Case File Number PLN14294

April 1, 2015

Location:	3235 Louise Street (See map on reverse)	
Assessors Parcel Number:	007-0595-015-00	
Proposal:	Proposal for a new mini-lot development to subdivide the existing 9,975 square foot site into six lots. The six lots would accommodate new three story single-family dwellings, and an access facility (internal driveway) and ground level open space to serve four of the six new lots.	
Applicant:	Diane Moseley / Baran Studio/ (941) 773-6378	
Owner:	Bill Ganci & Todd Severson	
Planning Permits Required:	Tentative Tract Map for a new subdivision and a Conditional Use permit for a Mini-lot development, private access easement, and more than 3 dwelling units. Minor Variances for required group open space with a full substitution of private open space, and Regular Design Review for new construction.	
General Plan:	Mixed Housing Type Residential	
Zoning:	RM-3	
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.	
Historic Status:	Vacant Lot	
Service Delivery District:	1	
City Council District:	3	
Date Filed:	9/30/14	
Action to be Taken:	Decision on Application	
Staff Recommendation:	Approve with the attached conditions.	
Finality of Decision:	Appealable to City Council	
For Further Information:	Contact case planner Moe Hackett at 510-238-3973 or by e-mail at mhackett@oaklandnet.com.	

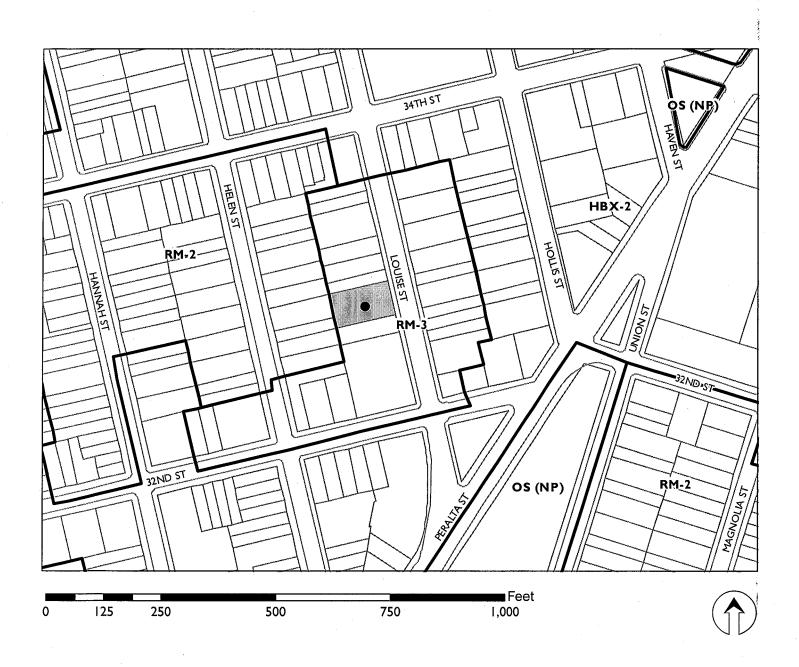
PROJECT DESCRIPTION

The proposal is to subdivide the existing 9,975 square foot lot at 3235 Louise Street into six lots to accommodate a new six unit mini-lot development subdivision with an access driveway, and other common area. The homes would be developed as six three story single-family dwellings in a town home development pattern with two homes facing onto Louise Street and the other four homes facing onto the internal driveway.

PROPERTY DESCRIPTION

The subject site is a 9,975 square foot site on the west side of Louise Street between 32nd Street and 34th Street in the Clawson / Dogtown area of West Oakland. The site is currently vacant and has been vacant

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN14294

Applicant: Diane Moseley / Baran Studio

Address: 3235 Louise Street

Zone: RM-3

for many years. The subject lot is surrounded by a mix of single-family homes, townhouse development, and commercial buildings (at opposite ends of the block), thus the property is within the context with of the surrounding lot pattern.

GENERAL PLAN ANALYSIS

The subject property is located within the Mixed Housing Type Residential General Plan Land Use classification. This land use classification is intended to create, maintain, and enhance residential areas that are characterized by a mix of single family, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate. This General Plan land use classification allows for 30 principal units per gross acre, which the proposed project falls within.

ZONING ANALYSIS

The subject property is located within the RM-3, Mixed Housing Type Residential Zone -3. The RM-3 Zone is intended to create, preserve, and enhance areas that are characterized by a mix of single family homes, townhouses, and small multi-unit buildings at somewhat higher densities than RM-2. The creation of 6 new single family homes is consistent with the Mixed Housing Type residential zoning

Allowed Density

The project sites area was most recently reviewed in the 2014 as part of the West Oakland Specific Plan. It had previously been an M-30 industrial manufacturing zone in an area that had a mix of incompatible facilities and uses (specifically, this area had an industrial mix of uses left over from World War II). The M-30 to RM-3 rezoning thus allowed the area to become fully residential, as set forth with the adoption of the Land Use and Transportation Element of the General Plan in 1998. The RM-3 zoning allows a maximum of 1 dwelling unit per 1,500 square feet of land area, and gives the site with an area of 9,975 square feet the allowance for 6 units upon the granting of a Conditional Use Permit.

Mini Lot Development

Planning Code Section 17.143.012 allows for projects to be considered as mini-lot developments, which allows a development to waive minimum lot sizes, lot widths and frontage, heights, and internal setbacks on lots less than 60,000 square feet upon the granting of a Conditional Use Permit. The proposed development is requesting to waive the minimum lot size of 4,000 square feet, and the required street frontage for all but two lots. Staff feels that the proposal meets the required findings for a mini lot development given that the project is a well-integrated development that contains a scale of buildings consistent with that of other homes in the area. The proposal will take a long standing vacant lot in the middle of the neighborhood and create 6 new townhouse style homes at a scale that is generally consistent with the neighborhood versus creating a large apartment building that wouldn't be as compatible with the area.

Open Space Variances

The required group open space for the RM-3 Zone is 200 square feet per unit for a total of 1200 square feet in total with a minimum of fifteen feet in any dimension. The applicant is requesting a variance to allow a waiver of the group open space requirement given that each unit will be located on its own individual lot. The site will still exceed the required open space requirement of 1,200 square feet by providing approximately 2,050 square feet, but the space will be provided in individual yards for the two front and two rearmost units, and in decks for the two internal units. One issue of note is that while the amount of open space exceeds the minimum requirement, the two center units will have only 100 square feet each whereas the two front and rear units would have the majority of the open space in adjacent yards. Staff feels that this variance request is supportable given that the overall design and facility is a well-balanced and compatible addition to the residential development pattern of the immediate neighborhood.

