the Oakland Planning Code sets the development standards for required minimum building rear yard setbacks for residential and nonresidential facilities, and for minimum usable open space in the CC-2 Zone. The proposal requests a minor variance to reduce the residential facility rear yard setback from the required 15 feet to the proposed 11 feet (ground-floor), and 9 feet (second and third floor bays). The proposal also requests a minor variance to reduce or eliminate the required 480 square foot group open space area (recreational yard area), located at the north end of the shared-driveway.

The purpose of the variance provisions is to prescribe the procedure for the relaxation of any substantive provision of the zoning regulations, under specified conditions, so that the public welfare is secured and substantial justice done most nearly in accord with the intent and purposes of the zoning regulations.

Under Sections 16.08.030 for Tentative Map and 16.24.040 for Lot Design Standards of the Oakland Subdivision Regulations, and Sections 17.134.050 for General Use Permit criteria, 17.142.012 for Conditional Use Permit for waiver of certain requirements in mini-lots, City Guidelines for Shared-Access Facilities, 17.136.050 for Regular Design Review, and 17.148.050 for Minor Variances of the Oakland Planning Code, these required findings will be analyzed within the Findings section in this report.

(See Attachment A)

## ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as Categorical Exemptions from environmental review. The development proposal is categorically exempt from the environmental review requirements pursuant to Section 15332 for In-Fill Development Projects and pursuant to Section 15183 for projects consistent with a Community Plan, General Plan or Zoning. The following CEQA categorical exemption criteria is summarized by staff in italic print below:

- 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 development proposal is consistent with the General Plan designation of Community Commercial by creating a mixed-use development including ground-floor commercial activities and residential dwellings units above, and by meeting the development standards and the required findings applicable for this project.

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

The proposal takes place within city limits on a vacant parcel less than five acres (the site is 15,420 square feet) and is surrounded by urban uses.

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

The proposal is on site that has been previously developed. The property is located in an urbanized mixed-use neighborhood, and does not pose a value for habitat to endangered, rare or threatened species.

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

With implementation of standard conditions of approval related to construction management and noise reduction measures, the proposal would not result in any significant impacts on traffic, noise, air quality or water quality.

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

The proposal is located on a previously-developed site (now vacant) that had served other commercial activities. The new development can be served by existing and/or improved utility and public services.

## KEY ISSUES

### Building Design for the Principal Entry Gates

The design includes two separate principal pedestrian entry gates for the second and third story residential dwelling units along San Pablo Avenue, a major street corridor. The entry gate and attached side fence measures 6 feet high and 6 feet wide and is constructed of solid wood material. Staff recommends that the design of the entry gates should be revised to be more attractive and more identifiable as entries.

### Siding Materials for the Rear of Buildings 5-8

The project proposes Hardie Panel siding with reveal wall-joints and is finished with a light olive green color for the rear exterior walls of the three-story building facing east. The proposed façade of Buildings 5-8 which face a mix of one-story and two-story residential properties in the RM-2 Residential Zone will be visually significant to the abutting properties and from 53<sup>rd</sup> Street. Staff believes that the proposed project should receive similar material details and treatment to the other buildings facades.

### Street Trees and Landscaping

The project includes the installation of twelve Platanus Arecifolia "Bloodgood" London Plane street trees along San Pablo Avenue and 53<sup>rd</sup> Street. Eight of these trees are clustered in pairs and the others are spaced about 15 feet from each other. The proposal also includes four Betula Pendula "Silver Birch" trees within the property and along the rear yard of Buildings 5-8. At this time, the design plans do not show the size for the proposed street trees or the size of the tree wells; however, staff recommends a Condition of Approval for the street trees to meet City regulations (see Attachment B). To be consistent with the City's Standard Specification for Street Tree Planting, staff recommends the applicant consult with the Public Works/Tree Division to meet the requirements for street tree planting, etc. Furthermore, the proposed site and elevation plans show six garages for the Buildings 5-7 facing the shared-driveway. To make the private driveway visually attractive and inviting, pockets of new ornamental landscaping should be added along the edge of the shared-driveway, between the garage doors. Staff recommends that small size vines or other colorful plants are installed to create interest to the forty foot wide shared-driveway.

### **CONCLUSION**

Staff believes that the proposal is a good use that provides a mixed-use on the vacant property. The reuse of the site allows infill residential opportunities and new ground-floor commercial to the area which is accessible to public transit. The project will enhance the successful operation of the major corridor and will not create any significant negative impacts to surrounding properties. Staff determines that the application meets the required findings (See Attachment A), and recommends approval to the Planning Commission, subject to the Conditions of Approval. (See Attachment B)

### **RECOMMENDATIONS**

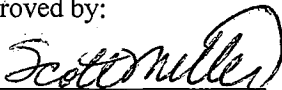
1. Affirm staff's Environmental Determination.
2. Approve Tentative Map, Conditional Use Permit, Regular Design Review and Minor Variance, subject to the attached findings and conditions of approval.

Prepared by:



Mike Rivera  
Planner II

Approved by:



Scott Miller  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



Rachel Flynn  
Planning and Building Director

**ATTACHMENTS**

- A. Findings
- B. Conditions of Approval
- C. Revised Design Plans, submitted on January 3, 2014



## ATTACHMENT A

### Findings for Approval

The findings required to grant approval for this application for a Tentative Map, Conditional Use Permit, Regular Design Review and Minor Variance are (shown in **bold**) found in Sections 16.08.030, 16.24.040, 17.134.050, 17.142.012, 17.148.050 and 17.136.050, and the reasons this proposal satisfy these findings, are as follows:

**SECTION 16.08.030-TENTATIVE MAP** (Pursuant also to California Government Code §66474 (Chapter 4, 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 applicable general and specific plans as specified in the State Government Code Section 65451.**

The subdivision proposal is consistent with the designated "Community Commercial" classification of the General Plan by creating sixteen residential dwelling units, and ground-floor commercial units along a major transit corridor.

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

See Finding (A) above. There is no specific plan that governs this area.

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

The project site is suitable for the development of residential and commercial facilities because it is close to public utilities, transit and contains the required open space and off-street parking, subject to the approval of minor variances.

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

The project site is suitable for the proposed density and is consistent with the General Plan.

**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 project site has been previously developed and is now vacant. The property does not contain any wildlife habitat.

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

The project proposal would not cause adverse health effects because the mixed-use development is located in an established neighborhood with similar uses and facilities.

**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**

***FINDINGS***

legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision).

The property does not contain any easements to allow the public access.

**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 project design uses energy efficient techniques such as locating the forty-foot wide shared driveway in the center of the lots to take advantage of natural solar heating and cooling opportunities to the proposed three-story buildings.

**Section 16.24.040-LOT DESIGN STANDARDS.**

Lot design shall be consistent with the provisions of Section 16.04.010, Purpose, and the following provisions:

**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 access easements; or**
- 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.**

Lots 1-4 have street frontage on San Pablo Avenue, and Lots 5-8 have frontage along the private access easement. All of the eight lots created will have vehicular access through the shared-access driveway that is 24' wide and approximate 100' long.

**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.**

Lots 1-8 have side lot lines that run at right angles to the street (San Pablo Avenue), and to the easement (shared-driveway) upon which they front.

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

The project proposal meets the CC-2 zoning development standards; however the applicant seeks exceptions to the required zoning regulations for minimum rear yard setback and group open space. The mini-lot subdivision and zoning regulations may be waived by meeting the required findings or criteria (see findings or criteria for Conditional Use Permit and Minor Variance) in this report.

**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 mini-lot development standards may waive certain zoning requirements such as minimum lot area and width, and minimum setback yard for the new individual mini-lots (see findings within this report).

***FINDINGS***

**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.**

There are no natural out-croppings of rock, creeks or other amenities. However, there are trees within the property that the applicant proposes to remove four trees and protect two trees under the submitted Tree Permit application (T1400005), which is under review by the Public Works/Tree Division services.

**SECTION 17.134.050-GENERAL USE PERMIT CRITERIA.**

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

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

The proposed mini-lot development is for the construction of a mixed-use residential and commercial facility. The property is located on San Pablo Avenue, a major transportation corridor. The design of the mixed-use facility will be compatible with the neighborhood and the development will fill a prominent site that has been vacant for at least twenty years. The project will provide ownership opportunities and new commercial services to the community. On-site parking and utilities will be provided for the tenants.

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

The proposed project is located on a major transit corridor at the corner of San Pablo Avenue and 53rd Street. The proposed building has a modern design that consists of metal, redwood and fiber-cement siding. The zoning and subdivision regulations allow the project to be developed under the required mini-lot provisions, and the shared-driveway minimizes the need for multiple driveways.

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

The proposed mixed-use development will be in keeping with the character of the surrounding area, which has a mix of single-family, multi-family and commercial facilities. The project will enhance the operation in the area by creating small scale businesses and by increasing residential units along this major street corridor.

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

The project conforms to the Regular Design Review criteria at Section 17.136.050. (See Design Review Findings section in this report)

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

***FINDINGS***

The project conforms with the General Plan by creating a mixed-use development on a large vacant lot. The proposal creates new ground-floor commercial units to increase foot traffic and residential density to support the commercial activities along San Pablo Avenue. The development is consistent with the character of the Community Commercial designation, land uses, and densities of the General Plan.

**SECTION 17.142.012- CONDITIONAL USE PERMIT for WAIVER of CERTAIN REQUIREMENTS for MINI-LOT DEVELOPMENT**

**A. The maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a mini-lot development, and upon determination:**

**1. That there is adequate provision for maintenance of the open space and other facilities within the development; and**

The proposal provides group open space and a shared-access facility (shared-driveway) for the sixteen residential dwelling units. The group open space is located at the end of the driveway and is buffered by a 6 foot high fence and gate. However, the applicant proposes a minor variance to reduce or eliminate the required open space from the project (see Minor Variance findings). The shared-driveway located on 53rd Street serves as a private access easement for vehicular ingress and egress including utilities. The project Conditions of Approval will require a maintenance agreement to ensure maintenance for all common areas is met.

**2. That the total development meets all the requirements that would apply to it if it were a single lot.**

The proposal meets the required development standards for building height, lot area, width, frontage and off-street parking if the site were developed as a single lot. However, the applicant requests a minor variance to waive the requirements for minimum yard (building setback) at the east/rear side and group open space at the end of the shared-driveway. See findings section for Minor Variance.

**USE PERMIT/ GUIDELINES for SHARED-ACCESS FACILITIES**

**A. Use Permit Required. A shared access facility shall be allowed only upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.**

The proposal includes a Minor Conditional Use Permit pursuant to Section 17.134. See findings above.

**B. Use Permit Criteria. A conditional use permit under this section may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional 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 proposal includes a shared-access facility (driveway) that has adequate width for maneuverability for both emergency and non-emergency vehicles, and is therefore consistent with the guidelines for development and evaluation of shared-access facilities.

***FINDINGS***

**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 project proposes a 24 foot wide shared-access facility (driveway) that is adequate for emergency/nonemergency ingress and egress and for maneuverability for turning around. The shared-driveway will conform to the City standards for private access easement.

