

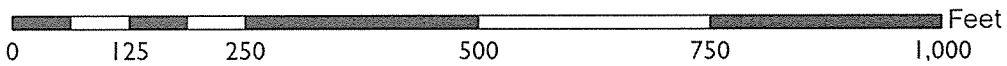
#5	<b>Location:</b>	6230-6250 Vallejo Street (APN:016 146501104)
	<b>Proposal:</b>	Appeal of the Zoning Manager's Approval to convert an existing one-story accessory building to a new two-story, two-unit residential facility. <i>The appellant is appealing Conditions of Approval #23 to lower height of rear second-floor addition, and #24 to alter the north side windows of the second-floor building addition.</i>
<b>Appellant/Owner:</b>		Moshe Shafrir
<b>Contact Phone Number:</b>		(510) 710-4444
<b>Case File Number:</b>		PLN14216-A01
<b>Planning Permits Required:</b>		Minor Conditional Use Permit to construct two residential dwellings where one residential dwelling exists in a single lot in the RM-3 Zone; Regular Design Review for new residential construction; and Minor Variances to reduce the front yard setback where 15' is required and 2.14' is proposed, reduce the side yard setback where 4' is required and 0.40' is proposed for the new altered first floor residential unit, and to construct a driveway curb cut within 10' from the adjacent southerly neighboring driveway curb cut.
<b>General Plan:</b>		Mixed Housing Type Residential
<b>Zoning:</b>		RM-3/ Mixed Housing
<b>Environmental Determination:</b>		State CEQA Guideline Sections-15303-New Construction or Conversion of Small Structures; and 15183-Projects Consistent with a Community Plan, General Plan or Zoning
<b>Historic Status:</b>		Rating: Dc3
<b>Service Delivery District:</b>		2
<b>City Council District:</b>		1
<b>Staff Recommendation:</b>		Uphold the appeal per Planning Commission's decision
<b>Finality of Decision:</b>		Final (not appealable per Section 17.132.030 (OPC))
<b>For Further Information:</b>		Contact Case Planner <b>Mike Rivera</b> at (510) 238-6417 or by email: <a href="mailto:mriviera@oaklandnet.com">mriviera@oaklandnet.com</a> .

## PROJECT SUMMARY

On December 2, 2015, the Zoning Manager approved an application for a Minor Conditional Use Permit, Regular Design Review and Minor Variances to convert an existing one-story accessory building to a new two-story, two-unit residential facility on the same lot that contains a separate two-story single-family residence, subject to conditions of approval that the Zoning Manager determined were necessary to ensure conformity. On December 14, 2015, Mr. Moshe Shafrir (appellant) filed an appeal to overturn Conditions of Approval #23 (Lower Height of Rear Second-Floor Building) and #24 (Alter Windows of Second-Floor Addition).

At the February 17, 2016 Planning Commission meeting, the Commission considered the appeal and determined that there were no compelling reasons for the appellant to lower the height of the approved building by one foot as required by Condition of Approval #23. The Commission determined that the Zoning Manager erred in imposing Condition of Approval #23 because, among other factors, the proposed building height falls within the maximum height allowed for the RM-3 Zoning District. The Planning Commission took a straw vote of 5-0 to uphold the appeal thus allowing the proposed building height of the rear second-floor addition to measure 29'- 3/8", rather than 28'- 3/8". The Commission asked that staff prepare revised findings and agendaize the item for the March 2, 2016 Planning

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN14216-A01  
Appellant: Moshe Shafrir  
Address: 6250 Vallejo Street  
Zone: RM-3

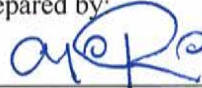
Commission meeting. Because the Commission lacked a quorum on March 2<sup>nd</sup>, the item will be considered at the March 16, 2016 Planning Commission meeting.

Staff has revised both the Design Review Findings (**Attachment 1**) and the Conditions of Approval to reflect these changes (**Attachment 2**).

## RECOMMENDATIONS

1. Grant the appellant's request to delete Condition of Approval #23 thereby allowing the building height of the proposed rear second-floor addition to measure up to 29'- 3/8" high.
2. Grant the appellant's request to modify Condition of Approval #24(a) by using obscure glass on the lower sash of the dining/living room window; and
3. Grant the appellant's request to revise and correct Condition of Approval #24(b) to use obscure glass on the lower sash of the bedroom windows on the north side.

Prepared by:



Mike Rivera  
Planner II  
Bureau of Planning

Reviewed by:



Robert D. Merkamp  
Development Planning Manager  
Bureau of Planning

Approved for forwarding to the  
City Planning Commission

## ATTACHMENTS

1. Revised Design Review Findings
2. Revised Conditions of Approval
3. Planning Commission Staff Report, dated February 17, 2016

## ATTACHMENT 1

**NOTE:** Additions are shown as double underline; deletions are shown as ~~strike-through~~.

### SECTION 17.136.050 – REGULAR DESIGN REVIEW FINDINGS / REVISED

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

The development located at 6230 Vallejo Street will create a building that would relate to the different size and shapes of residential buildings in the area. The design uses curved metal roof with different roof planes, double color stucco siding with reveal wall-joints, casement and glass-block windows to create interest. ~~To make the height of the addition compatible with the surrounding buildings, staff has added a condition to lower the height of the most rear second-story by one foot (living/dining area, kitchen/laundry and bath). See Condition of Approval #23.~~

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

The second-story addition and exterior alterations to the existing building will enhance the desirable neighborhood characteristics because the accessory building will have features that would relate more to a residential design, while maintaining the character of the multi-residential area that also has a variety of building designs. To protect the residential characteristics and privacy of adjacent properties to the north, staff has added revised conditions for the lower sash to raise the north window sill of the new second-story dining/living room window to include an obscure glass material and for the lower sash of the new bedroom windows to include an obscure glass material. See revised Condition of Approval #24 (a) and (b), at least five feet above finished floor, and also use obscure glass for the lower sash of the north bedroom windows. See Condition of Approval #24.

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

The project is located on a flat property and does not require significant changes to the topography or existing landscaping. The project includes the installation of new shrubs in front and lawn in the rear of the property. To make the site more visually attractive, staff has added a condition that the surface of the existing and proposed open parking spaces is replaced with color pavers. See Condition of Approval #25. In addition, staff has added another condition that the proposed 6 foot tall front fence to the south of the parking space is replaced with a landscaped walkway that leads to the new residential units. See Condition of Approval #26

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

The property or project is not located on a hillside, therefore this finding does not apply.

5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or

**development control map which have been adopted by the Planning Commission or City Council.**

The development proposal conforms in all respects to the Oakland General Plan and is consistent with the City's policy framework for providing regular residential units, and as a result will generate new housing opportunities in this viable neighborhood. The development meets the Design Review Guidelines for development in residential areas per the above findings.

## ATTACHMENT 2

NOTE: Additions are shown as double underline; deletions are shown as ~~strike-through~~.

### Conditions of approval - REVISED (PLN14216)

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1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved *revised* plans received on April 1, 2015 including reference drawings (Sheets AP-1 to AP-5) received on December 14, 2015 and as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two calendar years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

4. **Minor and Major Changes**

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. **Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

**6. Signed Copy of the Approval/Conditions**

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

**7. Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

**8. Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “Action”) against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

**9. Severability**

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

**10. Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

**11. Regulatory Permits and Authorizations from Other Agencies**

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**12. Graffiti Control**

Requirement:

- a) During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
  - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
  - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
  - iii. Use of paint with anti-graffiti coating.
  - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
  - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b) The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
  - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.



- ii. Covering with new paint to match the color of the surrounding surface.
- iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**13. Lighting**

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**14. Asbestos in Structures**

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**15. Construction Days/Hours**

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**16. Construction Noise**

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**17. Operational Noise**

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3

construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at [www.greenhalosystems.com](http://www.greenhalosystems.com) or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

**20. Underground Utilities**

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**21. Recycling Collection and Storage Space**

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## 22. Green Building Requirements

### a. Compliance with Green Building Requirements During Plan-Check

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
  - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
  - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
  - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
  - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
  - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
  - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
  - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
  - CALGreen mandatory measures.
  - **[INSERT: Green building point level/certification requirement: (See Green Building Summary Table; for New Construction of Residential or Non-residential projects that remove a Historic Resource (as defined by the Green Building Ordinance) the point level certification requirement is 53 points for residential and LEED Gold for non-residential)]** per the appropriate checklist approved during the Planning entitlement process.
  - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
  - The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

### b) Compliance with Green Building Requirements During Construction

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

The following information shall be submitted to the City for review and approval:

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**c) Compliance with Green Building Requirements After Construction**

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**SPECIFIC PROJECT CONDITIONS**

**23. INTENTIONALLY OMITTED, Lower Height of Rear Second-Floor Addition**

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

The applicant shall submit revised plans that show height reduction of the most rear second-floor addition (living/dining area, kitchen/laundry and bath) by one foot (from 16.5 ft. to 15.5 ft.).

**24. Alter the North Side Windows of the Second-Floor Building Addition**

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

The applicant shall submit revised plans that show the following:

- a) The lower sash of the new dining/living room window shall be designed to include an obscure glass material raised at least five feet from finished floor; and
- b) The lower sash of the two new bedroom windows shall be designed to include an obscure glass material contain an opaque glass finish for the lower sash windows.

**25. Utilize Colored Pervious Paver Materials for the Front Open Three Parking Spaces**

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

The applicant shall submit revised plans that show the installation of colored pervious pavers for the surface area of the three open parking spaces.

**26. Removal of Front Fence Next to Level 2 Parking Space**

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

The applicant shall submit revised plans that show no new fence to the south and along the side of the front parking space labeled "Level 2". The proposed 6 feet tall fence shall be replaced with a landscaped walkway that leads to the rear new residential units.

**27. Landscape Maintenance**

*Ongoing*

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

**28. Off-Street Parking/Garage**

***Ongoing***

Each of the proposed parking spaces or stalls shall be maintained as required off-street parking spaces for the intended units. No parking space shall be used or converted for any other purpose or use without prior review and approval by the Planning and Building departments.

**29. Building Exterior Lighting**

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

The applicant shall submit revised plans and details that show the location of exterior building wall light fixtures. The new exterior light fixtures shall be designed to not create any glare to the abutting properties.

<b>Location:</b>	<b>6230-6250 Vallejo Street (APN:016 146501104)</b>
<b>Proposal:</b>	Appeal of the Zoning Manager's Approval to convert an existing one-story accessory building to a new two-story, two-unit residential facility. <i>The appellant is appealing Conditions of Approval #23 to lower height of rear second-floor addition, and #24 to alter the north side windows of the second-floor building addition.</i>
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<b>Contact Phone Number:</b>	(510) 710-4444
<b>Case File Number:</b>	PLN14216-A01
<b>Planning Permits Required:</b>	Minor Conditional Use Permit to construct two residential dwellings where one residential dwelling exists in a single lot in the RM-3 Zone; Regular Design Review for new residential construction; and Minor Variances to reduce the front yard setback where 15' is required and 2.14' is proposed, reduce the side yard setback where 4' is required and 0.40' is proposed for the new altered first floor residential unit, and to construct a driveway curb cut within 10' from the adjacent southerly neighboring driveway curb cut.
<b>General Plan:</b>	Mixed Housing Type Residential
<b>Zoning:</b>	RM-3/ Mixed Housing
<b>Environmental Determination:</b>	State CEQA Guideline Sections- 15303-New Construction or Conversion of Small Structures; and 15183-Projects Consistent with a Community Plan, General Plan or Zoning
<b>Historic Status:</b>	Rating: Dc3
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	1
<b>Staff Recommendation:</b>	Deny the appeal and uphold the Zoning Manager's decision
<b>Finality of Decision:</b>	Final (not appealable per Section 17.132.030 (OPC))
<b>For Further Information:</b>	Contact Case Planner <b>Mike Rivera</b> at <b>(510) 238-6417</b> or by email: <a href="mailto:mriviera@oaklandnet.com">mriviera@oaklandnet.com</a> .

## SUMMARY

On December 2, 2015, the Zoning Manager approved an application to convert an existing one-story accessory building to a new two-story, two-unit residential facility on the same lot that contains a separate two-story single-family residence, subject to reasonable conditions of approval that the Zoning Manager determined were necessary to ensure conformity. This approval included additions to the ground-floor and a new second-floor addition, including site improvements for hardscaping/landscaping and construction of a new uncovered parking space on the property and to the side of the existing residence. See Zoning Manager's Determination approval letter, dated December 2, 2015. **Attachment A.**

On December 14, 2015, Mr. Moshe Shafrir (appellant) filed an appeal. The appeal seeks to overturn the Zoning Manager's Administrative Determination for project approval for Regular Design Review, specifically Conditions of Approval #23 (Lower Height of Rear Second-Floor Building) and #24 (Alter Windows of Second-Floor Addition). See appellant's Appeal form/letter, dated December 14, 2015, and new exhibits (reference design drawings, AP 1 thru AP 5). **Attachment B.**

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN14216-A01  
Appellant: Moshe Shafrir  
Address: 6250 Vallejo Street  
Zone: RM-3



## **BASIS OF THE APPEAL**

The appellant states that he is in agreement with the Zoning Manager's approval of the applications for the project, except for Conditions of Approval #23 and #24 as described in the body of this staff report.

In considering the appeal, the Commission must determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria.

