

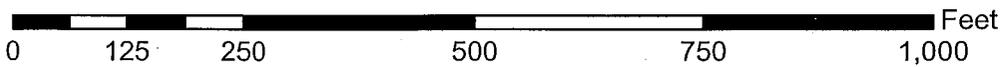
Location:	4251 International Boulevard (See map on reverse)
Assessors Parcel Numbers:	(APN 033-2153-004-01) (9.28.11)
Proposal:	The proposal includes renovation of an existing gas station and the addition of 1,334 square feet to the existing 1,648 square foot building on site to create a new 2,900 square foot convenience market in conjunction with the continued operation of the automotive service station.
Applicant:	David J. Elliott & Associates
Owner:	DODG Corporation
Planning Permits Required:	Regular Design Review for construction and exterior modifications and Major Conditional Use permit for a Convenience Market.
General Plan:	Community Commercial
Zoning:	CC-2, Community Commercial Zone – 2 Height/Intensity Area - 75
Environmental Determination:	Exempt, Section 15302 and 15303 of the State CEQA Guidelines; replacment or reconstruction, and new construction or conversion of small structures; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.
Historic Status:	Not a Potentially Designated Historic Property (PDHP); Survey rating: *3
Service Delivery District:	5
City Council District:	5
Status:	Complete
Action to be Taken:	Decision on application based on Staff Report
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com .

PROJECT

The proposal is for an addition of 1,334 square feet to an existing 1,648 square foot building on the existing service station site to create a new 2,900 square foot convenience market in conjunction with the continued operation of the automotive service station. The original proposal was also to include a car wash and alcoholic beverage sales. These items were removed from the proposal by the applicant following initial staff reviews and concerns and comments. The site will operate six gas pumps sheltered underneath two 14-foot tall canopies (refurbished canopies retaining existing locations), and build a new rear (southern) addition to the structure that will create a 2,900 sq ft convenience market. In addition, the reconfigured site would create seven parking spaces and new landscaping features (including 2 trees see Specific Condition #49). The site would retain all four existing curb cuts with entrances/ exits on International Boulevard and High Street. The new convenience store parking spaces would be located along the west side interior lot line and exit traffic toward High street. There would be no public telephone booth or clothing drop off boxes on-site (See Specific Condition #48).

The proposed convenience market building would be a single-story structure. The applicant has requested a 24-hour operation, although the applicant has proposed a limitation of access to the interior of the store for late evening and early morning hours to reduce the potential for adverse safety impacts and crime opportunities for their staff, the site and/or operation.

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD11-218
Applicant: David J. Elliott & Associates
Address: 4251 International Boulevard
Zone: CC-2

The existing gas station and proposed convenience market is located on a corner parcel and will front toward International Boulevard. The new addition would be built parallel to High Street and allow for a 12 foot drive way to the rear. The area to the rear of the structure including three of the seven parking spaces would be gated at night, after 10:00 p.m..

The trash enclosure is completely enclosed to deter anyone from entering the enclosure to search for recycling items or to use the place for habitation and to screen it front views on both High and International.

The proposal includes the retention of one bill board on the west interior lot line. No sign program is being proposed as part of this application however; any additional sign program will require design review pursuant to city sign standards (see Condition #47). Any new signage shall conform to new limitations.

The site contains no existing landscaping. The proposal includes new landscaping to be planted including street trees, trees on-site, shrubs, and groundcover, and will establish 2 new street tree plantings on High St and International Blvd. The site is somewhat constrained because of its size and circulation needs, but new landscaping areas have been added to the extent possible.

To deter graffiti, staff is requiring a specific condition to address site maintenance. (# 48)

PROPERTY DESCRIPTION

The subject property is a flat, 15,625 square-foot site containing frontages on International Boulevard and High Street. The existing project site contains a gas station with two canopies over pump islands, and a fenced in rear area currently used for storage and parking associated with the service station activities. The existing structure contains repair bays (and smog testing facilities) that will be removed with the creation of the convenience market.