KEY ISSUES

Lot Frontage

All newly platted lots are generally required to contain frontage onto a public street. The proposed development would contain six lots only two of which have direct access to the street while the other four would be served off of a Private Access Easement. The Mini Lot development provisions allow for an exception to this lot frontage requirement. The private driveway and pedestrian walkways will be included as an access easement and would be maintained by a Homeowners Association or similar method that will place the responsibility of maintenance on the homeowners of the proposed dwellings. Staff feels that the proposed development meets the intent of a Mini Lot Development by providing a well-integrated site design that establishes a smaller scale townhouse type development with single units rather than creating a larger apartment building residential type that would be less compatible with the surrounding area. With the exception of the requested variance for group open space the project design meets all of the Planning Code requirements as if it were developed as a single larger lot.

Design

The proposed development, while containing a differing architectural style than the surrounding area will contain elements similar to the older housing stock seen around the area. The buildings will have a mix of horizontal painted board and white stucco siding, with large black aluminum windows and metal

canopies. The buildings will be three stories tall at 31 feet 6 inches to the top of the parapet height. The ground floor of the four internally oriented buildings will contain at-grade entry porches. The development was situated to allow for two of the homes to face out onto Louise Street to provide a presence onto the neighborhood street. These two street facing units will feature stairs and second story porches as a continuation of the existing entry pattern on the rest of the block.

ENVIRONMENTAL DETERMINATION

For purposes of environmental review under the California Environmental Quality Act (CEQA), the project meets the criteria for a Categorical Exemption under Section 15315 of the CEQA Guidelines, Section 15183 of the CEQA Guidelines, and Section 15332 of the CEQA Guidelines. The subject property is vacant and does not contain any historic resources and is not a hazardous materials site listed on the Cortese List. The criteria for a Categorical Exemption under Section 15332 of the CEQA guidelines are as follows:

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

The proposed project is consistent with the Mixed Housing Type General Plan designation by creating 6 new single family homes on individual parcels, and by meeting the required findings for the open space variances and use permit criteria would meet the zoning regulations.

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

The development site is located within the Oakland City limits, is less than five acres and is completely surrounded by urban uses.

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

The project site has been previously developed and does not contain any habitat for endangered, rare, or threatened species.

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

The proposed project is located on Louise Street, which is a secondary arterial road, and the 6 proposed homes would not create a trip generation so high that it would reduce the existing level of service (LOS) for the surrounding streets as it would result in less than 10 peak hour trips. With implementation of standard conditions of approval related to construction management and noise reduction measures, the project would not result in any significant impacts on traffic, noise, air quality, or water quality.

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

All required utilities are readily accessible on the surrounding streets, and the site will be adequately served by public services in the area.

CONCLUSION

Staff feels that the proposed project is a good reuse of the long vacant site that currently creates a visual hole in the neighborhood pattern. The proposal will create a uniform town home development that differentiates the site from the original neighborhood subdivision, but uses materials and a building style that is consistent with the neighborhood character.

RECOMMENDATIONS:

- 1. Affirm staff's environmental determination.
- 2. Approve the Major Conditional Use Permit, Design Review, Minor Variance and Tentative Tract Map subject to the attached findings and conditions.

repared by:

MOE HACKETT

Planner II

Approved by:

SCOTT MILLER

Zoning Manager

Planning & Zoning Division

Approved for forwarding to the City Planning Commission:

DARIN RANEL ETTI

Deputy Director

City Of Oakland Bureau of Planning

ATTACHMENTS:

- A. Findings for Approval
- B. Conditions of Approval
- C. Tentative Tract Map and Plans

ATTACHMENT A

FINDINGS FOR APPROVAL

This proposal meets all the required Use Permit criteria (Sections 17.134.050) and Design Review Criteria (Section 17.136.050) as set forth below and which are required to approve your application. This proposal does not contain characteristics that require denial pursuant to the Tentative Map Findings (Section 16.08.030) and is consistent with the Lot Design Standards (Section 16.24.040) of the Oakland Subdivision Regulations. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – CONDITIONAL USE PERMIT FINDINGS:

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

The proposed mini-lot development will fill in a long standing vacant parcel in the middle of the neighborhood. The proposed project would develop 6 new single-family homes that would be an integrated project not too different from other such integrated developments on the block, and would also help to tie the neighborhood back together on the west side of the street by filling in the vacant site with a residential development. While architecturally different from the older homes on the block, this development contains similar exterior materials and is of a scale that is consistent with the surrounding residential neighborhood. The scale and site coverage of the project would not be that different from other newer developments within the neighborhood. The site was part of the original subdivision pattern of small lots but was at some point altered into a larger parcel that has stood out from the neighborhood pattern due to the wide lot frontage, and the proposed development will better integrate the site into the street facing pattern by allowing the smaller scale townhouses versus that of a larger apartment building. The 6 proposed units would not generate traffic to a level that would degrade any nearby Level of Service of any intersection as the site would generate less than 10 peak hour trips, and all required utilities are readily available in the area.

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

The proposed development will be an attractive and functional living environment by providing the majority of the units with more than adequate open space in a private front and rear yards, as well as a providing the two interior units with very usable 100 square foot private decks for open space. The development will fill in a long standing vacant parcel, and will become part of the residential fabric of the community.

3. 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 development will enhance the area as a residential neighborhood by adding dwelling units to an

existing vacant lot and will also provide new home ownership opportunities.

4. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

See Design Review findings below.

5. 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 construction of 6 new single-family dwellings on individual parcels as part of a mini-lot development is consistent with the Mixed Housing Type Residential General Plan Area.

17.136.050(A) - RESIDENTIAL DESIGN REVIEW CRITERIA:

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

The proposed design will create a series of three story townhouse style single-family dwellings that while differing from the surrounding pattern of development related to site layout and architectural style, the proposed buildings will contain similar exterior materials, such as horizontal siding and large front facing windows, and will fill in an existing vacant lot that was formerly patterned for commercial or industrial use. Four of the proposed homes will face onto an internal driveway with a landscaped pedestrian walkway separating the homes from the driveway. The front of the lot will contain two homes that will face out onto Louise Street to provide a public face to the project that are compatible in scale and setting to other homes in the area by providing a second floor entry porch oriented toward the street and tall vertical windows.