## DESIGN REVIEW FINDINGS

The appellant argues that the project meets the required the Design Review Findings per Section 17.136.050. **See Attachment B.** Below, staff has listed the related required findings, summarized the appellant's arguments in **bold**, followed by Staff's responses in *italics*.

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

### Appellant Contentions:

#### **Condition #23. Lower Height of Rear Second Floor Addition-**

- The appellant argues that the maximum height allowed for the RM-3 Zoning District is 30', and that the maximum building height was not utilized in the proposed design. On the south of the proposed building, the roof heights measure 29'-2 5/8" and 29'-7 3/8" above sloping grade. On the north side facing the neighbor's property, the proposed roof height measures 29'-0 3/8" above grade, which is 11'-5/8" below the maximum allowed building height. Thereafter the project application was filed with the City in July of 2014, the neighbor to the north side added 10" of gardening soil and this helped the situation as the proposed building height was still below the maximum allowed height before adding the gardening soils. Therefore, the applicant (appellant) believes that the arbitrary condition to reduce the rear roof height by 12" will deprive him of the rights that other property owners in the same zoning district enjoy.
- The one foot reduction will compromise the design theme and it will decrease the gracefulness of the building.
- The Design theme incorporates three roof sections stepping gracefully down towards Vallejo St. This concept is the result of awareness to follow the topography and reduction of bulkiness.
- The reduction of the roof height will cause the loss of the clerestory windows, as they are important artistic and functional feature for the exterior and interior of the proposed design.
- The owner is requesting to be allowed to build the roof in the rear second floor addition as it was originally submitted in the regular design review application.

Staff Response to Condition #23:

Condition of Approval #23 provides,

“Lower Height of Rear Second-Floor Addition.

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

The applicant shall submit revised plans that show height reduction of the most rear second-floor addition (living/dining area, kitchen/laundry and bath) by one foot (from 16.5 ft. to 15.5 ft.)”

*The City’s December 2, 2015 approval letter does not ignore the fact that the approved project would relate to the different size and shapes of the residential building in the area, and that the building addition measures below the maximum building height allowed by the RM-3 zone. In fact, staff’s findings indicate that the proposed design uses curved metal roof with different roof planes to create design interest. However, staff disagrees with the appellant’s arguments on the basis of broad generalities. The findings for approval clearly states that in order for the height of the addition to be compatible with the surrounding buildings, the most rear second-story addition needs to be lowered by one foot. In addition, staff disagrees with the statement that the condition of approval imposed on the property is arbitrary because it will deprive the appellant’s right for development as the application was approved and the appellant will not enjoy the same privileges by owners that have similar properties in same zone district. Further, staff disagrees that the required one-foot building height reduction will compromise the project design theme and will decrease the gracefulness of the two-story building. As indicated above, staff believes that the required one-foot height reduction from 29’-3/8” to 28’- 3/8” of the most rear second-floor addition is both reasonable and justifiable because the interior ceiling heights of this section of the building floor area (living/dining area, kitchen/laundry and bath) average from 10’ up to 16’ high, and thus it will still allow the building to provide different roof planes that step down towards the street. Staff believes the building height reduction of one foot will not contribute to the loss of the three clerestory windows (2’ x 1’), impact the building design or affect its use to future residents. Staff finds that these small windows located on the west side of the second-floor rear addition can be altered in the same location, new clerestory windows can also be added to the rear (east) of the building or new skylights can be installed as an alternative. Therefore, staff recommends that the appeal request is denied and Condition of Approval #23 is upheld.*

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

Appellants Contentions:

**Condition #24. Alter the North Side Windows of the Second-Floor Building Addition-**

- The appellant requests to use obscure glass in the lower parts of the windows on the north side of the second-floor building addition instead of opaque glass. Obscure glass will let light thru, but not view. The concern is that the opaque glass will be claustrophobic and reduce natural light in the rooms. The obscure glass will block views from the proposed second floor and will provide privacy to the neighbors.
- The appellant also requests to use obscure glass on the north side in the lower parts of the dining/living room window, similar to the bedrooms windows.
- The appellant requests to have operable windows for ventilation on the upper parts of the north side of the second-floor building addition.

Staff Response to Condition #24:

*Condition of Approval #24 provides,*

"Alter the North Side Windows of the Second-Floor Building Addition.

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

The applicant shall submit revised plans that show the following: a) the dining/living room window sill shall be raised at least five feet from finished floor; and b) the two bedroom windows shall contain an opaque glass finish for the lower sash windows."

*This is essentially a difference in application of terminology.*

*The intent of condition of approval #24 is to utilize glass that blocks transparency but allows light in, rather than glass that blocks all light in the lower sash of the two bedroom windows. In the Regular Design Review Finding #2, staff's justification for approval indicates the use of obscure glass for the lower sash bedroom windows in order to provide privacy to the adjacent neighbors to the north. Given that the required obscure glass has a texture designed to provide less visibility between spaces, but would allow natural light to flow into a room, staff will correct Condition of Approval #24 (b) and replace the opaque glass with an obscure glass finish.*

*As part of this appeal, the appellant submitted reference drawings and requests to use obscure glass (see sheet AP-3) on the lower sash of the north side (5' x 6') dining/living room window, rather than raising the sill of that window by five feet per Condition of Approval #24 (a). Staff believes that the use of an obscure glass on the lower sash of the dining/living room window would meet the intent to improve privacy to the adjacent properties and also provide consistency with pattern and design of the bedroom windows, located along the north side of the second-floor addition. Therefore, staff recommends that this portion of the appeal request be granted and Condition of Approval #24 (a) be revised to require the use of an obscure glass instead on the lower sash of the 5' x 6' dining/living room window.*

*It should be noted that this terminology detail could have been clarified with a clarifying statement in writing by the City. If this issue was the only point of the Appeal, that would have been handled outside of the Appeal process.*

*Furthermore, the appellant requests to have operable windows for ventilation on the upper window sash of the dining/living room and bedroom windows of the second-floor addition. While the approval of this application did not restrict the use of operable windows, it must be noted that the building code will require them for egress. Based on the submitted reference drawings, (see sheet AP-3), the appellant should consider using instead the appropriate windows such as single-hung or casement window to meet minimum openings.*

## CONCLUSION

Staff finds that the appellant's appeal to maintain the original building height proposed does not warrant the basis for approval, and recommends denial and that the Zoning Manager's Condition of Approval #23 is upheld. On the other hand, staff finds that the appellant's appeal for using obscure glass on the lower sash of the dining/living room window, rather than raising the window sill by at least 5 feet per Condition of Approval #24 (a) is warranted and recommends approval of that revised condition. Also, staff recommends that Condition of Approval #24 (b) be revised to reflect the basis of the approval finding, where staff recommended the use of obscure glass (rather than opaque glass) for the lower sash of the bedroom windows.

RECOMMENDATIONS

1. Deny the appellant's request and uphold the Zoning Manager's Condition of Approval #23 for lowering the building height by one foot;
2. Grant the appellant's request to modify Condition of Approval #24(a) by using obscure glass on the lower sash of the dining/living room window, instead of raising the window sill by five feet; and
3. Grant the appellant's request to revise and correct Condition of Approval #24(b) to use obscure glass instead of opaque glass on the lower sash of the bedroom windows on the north side.

Prepared by:




Mike Rivera  
Planner II  
Bureau of Planning

Reviewed by:



Robert D. Merkamp  
Development Planning Manager  
Bureau of Planning

Reviewed by:



Darin Ranelletti, Deputy Director  
Bureau of Planning

Approved for forwarding to the  
City Planning Commission



Rachel Flynn, Director  
Planning and Building Department

**ATTACHMENTS**

- A. Zoning Manager's Approval letter, dated December 2, 2015
- B. Applicants' Appeal Documents, dated December 14, 2015
- C. Modified Specific Condition of Approval #24 (*Per Conditions of Approval under PLN14216*)

# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 238-3254

## Sent via U.S. Mail and Electronic Mail

December 2, 2015

Moshe Shafrir  
1083 Vine Street, Unit 284  
Healdsburg, CA 95448

**RE:** Application Case File No.: **PLN14216**  
Project Address: **6230-6250 Vallejo Street**  
APN: **016 146501104**

Dear Applicant:

Your development application, as described below, and subject to modifications pursuant to conditions of approval has been **APPROVED** for the reasons stated in **Attachment A**, which contains the required findings to support this decision. **Attachment B** contains the Conditions of Approval for the project. This decision is effective ten (10) days after the date of this letter unless is appealed as explained below. The following table summarizes the project:

Proposal:	To convert accessory building to a two-story with two-unit residential facility.
Planning Permits Required:	Minor Conditional Use Permit for two-units next to a residence in the RM-3 zone; Regular Design Review for new residential construction; and Minor Variances to reduce setbacks and add a curb cut next to neighbor's driveway.
General Plan:	Mixed Housing Type Residential
Zoning:	RM-3/ Mixed Housing
Environmental Determination Exemption:	State CEQA Guideline Sections- 15303-New Construction or Conversion of Small Structures; and 15183-Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Rating, Dc3
Service Delivery District:	2
City Council District:	1

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this approval letter, by **4:00 pm**. An appeal shall be on a form provided by the Bureau of Planning, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Mike Rivera, Project Planner**. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$3,247.43** in accordance with the City of

**ATTACHMENT A**

Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

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

If you have any questions, please contact the case Planner, **Mike Rivera**, at (510) 238-6417 or by email [mrivera@oaklandnet.com](mailto:mrivera@oaklandnet.com), however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



SCOTT MILLER  
Zoning Manager

Cc: Gordon Shafrir, P. O. Box 3614, Oakland, CA 94609 (project owner)  
Charlie Hallowell, 1193 63rd Street, Oakland, CA 94608 (neighbor)  
Andee Brown, 1199 63rd Street, Oakland, CA 94608 (neighbor)  
Eric Pankonin and Eleanor Wohlfeiler / Email: [eric@integratedsmoothness.com](mailto:eric@integratedsmoothness.com) (neighbor)

David Harlan, Oakland Building Services Manager  
Kevin Kashi, Oakland Engineering Services  
Bill Quesada, Oakland Building Services/Zoning Compliance

**Attachments:** A. Findings  
B. Conditions of Approval  
Notice of Exemption

## ATTACHMENT B

### Conditions of approval (PLN14216)

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1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved *revised* plans received on April 1, 2015 and as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two calendar years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

4. **Minor and Major Changes**

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. **Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved



technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

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

**6. Signed Copy of the Approval/Conditions**

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

**7. Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

**8. Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. **Severability**

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

10. **Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement (“p-job”) permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

11. **Regulatory Permits and Authorizations from Other Agencies**

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

12. **Graffiti Control**

Requirement:

- a) During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
  - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
  - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
  - iii. Use of paint with anti-graffiti coating.
  - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
  - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b) The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
  - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
  - ii. Covering with new paint to match the color of the surrounding surface.
  - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**13. Lighting**

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**14. Asbestos in Structures**

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**15. Construction Days/Hours**

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**16. Construction Noise**

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. **Except as provided herein**, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, **if such jackets are commercially available**, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever **such procedures are available and consistent with construction procedures**.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or **use other measures as determined by the City to provide equivalent noise reduction**.
- e. **The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.**

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**17. Operational Noise**

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

**20. Underground Utilities**

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**21. Recycling Collection and Storage Space**

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## 22. Green Building Requirements

### a. **Compliance with Green Building Requirements During Plan-Check**

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
  - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
  - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
  - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
  - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
  - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
  - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
  - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
  - CALGreen mandatory measures.
  - **[INSERT: Green building point level/certification requirement: (See Green Building Summary Table; for New Construction of Residential or Non-residential projects that remove a Historic Resource (as defined by the Green Building Ordinance) the point level certification requirement is 53 points for residential and LEED Gold for non-residential)]** per the appropriate checklist approved during the Planning entitlement process.
  - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
  - The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

### b) **Compliance with Green Building Requirements During Construction**

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

The following information shall be submitted to the City for review and approval:

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.

- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c) **Compliance with Green Building Requirements After Construction**

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## **SPECIFIC PROJECT CONDITIONS**

### **23. Lower Height of Rear Second-Floor Addition**

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

The applicant shall submit revised plans that show height reduction of the most rear second-floor addition (living/dining area, kitchen/laundry and bath) by one foot (from 16.5 ft. to 15.5 ft.).

### **24. Alter the North Side Windows of the Second-Floor Building Addition**

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

The applicant shall submit revised plans that show the following: a) the dining/living room window sill shall be raised at least five feet from finished floor; and b) the two bedroom windows shall contain an opaque glass finish for the lower sash windows.

### **25. Utilize Colored Pervious Paver Materials for the Front Open Three Parking Spaces**

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

The applicant shall submit revised plans that show the installation of colored pervious pavers for the surface area of the three open parking spaces.

### **26. Removal of Front Fence Next to Level 2 Parking Space**

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

The applicant shall submit revised plans that show no new fence to the south and along the side of the front parking space labeled "Level 2". The proposed 6 feet tall fence shall be replaced with a landscaped walkway that leads to the rear new residential units.

### **27. Landscape Maintenance**

*Ongoing*

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

### **28. Off-Street Parking/Garage**

*Ongoing*

Each of the proposed parking spaces or stalls shall be maintained as required off-street parking spaces for the intended units. No parking space shall be used or converted for any other purpose or use without prior review and approval by the Planning and Building departments.

29. **Building Exterior Lighting**

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

The applicant shall submit revised plans and details that show the location of exterior building wall light fixtures. The new exterior light fixtures shall be designed to not create any glare to the abutting properties.

**Applicant Statement**

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

\_\_\_\_\_  
Name of Project Applicant

\_\_\_\_\_  
Signature of Project Applicant

\_\_\_\_\_  
Date



## ATTACHMENT A

### SECTION 17.136.050 –REGULAR DESIGN REVIEW FINDINGS

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

The development located at 6230 Vallejo Street will create a building that would relate to the different size and shapes of residential buildings in the area. The design uses curved metal roof with different roof planes, double color stucco siding with reveal wall-joints, casement and glass-block windows to create interest. To make the height of the addition compatible with the surrounding buildings, staff has added a condition to lower the height of the most rear second-story by one-foot (living/dining area, kitchen/laundry and bath). See Condition of Approval #23.

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

The second-story addition and exterior alterations to the existing building will enhance the desirable neighborhood characteristics because the accessory building will have features that would relate more to a residential design, while maintaining the character of the multi-residential area that also has a variety of building designs. To protect the residential characteristics and privacy of adjacent properties to the north, staff has added a condition to raise the north window sill of the new second-story dining/living room window at least five feet above finished floor, and also use obscure glass for the lower sash of the north bedroom windows. See Condition of Approval #24.

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

The project is located on a flat property and does not require significant changes to the topography or existing landscaping. The project includes the installation of new shrubs in front and lawn in the rear of the property. To make the site more visually attractive, staff has added a condition that the surface of the existing and proposed open parking spaces is replaced with color pavers. See Condition of Approval #25. In addition, staff has added another condition that the proposed 6 foot tall front fence to the south of the parking space is replaced with a landscaped walkway that leads to the new residential units. See Condition of Approval #26

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

The property or project is not located on a hillside, therefore this finding does not apply.

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

The development proposal conforms in all respects to the Oakland General Plan and is consistent with the City's policy framework for providing regular residential units, and as a result will generate new housing opportunities in this viable neighborhood. The development meets the Design Review Guidelines for development in residential areas per the above findings.

**SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS**

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

The proposal for a two-story, two residential dwelling units (6230 Vallejo Street) on a lot that contains an existing single-family residence (6250 Vallejo Street) is designed to be compatible with the site and surrounding area. The project uses most of the existing building footprint to add new units that measure approximately 1,000-sq. ft. each. The building scale and height is moderate, the design incorporates a variation of roof planes, casement windows, and color stucco siding to minimize bulk. While most of the neighboring houses are predominantly a mix of two-story multi-unit buildings with taller roof ridges, the proposal will relate to the operating characteristics and without affecting the development in the neighborhood. Although the two-unit residential facility is close to the property lines, the second-story addition will meet the side and rear yard setbacks. While the one-story accessory building is to be converted to a residential unit and would encroach into the required setbacks, its non-conformity status and justification in the variance findings will be grounds to support the permitted density in the area. The project also provides on-site parking and will not affect the generation of traffic and capacity of surrounding streets because the proposed density does not trigger the threshold for further traffic studies.

- 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 proposal provides a convenient and functional living environment because the two-unit residential facility is located in an established neighborhood and surrounded by a mix of single and multi-unit residential properties. The proposal also provides a functional site planning solution because the two-unit building and the single-family residence are separated and provide outdoor areas thus creating convenient recreational areas for the residents. The proposal also has moderate architectural composition to provide interest with the mix of building designs in the area.

- 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 proposal will provide desirable housing to current and future residents, thus making a good use of the property. The proposal will contribute to the residential setting in the surrounding neighborhood by providing additional housing that has a mix of single and multi-unit residential properties with different building shapes and sizes.

**D. That the proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code.**

The proposal conforms to the applicable Design Review findings in section 17.136.050(A) for Residential Facilities. See Design Review findings.

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

The proposal conforms to the designated Mixed Housing Type Land Use Classification of the Oakland General Plan. The intent of the Mixed Housing Type Residential designation is to create, maintain and enhance neighborhood residential areas that are characterized by a mix of single-family homes, townhouses, small multi-unit buildings, and neighborhood businesses located near the City's major street arterials. The proposal for a two-unit residential addition on a lot that contains a detached single-family residence conforms to the General Plan Objective N3 for encouraging the construction, conservation and enhancement of housing resources in order to meet the current and future needs of the City, and Objective N7 for protecting and enhancing existing areas of predominantly Mixed Housing Type residential development located near major thoroughfares such as San Pablo Avenue, located to the east.

**ADDITIONAL CONDITIONAL USE PERMIT FINDINGS FOR THE RM-3 ZONE**

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

The proposal will not adversely affect adjoining property and surrounding neighborhood because the two-story, two-unit residential facility, located at 6250 Vallejo Street meets the development standards for the RM-3 Zoning District as well as the Design Review Criteria and Variance Findings. The overall size, height and mass of the development proposal is moderate and other surrounding properties have similar densities. The proposal is for a residential use in a developed neighborhood that does not alter traffic generation, and on-site parking is provided for the residential units.

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

The proposal provides functional living environments to future residents because stairways and accessways are provided and designed to minimize privacy impacts to

abutting properties. The proposal also provides open areas to service the residents of the new building and on-site parking spaces are provided in front of the property.

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

The proposal is located on a 5,160 square foot, square-shaped level lot with dimensions that will allow the development of the two-unit residential facility. The proposal is designed to meet the required development standards and incorporates design solutions that will not adversely affect the privacy of the adjacent residences. The proposal includes high-sill, upper-story windows and obscure casement windows located on the north side of the second-story building to result in no substantial impact on neighbor's privacy, while still providing sufficient light into the subject dwelling.

#### **SECTION 17.148.050 (A) - MINOR VARIANCE FINDINGS**

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

There are similar residential buildings located across the street that their yard setbacks are approximately the same or less than the existing and proposed setbacks for the project. The strict compliance with the setback regulation would result in a hardship given that the conversion of the nonconforming one-story building, located at 6250 Vallejo Street to a residential unit will not significantly increase the nonconformity level because the proposal will utilize the existing wall location for its setbacks. Although the second-story residential unit addition will meet the setbacks, the proposed front yard setback reduction will have a greater front yard setback than the residences across the street, which measures approximately less than a foot.

The strict zoning compliance for a ten foot driveway curb cut separation between properties would preclude an effective design solution for improving physical appearance when viewed from the street. Although the driveway curb cut proposal is close to the adjacent southerly property's driveway, the proposed curb cut is narrow and will be used by the residents of the 6230 Vallejo Street. While the curb cut will provide off-street parking efficiency to the property, the conditions of approval will require the installation of color pavers so that the designated parking space is less prominent from the street.

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

The proposal to reduce the setbacks for the existing non-conforming building and second-story addition for residential use would relate to some of the two-story residential properties across Vallejo Street. These properties have similar or less than the required front and side yard setbacks, so the proposal would be compatible and have the privileges enjoyed by owners of similar zone properties. The project is designed to be in scale with the pattern of

mix residential properties in the area.

The proposal provides an effective design solution by fulfilling the basic intent of the applicable regulation by creating a single vehicular driveway curb cut that is tucked to the side of the existing residence and separated by the existing side wooden fence from the adjacent property. The finding can be justified because the width of the proposed driveway curb cut is narrow and will still provide on-street parking along Vallejo Street.

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

The granting of the variance for building yard setbacks will not adversely affect the character of abutting properties and will not be detrimental to the public welfare. The conversion of the one-story accessory building and second-story building addition for residential uses will be adequately distanced from the adjacent neighboring residences to the north. The existing one-story building will not have operable windows other than small glass-block windows that will not affect the livability of abutting properties.

The granting of a variance to the required ten foot driveway curb cut separation between properties would not adversely affect the character, livability, or appropriate development of abutting properties. The location of the new driveway will not adversely affect the development of the abutting multi-unit residential facility's driveway because it will be separated by at least one foot from each other.

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

The granting of the minor variance for building yard setback reduction will not be inconsistent with the purpose of the zoning regulations because the building side yard setback is existing and will not increase the level of nonconformity other than making the building conforming though the variance findings. The north side of the one-story building will not have operable windows or doors that will create impacts to the adjacent properties.

Generally, minor variances are granted when the project will practically function for its required purpose, provide design solution, and would limit impacts on neighboring properties.

5. **That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.070.**

The proposal meets the Design Review Criteria and Zoning provisions for residential development as described in the content of this report.

6. **That if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:**

- a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or
- b. Over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see Illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

The proposal will not adversely impact the adjacent residences with respect to solar access and privacy because the abutting residences to the north are distanced approximately 60 feet and conditions of approval will require the project to offset the living/dining room window and use opaque glass on the lower sash of the bedroom windows to provide privacy. Thus, the proposal would not raise the degree higher than that if the development was built to meet zoning regulations.

**\*ENVIRONMENTAL DECLARATION**  
**(CALIF. FISH AND GAME CODE SEC. 711.4)**

: FOR COURT USE ONLY

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY:

LEAD AGENCY: **CITY OF OAKLAND**  
**Bureau of Planning – Zoning Division**  
**250 Frank H. Ogawa Plaza**  
**Oakland, CA 94612**

PROPERTY OWNER: **Gordon Shafrir**  
**P. O. Box 3614**  
**Oakland, CA 94609**

FILING NO.: **PLN14216**

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:      CLERKS  
Check the box (es) that applies.      USE ONLY

1.      **NOTICE OF EXEMPTION**      **PLU 117**  
[ X ] A – STATUTORILY OR CATEGORICALLY EXEMPT  
     \$50.00 (Fifty Dollars) – CLERK’S FEE
- [ ] B – FEE EXEMPTION –NO IMPACT DETERMINATION ISSUED BY F&G      **PLU 117**  
     \$50.00 (Fifty Dollars) – CLERK’S FEE
2.      **NOTICE OF DETERMINATION**
- [ ] A – NEGATIVE DECLARATION      **PLU 116**  
     \$2,010.25 (Two Thousand Ten Dollars and Twenty Five Cents)-      -STATE FILING FEE  
\$50.00 (Fifty Dollars) – CLERK’S FEE
- [ ] B – MITIGATED NEGATIVE DECLARATION      **PLU 116**  
     \$2,010.25 (Two Thousand Ten Dollars and Twenty Five Cents)      -STATE FILING FEE  
\$50.00 (Fifty Dollars) – CLERK’S FEE
- [ ] C – ENVIRONMENTAL IMPACT REPORT      **PLU 115**  
     \$2,792.25 (Two Thousand Seven Hundred Ninety-Two Dollars & Twenty Five Cents) –STATE FILING FEE  
\$50.00 (Fifty Dollars) – CLERK’S FEE
3. [ ] **OTHER** (Specify) Notice of Finding of No Significant Impact      **PLU 117**  
     \$50.00 (Fifty Dollars) – CLERK’S FEE

**\*THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS  
FILED WITH THE ALAMEDA COUNTY CLERK’S OFFICE.**

**FIVE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.**

**APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT  
WITH THE ALAMEDA COUNTY CLERK’S OFFICE.**

**MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK**

RETURN TO:

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

**NOTICE OF EXEMPTION**

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

**Project Title:** Planning Application: PLN14216

**Applicant/Business Owner:** Moshe Shafrir

**Project Location:** 6230-6250 Vallejo Street. APN: 016 146501104

**Project Description:** To construct a two-story facility with two residential units adjacent to a detached single-family residence on a single lot.

**Exempt Status:**

**Statutory Exemptions**

{Article 18: Section 21080; 15260}

- [ ] Ministerial {Sec.15268}
- [ ] Feasibility/Planning Study {Sec.15262}
- [ ] Emergency Project {Sec.15269}
- [ ] General Rule {Sec.15061 (b)(3)}
- [ X ] Other: {Sec. 15183\_\_\_\_\_}

**Categorical Exemptions**

{Article 19: Section 21084; 15300}

- [ ] Existing Facilities {Sec.15301}
- [ ] Replacement or Reconstruction {Sec.15302}
- [ X ] Construction of new structure {Sec.15303}
- [ ] Minor Alterations {Sec.15304}
- [ ] Minor Subdivisions {Sec.15315}
- [ ] Infill Projects {Sec.15332}
- [ ] Other {Sec.\_\_\_\_\_}

**Reasons why project is exempt:** The construction of a two-story, two-unit residential facility adjacent to an existing single-family residence on a single lot will not have a significant impact on the environment and is exempt from Environmental Review.

**Lead Agency:** City of Oakland, Bureau of Planning – Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

**Department/Contact Person:** Mike Rivera, Planner II

**Phone:** (510) 238-6417

  
\_\_\_\_\_  
Signature (Scott Miller, Zoning Manager)

12-2-15  
\_\_\_\_\_  
Date:

Pursuant to Section 711.4(d)(1) of the California Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish & Game fees.