GENERAL PLAN ANALYSIS

The subject property is located within the Community Commercial General Plan Land Use Classification. The Community Commercial land use classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts and centers. Community Commercial areas may include auto-related businesses.

The following General Plan Land Use Policies and Objectives apply to the proposed project:

"Industry and Commerce Objectives 1/C1.2 Retaining Existing Business. Existing businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible, be retained."

ENVIRONMENTAL DETERMINATION

The project has been determined to be exempt from environmental review under Section 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures) and 15183 of the State California Environmental Quality Act (CEQA) Guidelines as it involves replacement of an existing gas station with a new facility of the same purpose and approximate size on the same site.

ZONING ANALYSIS

The subject property is located within the CC-2, Community Commercial Zone. The CC-2 Zone is intended to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas.

Seven parking spaces are proposed. Convenience markets in the CC-2 Zone under 3,000 square feet are not required to provide parking so the proposed spaces are well in excess of the Zoning Code requirements. The proposal includes six 9'x16' sub-standard parking stalls and one handicapped stall near the entrance to the convenience market.

Pursuant to Section 17.35 of the City of Oakland Zoning Ordinance for the CC-2 Zone, Automotive and Other Light Vehicle Gas Station and Servicing and Convenience Market activities both require Conditional Use Permits. Therefore, findings must be made under Sections 17.134.050 (General Use Permit Criteria) and 17.102.210 (Special Regulations) which follow this analysis. The Auto Service Commercial Activity is an existing use and does not require a conditional use permit – only the convenience market activity requires the conditional use permit. The structural additions and alterations require Design Review findings to be made pursuant to Section 17.136.070(B).

KEY ISSUES AND IMPACTS

Noise

The creation of a new convenience market in conjunction with an existing auto service station will not present any significant increases in the amount of noise. The proposed convenience market will replace the existing smog service that currently occupies the existing building and as such remove the associated impacts associated with that use. Furthermore, on site signage will be added prohibiting loitering and the playing of loud music from vehicles, pay phones will be removed to further discourage individuals from loitering on the premises, and (as stated) the hours of walk-in operation will be limited to reduce or eliminate potential for nuisance activities (Condition of Approval #46).

Alcohol Sales not part of proposal

Initially the applicant had requested a major variance and conditional use permit to allow for Alcohol Beverage Sales. Staff explained to the applicant that such a request could not be supported by staff, and the request was withdrawn by the applicant.

Convenience Market

The proposed project is a commercial project consisting of a gasoline service station and a 2,900 square-foot convenience market on an approximately 15,174 square-foot site.

The new store will include a cooler, a food preparation area, floor area for merchandise, restrooms, and a small office and storage area. The market will stock a variety of food, beverages, and small personal convenience items for off-premises consumption. Efforts have been made to make the proposed development avoid potential undesirable activities by making design changes through the inclusion of a service window on the convenience market building on the side facing International Boulevard, and increasing the attractiveness of the site with landscaping, and architectural improvements, and night fencing to the rear parking area.

Proposed Design

Existing Structure / Addition

The applicant proposes to construct a 1,252 square-foot (sqft.) addition on the south side of the existing gas station. The total floor area will be 2,900 sqft. The area will be utilized primarily as a convenience market with counter space, restrooms and stock room / walk-in cooler, and office space. The existing repair bays will be removed. The design also features a decorative parapet facing International Blvd. The existing gas pumps will be replaced and reconstructed in their current location.

Landscaping

The applicant proposes to plant approximately 1,080 square feet of total landscape area. This proposal includes 7 new trees, approximately 120 shrubs of both 1-gallon and 5-gallon sizes, and will include various ground covers, and mulch. The landscape islands not behind fences will be bermed to discourage walking through these landscape areas. The applicant is requested to contract with a licensed landscape contractor to install and maintain the landscaping at this site.