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

The proposed design will enhance the desirable neighborhood characteristics by filling in an existing vacant lot with a new multi-unit subdivision that contains a design that while different is compatible with other homes in the neighborhood.

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

The subject site is flat.

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

The subject site is flat.

5. 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 has been adopted by the Planning Commission or City Council.

The construction of 6 new single-family dwellings on individual parcels as part of a mini-lot

development is consistent with the Mixed Housing Type Residential General Plan Area. The proposed homes are consistent with the Design Guidelines and are not in conflict with any development control maps adopted by the City Council or Planning Commission.

SECTION 17.148.050 - MINOR VARIANCE FINDINGS:

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

The variance for the group open space requirement is justified by the creation of a development that provides adequate private open space for each individual unit within the townhouse style development. The layout of the units as individual entities each provided with direct access to their own private open space amenities is preferable within the townhouse development setting since the rear yard that would likely function as the group open space would be directly adjacent to the two rear units living room and would lessen the amount of privacy to those units in an unnecessary manner.

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

The basic intent of the group open space regulation is to have an adequate amount of open area for residents of multi-unit buildings to use. The proposed project is a townhouse development that provides for each unit on its own lot. While the proposal does not include a group open space for shared use by all of the units, each unit is provided with an adequate amount of open space and the project as a whole exceeds the minimum amount by over 800 square feet. The variance to grant the full private substitution for group open space meets the intent of the regulation while allowing for a greater amount of privacy since the project is a townhouse development and a group open space in this setting would end up being directly adjacent to one or two units which would negatively impact the privacy of those units.

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 open space variances will not adversely impact the character of the neighborhood, as the reduced open space will still provide for recreational outdoor facilities and is visually consistent with the adjacent properties and the overall development.

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 variance would not constitute a grant of special privilege, as minor variances are generally granted when proved to create a better design solution to create a more compatible development for the neighborhood or improve operational efficiency.

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 Regular Design review Criteria set forth in the design review procedures at section 17.136.050:

See the above Design Review Criteria.

<u>16.08.030 - TENTATIVE MAP FINDINGS</u> (Pursuant also to California Government Code §66474 (Chapter 4, Subdivision Map Act)

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

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

The proposal is consistent with the Mixed Housing Type General Plan designation by creating 6 single family units within the development and filling in a long standing vacant parcel.

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

The proposal is consistent with the Mixed Housing Type General Plan designation by creating 6 single family units within the development and filling in a long standing vacant parcel.

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

The proposed mini-lot development is physically suitable for the proposed development as the project provides for 6 new homes that will be adequately served with parking and open space and available utilities.

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

The existing vacant lot can easily accommodate the proposed density.

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

This site has been previously developed and does not contain any wildlife habitat or waterways.

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

There would be no adverse health effects. This is in a residential development located in an existing neighborhood and it will introduce no new use classifications that are incompatible with the surrounding neighborhood.

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

There are no easements on this property at present to allow public access.

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

The subdivision has ample southern exposures that will enhance natural solar access and heating and cooling opportunities.

SECTION 16.24.040 - LOT DESIGN STANDARDS

A. No lot shall be created without frontage on a public street, except lots created in conjunction with approved private access easements.

Four of the newly created lots will not front onto a public street, but will be served off of a private access easement as part of the mini lot development. The Mini Lot Development procedure allows for the required street frontage of parcels to be waived.

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

The side lot lines (of the project site) will run at right angles from Louise Street.

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

Zoning requirements have been met by meeting the Variance and Conditional Use permit criteria above for a mini lot development.

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

This criterion is superseded by the project complying with the Conditional Use Permit criteria for a Mini-lot development.

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

No such characteristics exist at the subject site.

SECTION 17.142.012 – BASIC PROVISIONS FOR LOT DEVELOPMENT

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

Four of the newly created lots will provide more than the required open space area while two of the units will provide 50% of the required open space. However, the entire development as a whole will proved greater than the maximum needed open space and the two units with the lesser opens spaces will still have direct access to private open space areas.

B. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.

- 1. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also for the RM-2 Zone in the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination:
- ii. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.

The project meet all of the provisions as a whole with the exception of the group open space design as stated above. These issues are addressed by the Minor Variance.

ATTACHMENT C

CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated January 20, 2015 and submitted on January 21, 2015, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: Tentative Tract Map, Conditional Use permits, Minor Variances, and Regular Design Review

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire two calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

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

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

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect)action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities

Prior to issuance of a building permit

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

- a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.
- c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire-resistant The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
- d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

13. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or

CONDITIONS OF APPROVAL

- alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

14. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued;, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such shall equal the greater of two thousand five hundred dollars (\$2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor's bid.

15. Landscape Requirements for Downslope Lots.

Prior to issuance of a final inspection of the building permit

On downslope lots where the height of the rear elevation of the primary Residential Facility exceeds twenty-eight (28) feet, landscaping that meets the following requirements shall be planted to screen the rear face of the building:

- a) A minimum of one (1) fifteen-gallon tree or five (5) five-gallon shrubs, or substantially equivalent landscaping as approved by the Director of City Planning, shall be provided for each fifteen (15) feet of lot width, measured at the rear face of the residence.
- b) The landscape screening shall be elected and maintained such that it is sufficient in size within five (5) years of planting to screen, at a minimum, the lower ten (10) feet of the structure.

16. <u>Underground Utilities</u>

Prior to issuance of a building permit

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

17. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

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

18. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division shall include the following components: :

- a) Install additional standard City of Oakland streetlights.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards at Louise and 32nd and 34th Streets.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards. As applicable.
- h) As applicable.

19. Payment for Public Improvements

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

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

20. Compliance Matrix

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions compliance matrix that lists each condition of approval, the

CONDITIONS OF APPROVAL

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

21. Construction Management Plan

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

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

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

Ongoing throughout demolition, grading, and/or construction

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

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
- h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

CONDITIONS OF APPROVAL

i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required onsite signage.

23. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

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

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

24. Noise Control

Ongoing throughout demolition, grading, and/or construction

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

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

25. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;

- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

26. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

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

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.
- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - a) Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
 - b) Prohibition of Z-duct construction.

27. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

28. Construction Traffic and Parking

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

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

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

Major Project Cases:

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

CONDITIONS OF APPROVAL

located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

29. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

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

30. <u>Hazards Best Management Practices</u>

Prior to commencement of demolition, grading, or construction

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

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

31. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

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

32. Soils Report

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

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

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

- a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
- b) Soils profiles of all test pits and trenches shall be included in the soils report.
- C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.
- D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.
- E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:
 - a) Site description;
 - b) Local and site geology;
 - c) Review of previous field and laboratory investigations for the site;
 - d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;
 - e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;
 - f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;
 - g) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;
 - h) All other items which a Soils Engineer deems necessary;
 - i) The signature and registration number of the Civil Engineer preparing the report.
- F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.

33. Geotechnical Report

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

a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part if this

project and submitted for review and approval by the Building Services Division. Specifically:

- i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.
- ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).
- iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.
- iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.
- v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.
- vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.
- vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.
- viii) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.
- a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the street, gutters, stormdrains.
- b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent

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

control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately

34. Site Design Measures for Post-Construction Stormwater Management

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

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

- i. Minimize impervious surfaces, especially directly connected impervious surfaces;
- ii. Utilize permeable paving in place of impervious paving where appropriate;
- iii. Cluster buildings;
- iv. Preserve quality open space; and
- v. Establish vegetated buffer areas.

Ongoing

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

35. Source Control Measures to Limit Stormwater Pollution

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

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

Ongoing

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

36. Stormwater and Sewer

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

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

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

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

 A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:
 - 1) The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
 - 2) The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
 - a) Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).
 - b) Do not locate sensitive receptors near distribution center's entry and exit points.
 - c) Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.
 - d) Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.
 - e) Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant
 - f) Install indoor air quality monitoring units in buildings.

- g) Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.
- B. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

38. Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)

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

- A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential risk due to exposure to toxic air contaminants to achieve an acceptable interior air quality level for sensitive receptors. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
- B. Exterior Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

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

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

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

- a) The following information shall be submitted to the Building Services Division for review and approval with the application for a building permit:
 - i. Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards.

CONDITIONS OF APPROVAL

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

During construction

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

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

After construction, as specified below

Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to Green Building Certification Institute and attain the minimum certification/point level identified in

subsection (a) above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Planning and Zoning Division the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

Project Specific Conditions:

40. Driveway Pavement and Front Fence & Gate

Prior to issuance of a building permit and ongoing

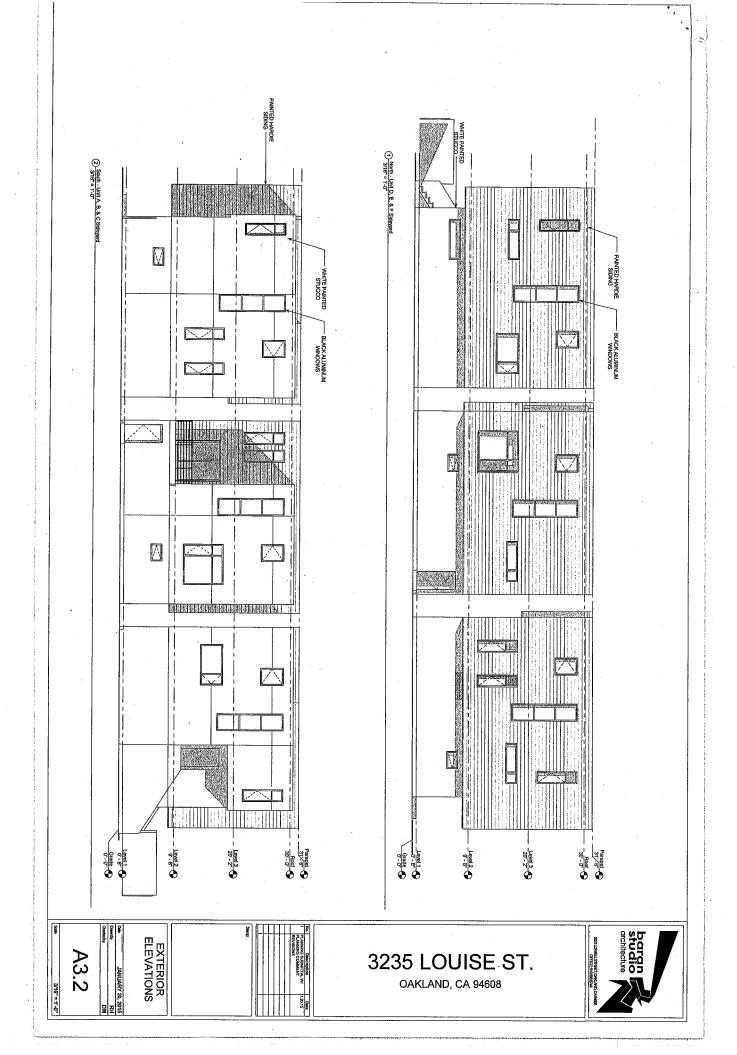
The front portion of the driveway entry from Louise Street shall contain a decorative form of paving such as brick, stone pavers, or other decorative materials. Final details of this revision shall be indicated on the building permit plan set, and is subject to final approval by the Zoning Manager. The street facing gate and fence elements shall meet the city fence standard of an average transparency of 60% or greater, and shall incorporate a landscaping element on the street facing side of the fence (ether on site or, as permitted, within the public right of way). The final design of the fencing and landscaping shall be subject to approval by the Zoning Manager, and shall be maintained in good condition and/or replaced as needed.

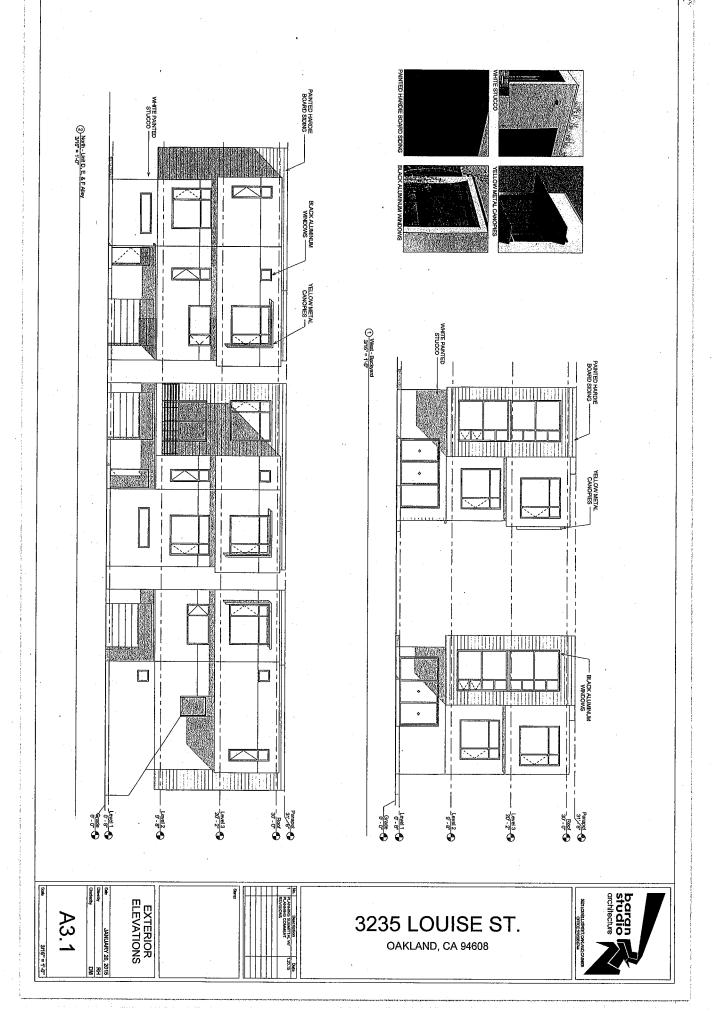
41. Trash Enclosure

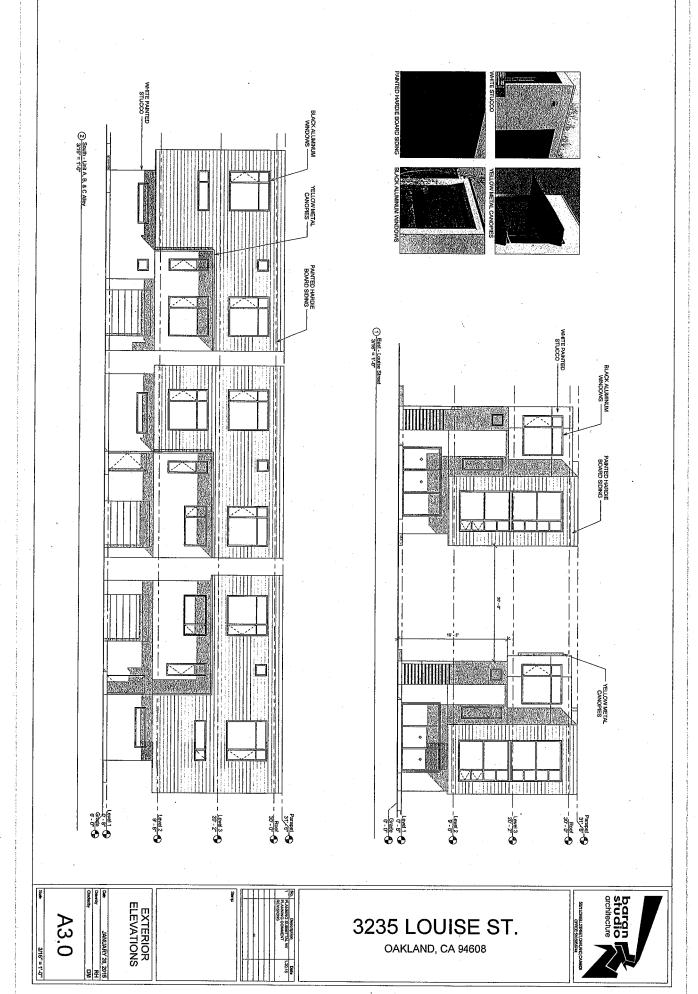
Prior to issuance of a building permit

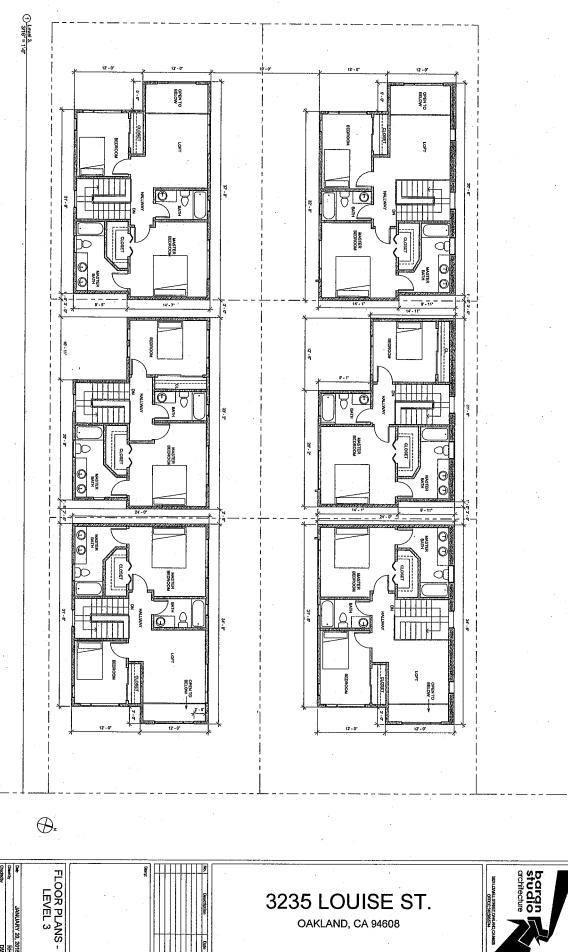
Details for a trash enclosure or enclosures shall be submitted as part of the required building permit plan set. The final design shall be subject to approval by the Zoning Manager.

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





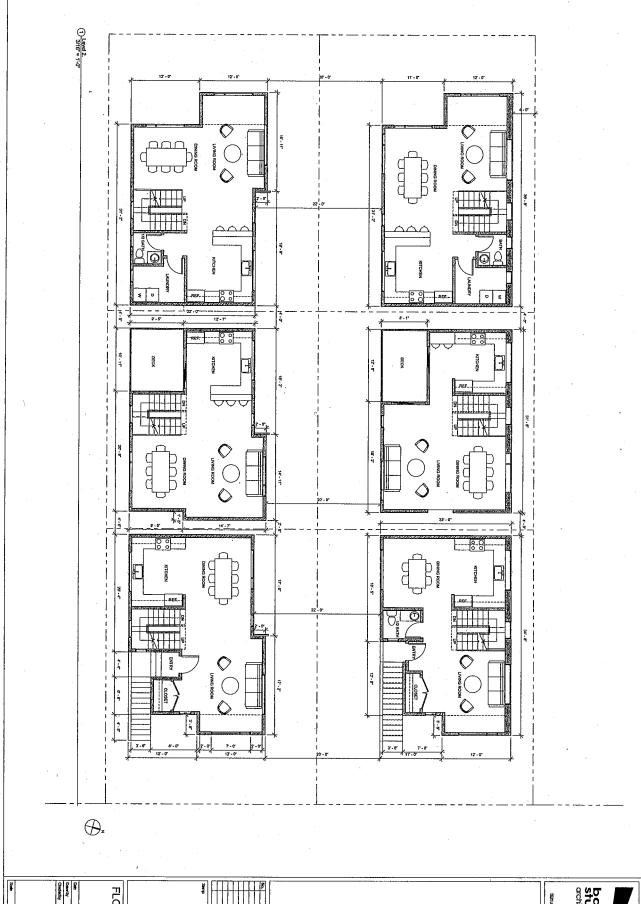




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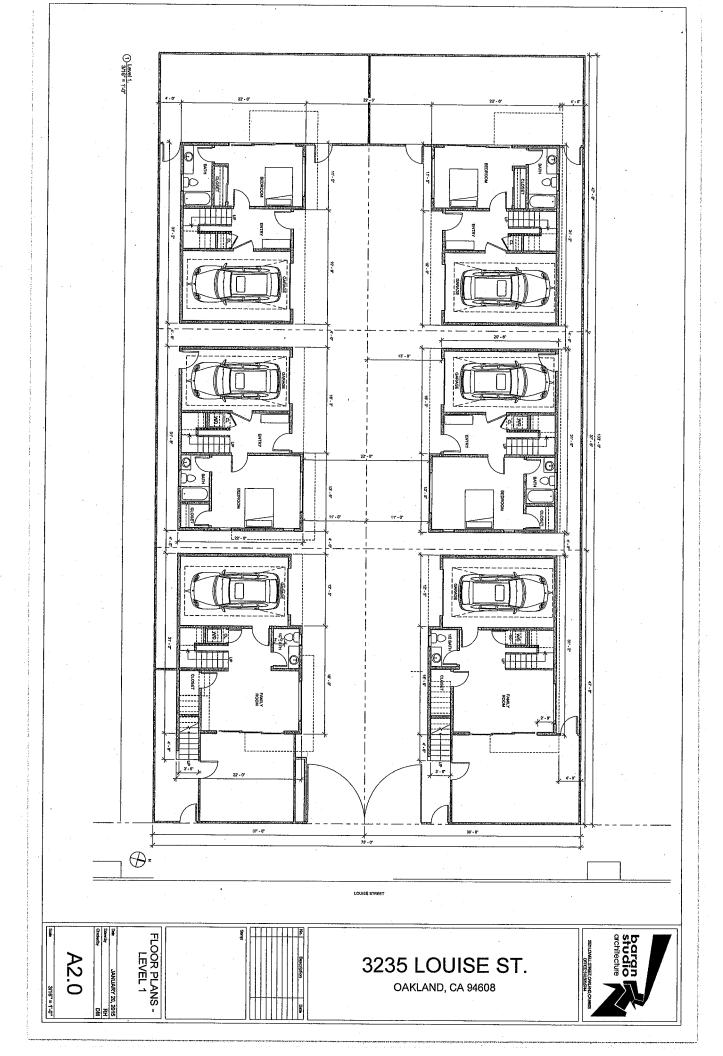