# CITY OF OAKLAND

## APPEAL FORM

### FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

#### PROJECT INFORMATION

Case No. of Appealed Project: PLN14216  
Project Address of Appealed Project: 6220-6250 VALLEJO STREET  
Assigned Case Planner/City Staff: MIKE RIVERA

#### APPELLANT INFORMATION:

Printed Name: MOSHE SHAFER Phone Number: 95418 50-710-9999  
Mailing Address: 1083 VINE ST. #284 Alternate Contact Number: \_\_\_\_\_  
City/Zip Code: HEXLESBURG, CA Representing: GORDON SHAFER  
Email: moshe@opc@hotmail.com

An appeal is hereby submitted on:

- ☐ AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)

#### YOU MUST INDICATE ALL THAT APPLY:

- ☐ Approving an application on an Administrative Decision  
☐ Denying an application for an Administrative Decision  
☒ Administrative Determination or Interpretation by the Zoning Administrator  
☐ Other (please specify) \_\_\_\_\_

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☒ Administrative Determination or Interpretation (OPC Sec. 17.132.020)  
☐ Determination of General Plan Conformity (OPC Sec. 17.01.080)  
☒ Design Review (OPC Sec. 17.136.080)  
☐ Small Project Design Review (OPC Sec. 17.136.130)  
☐ Minor Conditional Use Permit (OPC Sec. 17.134.060)  
☐ Minor Variance (OPC Sec. 17.148.060)  
☐ Tentative Parcel Map (OMC Section 16.304.100)  
☐ Certain Environmental Determinations (OPC Sec. 17.158.220)  
☐ Creek Protection Permit (OMC Sec. 13.16.450)  
☐ Creek Determination (OMC Sec. 13.16.460)  
☐ City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)  
☐ Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)  
☐ Other (please specify) \_\_\_\_\_

(Continued on reverse)

**ATTACHMENT B**

PLN14216 - A01



(Continued)

- ☐ **A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)**      ☐ Granting an application to:      **OR**      ☐ Denying an application to:

**YOU MUST INDICATE ALL THAT APPLY:**

**Pursuant to the Oakland Municipal and Planning Codes listed below:**

- ☐ Major Conditional Use Permit (OPC Sec. 17.134.070)
- ☐ Major Variance (OPC Sec. 17.148.070)
- ☐ Design Review (OPC Sec. 17.136.090)
- ☐ Tentative Map (OMC Sec. 16.32.090)
- ☐ Planned Unit Development (OPC Sec. 17.140.070)
- ☐ Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- ☐ Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- ☐ Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- ☐ Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- ☐ Other (please specify) \_\_\_\_\_

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**FOR ANY APPEAL:** An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

The appeal is based on the following: *(Attach additional sheets as needed.)*

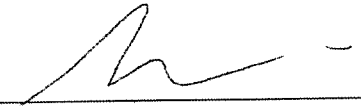
PLEASE SEE ATTACHED LETTER &  
EXHIBITS (DRAWING)

---

**Supporting Evidence or Documents Attached.** *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.)*

(Continued on reverse)

(Continued)

  
\_\_\_\_\_  
Signature of Appellant or Representative of  
Appealing Organization

12-14-15  
\_\_\_\_\_  
Date

*TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE*

APPEAL FEE: \$ \_\_\_\_\_

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

Moshe Shafrir, Architect, LEED AP  
1083 Vine Street, unit 284 Healdsburg CA 95448  
tel. 510-710-4444 moshe-arc@hotmail.com

December 14, 2015

City of Oakland  
Community and Economic Development Agency  
Planning & Zoning Service Division  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Re: Appeal**  
**Application Case File No.: PLN14216**  
**6230-6250 Vallejo Street**  
**APN: 016 146501104**

### **A STATEMENT OF THE BASIS FOR APPEAL**

We in agreement with the approval of the applications for this project except conditions 23 and 24 described in Appendix B.

#### **Condition 23. Lower Height of Rear Second Floor Addition**

Reference drawings: AP-1 thru AP-5, New exhibits in order to make the case

1. The maximum height allowed for the RM-3 Zoning District is 30'. The maximum allowed height was not utilized in the proposed design. On the south side in the interior side of the property the proposed roof heights are 29'-2 5/8" and 29'-7 3/8" above sloping grade and on the neighbors side (north) the proposed roof height is 29'-0 3/8" above grade. On the neighbors side the proposed roof side is 11 5/8" below the maximum allowed height. After the application was filed in July 2014 the neighbor on the north side added 10" of gardening soil and this helped the situation. The proposed roof high was also below the maximum allowed height before adding the gardening soil. THE APPLICANT BELIEVES THAT THE ARBITRARY CONDITION TO REDUCE THE REAR ROOF HEIGHT BY 12" WILL DEPRIVE HIM OF THE RIGHTS THAT OTHER PROPERTY OWNERS IN THE RM-3 ZONING DISTRICT ENJOY.
2. The one foot reduction will compromise the design theme and it will decrease the gracefulness of the building.
3. The design theme incorporates three roof sections stepping gracefully down towards Vallejo St. This concept is the result of awareness to follow the topography and reduction of bulkiness.

4. The reductions of the roof height will cause the loss of the clerestory windows. These windows are important artistic and functional feature for the exterior and interior of the proposed design, reference drawing AP-5.
5. THE OWNER IS REQUESTING TO BE ALLOWED TO BUILD THE ROOF IN REAR SECOND FLOOR ADDITION AS IT WAS ORIGINALLY SUBMITTED IN THE REGULAR DESIGN REVIEW APPLICATION.

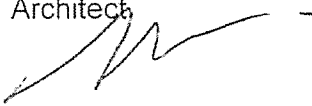
<sup>24</sup>  
**Condition 23. Alter the North Side Windows of the Second-Floor Building Addition**

Reference drawing: AP-3 and AP-4, New exhibits in order to make the case

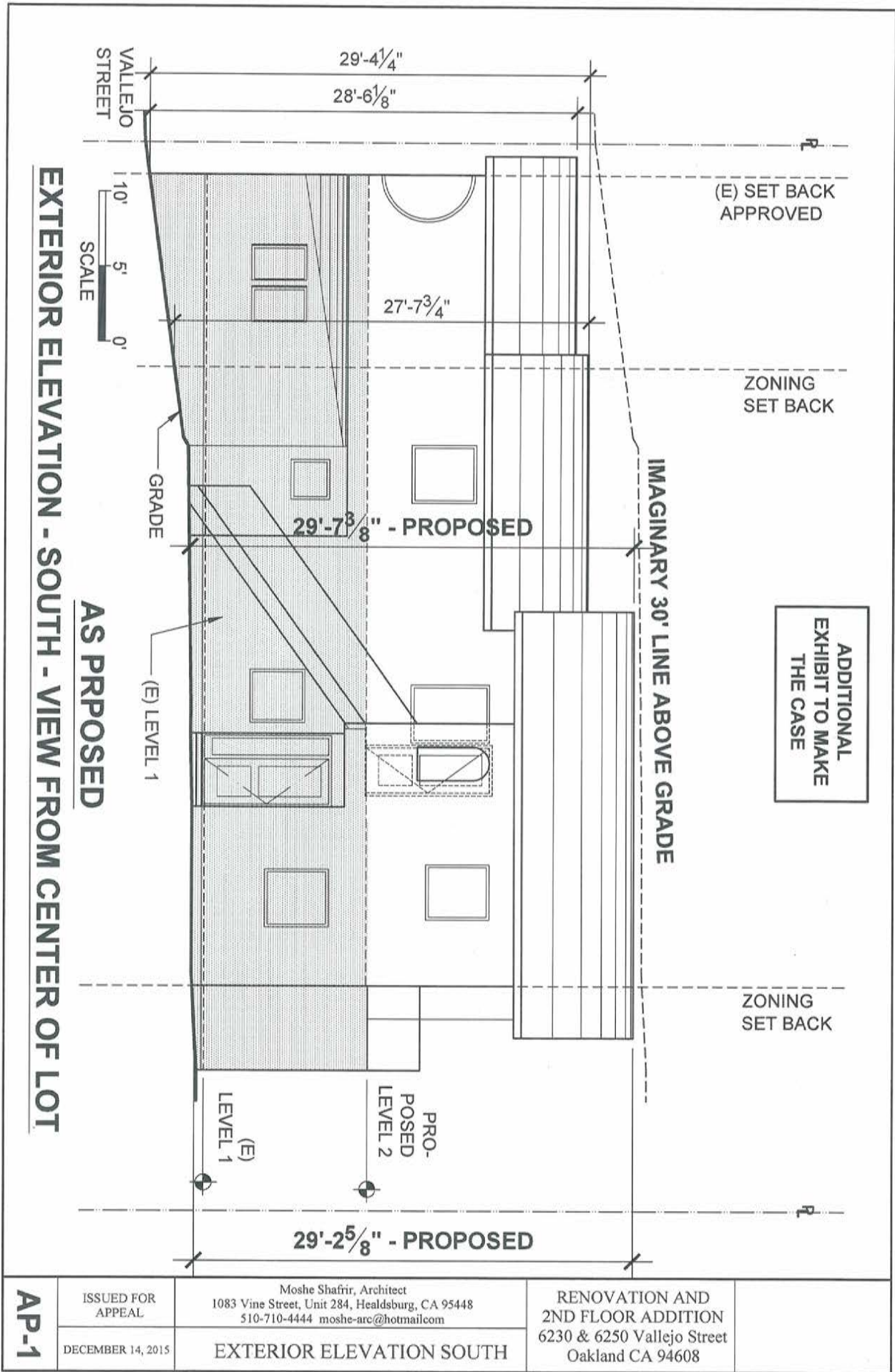
1. The property owner is requesting to use OBSCURE glass in the lower parts of windows instead of OPAQUE glass. Per Webster Dictionary opaque means: "not allowing light to pass through". Obscure glass will let light thru but not view. The concern is that the opaque glass will be claustrophobic and reduce natural lighting in the rooms. The obscure glass will block views from the proposed second floor and will provide the proper privacy to the neighbors. THE OWNER IS REQUESTING TO BE ALLOWED TO USE OBSCURE GLASS IN THE LOWER PARTS OF THE WINDOWS AT THE NORTH SIDE OF THE SECOND-FLOOR BUILDING ADDITION.
2. The condition includes raising the window sill to 5 feet at the dining/living room widow. The raised sill will be claustrophobic, reduce natural lighting in the room, and compromise the design theme of the exteriors. THE OWNER IS REQUESTING TO BE ALLOWED TO USE OBSCURE GLASS IN NORTH SIDE AT THE LOWER PARTS OF THE WINDOW AT THE DINNING/LIVING ROOM IN THE SAME WAY AS IN THE BEDROOMS.
3. The owner is requesting to be allowed to have the upper parts of the windows at the north side of the second-floor building addition TO BE OPERABLE IN ORDER TO PROVIDE PROPER VENTILATION.