Street Trees

The applicant is proposing two new street trees. Standard conditions of approval requires one street tree for each 25 feet of lot frontage. The applicant does not meet this requirement which is being waived due to the four large existing curb cuts and the relatively small planting areas remaining for safe automotive access and egress (see landscape plan).

Signage

The Planning Code for the CC-2 zone allows 0.5 square feet of signage for each one foot of lot frontage on a corner lot. The total amount of aggregate sign area shall not exceed one hundred and twenty five (125) square feet on the one property.

The proposal does not call for any new signage at this time. New provisions for signage (additions or alteration) will require additional design review (see Specific Condition # 47).

Neighborhood Crime Prevention Council Concerns

Staff presented this item to the Neighborhood Crime Prevention Council (NCPC) meeting for Beats 26X, 26Y (March 15, 2012) and Beat 23X (March 21, 2012). The discussion identified concerns from the assembled groups and Oakland Police officers regarding 24-hour operations, and potential loitering, crime, and illicit activities. The Police Officers present and applicant (with input from Staff) presented ways to help address these concerns as well as the possible opportunities that the proposal could present to the current conditions at the subject intersection. The main tools consist of the closure of the rear portion of the lot (and 4 parking spaces) during the evening hours starting at 10:00 P.M., high level of nighttime lighting for the site, no loitering signs posted on site, the closure of the store's sales floor and use of a merchant's window during night time hours (starting at 10:00 P.M.), and most importantly the addition of internet based cameras that will be made available to the Oakland Police Department at all times. Police Officers present felt that the creation of a brightly lit corner with posted surveillance cameras could possibly help to positively affect the activities not only for the subject site but the neighboring lots with regard to loitering and crime. The greatest unknown impact expressed by the community was the possibility of loitering associated with "side show" activity during the late hours of the evening due to the 24 hour nature of the activity. Discussion took place regarding the addition of security guards and the closing off (by chains) of some of or the entire lot / gas pump. The applicants and Staff made clear that a full time security guard would in all likelihood not be financially feasible, however

the applicants stated that they do intend to hire a private security service that will drive the site at irregular intervals including routinely during the night. To address the 24-hour operation and other issues staff has created a specific condition that will require a Conformance Review by the Planning Commission six months after the start of operation of the proposed convenience market. The Compliance Review will provide an opportunity for the Commission and the public to provide comments on the operation and determine whether there is compliance with conditions of approval or whether any changes are warranted, such as additional conditions or revisions to any existing conditions. The Compliance Review will specifically review concerns that may arise from the 24 hour operation.

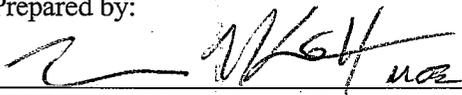
CONCLUSION

Staff believes that the proposed project meets all the required standards for commercial development and convenience markets. By meeting all the conditions of approval the proposal will be further enhanced. The expansion of the existing gas station and new convenience market with the new facility will be an asset to the community and will complement and enhance the use of the subject property and surroundings, subject to the conditions of approval and operational limitations during nighttime hours.

RECOMMENDATIONS:

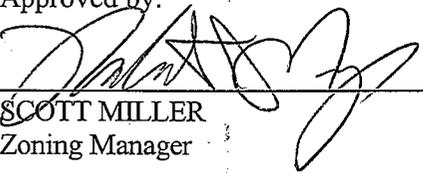
1. Affirm staff's environmental determination.
2. Approve the Conditional Use Permit and Design Review Permit pursuant to the attached findings and subject to the conditions of approval.

Prepared by:



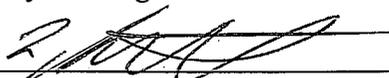
MOE HACKETT, Planner II

Approved by:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



ERIC ANGSTADT
Director
Planning, Building, and Neighborhood Preservation

ATTACHMENTS:

- A. Findings for Approval
- B. Conditions of Approval
- C. