

Case File Number PLN15-001(CP15-001)

February 18, 2015

Location:	185 – 98th Avenue (See map on reverse)
Assessors Parcel Numbers:	044-5020-002-24
Proposal:	To add a drive-through car wash facility to a newly constructed multi-service commercial development.
Owner:	Two Four One LLC.
Applicant:	Ali Amidy (408)497-4137
Planning Permits Required:	Major Conditional Use Permit for a drive-thru facility, Design Review for new construction, and Creek Protection Permit to protect adjacent watercourse.
General Plan:	Business Mix
Zoning:	CIX- 2 Commercial Industrial Mix 2 Zone
Environmental Determination:	State CEQA Guidelines: Categorically Exempt, Sections 15301 and 15303; minor alterations to existing facilities, and new construction of small structures. Special Situation, Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
Service Delivery District:	4
City Council District:	7
Status:	This project was previously approved at the January 21, 2009 hearing but it was never constructed and the building permits have expired.
Action to be Taken:	Decision on application based on staff report
Staff Recommendation:	Approval subject to conditions
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com .

SUMMARY

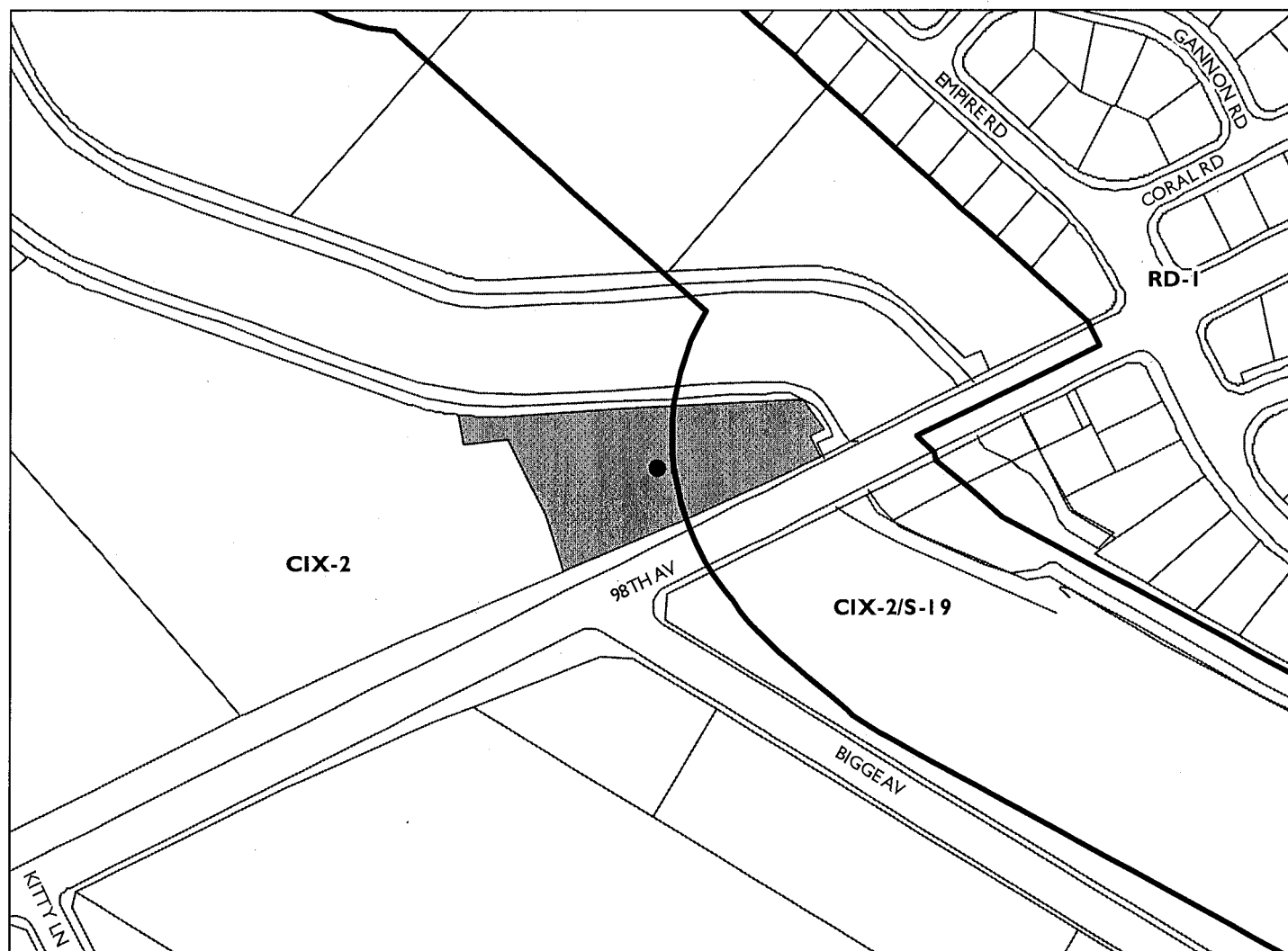
On January 5, 2005, the City Planning Commission approved a two-acre (88,645 square feet) multi-service commercial development consisting of a full service restaurant, a Starbucks coffee shop, a combination Chevron service station with a convenience store and a drive-through Wendy's fast-food restaurant.

On January 21, 2009, the City Planning Commission approved a proposal to add a drive-through car-wash to the site. However, after securing building permits, the applicant never constructed the project and the building permits have since expired. The current proposal is to re-approve the same project exactly as it was proposed before.

The site is located in the CIX-2 Commercial Industrial Mix 2 Zone and the Business Mix General Plan land use classification. The site also falls within the Hegenberger Road/98th Avenue Gateway Development Plan. The immediate surrounding uses include commercial uses such as car rental lots, warehouses, offices, and some residential uses.

The Hegenberger Road/98th Avenue Gateway Development Plan calls for hospitality uses that would provide needed services such as hotels, restaurants, etc to the Metropolitan Oakland International Airport gateway. The subject site has a variety of uses including restaurants, a

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN15-001/CP15-001
Applicant: Two Four One LLC
Address: 185 – 98th Avenue
Zone: CIX-2

Starbucks coffee shop, a Chevron service station and a convenience store which provide hospitality services for airport users and the surrounding community. The proposed car-wash will complement the existing businesses and serve as a one-stop service center. Therefore, staff believes that the project is appropriate for this site and recommends that the Planning Commission approve the proposed project subject the attached Conditions.

PROJECT DESCRIPTION

The proposed carwash is designed to be an automated system operated inside a 1,500 square-foot, 18-foot tall structure that will be located at the northwest corner of the subject site. It is designed to wash, rinse and dry cars using as little water as possible, and recycle the water after filtering out impurities. The car-wash facility is proposed to coexist with other recently constructed commercial buildings consisting of a 4,355 square-foot restaurant space, a 1,582 square-foot coffee shop operated by Starbucks, and a 4,015 square foot combination automotive service station with a convenience store and a drive-through fast-food restaurant operated by Chevron and Wendy's. The service station has six gas pumps with a 2,825 square-foot canopy. The proposed carwash structure will be similar in design to the other single-story structures with stucco exterior finishes, expansion-joints, crown moldings that make up the composition of each building at the site. The buildings have been designed to read as distinct geometric volumes that co-exist harmoniously at the site. The front of the site has a 20-foot landscape buffer that screens the parking areas with palm trees and other landscaping materials. The site is well lighted and provides a total of 89 off-street parking spaces where a total of 54 spaces are required.

PROPERTY DESCRIPTION

The subject two-acre site (approximately 88,645 square feet) is located at the north side of the T-junction of 98th Avenue and Bigge Street. The site is bounded to the south by 98th Avenue, to the northeast by the San Leandro Creek, and to the west by a car rental parking lot. The site has a triangular shape and is relatively flat. The site has recently been developed into a multi-service commercial center consisting of a full service restaurant, a Starbucks coffee shop, and a combination Chevron service station with a convenience store with and a drive-thru fast food restaurant. The surrounding uses include car rental parking lots, a waste management office site, warehouses, other commercial and industrial uses, and some residential uses. The site falls within the Hegenberger Road/ 98th Avenue Gateway Development Plan adopted in November 1998 by the City and Port of Oakland.

GENERAL PLAN ANALYSIS

The subject site is designated as Business Mix under the General Plan land-use classifications. The Business Mix classification is intended to create, preserve, and enhance areas of the city that are appropriate for a wide variety of businesses and related commercial and industrial establishments.