**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 (driveway) is on a flat surface, and does not require retaining walls. The driveway will be permeable and finished with decorative stone pavers for visual appeal as well as an environmentally superior alternative to minimize the impacts of stormwater run-off.

**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.

As a condition of approval, the applicant is required to prepare a maintenance agreement for the proposed development, and submit it to the Planning Department for review and approval prior to issuance of a certificate of occupancy for the first unit.

**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.

Staff has added a condition of approval to this report for the project to meet the above criteria.

#### **SECTION 17.148.050 –MINOR VARIANCE FINDINGS**

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

## ***FINDINGS***

The proposal seeks a variance to reduce the rear yard setback from the required 15 feet to the proposed 11 feet (main building) and 9 feet (bay windows). The strict compliance with the CC-2 Community Commercial Zone would prevent an effective design solution that improves the appearance of the building by breaking up building mass while providing a reasonable townhouse-style layout. That portion of the building within the rear yard setback will provide sufficient rear yard area and will be separated approximately 20 feet from the adjacent residences. The existing and new trees will buffer that portion of the building in the rear yard, and a requirement to replace the Hardie Panel siding with a combination of materials consistent with the other facades will provide a design solution that improves the appearance of the building from the adjacent residential properties. In addition, the adjacent properties contain an open driveway along the property line, which effectively provides additional separation between the structures. (See **Condition of Approval #37**)

The proposal also seeks a variance to reduce or eliminate the required group open space. Even though a group open space of 480 square feet in area is provided at the end of the shared-driveway, staff can justify the finding because it would be practical to extend the length of the shared-driveway to improve accessibility to the residents, and create additional covered parking for Building 8. Staff needs to point out that the project still provides the required private open space in the balcony areas for all of the residential units and in the rear yard areas for Building 5-8. If the variance is granted, staff recommends that the proposed ground-floor bedroom in Building 8 is converted back to a one-car garage, and that a group of trees is installed at the end of the shared-driveway. (See **Conditions of Approval #40 & #41**)

2. **That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

The basic intent of the rear yard setback is to provide building separation from the property lines and usable open space between, from adjacent properties. Staff can justify the finding to reduce the rear yard setback to allow a portion of the building to be relocated in the setback, with the existing and new trees provided, and the project uses quality exterior materials and treatments to improve its visual quality as seen from adjacent residential properties and the street.

As indicated above, staff can justify the finding to reduce or eliminate the group open space. The project proposal provides private open space for each of the residential dwelling units. The proposed balconies are located along San Pablo Avenue and above the shared-driveway.

3. **That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.**

The granting of the reduced rear yard setback would not adversely affect the character, livability, or appropriate development of abutting properties. That portion of the building that is in the rear yard setback would allow the project to have the density that is needed for the commercial corridor.

The granting of the variance to reduce or eliminate group open space would not adversely affect the livability of the abutting properties because private open space will be provided for each of the residential units.

## ***FINDINGS***

4. **That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.**

Generally, minor variances are granted when the project will result in a better design solution, and would limit impacts on neighboring properties.

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

The proposal conforms to the City's General Plan, Zoning and Subdivision provisions and criteria for Conditional Use Permit, Design Review Criteria and Variance as listed in the content of this report.

**SECTION 17.136.050(A)-REGULAR DESIGN REVIEW FINDINGS**  
**For Residential Facilities**

1. **That 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 texture.**

The proposal creates two rows of buildings that are separated by a shared-access driveway with taller mixed-use buildings along San Pablo Avenue, and with lower residential buildings abutting the single-family properties along 53<sup>rd</sup> Street. The three-story building (Buildings 1-4) steps down to the east from 35 feet high to 30 feet high to manage scale and to relate to the setting of the surrounding properties. The contemporary building design contains architectural features such as aluminum windows and doors, cantilevered and recessed balconies and three distinctive siding materials to create visual interest. To improve the design of the two main entry gates along San Pablo Avenue, staff requires a Condition to revise the two entry gates with a design that is more attractive and identifiable as a pedestrian entry. (See Condition of Approval # 38)

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

The proposal provides a design that will enhance the character of the San Pablo Avenue corridor. The project fills an underutilized lot with a mixed-use development that provides sixteen residential dwelling units and ground-floor commercial space. The three-story building uses finish materials such as corrugated vertical metal siding, horizontal redwood siding and Hardie Panels with reveal joints.

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

The proposal is located on a flat site. The project is subject to a Tree Removal/Protection Permit review by the City's Public Works/Tree Division. The proposal includes the installation of new trees on the property and street trees along San Pablo Avenue and 53<sup>rd</sup> Street. To be consistent with the City's Standard Specification for Street Tree Planting, staff requires a condition that the applicant consult with the Public Works/Tree Division in order to meet the requirements for street tree planting, etc. (See Condition of Approval #34 & #36). Further, to make the shared-driveway visually appealing, staff requires a condition that pockets of new ornamental landscaping are installed along the sides of the garages. (See Condition of Approval #39)

***FINDINGS***

4. **If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

The proposal is not situated on a hill.

5. **The proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.**

The proposal to construct sixteen residential dwelling units with ground-floor commercial units is consistent with the City's policy framework for providing development of infill sites along the San Pablo corridor.



## ATTACHMENT B

### Conditions of approval

The proposal is hereby approved subject to the following 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, and the *revised* design plans submitted on **January 3, 2014** 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 letter 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 **Zoning Manager** ("this Approval") includes the approvals set forth below. This Approval is to construct a mixed-use development that contains four commercial units, sixteen residential dwelling units with a shared-access driveway and sixteen off-street parking spaces.

#### 2. Effective Date, Expiration, Extensions and Extinguishment

##### *Ongoing*

Unless a different termination date is prescribed, this Approval shall expire **two (2) 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, and Subdivision Regulations** 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/ Tree Services Division 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 of approval** 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 of approval** if it is found that there is violation of any of the **conditions of approval** 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 of Approval**

***With submittal of a demolition, grading, and building permit***

A copy of the approval letter and **Conditions of Approval** shall be signed by the property owner, notarized, and submitted with each set of permit construction 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 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.

***CONDITIONS OF APPROVAL***

**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 of approval**, and if one or more of such **conditions of approval** is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid **conditions of approval** 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 by City officials and project developer 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. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities**

***Prior to issuance of a building permit***

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (**excluding** secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

- a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

**13. Landscape Requirements for Street Frontages.**

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

In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

**14. Assurance of Landscaping Completion.**

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

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued; **or a bond, cash, deposit,**

***CONDITIONS OF APPROVAL***

or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond, cash, deposit, or letter of credit shall equal the greater of two thousand five hundred dollars (\$2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor's bid.

**15. Landscape Maintenance.**

***Ongoing***

All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

**16. 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

***CONDITIONS OF APPROVAL***

- 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.

#### **17. Construction Emissions**

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

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

#### **18. Days/Hours of Construction Operation**

##### ***Ongoing throughout demolition, grading, and/or construction***

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through

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- Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside the hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
  - c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
    - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
    - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
  - d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
  - e) No construction activity shall take place on Sundays or Federal holidays.
  - f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
  - g) Applicant shall use temporary power poles instead of generators where feasible.

#### **19. 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

## ***CONDITIONS OF APPROVAL***

may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

**20. 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.

**21. 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:
  - i. 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.
  - ii. Prohibition of Z-duct construction.

**22. 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.

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- 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.
- 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.

**23. 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.

**24. 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.

**25. 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

***CONDITIONS OF APPROVAL***



stormwater pollution.

**26. Erosion and Sedimentation Control**

***Ongoing throughout demolition grading, and/or construction activities***

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

**27. 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.

**28. 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

***CONDITIONS OF APPROVAL***

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.

**29. 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](http://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.

**30. 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

**31. Air Pollution Buffering for Private Open Space**

***Prior to approval of Final Development Plan for each stage***

To the maximum extent practicable, private (individual and common) exterior open space, including playgrounds, patios, and decks, shall either be shielded from the stationary source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

**32. Compliance with the Green Building Ordinance, OMC Chapter 18.02**

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

***CONDITIONS OF APPROVAL***

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.

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 **LEED / 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. **Insert green building point level/certification requirement: (See Green Building Summary Table)** 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.

- a) 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

***CONDITIONS OF APPROVAL***

Building Certifier shall submit the appropriate documentation to **Build It Green / Green Building Certification Institute** 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.

**33. 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.

**34. Tree Protection of a Protected Tree(s) if located within 10 feet from and 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.

**35. Tree Removal Permit**

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

**CONDITIONS OF APPROVAL**

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.

**36. City Street Trees**

***Prior to the issuance of a certificate of occupancy, final building inspection/Ongoing***

The property owner/applicant shall obtain review and approval by Public Works/ Tree Division of the tree species, size, design specifications, time of planting, and placement. The city street trees shall be irrigated for at least the first three years.

**SPECIFIC PROJECT CONDITIONS**

**37. Replacement of Siding Material at the Rear of Buildings 5-8**

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

The applicant shall submit a revised plan that shows the replacement of the Hardie Panel siding at the rear of Buildings 5-8 with a combination of materials and details consistent with the other building facades.

**38. Replacement of Main Entry Gates/Doors along San Pablo Avenue**

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

The applicant shall submit a revised plan with details that shows the replacement of the two main entry gates with a new design that is attractive and more identifiable as pedestrian entry gates.

**39. New Landscaping within the Shared-Access Driveway**

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

The applicant shall submit a revised plan with details that show the installation of ornamental landscaping along the front walls of the garages for Buildings 5-8. The new pockets of landscaping shall be placed in between the garage doors and shall not conflict with vehicle maneuvering and sight lines.

**40. Installation of New Trees in the Shared-Access Driveway**

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

The applicant shall submit a revised plan with details that show the planting of new trees at the north end of the shared-driveway. *(This condition is not required if the requested variance to reduce or eliminate the required Group Open Space is not granted by the Planning Commission).* The new trees shall be at least 15-gallon size at planting and contain a decorative open rail to protect the trees from the vehicles traveling along the driveway.

**41. Conversion of Bedroom Back to a One-Car Garage for Building 8**

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

The applicant shall submit a revised plan that shows the conversion of the proposed bedroom, located in Unit 1/ Building 8 back to the originally proposed one-car garage. *(This condition is not required if the requested variance to reduce or eliminate the required Group Open Space is not granted by the Planning Commission).*

**42. New Business Signage**

***Ongoing***

Any new business signage on the property shall require a separate design review approval and permit by the Planning and Building Service Division.

***CONDITIONS OF APPROVAL***

**43. Revisions to the Tentative Tract Map/Building Footprint for Building 5**

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

The applicant shall submit copies of the revised Tentative Tract Map that reflects the revisions to the proposed building footprint for Building 5, located in Lot 5 of the proposed subdivision map.

**44. New Street Trees in Front of the Property**

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

The plans shall indicate a minimum of twelve (12) street trees along the San Pablo Avenue and 53rd Street frontage. Said trees shall be a minimum of 15-gallon size at time of planting, and shall meet the City's standard specifications for tree planting of the Public Works/Tree Division.