Moshe Shafrir

Architect

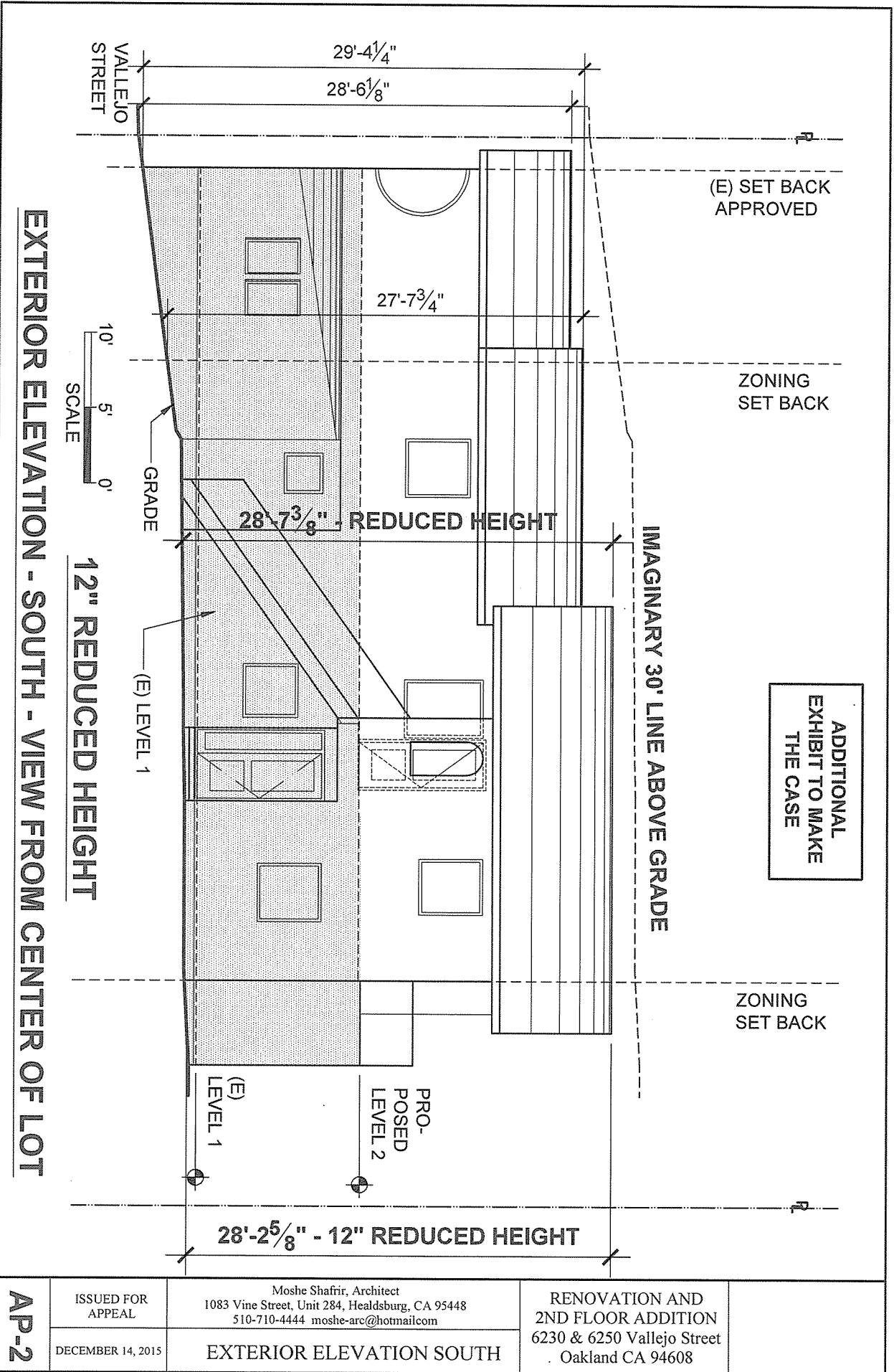


- APPEAL PLANS -  
 PN14216-A01

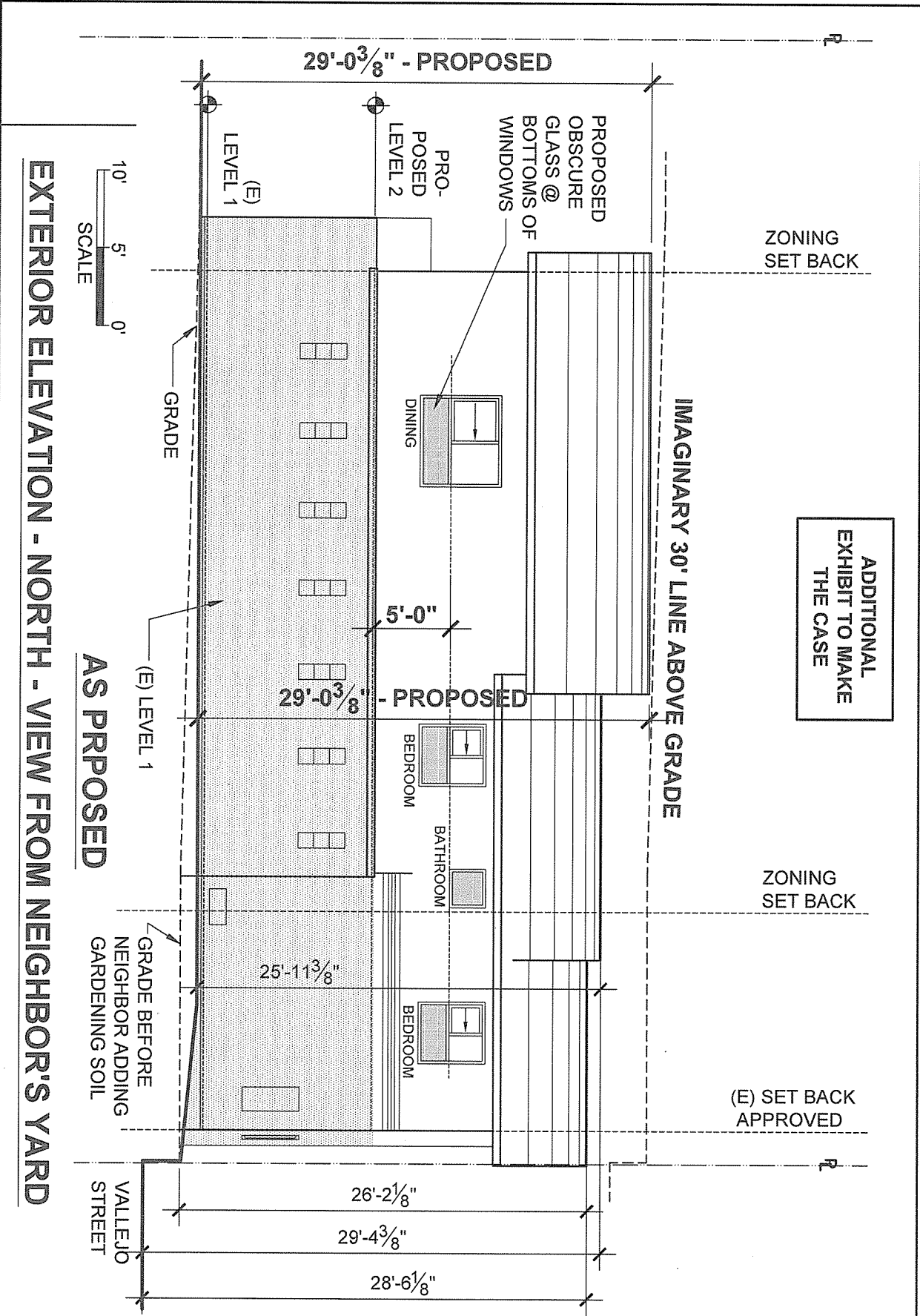


\* REFERENCE DRAWINGS \*





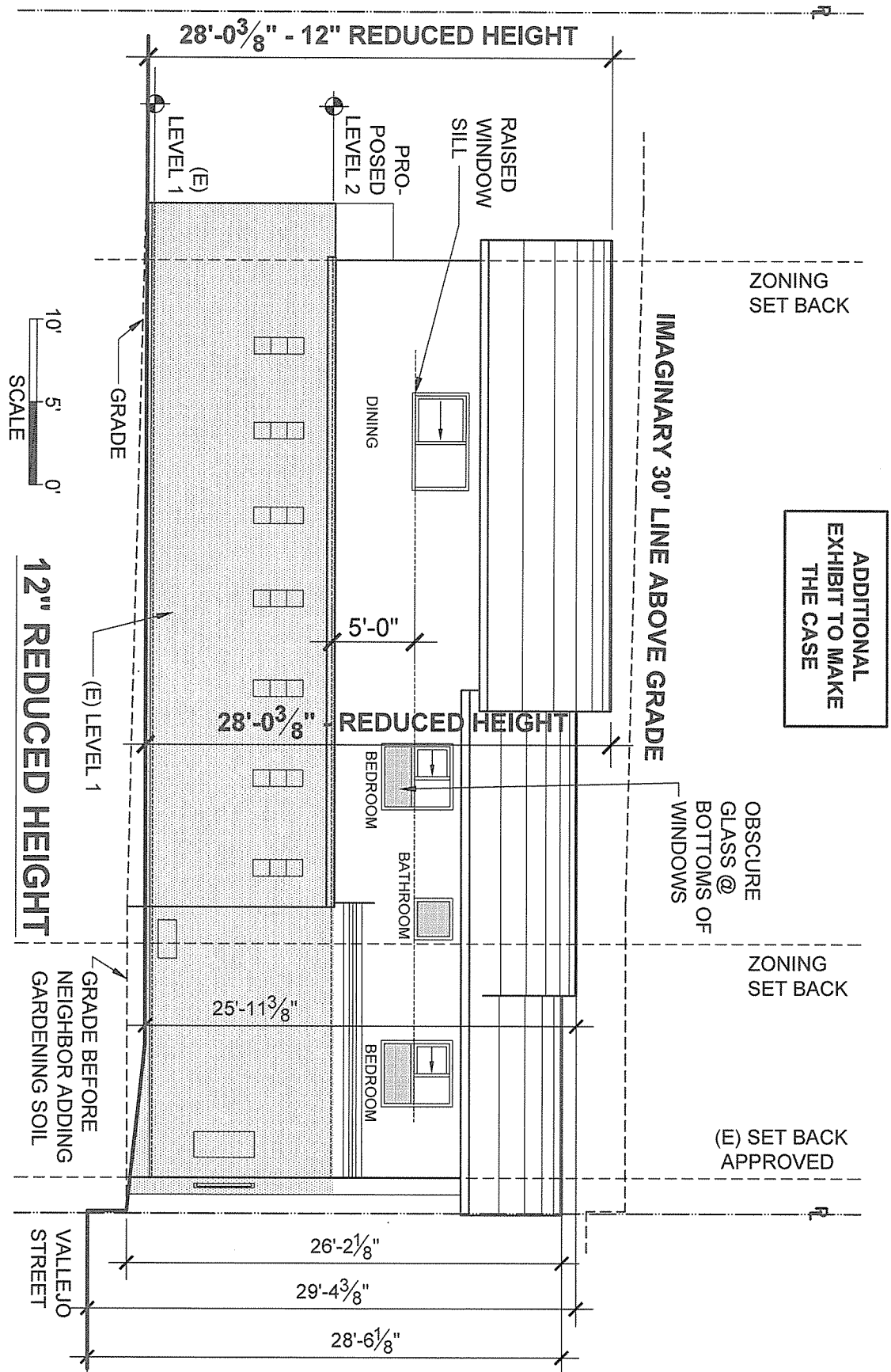
AP-2	ISSUED FOR APPEAL	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448 510-710-4444 moshe-arc@hotmail.com	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	DECEMBER 14, 2015	EXTERIOR ELEVATION SOUTH	



<b>AP-3</b>	ISSUED FOR APPEAL	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448 510-710-4444 moshe-arc@hotmail.com	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	DECEMBER 14, 2015	EXTERIOR ELEVATION NORTH	

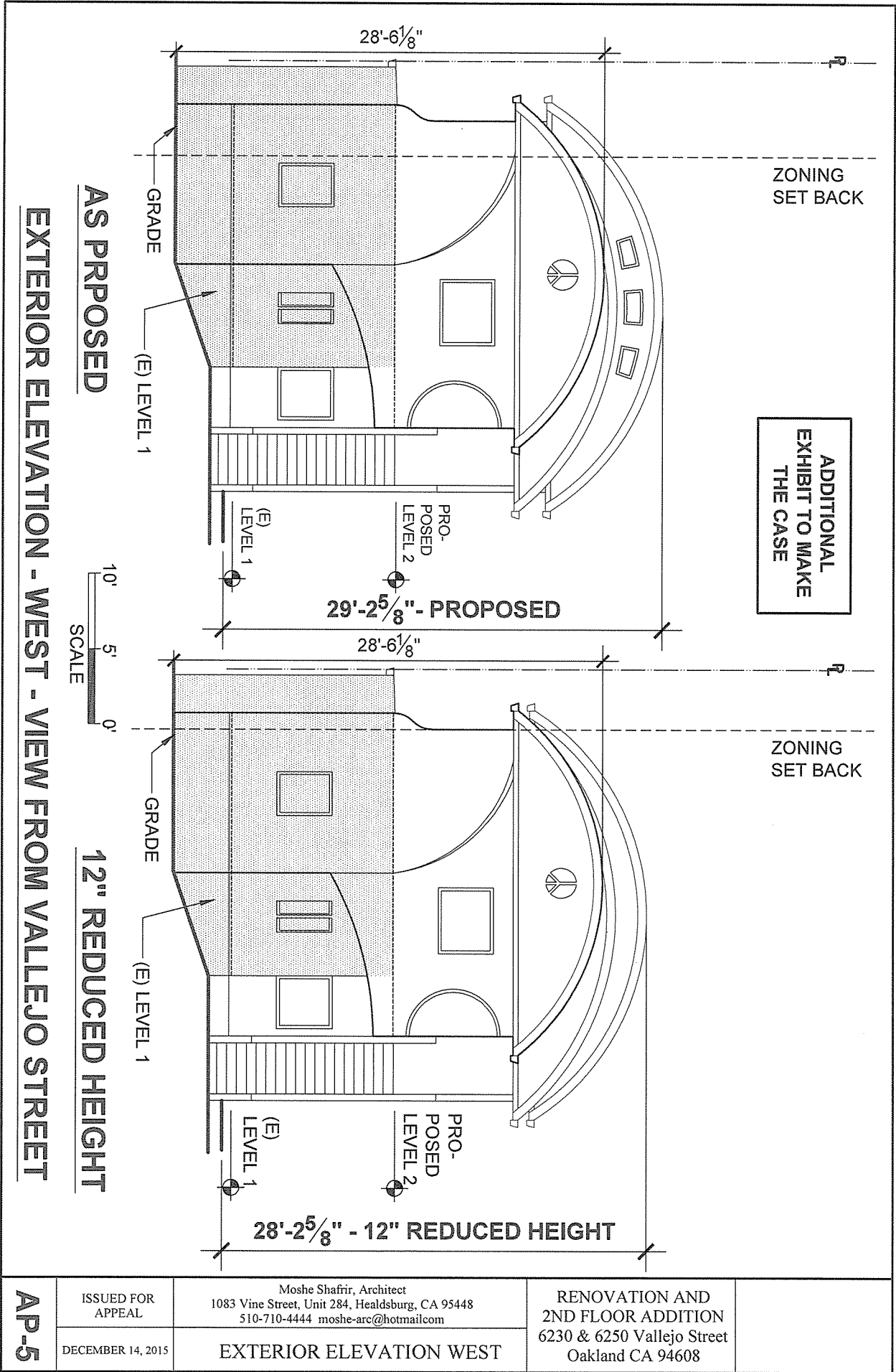


**EXTERIOR ELEVATION - NORTH - VIEW FROM NEIGHBOR'S YARD**



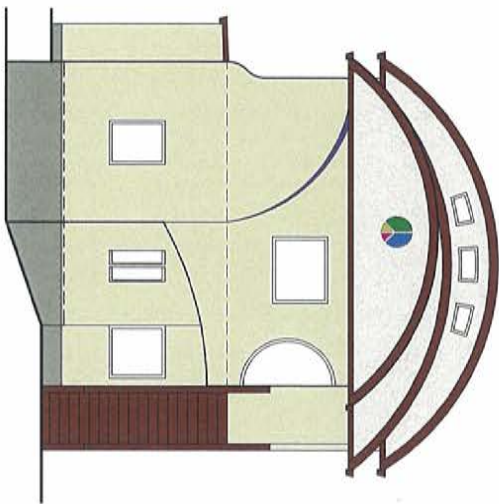
ADDITIONAL  
EXHIBIT TO MAKE  
THE CASE

AP-4	ISSUED FOR APPEAL	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448 510-710-4444 moshe-arc@hotmail.com	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	DECEMBER 14, 2015	EXTERIOR ELEVATION NORTH	



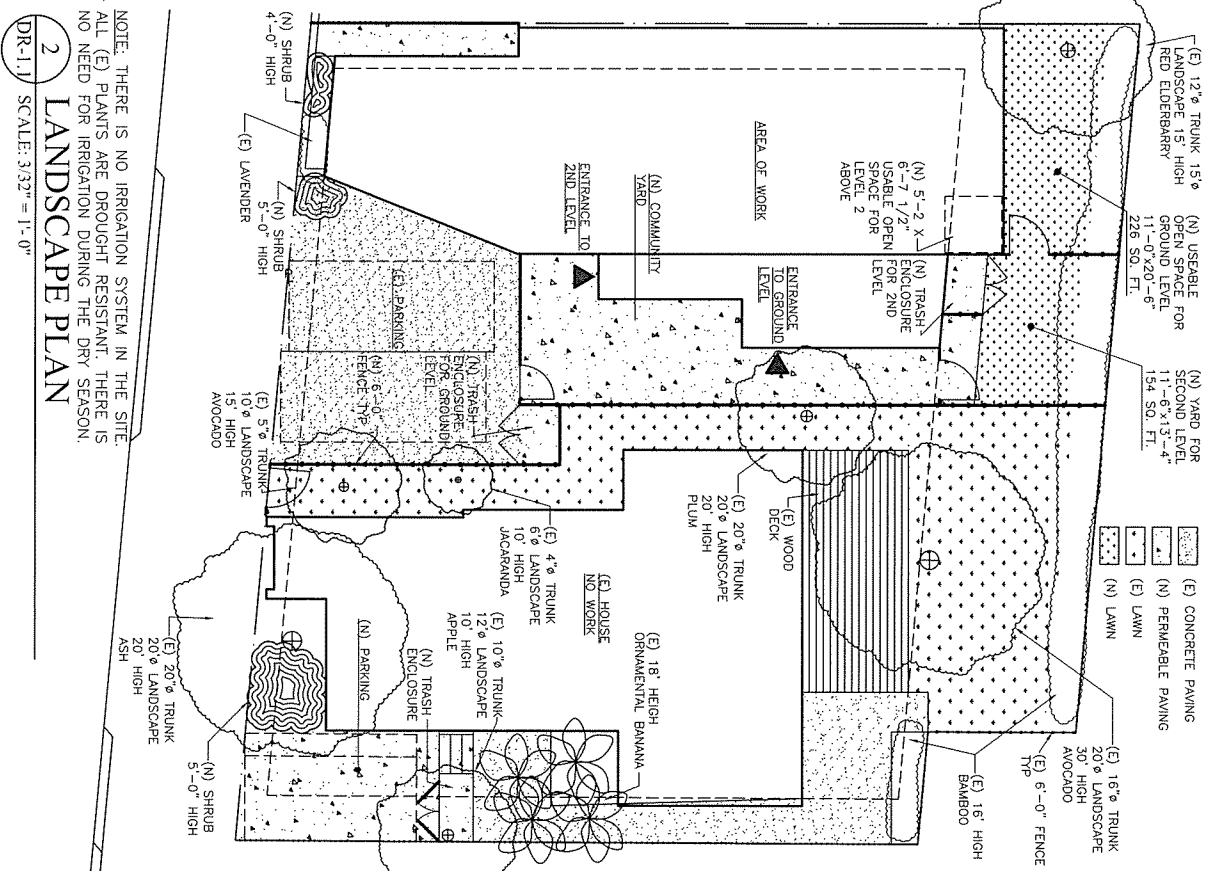
AP-5	ISSUED FOR APPEAL	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448 510-710-4444 moshe-arc@hotmail.com	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	DECEMBER 14, 2015	EXTERIOR ELEVATION WEST	

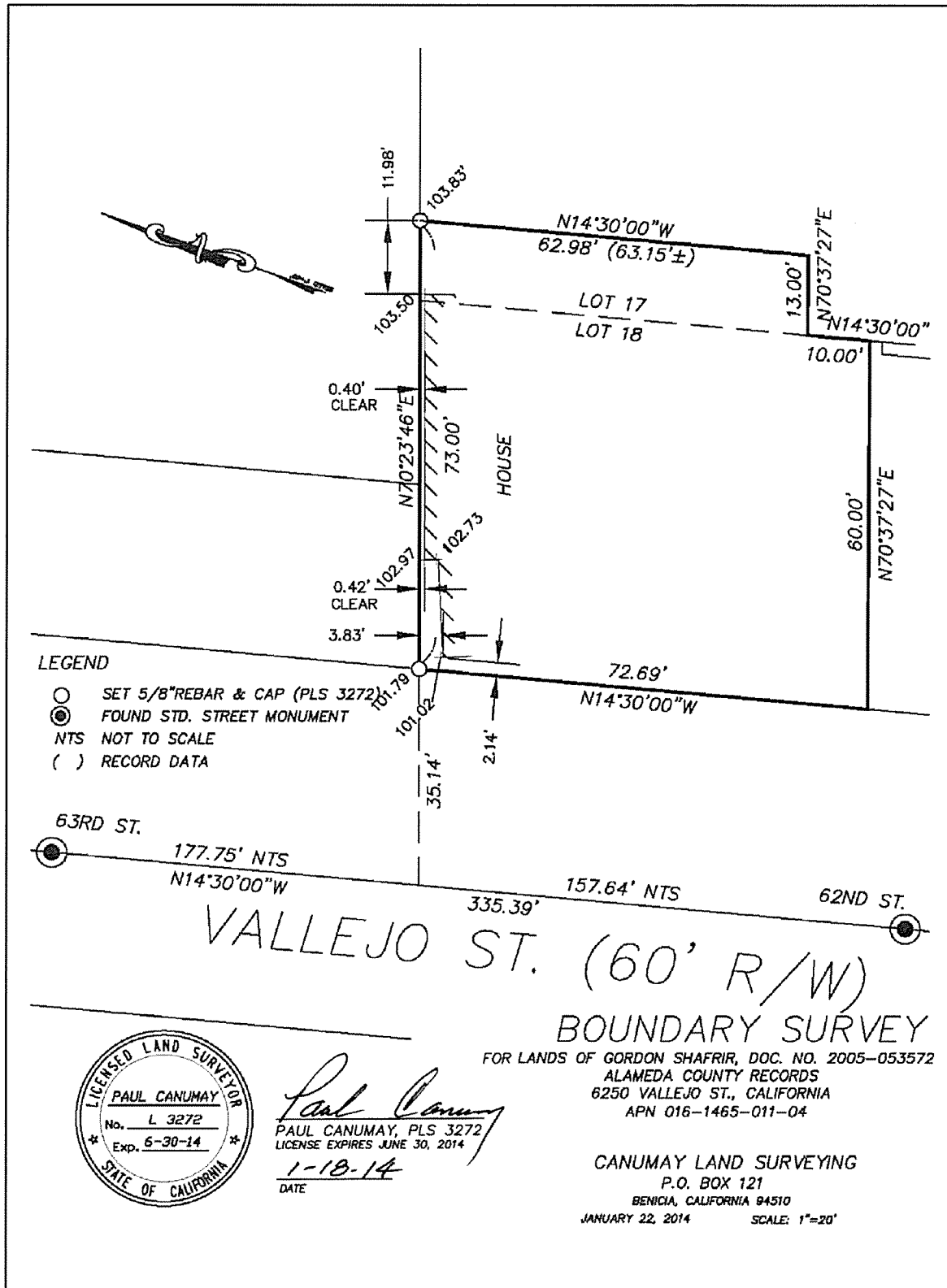
# RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland, CA 94608



- PLN14216 -  
 APPROVED PLANS

DR-0	ISSUED FOR DESIGN REVIEW	Moshe Shafrir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	July 3, 2014	COVER SHEET	





1 BOUNDARY SURVEY & BUILDING LOCATION  
DR-1.1 SCALE: 1/16" = 1'-0"

DR-1.1	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	November 10, 2014	EXISTING SURVEY	

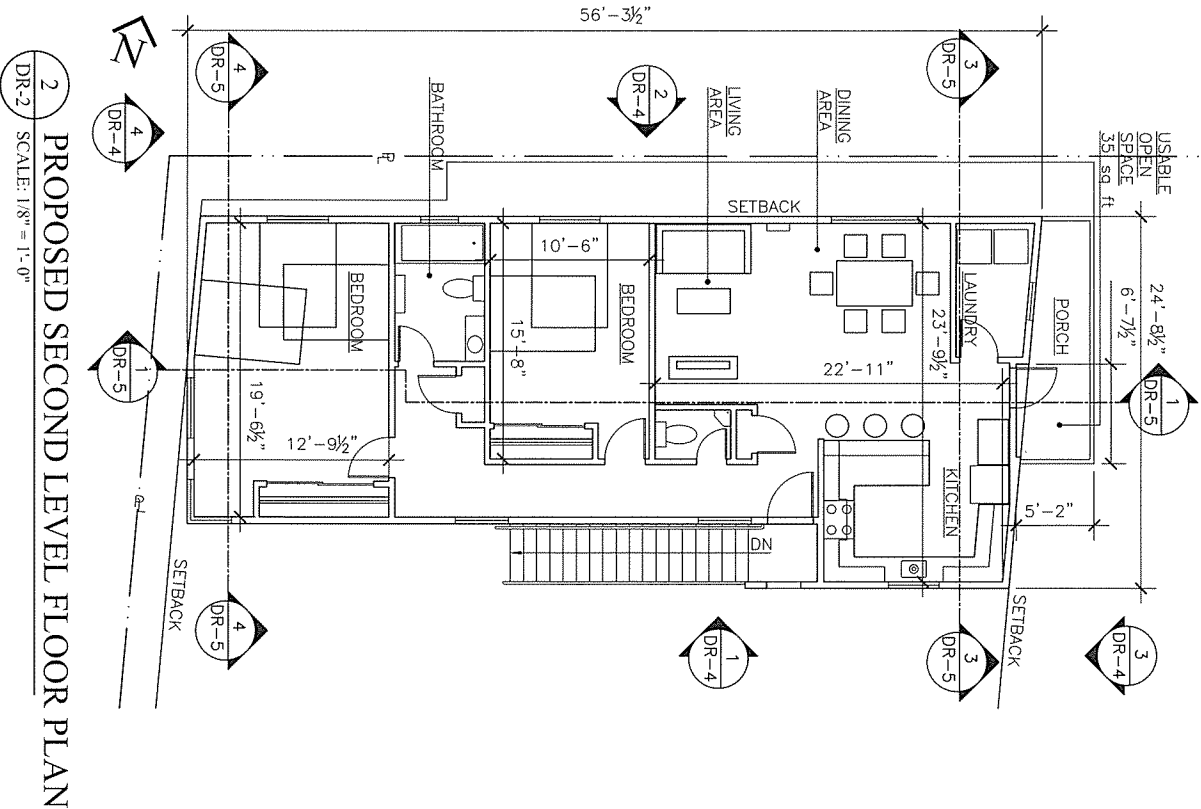
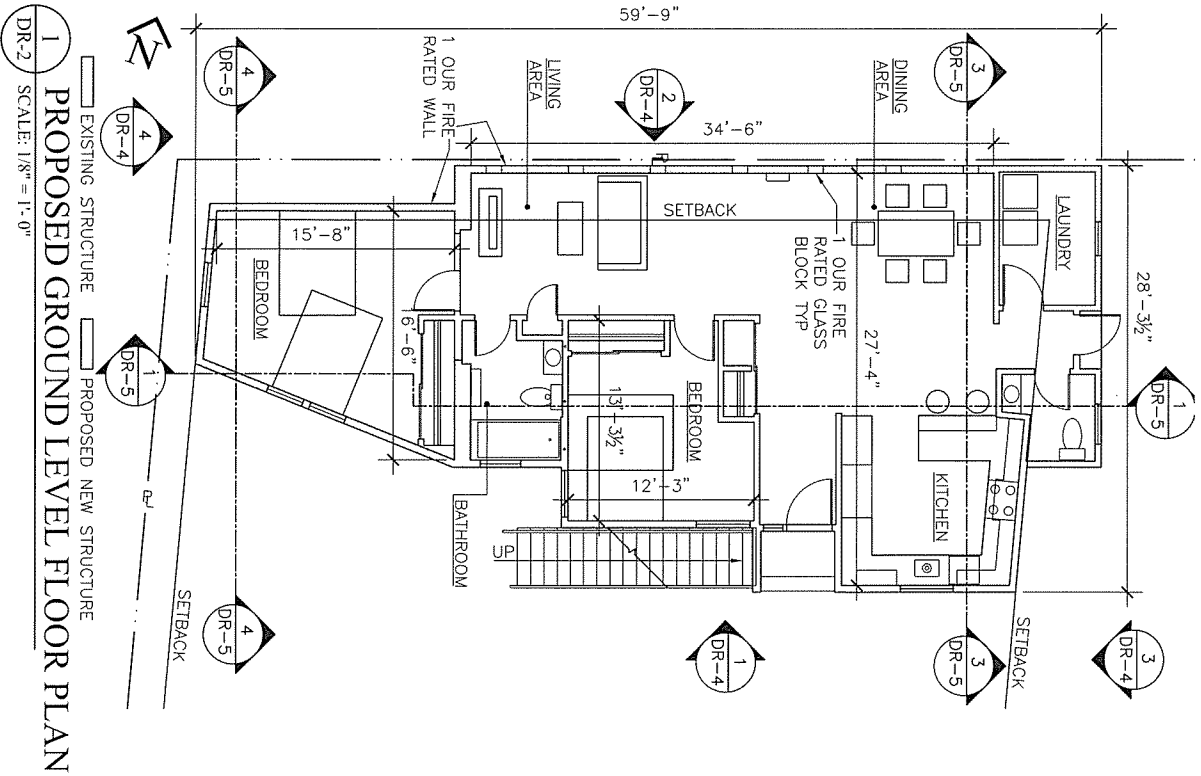
NOTE: DISTANCES INDICATED HERE ARE FOR THE CLOSEST PARTS OF BUILDINGS SUCH AS WALLS, STAIRS, DECKS, AND COLUMNS FACING VALLEJO STREET.