ZONING ANALYSIS

Pursuant to Section 17.73.020 of the Oakland Zoning Ordinance, the CIX-2 Zone permits automotive cleaning activities out right if beyond three hundred (300) feet a residential zone and conditionally permitted if closer. Drive-Through Facilities are conditionally permitted in the CIX-2 Zone. Therefore, pursuant to Section 17.01.100A, findings must be made under Section 17.134.050 (General Use Permit Criteria), and Section 17.136.050B (Design Review for Non-Residential Facilities). The proposed drive-through car-wash will be located more than 300 feet from the neighboring residential zone and therefore appropriate for the site.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), a determination has to be made relevant to the project's effect on the environment. A creek protection permit was also filed in connection to the San Leandro Creek which runs at the rear of the site. Based on the creek protection plan submitted, there will be no significant impacts on the creek. The proposed project qualifies for Categorical Exemption under Sections 15301 and 15303; minor alterations to existing facilities, and new construction of small structures. The project also qualifies for exemption under Special Situation, Section 15183, projects consistent with a community plan, general plan or zoning, of CEQA.

KEY ISSUES AND IMPACTS

Land Use: The site falls within the Hegenberger Road/ 98th Avenue Gateway Development Plan adopted in November 1998 by the City and Port of Oakland. As a primary gateway from the Metropolitan Oakland International Airport to the City of Oakland and other cities in the East Bay. The Gateway Development Plan aims at improving the city's image as a regional center for business, commerce, recreation, and transportation. The plan aims to stimulate high quality private investment in hospitality, office, and restaurant uses in the area. The subject site has been developed with a streetscape consistent with the Gateway Plan and also feature a range of hospitality uses including a full-service restaurant, a drive-thru fast-food restaurant, a Starbucks coffee house, and a Chevron gas station with a convenience store. The proposed project will add to this list, a full/self service car wash operation that will contribute to the plan's aim of making the area a center for business, commerce, and transportation. The entire multi-service commercial development serve as a one-stop service center and will be a catalyst for private investment in the plan area.

Traffic circulation: 98th Avenue was widened as part of a group of regional traffic circulation improvements, and was designed to be the express route to handle increased volume of traffic that will be generated by the airport expansion. The proposed car-was will not affect the smooth flow of traffic on 98th Avenue.

Parking: Based on Section 17.116.080 of the Oakland Planning Code, the full-service restaurant, coffee shop, and fast-food restaurant (General Food Sales) all require 1 parking space per 200 square feet of floor area, while the service station and canopy require 1 space per 1000

square feet of floor area. The proposed 1,500 square foot drive thru car wash would require 1 space per 1000 square feet of floor area for a total requirement of 54 spaces for the entire site. However, the project provides 89 off-street parking spaces for the site. The additional parking spaces is intended to accommodate maximum occupancy for the full-service restaurant.

Impacts on the San Leandro Creek: A creek protection permit has been prepared by LSA Associates Inc. (see attachment B) and recommends short and long-term measures that will ensure that the project does not negatively impact the adjacent San Leandro Creek. Among other measures, the plan states that all surface run-off from the proposed car wash operation will be collected in a drain system and passed through a sand/oil separator and clarifier in order to reclaim some of the run-off for reuse by the facility and the remainder of the water will flow into the local municipal water district sewer system. None of the runoff from the carwash facility will flow into the adjacent creek. The existing commercial development already has a series of grassy vegetated swales - gently sloped vegetated conveyance ditches - at various locations around the perimeter of the property in which pollutants are removed from storm water by filtration through grass and infiltration into the soil or directed to a catch basin. As part of the original development, storm water has been directed to these drainage swales with catch basins that drain to the local municipal water district sewer system.

Landscaping: A 20-foot landscape buffer with a row of palm trees has been installed at the front of the subject site consistent with the Hegenberger Gateway Plan. In all, a total site landscape area of 29,384 square feet, making approximately 33% of the entire site has been provided. This reduces the amount of paving to approximately 44% (39,335 square feet) of the entire site area. The landscape plan incorporates a combination of attractive drought and fire tolerant trees, shrubs, and ground-cover, organized around a series of drainage swales to enhance the appearance of the entire site.

Site Design: The Gateway Development Plan aims to create developments that would be attractive in that corridor. This includes the successful layout of new developments. The proposed project has a well laid out site plan with evenly spaced buildings and generous landscaping and lighting that meets the aesthetic criteria of the Gateway Plan. The site design incorporates outdoor seating areas and pathways that promote pedestrian activity at the site. Stamped colored concrete is also used to accentuate key locations at the site and improve the overall appearance of the development. Generous landscaping and lighting are proposed to soften the front of the site and parking areas and minimized the appearance of paved surfaces.

Buildings: The design for each structure at the subject site is distinct and yet harmonizes with each other. Each building design is well-composed with proportionate volumes that vary in scale and shape. Exterior materials treatments and colors such as stucco, expansion-joints, metal awnings, tiles, crown moldings, and other details are applied to achieve an attractive composition of buildings at the site. The buildings have been designed with scaled projections and recesses that read as distinct geometric volumes that improve the massing and reduce perceived bulk of each structure.

Signs:

The signage for the proposed car wash will be required to comply with the master sign program for the entire site. A Condition of Approval has been added to require all exterior signs proposed

for the site to conform to the City's sign regulations and be submitted for the Zoning Administrator to review and approve prior to issuance of building permits.

CONCLUSION

Staff believes that the proposed car-wash will support the hospitality and convenience services for the Oakland Airport and the neighboring communities as a one-stop service center. The entire commercial development is consistent with the types of uses envisioned in the Hegenberger/98th Avenue Gateway Development Plan. It will enhance the use of the property and surrounding uses and may serve as a catalyst for private investment in the area.

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

Prepared by:



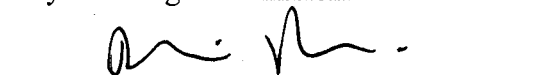
Maurice Brenyah-Addow
Planner III

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti – Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Project Plans
- B. Creek Protection Plan

FINDINGS FOR APPROVAL

This proposal meets the required findings under Sections 17.134.050 (General Conditional Use Permit Criteria) and 17.136.050B (Design Review Criteria) of the Oakland Planning Code. Required findings are shown below in **bold** type; explanations as to why these findings can be made are in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

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

This subject two-acre (88,645 square feet) site is located at the north side of 98th Avenue where it meets Bigge Street. The site is bounded to the south by 98th Avenue, to the northeast by the San Leandro Creek, and to the west by a car rental parking lot. The surrounding uses include car rental parking lots, a waste management office site, some industrial and commercial uses, and residential uses. The site falls within the Hegenberger Road/ 98th Avenue Gateway Development Plan adopted in November 1998 by the City and Port of Oakland. The site has recently been developed into a multi-service commercial center consisting of a full service restaurant, a Starbucks coffee shop, and a combination Chevron service station with a convenience store with and a drive-thru fast food restaurant. The proposed drive-through car-wash will be compatible with the existing uses and the character of the surrounding neighborhood. The proposed structure is one-story and will be comparable in scale and design to the other commercial structures at the site. The entire multi-service development will serve as a catalyst for similar private investment in the area.

- 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 subject site has been improved with new structures that are well-composed with attractive exterior materials and colors that meet the aesthetic criteria of the Gateway Plan. The site design incorporates outdoor seating areas and pathways that promote pedestrian activity at the site. The buildings have been designed with scaled projections and recesses that articulate each structure. The front of the site and parking areas have been softened with generous landscaping and lighting. The location, design, and site planning of the proposed development will provide a convenient and functional one-stop working and hospitality environment for both employees and patrons.

FINDINGS

- 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 new commercial uses will provide jobs and services for the neighborhood where they are located while the proposed off-street parking will mitigate any additional parking demands. Further, the re-use of this former warehouse site has transformed a substantially blighted and underutilized property along this major thoroughfare into a one-stop service commercial center, as well as improve the visual quality of the immediate area.

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

The proposal meets this finding (see responses below to criteria for Section 17.136.050B).

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

The subject site has auto-oriented uses such as a gas station and a drive-through fast-food restaurant. The surrounding area is characterized by auto-related uses such as car-rental lots and auto repair. Consistent with the Gateway Development Plan, the proposed car-wash facility will co-exist with the newly completed hospitality services including the restaurants, coffeehouse, and service station with a convenience store and make the site a one-stop service center. It will spur the construction of similar one-stop developments in the plan area and stimulate high quality private investment in hospitality, office, and restaurant uses in that corridor. The proposed car-wash facility will be appropriate for the site. The current zone is CIX-2 where automotive cleaning is permitted if beyond 300 feet from a residential zone, and where drive-thru facilities are conditionally permitted and therefore the proposed car-wash is consistent with the surrounding land uses and appropriate for the site. The proposal conforms in all significant respects to the Business Mix General Plan Classification which encourages a wide variety of businesses and related commercial establishments.

SECTION 17.136.050B – DESIGN REVIEW FOR NONRESIDENTIAL FACILITIES:

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

FINDINGS

relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposed structure is similar to the other existing structures at the subject site. Each structure is distinct and yet relates to each other in style. The proposed exterior materials treatments and colors such as stucco, expansion-joints, crown moldings, and other details are similar to the buildings at the site. The buildings at the site have been designed with scaled projections and recesses that read as distinct geometric volumes that improve the massing and reduce perceived bulk of each structure. The site design incorporates generous landscaping and outdoor seating areas and pathways that promote pedestrian activity at the site. The front of the site and parking areas has been softened with palm trees and other landscaping materials and lighting to achieve a successful site design.