**45. Landscape Maintenance.**

***Ongoing***

All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

**46. Screening of HVAC/Utility Meters and Equipment**

***Prior to issuance of a demolition, grading or building permit/Ongoing***

The applicant shall submit construction plans that show details for screening of all exterior HVAC, utility meters and related equipment from public view.

**47. Storefront Windows and Doors**

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

The applicant shall submit construction plans that provide details for the new storefront windows and doors. All of the windows and door glass shall be clear. Also, the applicant shall keep all of the façade windows and door clear of visual obstruction including window/door coverage materials, except for the future proposal of new business signage that meets Section 17.104.020 (k) of the Oakland Planning Code.

**48. Trash and Recyclable Containers Odor Control/Loading Area**

***Ongoing***

The trash and recycling containers shall be kept and maintained and placed away from public view, except for during regular service pick up dates. The applicant shall sweep around these containers and the loading area daily, and use power-generated steam equipment in this area once weekly or as often as required.

**49. Property Maintenance Agreement and On-Going Owner Responsibility**

***Prior to issuance of a Certificate of Occupancy for the first unit***

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's office. 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.

**50. Certification**

***Prior to construction of shared access facility***

Prior to construction, applicants for the proposed 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. Applicants may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, applicants shall retain a landscape architect or other qualified individual to certify upon completion that the landscaping was installed in accordance with the approved landscape plan.

**51. Parking/Garages-Carports**

***Ongoing***

Each of the proposed parking garages, carports or stalls shall be maintained as required off-street parking spaces for the intended units. No garage, carport or parking stall shall be used or converted for any other purpose without prior review and approval by the Oakland Department of Planning and Building. .

**APPROVED BY:**

City Planning Commission: \_\_\_\_\_(date)\_\_\_\_\_ (vote)

***CONDITIONS OF APPROVAL***

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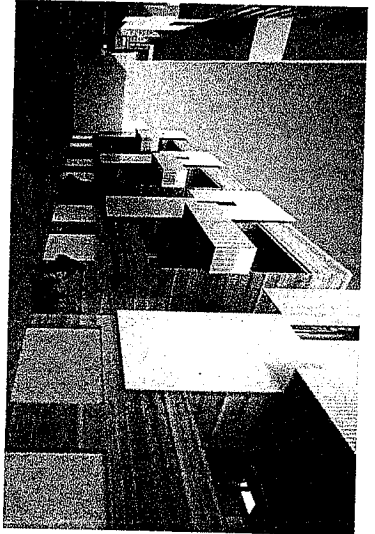
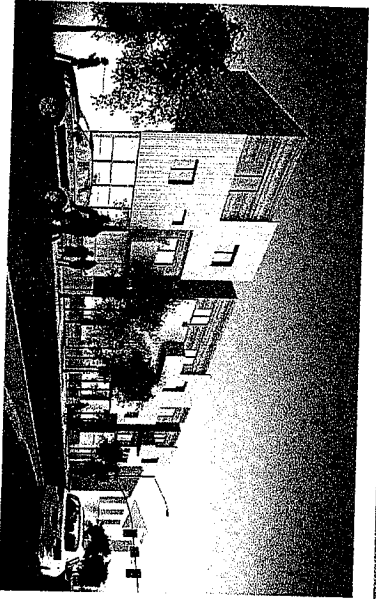
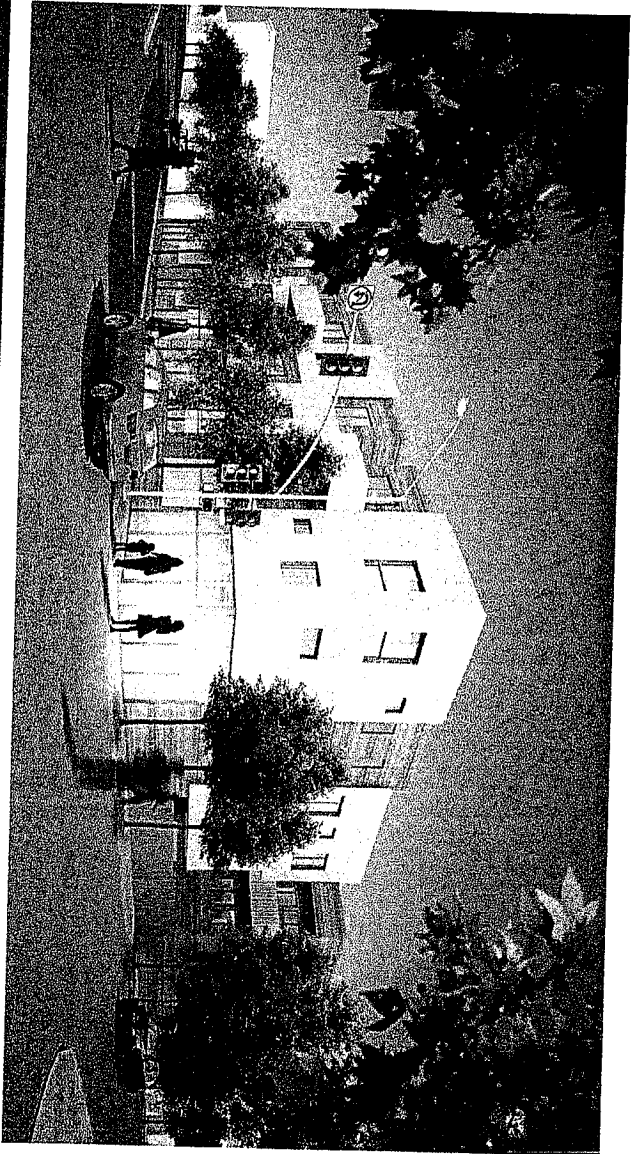
City of Oakland

Planning & Zoning Division

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5300 SAN PABLO AVE.

OAKLAND, CA 94608

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# ATTACHMENT C

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Project number	634017.2
Date	2013/12/28
Drawn by	CKC
Checked by	MB

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A.0.0	PROJECT INFORMATION
A.0.1	SITE PLAN (SEESECTIONS)
A.0.2	LANDSCAPE PLAN
A.1.0	GENERAL NOTES
A.1.1	CONCRETE FLOOR PLAN
A.1.2	FLOOR PLAN BUILDING 1.4.2
A.1.3	FLOOR PLAN BUILDING 1.4.3
A.1.4	FLOOR PLAN BUILDING 1.4.4
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A.29.9	ELEVATIONS

**GENERAL NOTES**

2010 CALIFORNIA RESIDENTIAL CODE WITH BERKELEY AMENDMENTS

2010 CALIFORNIA BUILDING CODE WITH BERKELEY AMENDMENTS

2010 CALIFORNIA MECHANICAL CODE WITH BERKELEY AMENDMENTS

2010 CALIFORNIA PLUMBING CODE WITH SAN BERGEL ET AMENDMENTS

2010 CALIFORNIA ELECTRICAL CODE WITH BERKELEY AMENDMENTS

2010 CALIFORNIA FIRE CODE WITH BERKELEY AMENDMENTS

2010 CALIFORNIA FIRE CODE WITH BERKELEY AMENDMENTS

**APPLICABLE CODES**

UNIFORM BUILDING AND NEW CONSTRUCTION OF 4 AWESOME COMMERCIAL AND  
18 RESIDENTIAL UNITS ACROSS THE 1800000 SAN PABLO AVENUE

**SCOPE OF WORK**

A hand-drawn map titled "STREET VIEW" showing a street grid. The vertical street is labeled "GARDEN ST" and the horizontal street is labeled "GARDEN ST (FRONT ST)". The map shows several lots with numbers in circles. A north arrow is in the bottom left corner.

[illegible]

**SAN PABLO AVE**

Graphic Scale: 1 inch = 10 feet

0 10 20 30 40

**NOTE: TOTAL OF SIX TREES TO BE REMOVED**

A\_1.0 

Scale 1" = 10'

**SITE PLAN  
(EXISTING)**

Project number	530012
Date	20140115
Doneen by	CKC
Checked by	MB

Page	Page Count	Page Count
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
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99	99	99
100	100	100

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

## architecture

**53RD STREET**

Graphic Scale: 1 inch = 10 feet

## A.1.1

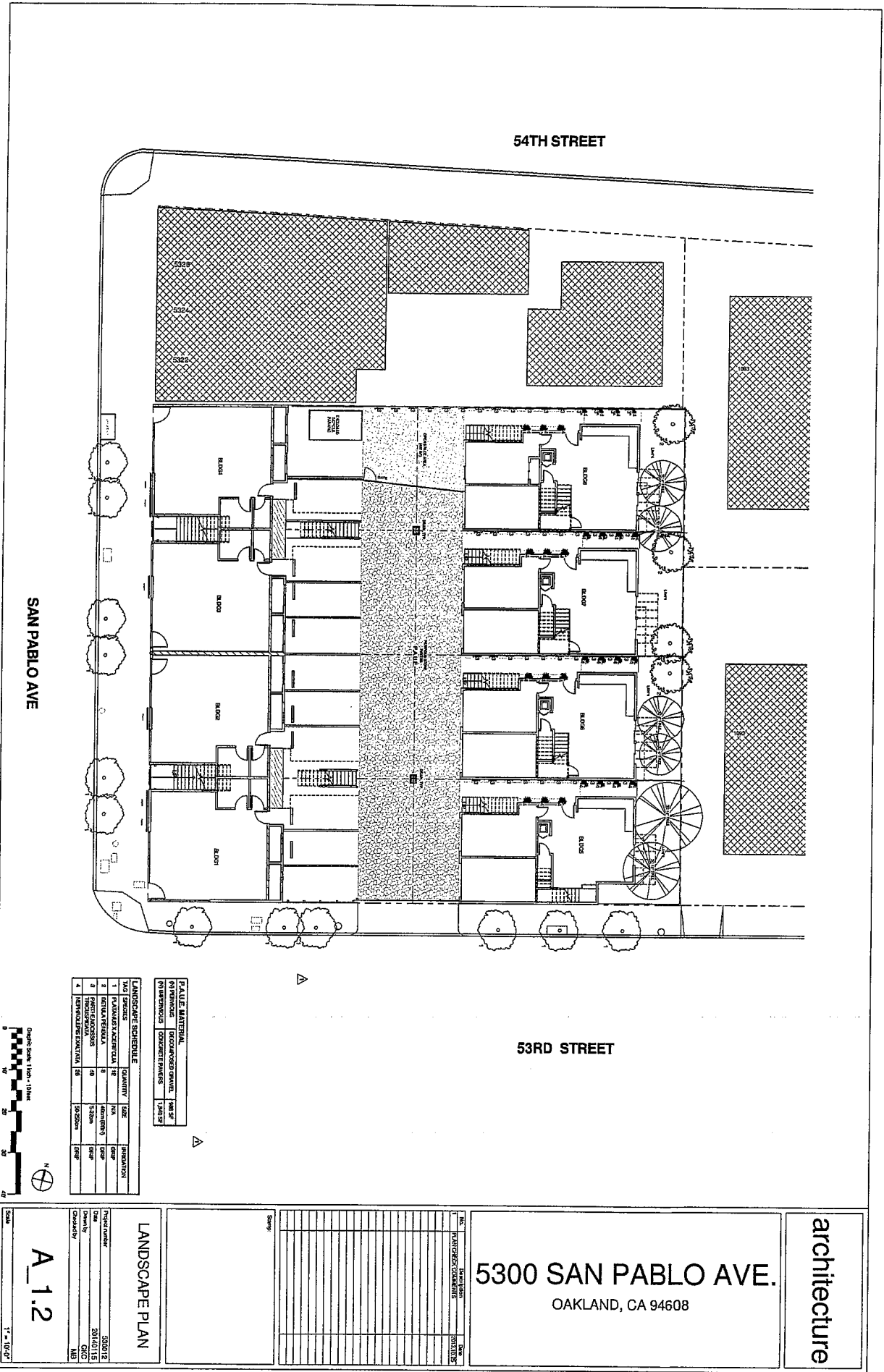
architecture

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

**SITE PLAN  
(PROPOSED)**

Project number	536012
Date	20140115
Drawn by	CKC
Checked by	MB

Scale  $1'' = 100.0'$



54TH STREET

SAN PABLO AVE

53RD STREET



LANDSCAPE SCHEDULE			
NO.	SPECIES	QUANTITY	SIZE
1	PAVING SLAB	12	12' x 12'
2	PAVING SLAB	8	12' x 12'
3	PAVING SLAB	40	12' x 12'
4	PAVING SLAB	50	12' x 12'