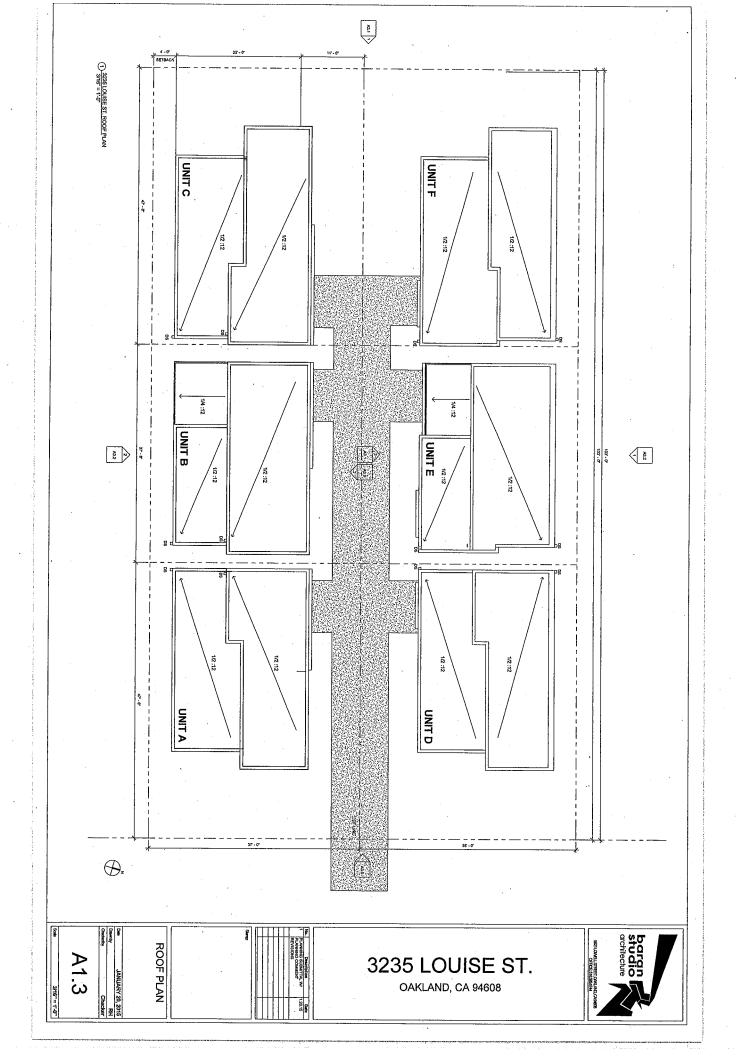


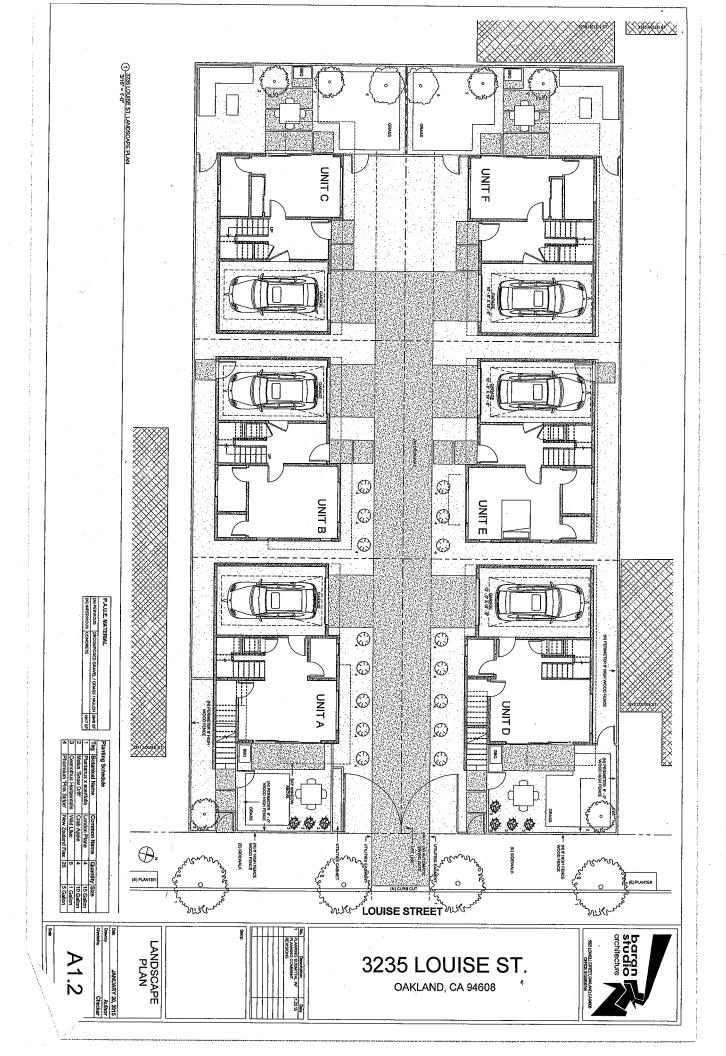
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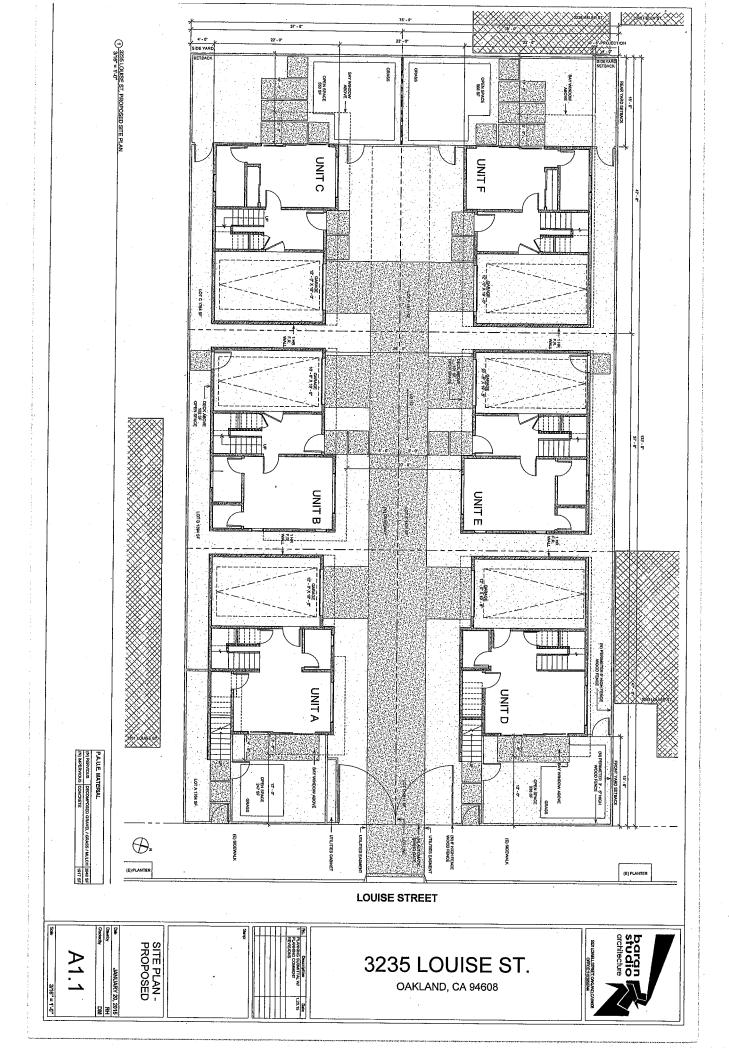
OAKLAND, CA 94608