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

The proposed car-wash use will support such hospitality services for airport users and surrounding car rental businesses as well as create jobs for the community.

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

The proposal conforms in all significant respects to the Business Mix General Plan Classification which encourages a wide variety of businesses and related commercial establishments.

COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
PLANNING AND ZONING DIVISION

**CREEK PROTECTION, STORM WATER MANAGEMENT
AND DISCHARGE CONTROL PERMIT and FINDINGS**

Project: 185 – 98th Avenue, (CP08-129 and CMD08-250)
(To add a drive-through car wash facility to a newly constructed multi-service commercial development.)

Review completed by: Maurice Brenyan-Addow (510-238-6342) Date: December 17, 2008

A creek protection permit may be issued **only** if certain findings and facts which support each finding are made and specified.

Using the form below, a creek protection permit may be issued only if the answer to each question is "No" and facts supporting each answer are specified following each.

If in the opinion of the Chief of Building Services the following findings can be met with imposition of conditions for issuance, pursuant to OMC Section 13.16.190, the Chief of Building Services may grant a Creek Protection Permit upon imposition of such conditions.

Findings and Supporting Facts

Pursuant to OMC Section 13.16.200, the following findings are made in support of the decision to issue a Creek Protection Permit: (please explain why, and include facts from the record that support any answer)

- A. Will the proposed activity (during construction and after project is complete) (directly or indirectly) cause a substantial adverse impact on the creek?

☐ Yes/No: ☒ *The project is located between 20 feet from the top of bank and 100 feet from the centerline of the adjacent San Leandro Creek and will not cause any substantial impact on the creek. A Creek Protection Plan prepared by LSA Associates Inc. includes pre- and post-construction measures that ensure that the proposed project will not directly or indirectly cause substantial adverse impacts on the creek. BMPs are also included in the conditions of approval to ensure that creek protection measures are observed during and after construction activities to contain construction debris and prevent sedimentation and erosion of the creek banks. The subject site was designed to address potential creek impacts as part of the larger site development and already has drainage swales and filtration systems in place to manage runoffs.*

FINDINGS

In making the above finding, the Chief of Building Services must, at a minimum, consider the following factors:

1. Will the proposed activity discharge a substantial amount of pollutants into the creek? ☐ Yes/No ☒ *During construction, all debris shall be collected and carted to off-site disposal facilities. On a permanent basis, all surface run-off from the proposed car wash operation will be collected in a drain system and passed through a sand/oil separator and clarifier in order to reclaim some of the run-off for reuse by the facility and the remainder of the water will flow into the local municipal water district sewer system. None of the runoff from the carwash facility will flow into the adjacent creek. The existing commercial development already has a series of grassy vegetated swales - gently sloped vegetated conveyance ditches - at various locations around the perimeter of the property in which pollutants are removed from storm water by filtration through grass and infiltration into the soil or directed to a catch basin. The proposed activity will therefore not result in discharge of any significant amount of pollutants into the creek.*
 2. Will the proposed activity result in substantial modifications to the natural flow of water in the creek?
☐ Yes/No ☒ *Based on the Creek Protection Plan prepared for the project, there will be no change in the natural flow of water in the creek.*
 3. Will the proposed activity deposit a substantial amount of new material into the creek or cause substantial bank erosion or instability?
☐ Yes/No ☒ *See #s 1 and 2 above.*
 4. Will the proposed activity result in substantial alteration of the capacity of the creek?
☐ Yes/No ☒ *The project will not increase or decrease the capacity of the creek.*
 5. Are there any other factors which would indicate that the proposed activity will adversely affect the creek?
☐ Yes/No ☒ *The project will maintain the existing conditions around the creek channel. No adverse impacts are anticipated as a result of the proposed project.*
- B. Will the proposed activity substantially adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat?
☐ Yes/No: ☒ *The project does not impact the riparian corridor along the creek bank. No wildlife habitat is currently known to be present.*
- C. Will the proposed activity substantially degrade the visual quality and natural appearance of the riparian corridor?
☐ Yes/No: ☒ *The project will be setback at least 20 feet from the top of creek bank. There is an existing Alameda County Flood Control right-of-way between the creek channel and the subject site. The project will not involve any vegetation removal around the creek and therefore*

FINDINGS

will not degrade the visual quality of the area. A 5-foot landscape buffer will be provided between the project area and the rear property line.

- D. Is the proposed activity inconsistent with the intent and purposes of OMC Chapter 13.16?

☐ Yes/No ☒ *Conditions of approval for the project have been designed to prevent impact to the creek while allowing for a modest expansion of an existing commercial development.*

- E. Will the proposed activity substantially endanger public or private property?

☐ Yes/No ☒ *The proposed carwash is not anticipated to endanger any public or private property.*

- F. Will the proposed activity (directly or indirectly) substantially threaten the public's health or safety?

☐ Yes/No ☒ *No public health problems are anticipated as a result of the proposed addition.*

.....
Based on the forgoing, the Creek Protection Permit for the above described project is hereby

☒ **GRANTED**

If GRANTED, this Permit is subject to all conditions of approval which are hereby incorporated by this reference.

Pursuant to OMC Section 13.16.450, the applicant or any interested party may appeal this decision within ten calendar days to the City Planning Commission by the payment of the appropriate fees and the submittal of the appropriate form. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Chief of Building Services or wherein his/her decision is not supported by substantial evidence in the record.

FINDINGS

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, **decision letter**, and the plans dated **January 5, 2014** and submitted on **January 5, 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 and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
- Major Conditional Use Permit for a drive-thru facility, Design Review for new construction, and Creek Protection Permit to protect adjacent watercourse.

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

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two 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 **Oakland Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance with other Requirements**

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to

those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.

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

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

Ongoing

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

6. **Signed Copy of the Conditions**

With submittal of a demolition, grading, and building permit

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

7. **Indemnification**

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action,

causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. 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, acceptable to the City**, shall be provided for the planting of the required landscaping. The amount of such **bond** 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.

13. Underground Utilities***Prior to issuance of a building permit***

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

14. Improvements in the Public Right-of-Way (General)***Approved prior to the issuance of a P-job or building permit***

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

15. Payment for Public Improvements***Prior to issuance of a final inspection of the building permit.***

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

16. Construction Management Plan***Prior to issuance of a demolition, grading, or building permit***

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

17. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)***Ongoing throughout demolition, grading, and/or construction***

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

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
- h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.
- j) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.

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

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 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 of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of 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 may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

20. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

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

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. 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.

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.

Major Project Cases:

- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces along **98th Avenue**.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.
- l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

24. 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.

25. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

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

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to

determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.

- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

26. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in 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.

27. Pile Driving and Other Extreme Noise Generators

Ongoing throughout demolition, grading, and/or construction

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to

commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

28. **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.

29. **Tree Removal Permit on Creekside Properties**

Prior to issuance of a final inspection of the building permit

Prior to removal of any tree located on the project site which is identified as a creekside property, the project applicant must secure the applicable creek protection permit, and abide by the conditions of that permit.

30. **Tree Removal During Breeding Season**

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree

removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

31. **Tree Removal Permit**

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

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

32. **Tree Replacement Plantings**

Prior to issuance of a final inspection of the building permit

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

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- d) Minimum planting areas must be available on site as follows:
 - i. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

- f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

33. Tree Protection During Construction

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

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

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

- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

34. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

- a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
- b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

35. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and

protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

36. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

37. Erosion and Sedimentation Control Plan

Prior to any grading activities

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

Ongoing throughout grading and construction activities

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

38. Stormwater Pollution Prevention Plan (SWPPP)***Prior to and ongoing throughout demolition, grading, and/or construction activities***

The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

39. 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.

40. Source Control Measures to Limit Stormwater Pollution***Prior to issuance of building permit (or other construction-related permit)***

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

Ongoing

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

41. Regulatory Permits and Authorizations

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

Prior to construction within the floodway or floodplain, the project applicant shall obtain all necessary regulatory permits and authorizations from the Alameda County Flood Control and Water Conservation District and shall comply with all conditions issued by that agency.

42. Structures within a Floodplain

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

- a) The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established within a 100-year flood event.
- b) The project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.

43. 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.

44. Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter)

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

A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:

- 1) The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of

Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.

- 2) The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
 - a) Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).
 - b) Do not locate sensitive receptors near distribution center's entry and exit points.
 - c) Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.
 - d) Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.
 - e) Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.
 - f) Install indoor air quality monitoring units in buildings.
 - g) Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.
- B. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

45. Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)***Prior to issuance of a demolition, grading, or building permit***

A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential risk due to exposure to toxic air contaminants to achieve an acceptable interior air quality level for sensitive receptors. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.

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

46. Creek Protection Plan

<http://www.oaklandpw.com/creeks>

Prior to and ongoing throughout demolition, grading, and/or construction activities

- a) The approved creek protection plan shall be included in the project drawings submitted for a building permit (or other construction-related permit). The project applicant shall implement the creek protection plan to minimize potential impacts to the creek during and after construction of the project. The plan shall fully describe in plan and written form all erosion, sediment, stormwater, and construction management measures to be implemented on-site.
- b) If the plan includes a stormwater system, all stormwater outfalls shall include energy dissipation that slows the velocity of the water at the point of outflow to maximize infiltration and minimize erosion. The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains.

47. Regulatory Permits and Authorizations***Prior to issuance of a demolition, grading, or building permit within vicinity of the creek***

Prior to construction within the vicinity of the creek, the project applicant shall obtain all necessary regulatory permits and authorizations from the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), California Department of Fish and Game, and the City of Oakland, and shall comply with all conditions issued by applicable agencies. Required permit approvals and certifications may include, but not be limited to the following:

- a) U.S. Army Corps of Engineers (Corps): Section 404. Permit approval from the Corps shall be obtained for the placement of dredge or fill material in Waters of the U.S., if

any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act.

- b) Regional Water Quality Control Board (RWQCB): Section 401 Water Quality Certification. Certification that the project will not violate state water quality standards is required before the Corps can issue a 404 permit, above.
- c) California Department of Fish and Game (CDFG): Section 1602 Lake and Streambed Alteration Agreement. Work that will alter the bed or bank of a stream requires authorization from CDFG.

48. Creek Monitoring

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

A qualified geotechnical engineer and/or environmental consultant shall be retained and paid for by the project applicant to make site visits during all grading activities; and as a follow-up, submit to the Building Services Division a letter certifying that the erosion and sedimentation control measures set forth in the Creek Protection Permit submittal material have been instituted during the grading activities.

49. Creek Landscaping Plan

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

The project applicant shall develop a final detailed landscaping and irrigation plan for review and approval by the Planning and Zoning Division prepared by a licensed landscape architect or other qualified person. Such a plan shall include a planting schedule, detailing plant types and locations, and a system for temporary irrigation of plantings.

- a) Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.
- b) All landscaping indicated on the approved landscape plan shall be installed prior to the issuance of a Final inspection of the building permit, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code.
- c) All landscaping areas shown on the approved plans shall be maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or impervious surfaces shall occur only on approved areas.

50. Creek Protection Plan

Prior to issuance of a grading, or building permit within vicinity of the creek

The project applicant shall develop a final detailed creek protection plan that incorporates the recommendations outlined in the program prepared by LSA Associates Inc. for review and approval by the Planning and Zoning Division. All the recommendations outlined in the Creek Protection Plan prepared by LSA Associates Inc. (See attachment B) and in the final Creek Protection Plan are required as a condition of approval and included herein by reference.

51. Permanent Creek Protection Measures

Prior to issuance of a grading, or building permit within vicinity of the creek

- a. The location of the carwash facility and queuing lane shall be adjusted to provide a five-foot minimum landscape buffer from the rear property line, and a curb shall be provided to prevent run-off from flowing into the creek.
- b. The final creek protection plan shall include permanent measures that ensure that all surface run-offs from the proposed car wash operation are collected in a drain system and passed through a sand/oil separator and clarifier for reuse by the facility with the remainder of the water flowing into the local municipal water district sewer system. None of the runoff from the carwash facility will flow into the adjacent creek.

52. Signage Plan

Prior to issuance of a building permit

The project applicant shall develop a final signage plan for the proposed carwash facility consistent with the City's sign regulations and be submitted for the Zoning Administrator to review and approve prior to issuance of building permits.

53. Special Signage

Prior to final inspections and Ongoing.

- a. A sign shall be posted at the entry to the car-wash stacking lane, requiring that windows be closed and radio/cd players or sound emitting devices be turned off.
- b. Signage shall be posted around the property prohibiting loitering and the playing of loud music from vehicles.

54. Operational Noise and Hours of Operation

Ongoing.

Noise levels from the any mechanical equipment for the car-was 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. The hours of operation for the car-wash activity shall be limited to the hours between 7:00AM and 10:00PM.

APPROVED BY:

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

City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

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

Signature of Owner/Applicant: _____(date)

Signature of Contractor _____(date)

CREEK PROTECTION PLAN
(for Category III and IV work only)

Job Address: 98th Ave. / Bigge Rd., Oakland, CA 94603

Assessors Parcel Number: 044-5020-002-13, -23, -34

Description of Work:

The applicant proposes to install a carwash facility within an existing retail shopping center on the property located at the intersection of 98th Avenue and Bigge Road, in Oakland, CA. The proposed project is located between 20 feet from the top of bank and 100 feet from the centerline of the adjacent San Leandro Creek and therefore will require a Category III protection

Applicant (Property Owner): Mr. Ali Amidy, One Stop Real Estate permit.

Address: 655 Campbell Technology Park, Ste. 125 **Phone No.** (408) 540-0225

General Contractor: _____

Address: _____ **Phone No.** _____

Sub-contractors: _____ **Phone No.** _____

_____ **Phone No.** _____

_____ **Phone No.** _____

Primary Contacts: _____ **Phone No.** _____

_____ **Phone No.** _____

The following are elements that must be addressed in a Creek Protection Plan that is to be prepared by the applicant and submitted for City review prior to the issuance of a Creek Protection Permit for work that is determined by the City to fall into Categories III and IV as described in the Ordinance. The plan may be prepared by the owner of the property, an architect, engineer, or contractor and will obligate the applicant to implement the approved provisions of the plan.

List of informational materials on creek protection provided to workers on the site:

Please see attached Item # 1 for a list of the information materials to be provided to site workers.

Litter prevention measures:

Please see attached Item # 2 for a description of litter prevention measures.

Dust control measures:

Please see attached Item # 3 for a description of dust control measures.

CREEK PROTECTION PLAN (Continued)

Methods of cleaning tools and equipment:

Please see attached Item # 4 for a description of methods and practices to be followed for tools and equipment maintenance.

Construction site fencing:

Please see attached Item #5 for a description of construction site fencing.

Erosion control measures:

Temporary:

Please see attached Item # 6 for a description of temporary erosion and sediment control measures proposed for this project location.

Permanent:

Please see attached Item # 6 for a description of permanent erosion and sediment control measures proposed for this project location.

Wet weather protection measures:

Please see attached Item # 7 for a description of wet weather protection measures proposed for this project location.

Stockpile locations (attach location map):

Please see attached Item # 8 for a description of the proposed staging and stockpiling areas.

Debris collection and removal from the site:

Please see attached Item # 9 for a description of debris collection and off-site disposal.

Special circumstances/additional information (attach additional pages as needed):

This Creek Protection Plan represents an update of the original plan prepared in 2004 for construction of the commercial facility (prepared by LSA, dated 10/29/04); this document has been updated for construction of the carwash facility in existing parking and landscaped areas in the commercial development.

Prepared by:

Title:

Date:

Ross A. Doherty
Ross A. Doherty
Principal, LSA Associates, Inc.
8/29/08

UPDATED CREEK PROTECTION PLAN

Carwash Facility Installation in the 98th Avenue and Bigge Street Retail Center

Supplemental Information in support of this updated Creek Protection Plan for the installation of a carwash in existing parking and landscaped areas of the retail development:

Item # 1 - List of Informational Materials

Prior to the start of construction, the General Contractor will be provided copies information regarding proper construction techniques and erosion control measures necessary for the protection of San Leandro Creek. At a minimum, the following document will be made available to the General Contractor prior to the start of construction:

- Creek Protection Plan

The General Contractor will be responsible for the dissemination of information related to Best Management Practices and verifying use of information for site-specific activities.

Item # 2 - Litter Prevention Measures

In order to prevent unintended transport of construction-related refuse to adjacent properties, trash receptacles (dumpsters) and recycling bins will be placed within highly visible, covered, and easily accessible locations in the project site. Storage bins for recycling and refuse will be located within the proposed construction area. Construction workers will be instructed in the proper disposal of all refuse and debris prior to the start of the project.

Item # 3 - Dust Control Measures

Disturbed soil surfaces will be stabilized to prevent the transport of soil from exposed surfaces on the proposed project site. Dust control measures will be implemented during all ground disturbance and construction activities. During ground disturbing activities, such as site preparation (e.g., asphalt/concrete and landscape area removal), water will be applied to all exposed surfaces at regular 30 minute intervals or as determined necessary (depending on weather conditions). Water will be dispensed either by a water truck or by a hose.