PAVING MATERIAL	
PAVING SLAB	12' x 12'
PAVING SLAB	12' x 12'
PAVING SLAB	12' x 12'

LANDSCAPE PLAN

Project Number: 2010.115

Client: [REDACTED]

Scale: 1" = 10'-0"

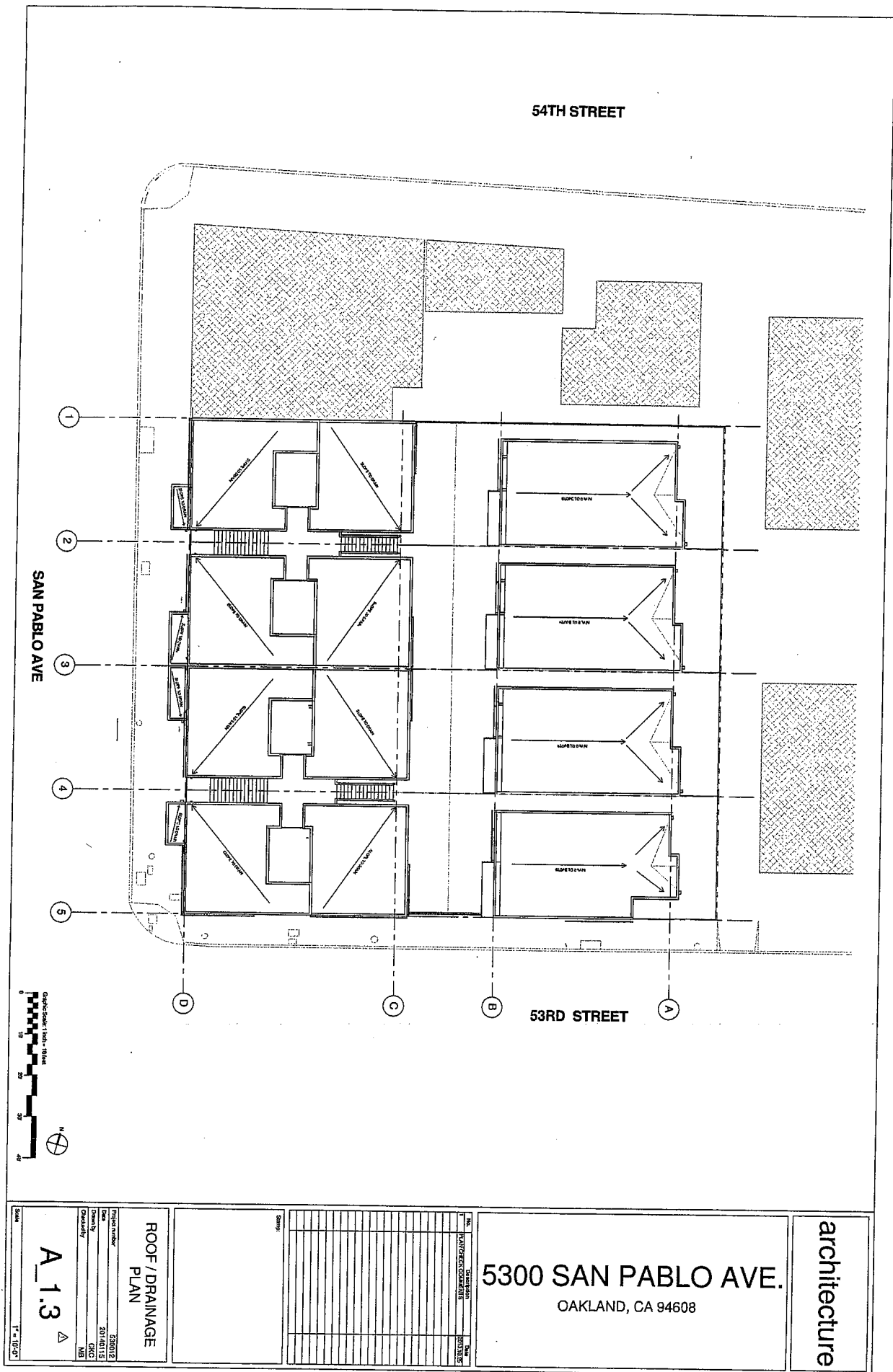
A\_1.2

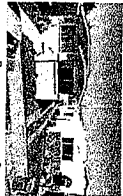
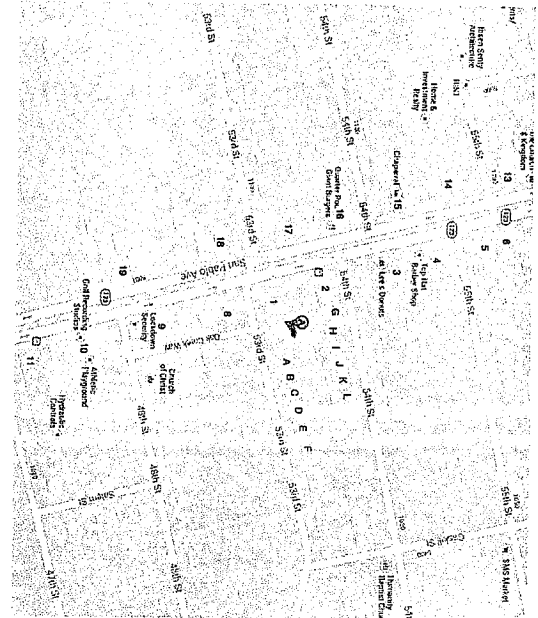
No.	Plant Name	Quantity	Notes
1	PAVING SLAB	12	12' x 12'
2	PAVING SLAB	8	12' x 12'
3	PAVING SLAB	40	12' x 12'
4	PAVING SLAB	50	12' x 12'

5300 SAN PABLO AVE.

OAKLAND, CA 94608

architecture





architecture

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

No.	Sheet Title	Date
1	5300 SAN PABLO AVE.	2014/01/15
2		
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Project Number: 530012  
 Date: 2014/01/15  
 Drawn by: CMC  
 Checked by: MB




Scale: A\_1.4







**WALL LEGEND**

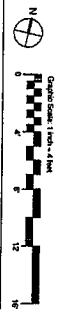
	NEW WALL
	FIRE WALL
	WALL SCONCE



Scale	As indicated
-------	--------------



OPEN SPACE CALCULATIONS	<p>GRADE OF GRAVE SPACES</p> <p>GRAVE SPACES WITH ONE OR MORE ADJACENT BUT NOT FULLY SUBSTITUTION TOTAL PROPOSED WALLS (SHOWN IN DOTTED LINE)</p> <p>TOTAL PROPOSED WALLS (SHOWN IN DOTTED LINE) - (GRADE CATCHES IN SEASON)</p> <p>PROPOSED GRAVE SPACES (EXCLUDING GRAVE SPACES WITH ADJACENT WALLS)</p> <p>PROPOSED GRAVE SPACES (EXCLUDING GRAVE SPACES WITH ADJACENT WALLS)</p> <p>WALL CALCULATIONS BASED ON GRAVE SPACES (SHOWN IN DOTTED LINE)</p> <p>WALL CALCULATIONS BASED ON GRAVE SPACES (SHOWN IN DOTTED LINE)</p>
WALL LEGEND	<p>NEW WALL</p> <p>FREE WALL</p> <p>WALL SPONGE</p>



Scale	As Indicated
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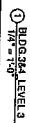
**OPEN SPACE CALCULATIONS**

GROUND OPEN SPACE: 150 SQ. FEET DOWELING UNIT, BUT CAN BE SUBSTITUTED FOR 100 SQ. FEET OF PRIVATE OPEN SPACE. 150 SQ. FEET OF PRIVATE OPEN SPACE IS PROVIDED FOR ALL PROPOSED WINDSHIELDS/PAVEMENT SURFACES (2005 x 16 = 3200 SQ. FT.)

PRIVATE OPEN SPACE: 100 SQ. FEET DOWELING UNIT, BUT CAN BE SUBSTITUTED FOR 150 SQ. FEET OF GROUND OPEN SPACE. 100 SQ. FEET OF PRIVATE OPEN SPACE IS PROVIDED FOR ALL PROPOSED WINDSHIELDS/PAVEMENT SURFACES (2005 x 16 = 3200 SQ. FT.)

NOTE: CALCULATIONS BASED ON SECTIONS 17.54.17B AND 17.12.02D OF THE OAKLAND LANDMARK CODE.