NOTE: DISTANCES INDICATED HERE ARE FOR THE CLOSEST PARTS OF BUILDINGS SUCH AS WALLS, STAIRS, DECKS, AND COLUMNS FACING VALLEJO STREET.

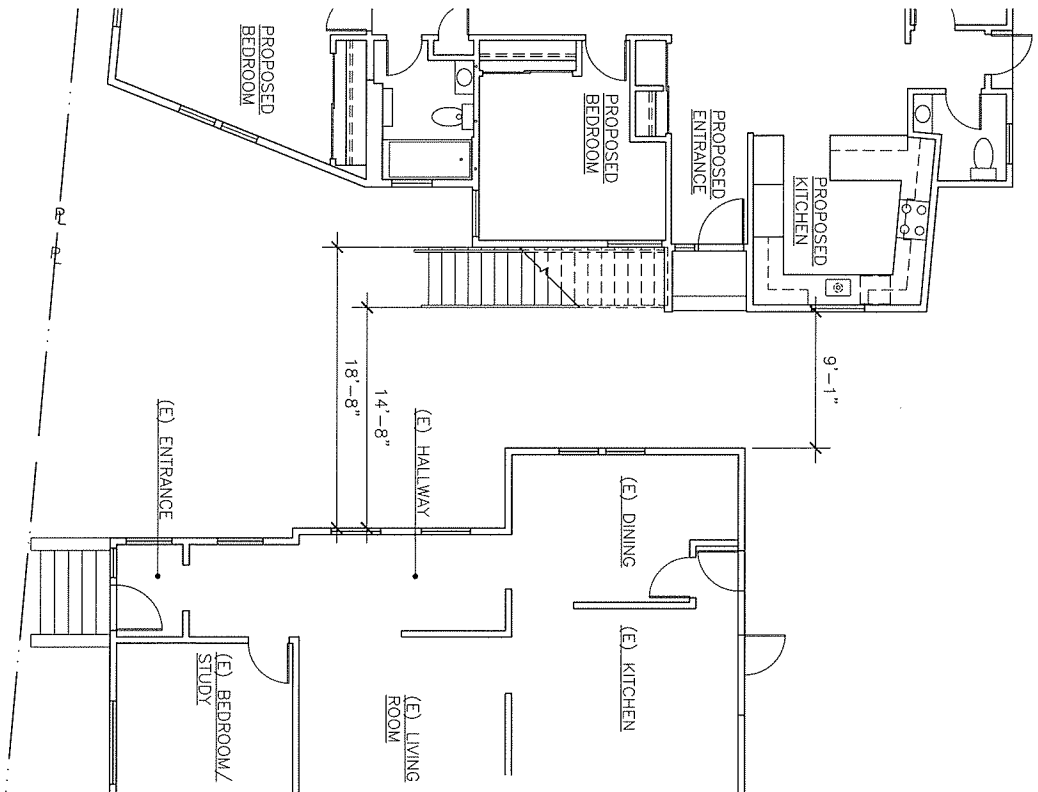
1 DISTANCE OF BUILDING STRUCTURES TO PROPERTY LINES ON  
DR-1.1 SCALE: NOT TO SCALE  
VALLEJO STREET SIDE

DR-1.2	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	November 10, 2014	EXISTING BUILDING LOCATIONS TO PROPERTY LINES	

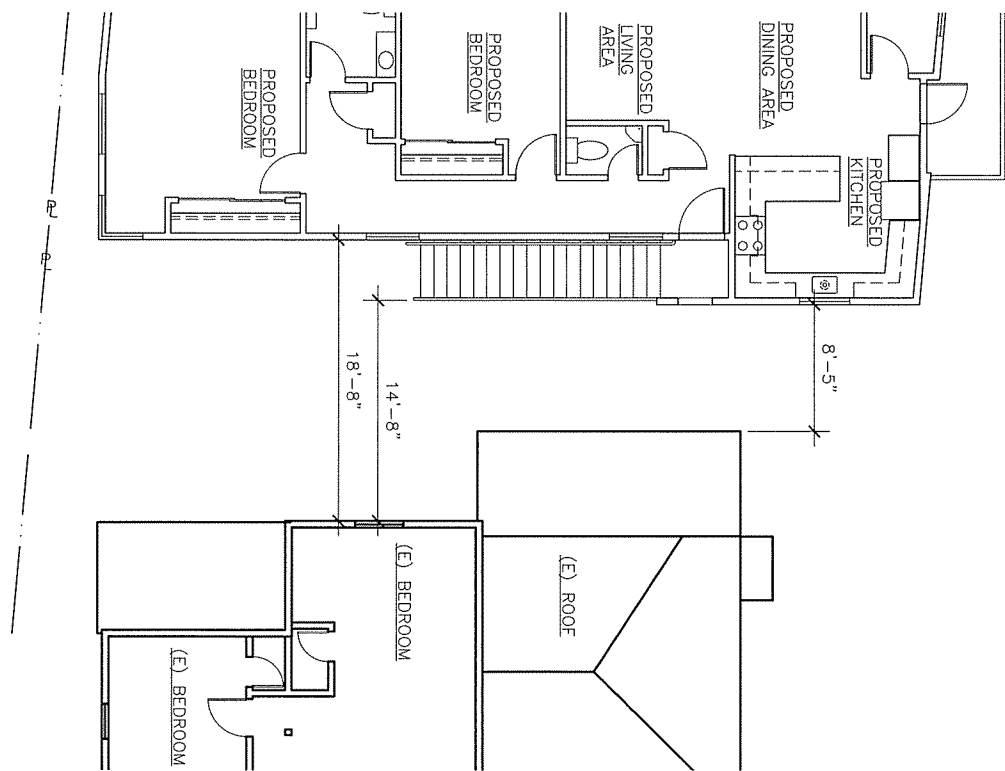


DR-2	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	November 10, 2014	FLOOR PLANS	





1 GROUND LEVEL PROXIMITIES  
 DR-2.1 SCALE: 1/8" = 1'-0"

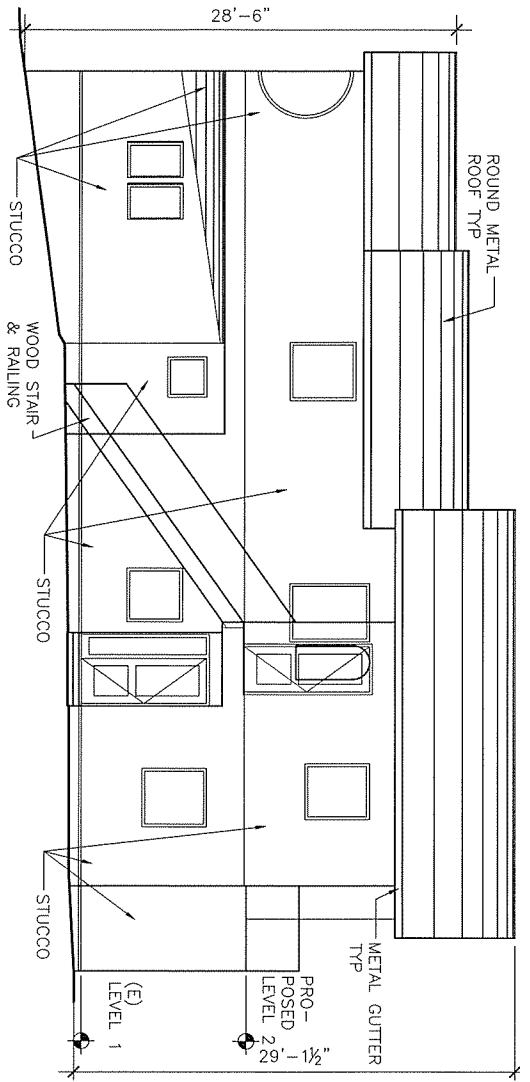


2 SECOND LEVEL PROXIMITIES  
 DR-2.1 SCALE: 1/8" = 1'-0"

DR-2.1	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	November 10, 2014	PLAN PROXIMITIES	

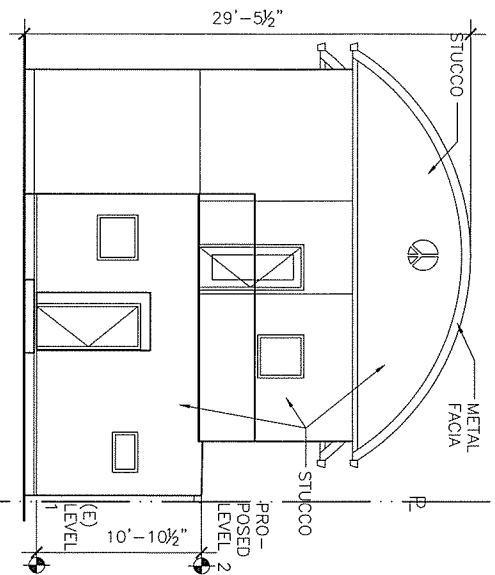






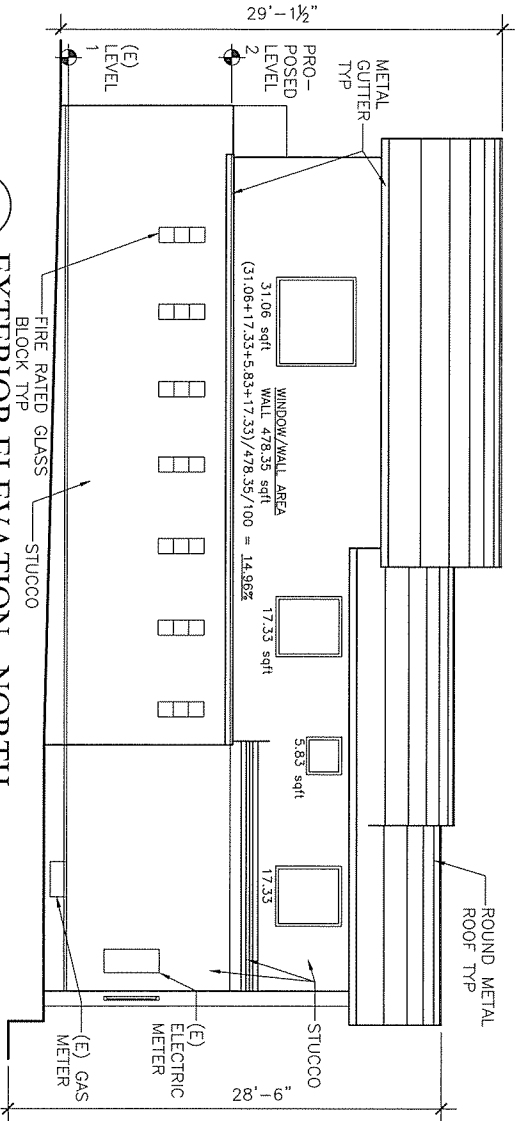
1 EXTERIOR ELEVATION - SOUTH

DR-4 SCALE: 1/8" = 1'-0"



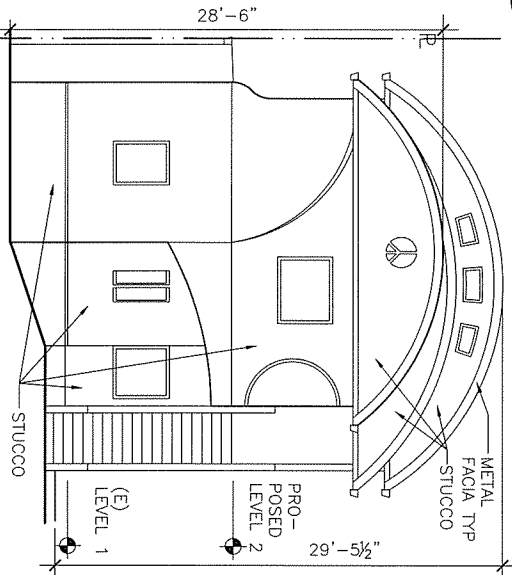
3 EXTERIOR ELEVATION - EAST

DR-4 SCALE: 1/8" = 1'-0"