Item # 4 - Methods of Cleaning Tools and Equipment

The prevention and control of leaks from construction-related equipment and vehicles and proper management of wash water is essential to eliminate or minimize the discharge of pollutants to the storm drain system or watercourses. Equipment, vehicles, and tools utilized during construction of the proposed project will be stored in the designated work area. A portion of the work area may be used as an equipment maintenance and washing station. The construction area will be located as far from the creek as is practical.

The following measures will be implemented at the start of construction to aid in the prevention of discharge into storm drains or adjacent watercourses:

- Conduct fueling, major maintenance/repair, and equipment washing off-site whenever possible. Use off-site repair shops or garages as much as possible.
- Clearly designate vehicle/equipment service areas away from waterways, storm drains, curbs, and gutters.
- Properly contain areas that may accumulate excess water with berms, sandbags, or other barriers. Construction equipment and tools may require regular cleaning. If a wash station is necessary, hay bales or sand bags will be installed around the perimeter of the station. If berms or other containment structures are devised, the construction foreman will be responsible for regular, daily inspections to ensure durability.
- Regularly conduct and frequently inspect vehicles and equipment for damaged hoses, leaky gaskets, or other mechanical service problems. Additionally, inspect any delivery trucks or other visiting traffic for leaks.
- If vehicle and equipment maintenance must occur on-site, use drip pans/drip cloths to drain and replace fluids. Any on-site maintenance will only occur in the designated construction area. Any and all waste fluids will be stored in leak proof containers that have a means of secondary containment (*i.e.*, plastic-lined basin) in order to prevent accidental spills. Spill clean-up materials will be stored in a readily accessible location, such as within the designated construction area.
- All spent fluids will be collected, stored separately in properly labeled containers, and properly disposed of.
- Only use water for all on-site cleaning. Soaps, solvents, degreasers, steam cleaning, or similar methods will not be allowed on site.

Item # 5 - Construction Site Fencing

The proposed project site is already completely developed with associated parking and landscaped areas and is enclosed by a chain-link fence on two sides. Any breeches or damaged portions of the fencing will be repaired or replaced by the General Contractor prior to the start of construction. As described below, a silt fence for erosion control will be installed along the inside (*i.e.*, project side) of the chain link fence.

Item # 6 - Erosion and Sediment Control Measures

Temporary

Best Management Practices will be employed during construction to ensure control of erosion and siltation. Temporary erosion and sediment control measures will be implemented to stabilize all exposed/disturbed soils and surfaces. All of the area to be disturbed for installation of the carwash facility is composed of parking and landscaped area and therefore, limited site runoff is anticipated. However, temporary erosion and sediment control measures will be implemented on all exposed areas

during the rainy season (October 15 through April 15). The measures will be operable prior to October 1 of any year grading operations have left areas unprotected from erosion. Temporary erosion and sediment control measures include the following:

- Silt fencing will be installed as-needed around the perimeter of the project site (or just on the north side of property) as a temporary barrier to intercept and slow any flow of sediment laden runoff that may result from construction-related activities. The silt fence is designed to pool runoff, allow sediment to settle, and release filtered water slowly. If grading activities result in the temporary stockpiling of soil for a prolonged period of time, silt fencing will be installed around the stockpile.
- Fiber rolls (straw wattles) composed of bio-degradable fibers stuffed in a photo-degradable open weave netting will be installed around any storm water inlet and along the base of the perimeter silt fence if necessary as an additional means of erosion and sediment control.

All temporary erosion and sediment control measures will be regularly inspected by the general contractor and properly maintained and/or replaced as necessary.

Permanent

All of the runoff from the carwash facility will be collected in a drain system and passed through a sand/oil separator and clarifier in order to reclaim some of the runoff for reuse by the facility. The remainder of the water will flow into the local municipal water district sewer system. None of the runoff from the carwash facility will flow into the adjacent San Leandro Creek.

The existing commercial development includes a series of grassy, vegetated swales at various locations around the perimeter of the property. Conventional grassy swales are gently sloped, vegetated conveyance ditches in which pollutants are removed from storm water by filtration through grass and infiltration into the soil or directed to a catch basin. As part of the original development, storm water has been directed to catch basins that drain to the local municipal water district sewer system. Long-term maintenance of the swales will be the responsibility of the owners and includes the following: mowing, watering, fertilizing, and removal of sediment, which can be performed by a landscape maintenance contractor or groundskeeper. In addition, all paved areas are cleaned during the course of regularly-scheduled street sweeping activities.

Item # 7 - Wet Weather Conditions

The construction area will be located as far from the creek as is practical. All disturbed areas of the construction site will be stabilized using the erosion and sediment control measures as discussed above. Straw wattles will be placed around storm drain inlets or along the face of any sloping area. If necessary, silt fencing (and wattles) will be installed around the property perimeter and any soil stockpile areas. Sandbags and/or wattles will also be installed around equipment storage area. All materials stored within the construction area will be covered with a plastic tarp during inclement weather.

Item # 8 - Stockpile/Staging Area Location

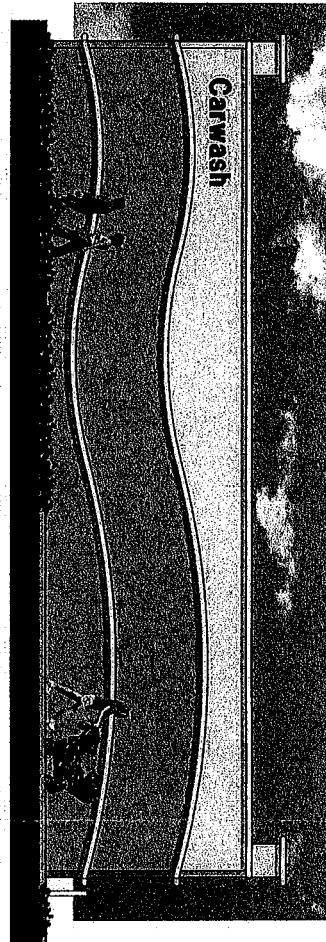
The construction area will be located as far from the creek as is practical. The construction area will provide several functions. The area will be used for supply storage, equipment and tools storage, materials delivery, waste, and recycling container storage; this location will also be designated as the area where any on-site equipment maintenance will occur. Any temporary soil stockpiling will also occur in the area, or as far away from the creek as is practical.

Item # 9 - Debris Collection and Disposal

The General Contractor will be responsible for coordinating with the local waste management agency/department/company to facilitate the removal and recycling of refuse on a regular basis. All wastes generated on-site will be disposed of off-site at an approved disposal site in accordance with applicable federal, state, and local laws and regulations. Temporary solid waste facilities (out house) will be regularly cleaned and pumped as necessary. Non-toxic construction materials will be disposed of in dumpsters located near the construction area. Any hazardous waste material (*i.e.*, recycled oil, hydraulics fluid etc.) generated on-site will be collected and stored in leak-proof containers until subsequent removal off-site by individual contractors. Unused hazardous materials and empty containers will be disposed of off-site by individual contractors.

SHEET OF

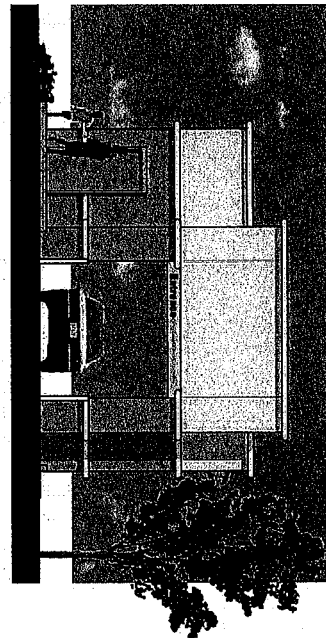
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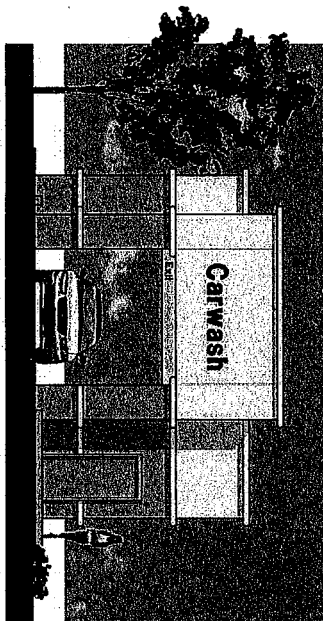
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C SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