WALL SCORCE



No.	Description	Date
1	PLAN DIRECT COMMENTS	2013.10.05
2	PLAN DIRECT COMMENTS	2013.10.05

## A\_2.5

Project number	E50015
Date	2014/01/13
Drawn by	CHC
Checked by	MR

A\_2.5

As indicated

Scale

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

OAKLAND, CA 94608

**FLOORPLANS  
(BUILDING 5)**

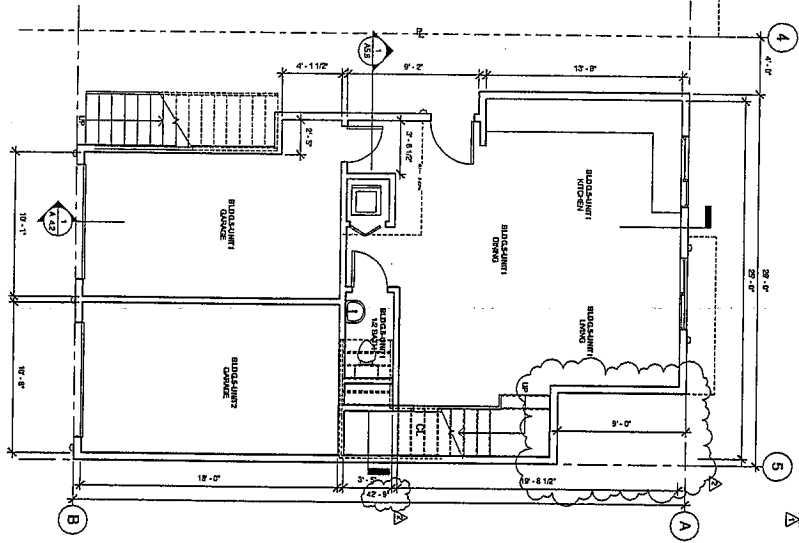
## A\_2.6

Project number	533012
Date	2013/12/26
Drawn by	CKC
Checked by	MB
A_2.6	
Scale	1/1" = 1'-0"

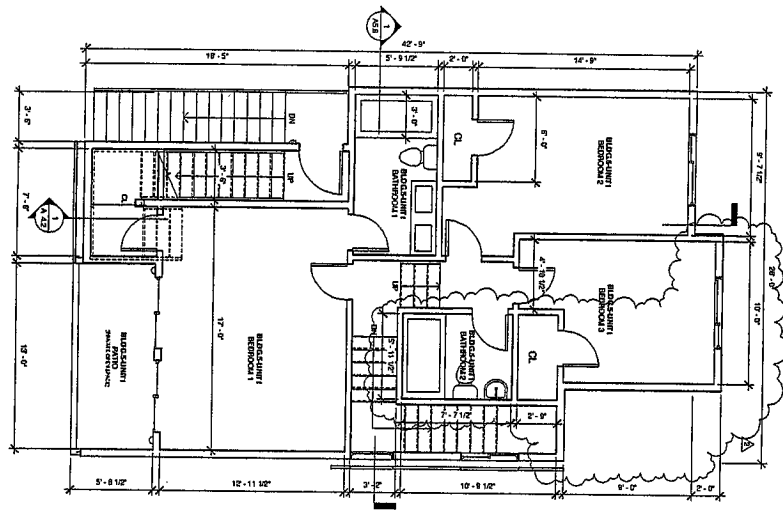
UNIT IDENTIFICATION AREA			
BUILDING	UNIT	DESCRIPTION	LEVER
Bldg. 5	1	3 BEDROOM RESIDENTIAL (FEAR)	1,24.3
	2	2 BEDROOM RESIDENTIAL (FRONT)	1,27.5F
Bldg. 6	1	3 BEDROOM RESIDENTIAL (FEAR)	1,24.3
	2	3 BEDROOM RESIDENTIAL (FRONT)	1,27.5F
Bldg. 7	1	3 BEDROOM RESIDENTIAL (FEAR)	1,24.3
	2	2 BEDROOM RESIDENTIAL (FRONT)	1,27.5F
Bldg. 8	1	3 BEDROOM RESIDENTIAL (FEAR)	1,24.3
	2	2 BEDROOM RESIDENTIAL (FRONT)	1,27.5F

[illegible]

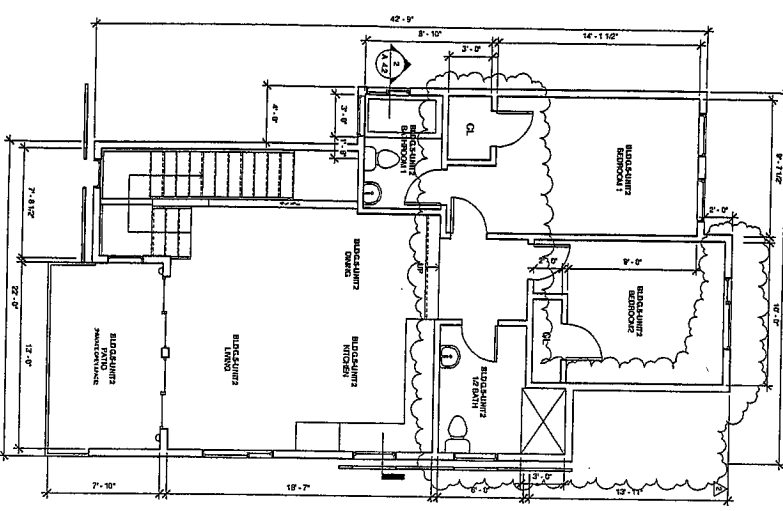
WALL SCORING	
FIRE WALL	
NEW WALL	



1 BLD. 5-LEVEL, 1 PLAN  
1/4" = 1'-0"



2 BLD. 5-LEVEL 2 PLAN  
1/4" = 1'-0"



③ BLD. 5-LEVEL 3 PLAN  
1/4" = 1'-0"



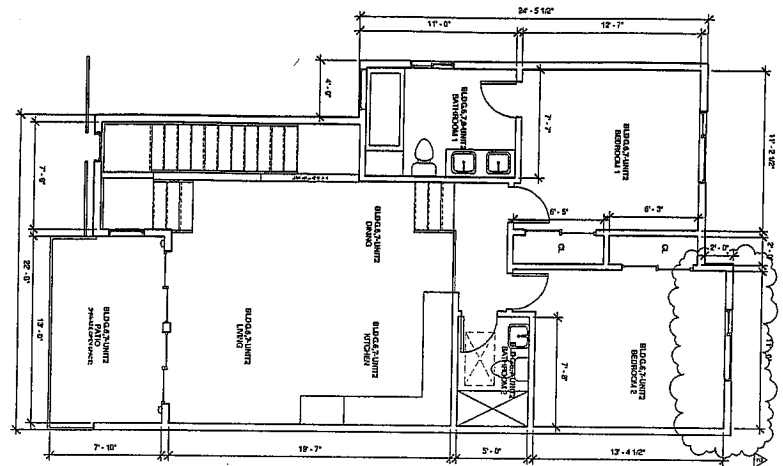
WALL LEGEND	
	NEW WALL
	FIRE WALL
	WALL SOURCE

**OPEN SPACE CALCULATIONS**

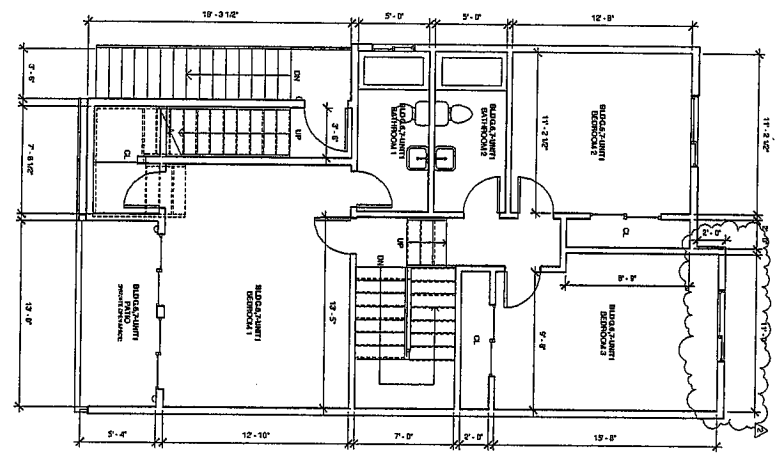
AREA OF OPEN SPACE  
 CALCULATED BY MEASURING THE GROSS EXTERIOR PERIMETER OF THE BUILDING AND SUBTRACTING THE AREA OF ALL WALLS, INCLUDING THOSE WALLS WHICH ARE PART OF THE PERIMETER OF THE BUILDING. THE AREA OF THE PERIMETER WALLS IS CALCULATED BY MEASURING THE GROSS EXTERIOR PERIMETER OF THE BUILDING AND SUBTRACTING THE AREA OF ALL WALLS, INCLUDING THOSE WALLS WHICH ARE PART OF THE PERIMETER OF THE BUILDING.

UNIT IDENTIFICATION / AREA		LEVEL	AREA	PRIVATE OPEN SPACE
BUILDING	UNIT			
BLOC 5	1	1, 2 & 3	1,718 SF	140 SF
	2	2 BEDROOM RESIDENTIAL (REAR)	1,279 SF	103 SF
BLOC 6	1	1, 2 & 3	1,788 SF	140 SF
	2	2 BEDROOM RESIDENTIAL (REAR)	1,279 SF	103 SF
BLOC 7	1	1, 2 & 3	1,788 SF	140 SF
	2	2 BEDROOM RESIDENTIAL (REAR)	1,279 SF	103 SF
BLOC 8	1	1, 2 & 3	1,788 SF	140 SF
	2	2 BEDROOM RESIDENTIAL (REAR)	1,279 SF	103 SF
TOTAL			4,788 SF	

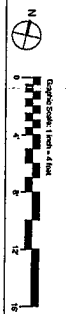
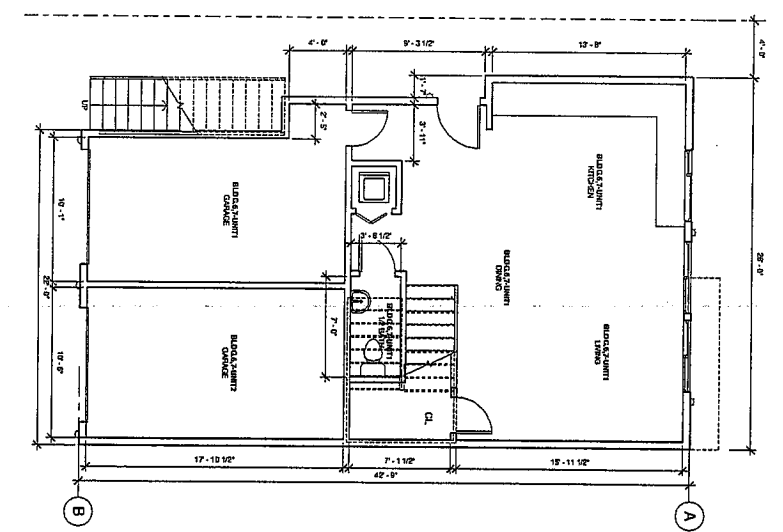
③ BUILDING 3 PLAN  
1/4" = 1'-0"



② BUILDING 2 PLAN  
1/4" = 1'-0"



① BUILDING 1 PLAN  
1/4" = 1'-0"



**FLOORPLANS**  
(BUILDING 6,7)

Project Number: 20131728  
 Date: 03/13/2013  
 Drawn by: CAC  
 Checked by: NBS

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

**A\_2.7**

**5300 SAN PABLO AVE.**  
OAKLAND, CA 94608

**architecture**

WALL LEGEND	
	NEW WALL
	FIRE WALL
	WALL BOUNCE

**OPEN SPACE CALCULATIONS**

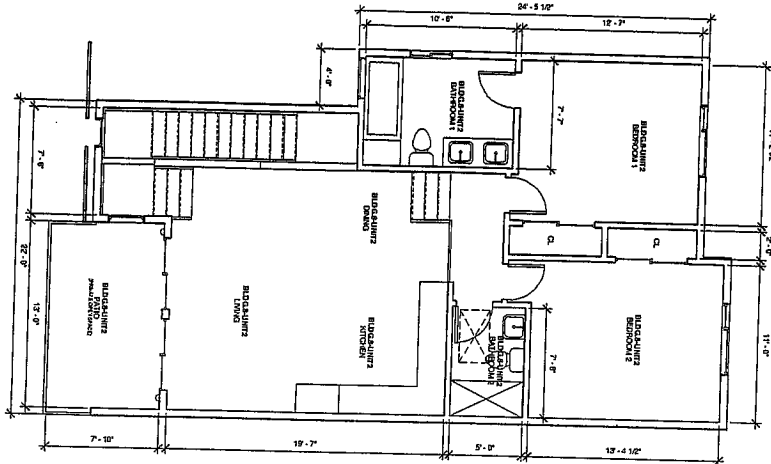
GROUP OPEN SPACE:  
 BLDG 5: 1,716 SF  
 BLDG 6: 1,279 SF  
 BLDG 7: 1,279 SF  
 BLDG 8: 1,279 SF  
 TOTAL: 4,793 SF