2 EXTERIOR ELEVATION - NORTH

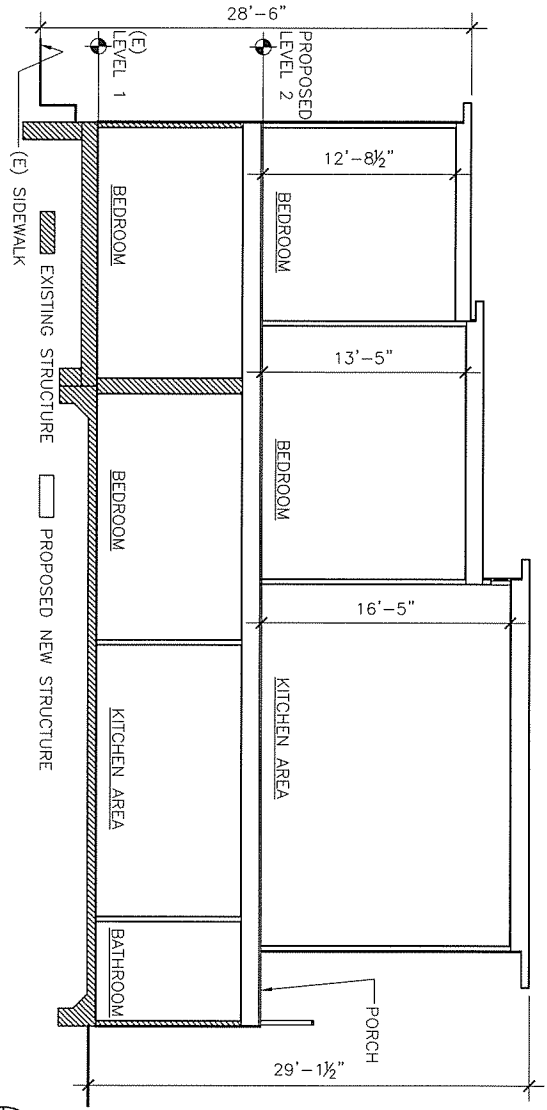
DR-4 SCALE: 1/8" = 1'-0"



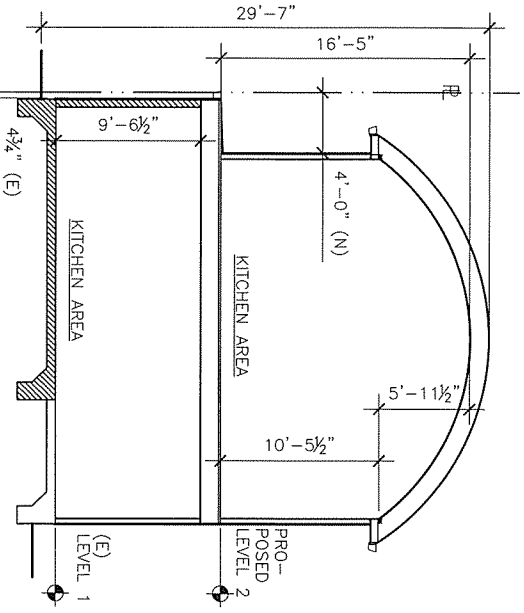
4 EXTERIOR ELEVATION - WEST

DR-4 SCALE: 1/8" = 1'-0"

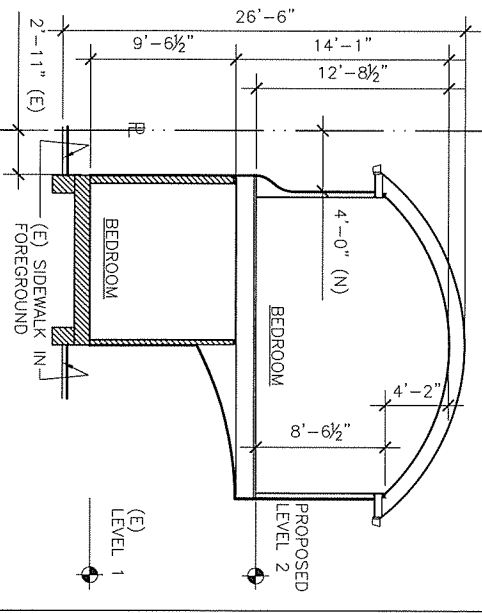
DR-4	ISSUED FOR DESIGN REVIEW	Moshe Shafrir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	November 10, 2014	EXTERIOR ELEVATIONS	



1 LONGITUDINAL BUILDING SECTION  
DR-5 SCALE: 1/8" = 1'-0"

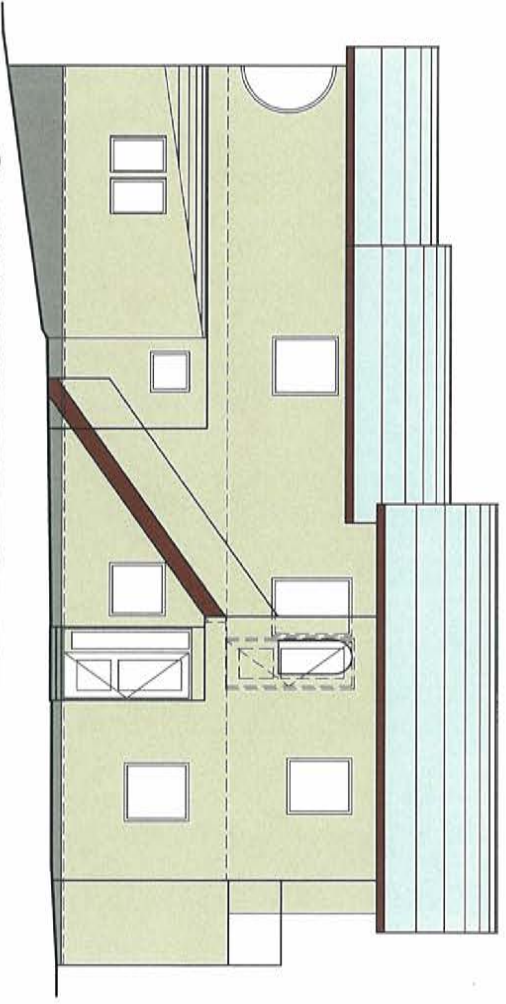


3 BUILDING SECTION @ KITCHEN & LIVING ROOMS  
DR-5 SCALE: 1/8" = 1'-0"



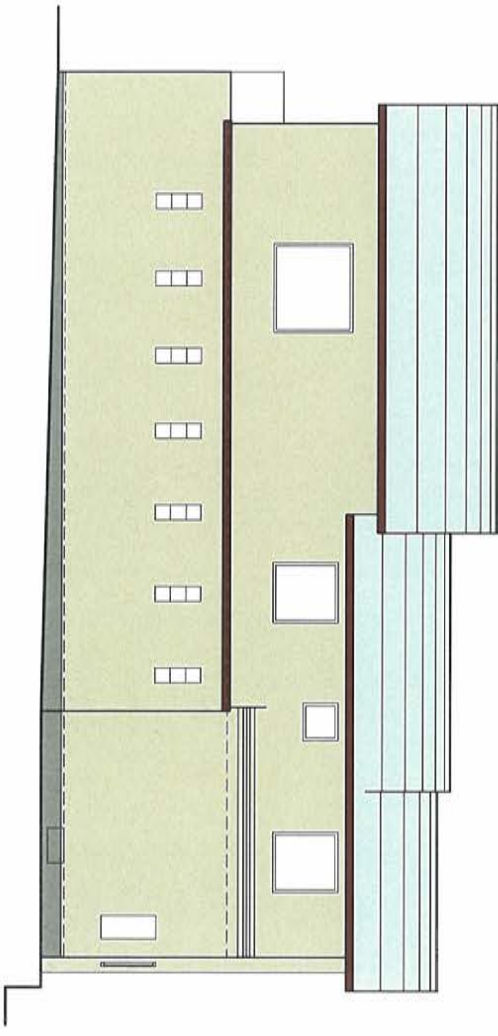
4 BUILDING SECTION @ BEDROOMS  
DR-5 SCALE: 1/8" = 1'-0"

DR-5	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	November 10, 2014	BUILDING SECTIONS	



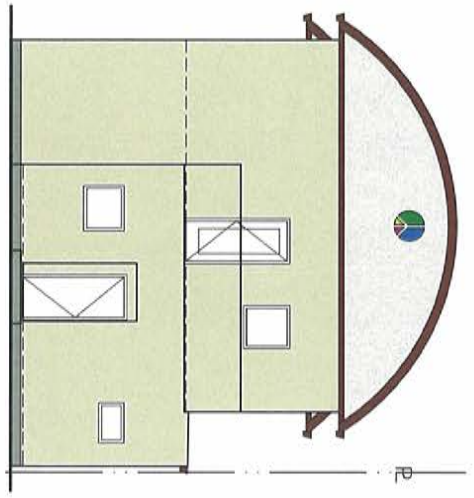
1  
DR-4  
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATION - SOUTH



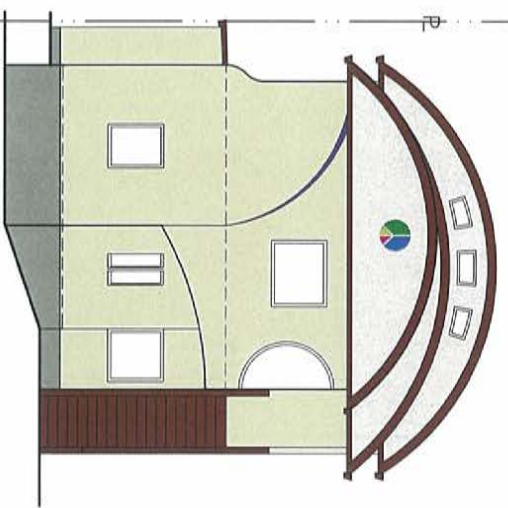
2  
DR-4  
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATION - NORTH



3  
DR-4  
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATION - EAST



4  
DR-4  
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATION - WEST

DR-6	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	July 3, 2014	COLOR EXTERIOR ELEVATIONS	





6250 VALLEJO STREET  
AREA OF PROPOSED WORK

6230 VALLEJO STREET  
SITE OF PROPOSED 3RD  
PARKING STALL



DR-7	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	July 3, 2014	HOUSE PHOTOS	





1228 61ST STREET



1229 61ST STREET



5948 VALLEJO STREET



6230 VALLEJO STREET  
AREA OF PROPOSED WORK



1220 62ND STREET



1221 62ND STREET



1198 63RD STREET



1199 63RD STREET



6410 VALLEJO STREET



1198 64TH STREET



1199 64TH STREET  
DUPLEX + TWO COMMERCIAL

## PHOTOS EAST STREET SIDE

Moshe Shafir, Architect  
1083 Vine Street, Unit 284, Healdsburg, CA 95448

RENOVATION AND  
2ND FLOOR ADDITION  
6230 & 6250 Vallejo Street  
Oakland CA 94608

ISSUED FOR  
DESIGN REVIEW

July 3, 2014

DR-8



DR-9	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	<b>RENOVATION AND 2ND FLOOR ADDITION</b> 6230 & 6250 Vallejo Street Oakland CA 94608
	July 3, 2014	<b>PHOTOS WEST STREET SIDE</b>	





1190 - 63RD STREET  
OAKLAND



MLK Jr Way x West Grand Ave  
OAKLAND



Greyhound Bus Terminal  
OAKLAND



Thomas Berkeley Way x  
San Pablo Ave  
OAKLAND



Thomas Berkeley Way x  
San Pablo Ave  
OAKLAND



1701 San Pablo Ave x 17th Street  
OAKLAND



5714 MLK Jr Way  
OAKLAND



5919 MLK Jr Way  
OAKLAND



899 Stanford Ave  
OAKLAND



Adeline St x 60st St  
OAKLAND



919 Stanford Ave  
OAKLAND



CHILDREN HOSPITAL  
OAKLAND



Hearst Ave x Shattuck Ave  
BERKELEY



Center St x Milvia St  
BERKELEY



2551 San Pablo Ave  
OAKLAND



2723 San Pablo Ave  
OAKLAND



CHILDREN HOSPITAL  
OAKLAND



San Pablo Ave x 40th St  
OAKLAND



5602 Shellmound St  
EMERYVILLE



1515 Clay Street  
Oakland

DR-10	ISSUED FOR DESIGN REVIEW	Moshe Shafir, Architect 1083 Vine Street, Unit 284, Healdsburg, CA 95448	RENOVATION AND 2ND FLOOR ADDITION 6230 & 6250 Vallejo Street Oakland CA 94608
	November 10, 2014	Round Buildings in the Area	



**(MODIFIED CONDITONS OF APPROVAL FOR PLN14216)**

1. **Alter the North Side Windows of the Second-Floor Building Addition (Modified)**  
(See original Specific Project Condition of Approval #24 (a) and (b)/ dated December 2, 2015)  
***Prior to issuance of a demolition, grading, or building permit to construct***  
The applicant shall submit revised plans that show the following:
  - a) The lower sash of the new dining/living room window shall be designed to include an obscure glass material; and
  - b) The lower sash of the two new bedroom windows shall be designed to include an obscure glass material.
2. **All Original Conditions of Approval / dated December 2, 2015**  
***Ongoing***  
All of the original Conditions of Approval from Application Case File No: PLN14216 are still applicable, except for the modified Condition of Approval #24 (a) and (b) as noted above.