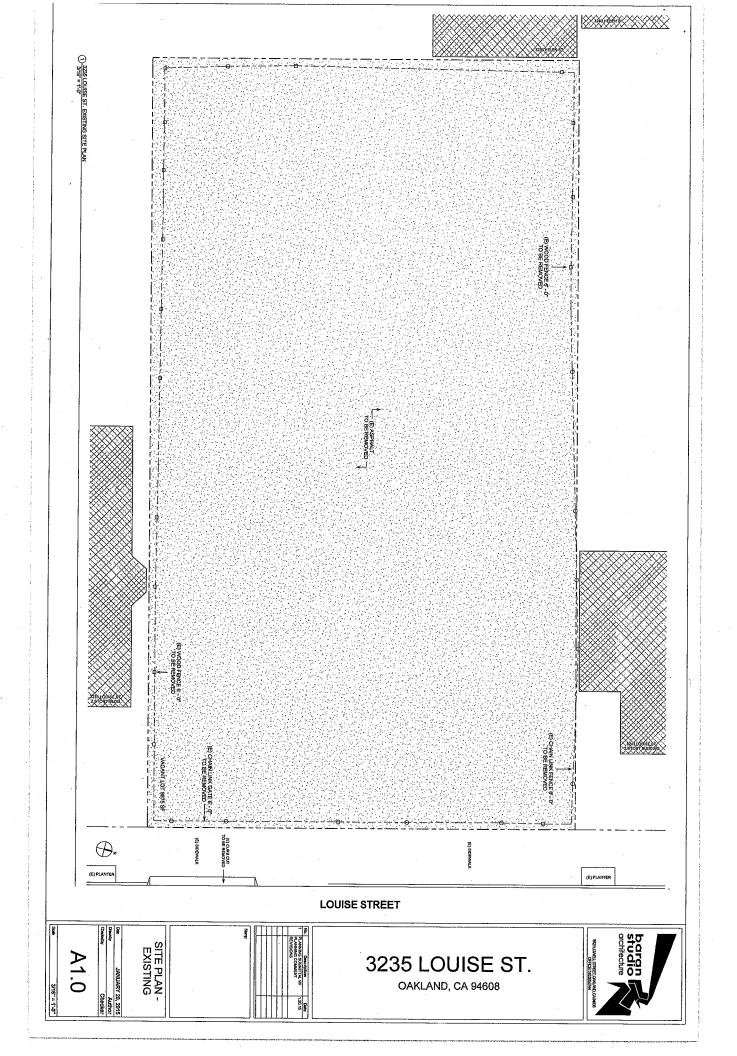


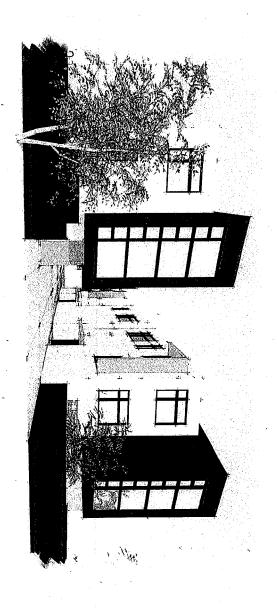


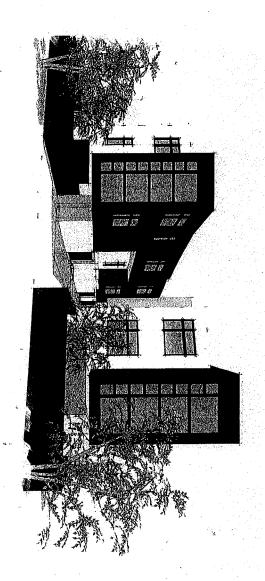












EXTERIOR PERSPECTIVES

JANUARY 20, 2015

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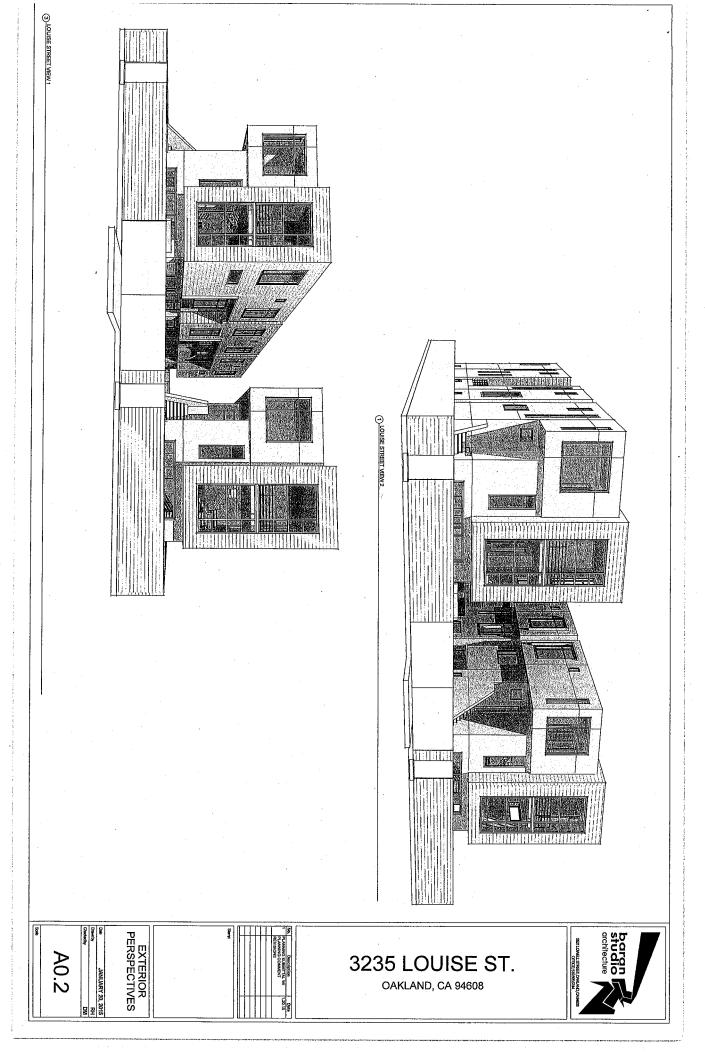
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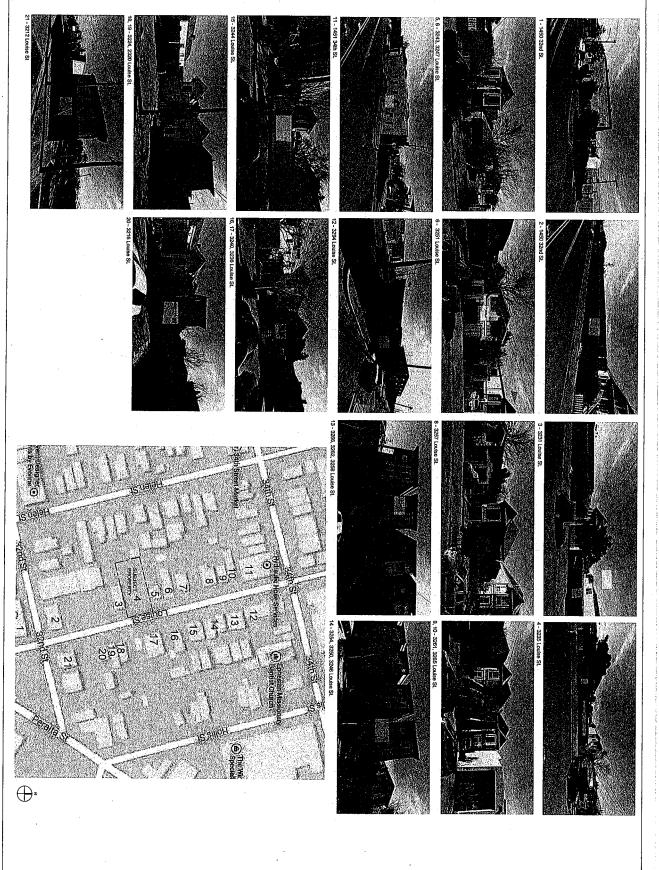


3235 LOUISE ST.

OAKLAND, CA 94608







Sure:

NEIGHBORHOOD PHOTOGRAPHS
PHOTOGRAPHS

ANUARY 20, 2016
Davidy BH

Charles BH

Charle

3235 LOUISE ST.

OAKLAND, CA 94608