GROUP OPEN SPACE:  
 BLDG 5: 1,716 SF  
 BLDG 6: 1,279 SF  
 BLDG 7: 1,279 SF  
 BLDG 8: 1,279 SF  
 TOTAL: 4,793 SF

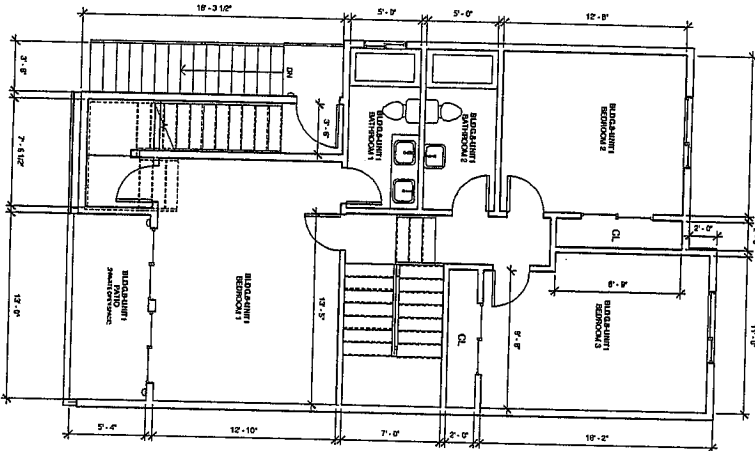
GROUP OPEN SPACE:  
 BLDG 5: 1,716 SF  
 BLDG 6: 1,279 SF  
 BLDG 7: 1,279 SF  
 BLDG 8: 1,279 SF  
 TOTAL: 4,793 SF

BUILDING	UNIT	DESCRIPTION	LEVEL	AREA	PRIVATE OPEN SPACE
BLDG 5	1	3 BEDROOM RESIDENTIAL (REAR)	1, 2 & 3	1,716 SF	400 SF
	2	2 BEDROOM RESIDENTIAL (FRONT)	1, 2 & 3	1,279 SF	100 SF
BLDG 6	1	3 BEDROOM RESIDENTIAL (REAR)	1, 2 & 3	1,279 SF	375 SF
	2	2 BEDROOM RESIDENTIAL (FRONT)	1, 2 & 3	1,279 SF	100 SF
BLDG 7	1	3 BEDROOM RESIDENTIAL (REAR)	1, 2 & 3	1,279 SF	375 SF
	2	2 BEDROOM RESIDENTIAL (FRONT)	1, 2 & 3	1,279 SF	100 SF
BLDG 8	1	3 BEDROOM RESIDENTIAL (REAR)	1, 2 & 3	1,279 SF	375 SF
	2	2 BEDROOM RESIDENTIAL (FRONT)	1, 2 & 3	1,279 SF	100 SF
TOTAL: 4,793 SF					

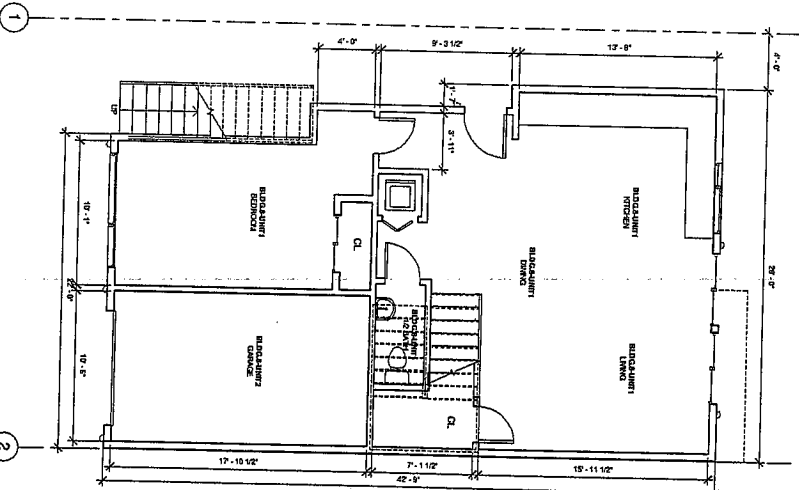
3 BLDG LEVEL 3 PLAN  
1/8" = 1'-0"



2 BLDG LEVEL 2 PLAN  
1/8" = 1'-0"



1 BLDG LEVEL 1 PLAN  
1/8" = 1'-0"



architecture

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

FLOORPLANS  
(BLDG.8)

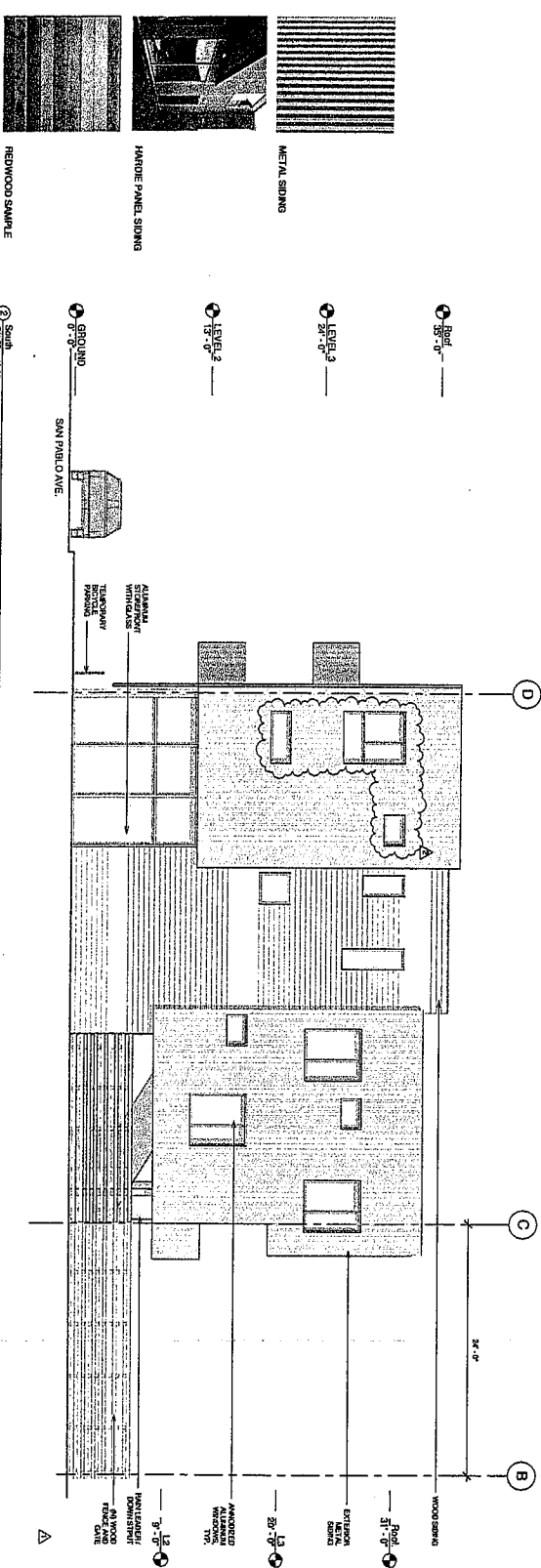
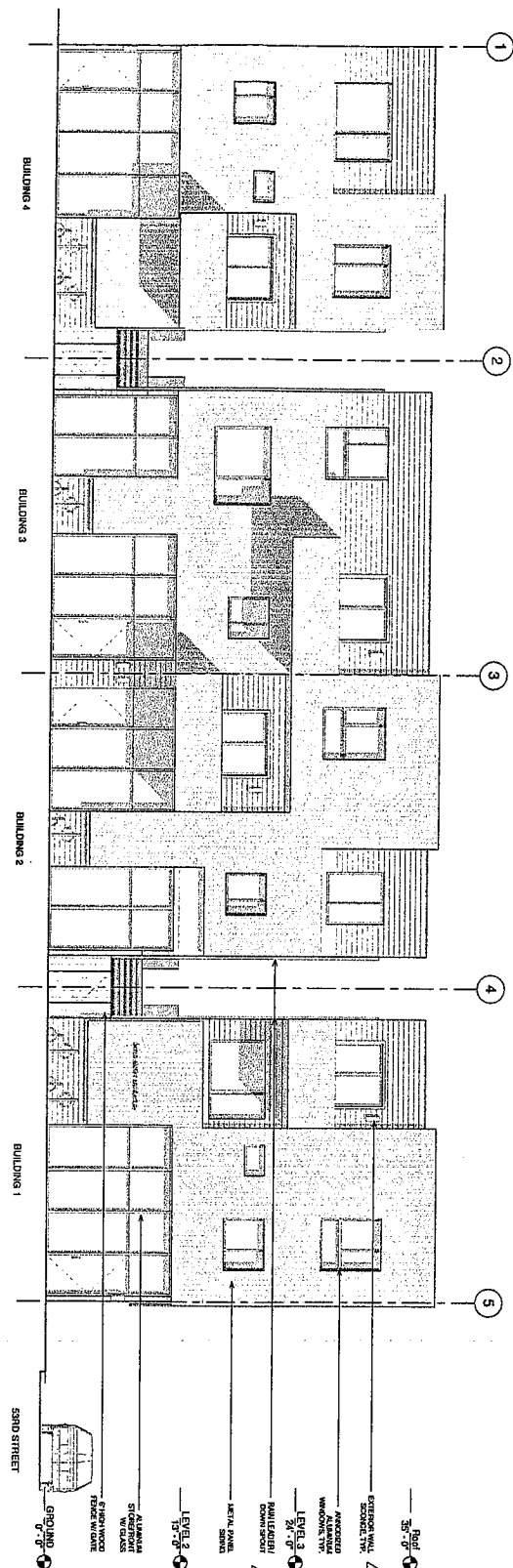
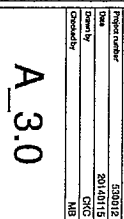
A 2.8

Project Number	330012
Drawn By	20131228
Checked By	CAC
Scale	1/8" = 1'-0"

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

[illegible]ELEVATION  
(BUILDINGS 1-4)

### A\_3.0





architecture

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/10/12	ISSUED FOR PERMIT	MM	MM