B NORTHWEST ELEVATION
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D SOUTHEAST ELEVATION
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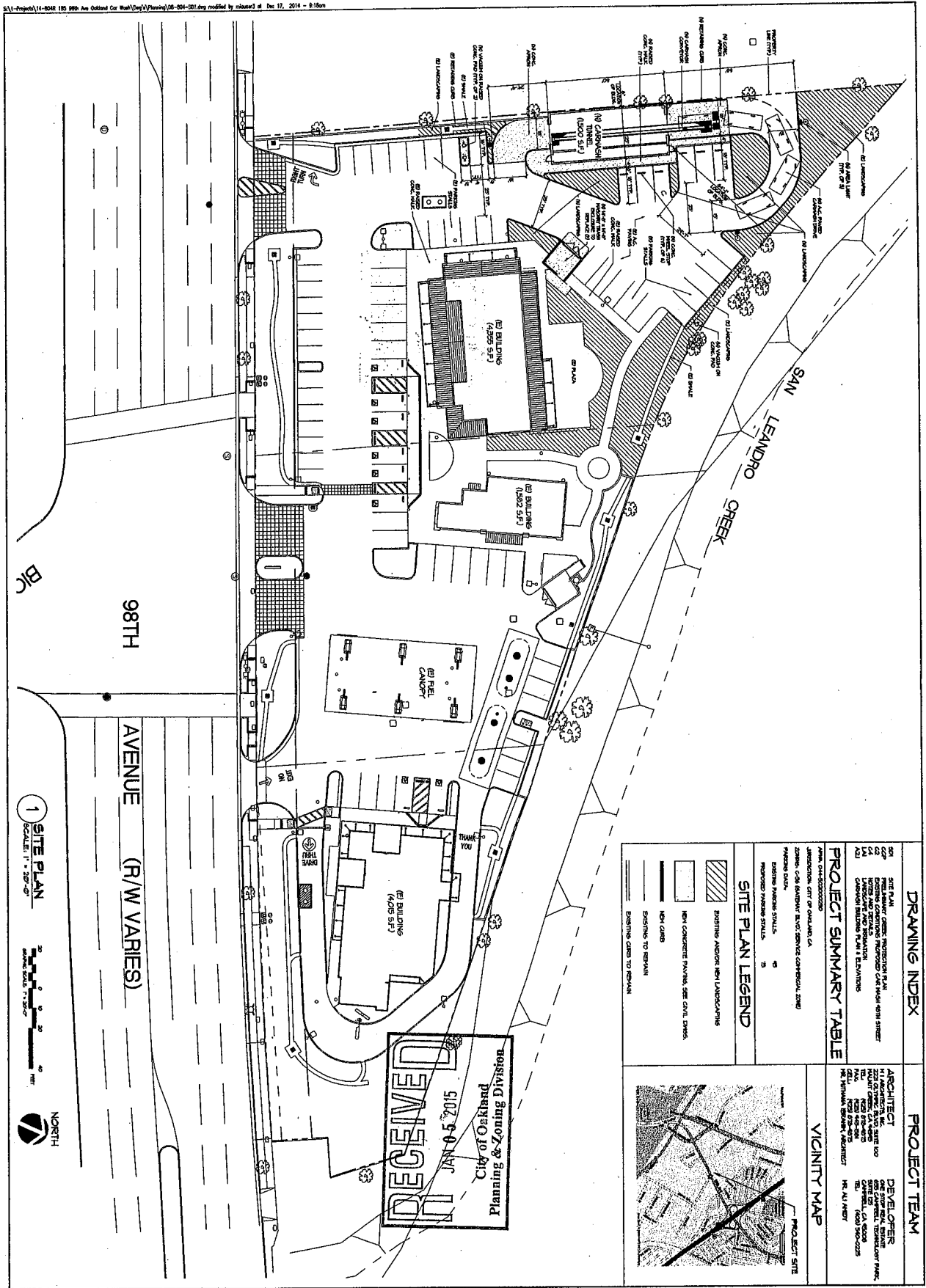
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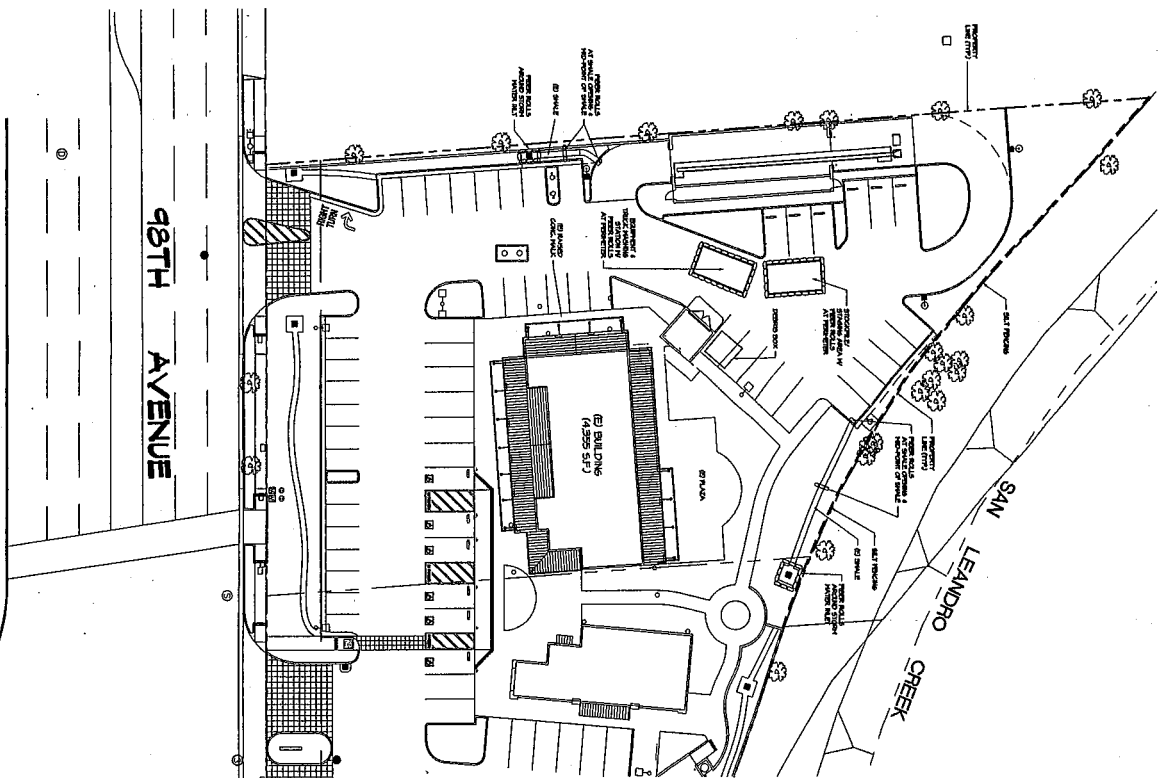
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98TH AVENUE CARWASH
185 98TH AVENUE @ BIGGE STREET
OAKLAND, CA

DRAWINGS AND SPECIFICATIONS AND THE CONCEPTS INDICATED HEREIN SHALL CONSTITUTE THE ORIGINAL UNPUBLISHED WORK OF THE ARCHITECT'S FIRM. ANY REPRODUCTION OR DISSEMINATION OF THESE DRAWINGS OR SPECIFICATIONS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT'S FIRM IS PROHIBITED. THE USE, REPRODUCTION OR DISSEMINATION OF THESE DRAWINGS OR SPECIFICATIONS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT'S FIRM IS PROHIBITED.

ATTACHMENT A

[illegible]



1 CREEK PROTECTION PLAN
SCALE: 1" = 20'-0"

Graphic scale 1' = 200'



PROJECT TEAM

ARCHITECT	DEVELOPER
H. ARONSON, INC. 2235 OLIVE ST. SUITE 100 PALM BEACH, CA 90600	ONE STOP REAL ESTATE 505 CANTERBURY ROAD SANTA ANA, CA 92701
PAULY CORP. CA 90600	CHAPPELL, CA 90600
PAULY CORP. CA 90600	TEL. (408) 540-0225
PAULY CORP. CA 90600	MR. AL ANDY

VICINITY MAP



LEGEND

— — — SALT PENCING

ooooooooo PAPER ROLLS
(STRAW MATTRESSES)

98TH AVENUE CARWASH
185 98TH AVENUE @ BIGGE STREET
OAKLAND, CA

DRAWINGS AND SPECIFICATIONS AND THE CONCEPTS EMBEDDED WITHIN THEM CONSTITUTE THE ORIGINAL UNPUBLISHED WORK. M+I ARCHITECTS' DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF DISCLOSURE OF PROFESSIONAL SERVICE AND REMAIN THE PROPERTY OF THE ARCHITECT. THE USE, DUPLICATION OR DISCLOSURE OF THE DOCUMENTS WITHOUT EXPRESSED WRITTEN CONSENT FROM M+I ARCHITECTS IS PROHIBITED.