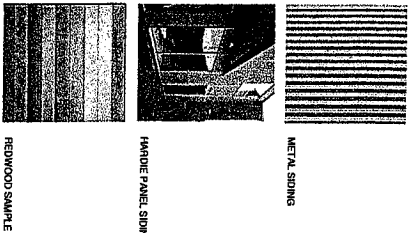
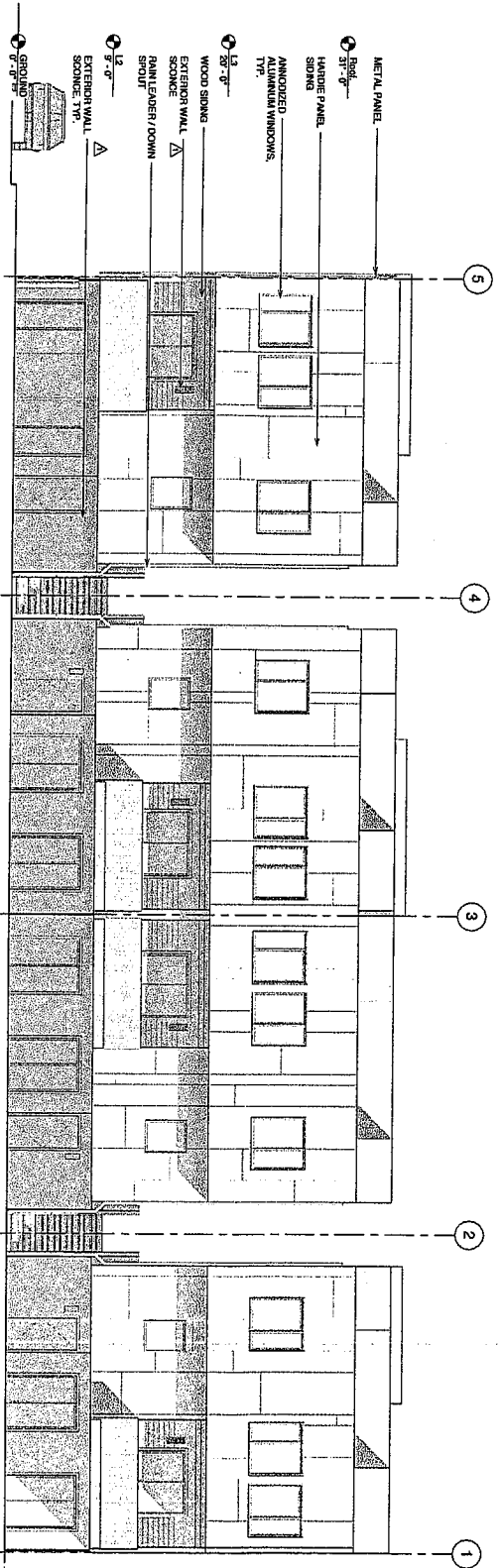
NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/10/12	ISSUED FOR PERMIT	MM	MM

ELEVATIONS  
(BUILDINGS 1-4)

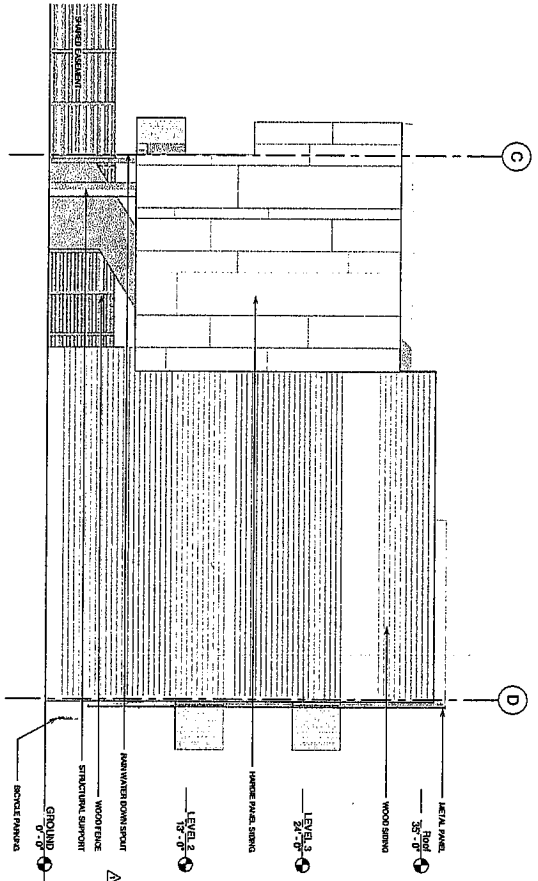
PROJECT NAME	5300 SAN PABLO AVE.
DATE	10/10/12
DESIGNED BY	MM
CHECKED BY	MM

A\_3.1

Scale	3/16" = 1'-0"
-------	---------------



2  
3/16" = 1'-0"



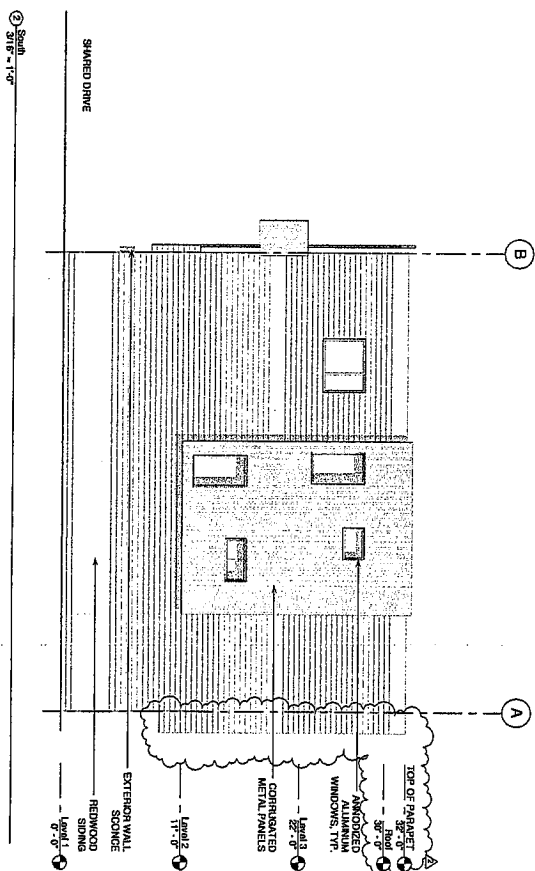
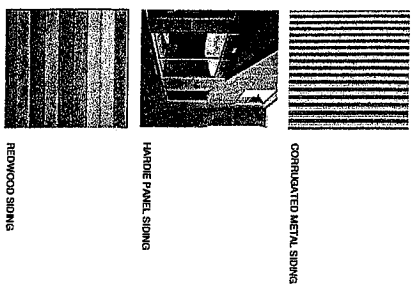
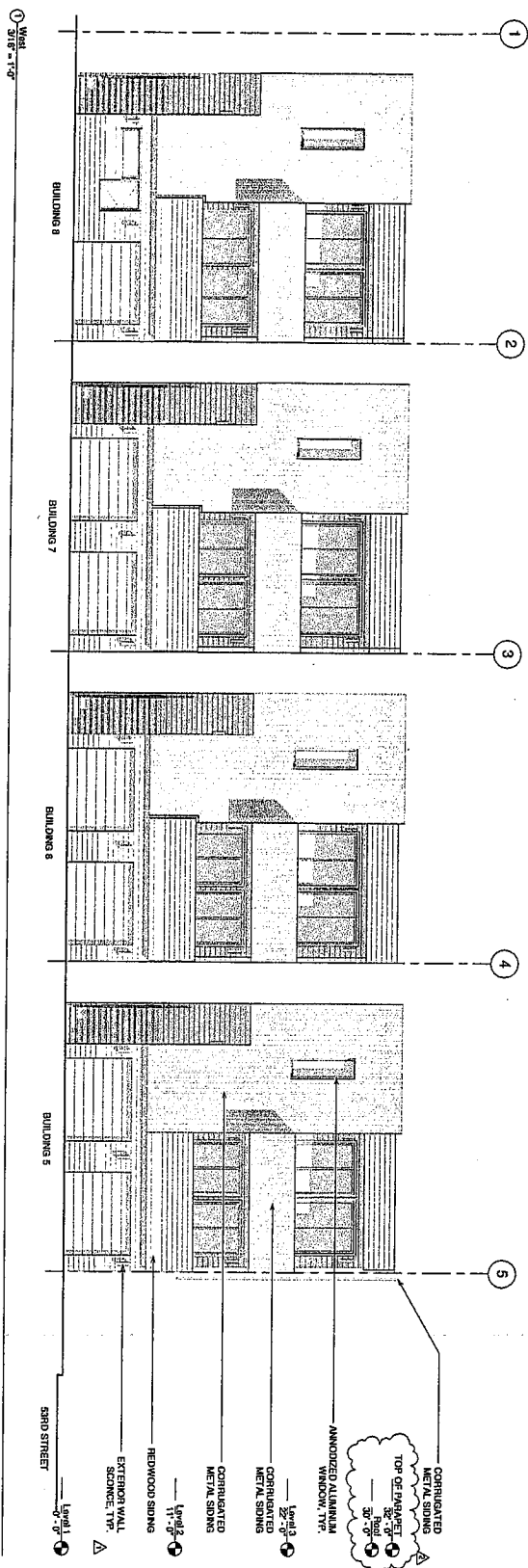
5300 SAN PABLO AVE.  
OAKLAND, CA 94608

NO.	DESCRIPTION	DATE
1	PLAN CHECK COMMENTS	2013.10.25
2	PLAN CHECK COMMENTS	2013.12.15

[illegible]

**ELEVATIONS  
(BUILDINGS 5,6,7,8)**

### A\_3.2



architecture

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

NO.	DESCRIPTION	DATE
1	WATERS COMMENTS	08/11/05
2	WATERS COMMENTS	08/11/05

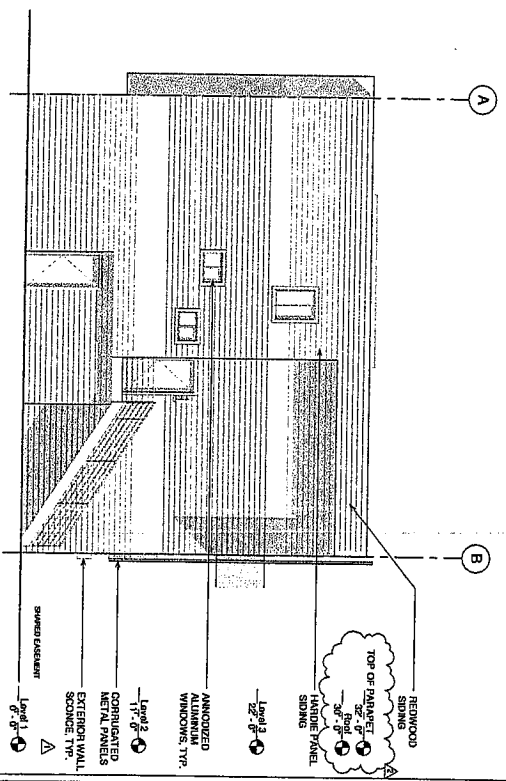
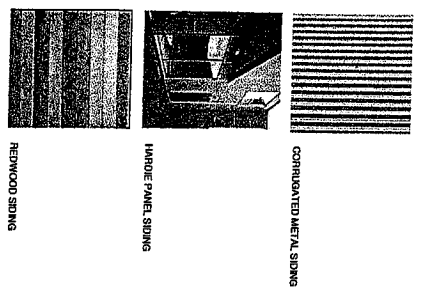
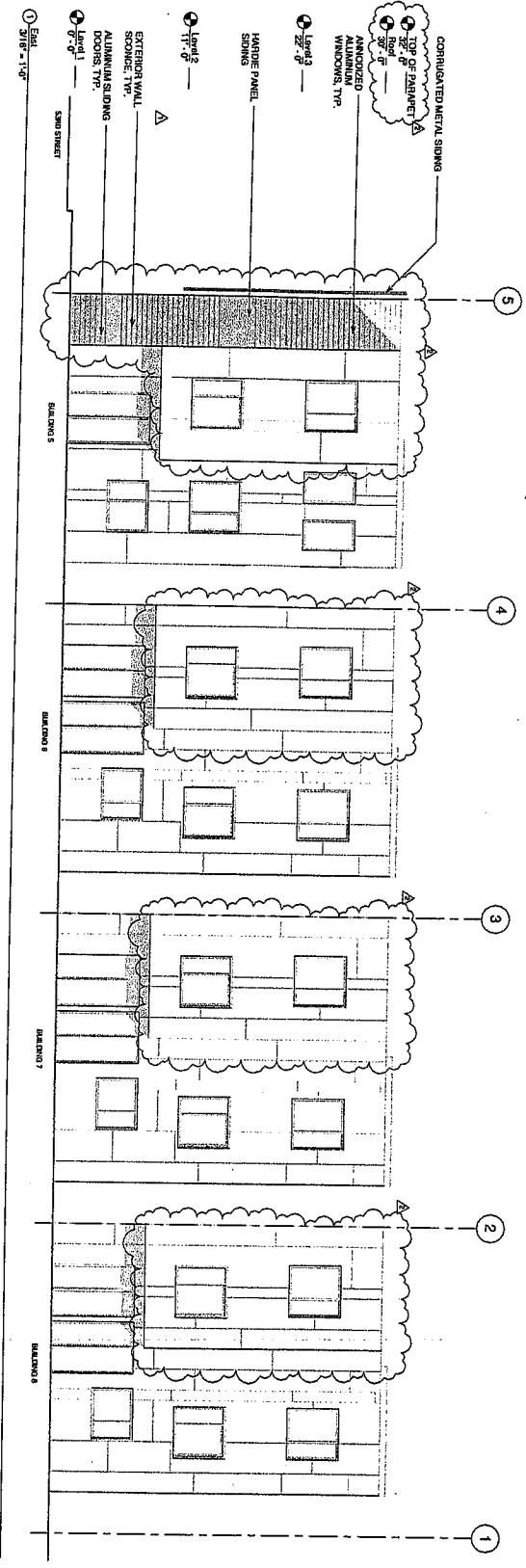
NO.	DESCRIPTION	DATE
1	WATERS COMMENTS	08/11/05
2	WATERS COMMENTS	08/11/05

**ELEVATIONS**  
**(BUILDINGS 5, 6, 7, 8)**

Project number: 520012  
Date: 2013/12/26  
Drawn by: GNC  
Checked by: MB

**A\_3.3**

Scale: 3/16" = 1'-0"



architecture

5300 SAN PABLO AVE.  
OAKLAND, CA 94608

No.	Revisions	Date
1	REVISIONS	01/10/15
2	REVISIONS	01/10/15
3	REVISIONS	01/10/15
4	REVISIONS	01/10/15
5	REVISIONS	01/10/15
6	REVISIONS	01/10/15
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99	REVISIONS	01/10/15
100	REVISIONS	01/10/15

Zone

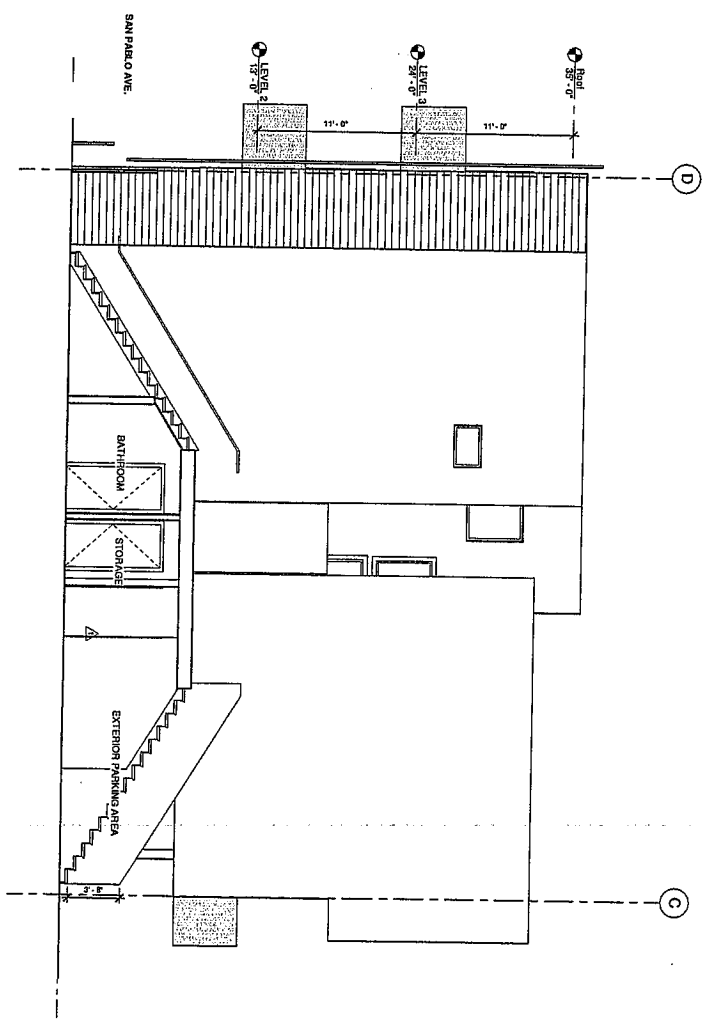
SECTION  
(BUILDING 1,2,3,4)

Project Number: 530012  
Date: 01/10/15  
Drawing: CUC  
Created by: MB

A\_4.0

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

Section 1  
1/4" = 1'-0"



5300 SAN PABLO AVE.  
OAKLAND, CA 94608

Mo.	Description	Date
1	PLAN CHECK COMMENTS	2013.10.25

[illegible]SECTION  
(BUILDING 1,2,3,4)

**Explain**

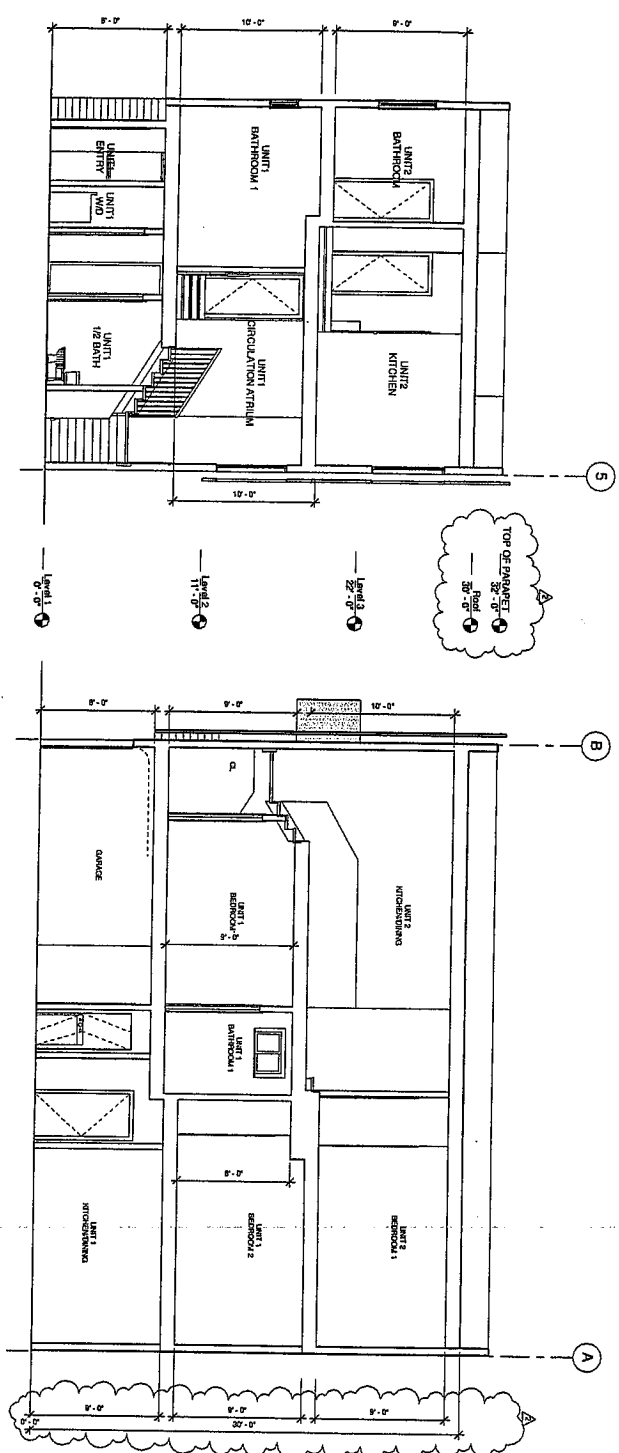
$$\frac{1}{4}'' = 1'-0''$$

architecture

5300 SAN PABLO AVE.

OAKLAND, CA 94608

NO.	DATE	BY	CHKD.
1	10/10/12	MM	MM
2	10/10/12	MM	MM
3	10/10/12	MM	MM
4	10/10/12	MM	MM
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100	10/10/12	MM	MM



A\_4.2

NO.	DATE	BY	CHKD.
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98	10/10/12	MM	MM
99	10/10/12	MM	MM
100	10/10/12	MM	MM

# 54TH STREET (50' WIDE)

GRAPHIC S  
1 IN FEET  
1 inch = 10'

LEGEND
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②
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OWNER:  
KQ PARTN  
2250 KELL  
OAKLAND,  
CA 94612

BENEFIT:  
KQ PARTN  
2250 KELL  
OAKLAND,  
CA 94612

BASES:  
EASTERN  
N 14°30'00"  
ASSUMED  
PAGE 10

NEW TOTAL AREA =  
OLD AREA (APN 013-11  
010 AREA (APN 013-11

# SAN PABLO AVENUE (100' WIDE)

# 53RD STREET (45' WIDE)

Mini Lot -  
TMM 8161 -

TENTAT  
TRACT MAP  
A ONE LOT SUBDIVISION  
MERGER AND 32 CONDO  
LOTS 1, 2 AND 3, BL  
MAP OF PARSONS GOLDER GATE  
CITY OF OAKLAND, COUNTY OF /  
SEPTEMBER, 2013  
BAY AREA LAND SU  
961 MITCHELL WAY  
EL SOBRANTE, CA 94  
(510) 225-9087

APN 013-1108-01-03 SPT 1 OF 1 P.8 P.14