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mthompson@mla.net.com

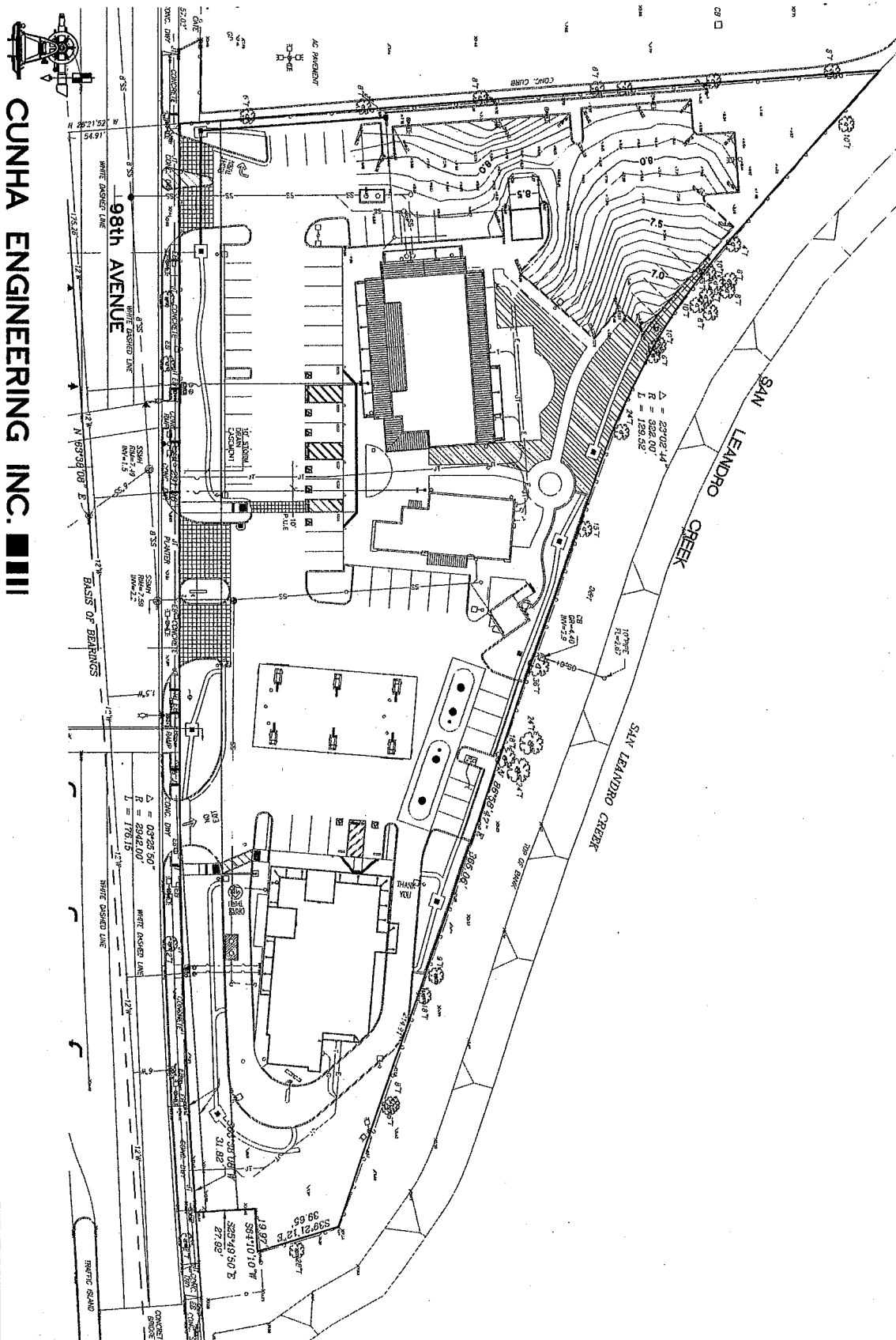


Architects

[illegible]

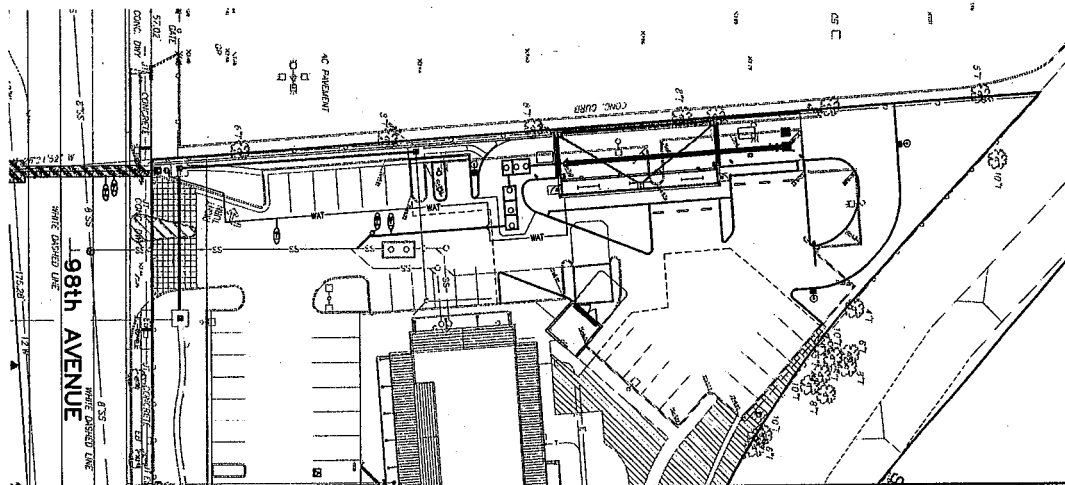
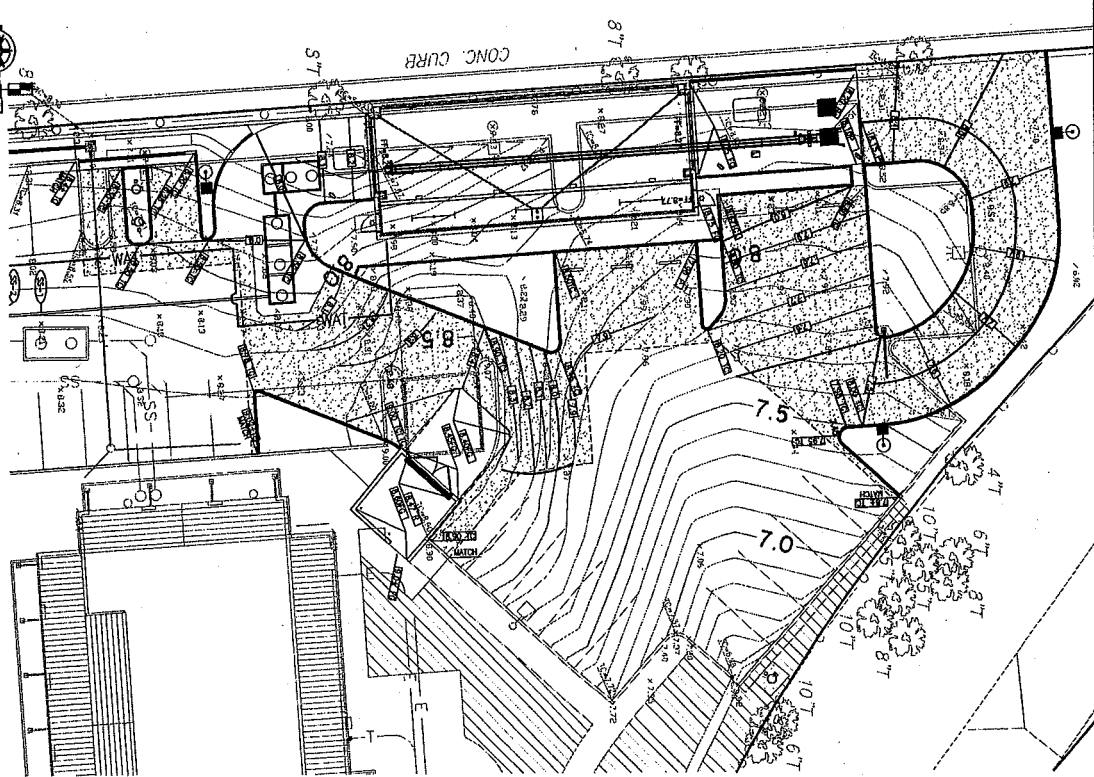
0000

CUNHA ENGINEERING INC. ■■■■



SHEET NUMBER OF 5 SHEETS DRAWN BY CHECKED BY SCALE 1" = 20'	EXISTING CONDITIONS PROPOSED CAR WASH 98th STREET		CUNHA ENGINEERING INC. 701 BELMONT WAY, STE. A PINOLE, CALIFORNIA 94564 (510) 741-8290		DESIGNED BY: V.H.C.						
					DRAWN BY: V.H.C.						
					CHECKED BY: V.H.C.						
					SCALE 1" = 20'						
					APPROVED BY: DATE						

CUNHA ENGINEERING INC. ■■■■



NOTES AND DETAILS

CUNHA ENGINEERING INC.
701 BELMONT WAY, STE. A
PINOLE, CALIFORNIA 94564
(510) 741-8290

DESIGNED BY: V.H.C.
DRAWN BY: S.V.C.
CHECKED BY: V.H.C.
SCALE: AS NOTED

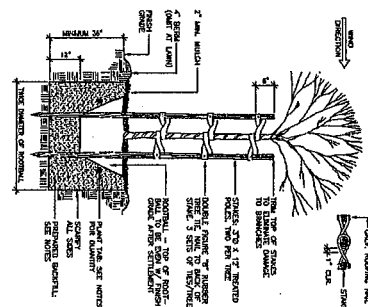
APPROVED BY: _____ DATE: _____
R.C.E. No. _____

BY	DATE	DESCRIPTION	APP. BY	DATE	BY

SHEET NUMBER
OF 3 SHEETS
DRAWN BY: S.V.C.
209027

OAKLAND

CALIFORNIA

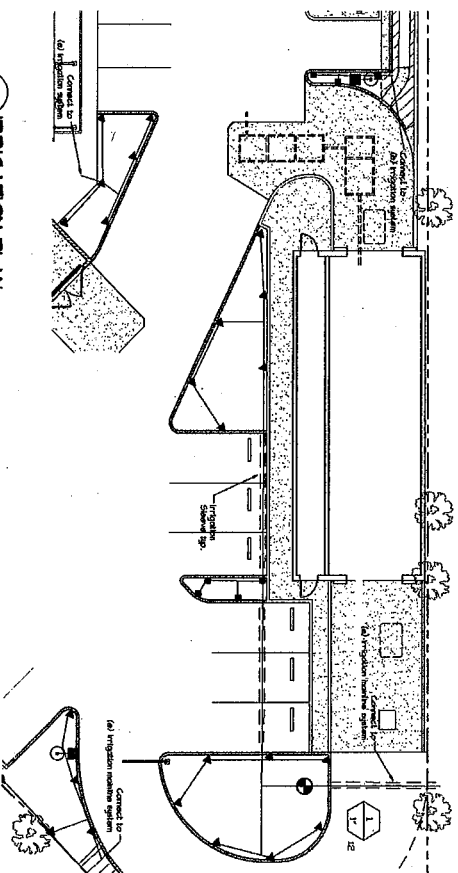


1 PLANTING PLAN
SCALE: 1" = 20'-0"

Shrub / Ground Cover Planting

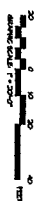
Tree Planting and Staking Detail

NOV 10 2006













2 IRRIGATION PLAN
SCALE: 1" = 20'-0"

SCALE 1" = 20'-0"



NORTH

PLANTING LEGEND					
SIGN	EDUCATIONAL NAME	COMMON NAME	SIZE	QUANTITY	
	Total				
	Botanical Name	Common Name	Size		
	FRU. CDR.	People/Land Planted	1 gal.	4	
	Shrub				
	Expected Name	Common Name	Size		
	FRU. NO	People/Land Planted	5 gal	30	
	Shrub				
	Ground Cover				
	FRU. NO				
	To Remove				

PLANTING NOTES

- [illegible]

IRRIGATION LEGEND

- ▲ Roofed (S) w/ 12 VAN Steel, Grade 77 For 1lb Spray H.O.
 ■ Roofed X-Shed 8 At Grade Embr.
 — Schedule 40, lateral live
 ⊕ S/S Control zone Rd with Pressure Regulating Section, 11in. K12-40 S-785-BF

IRRIGATION NOTES

- [illegible]

Ciardella
KNOXVILLE
977 New Avenue
Vero Beach, FL 33405
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ciardella@earthlink.net



98TH AVENUE CARWASH
185 98TH AVENUE @ BIGGE STREET
OAKLAND, CA

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M
Architects

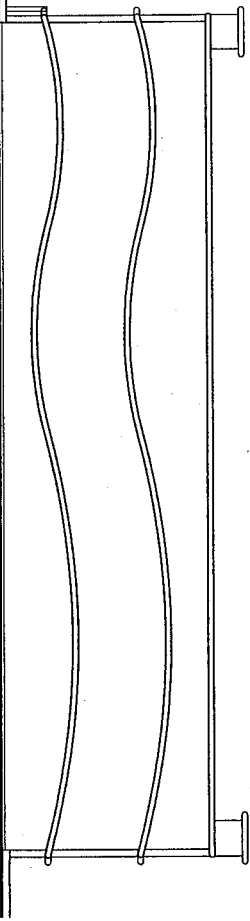
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94095

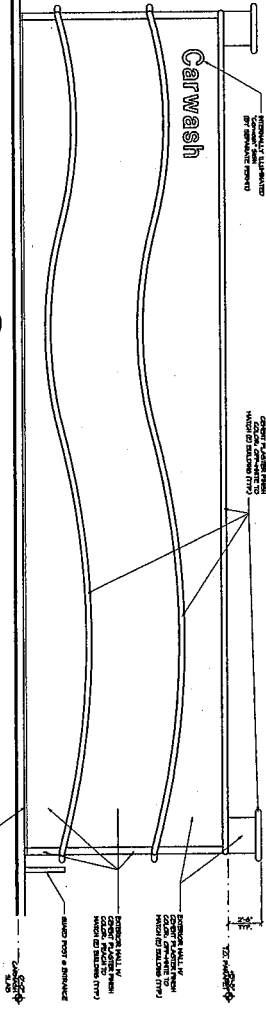
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info@mmarchitects.com

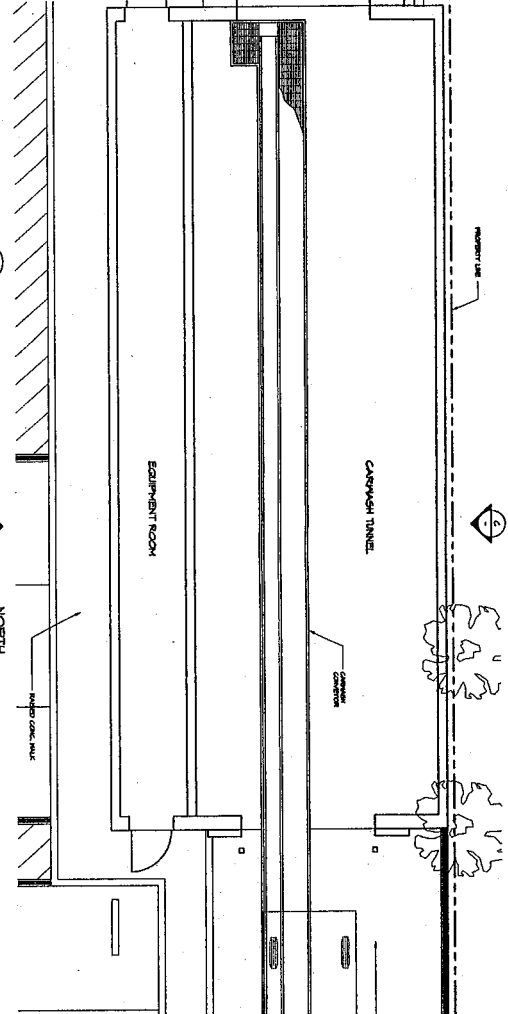
C SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



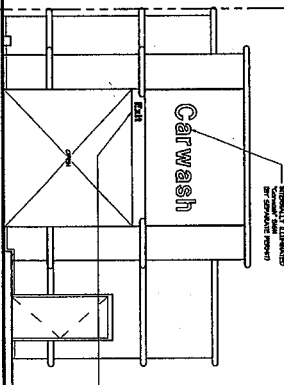
A NORTHEAST ELEVATION
SCALE: 1/4" = 1'-0"



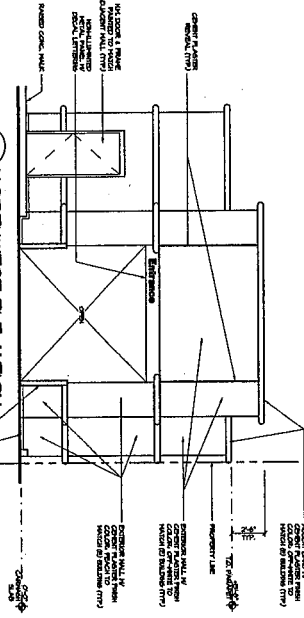
1 FLOOR PLAN
SCALE: 1/4" = 1'-0"



D SOUTHEAST ELEVATION
SCALE: 1/4" = 1'-0"



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



NO.	DATE	DESCRIPTION
1	12/17/2014	ISSUED FOR PERMIT
2	12/17/2014	ISSUED FOR PERMIT
3	12/17/2014	ISSUED FOR PERMIT
4	12/17/2014	ISSUED FOR PERMIT
5	12/17/2014	ISSUED FOR PERMIT
6	12/17/2014	ISSUED FOR PERMIT
7	12/17/2014	ISSUED FOR PERMIT
8	12/17/2014	ISSUED FOR PERMIT
9	12/17/2014	ISSUED FOR PERMIT
10	12/17/2014	ISSUED FOR PERMIT

98TH AVENUE CARWASH
185 98TH AVENUE @ BIGGE STREET
OAKLAND, CA

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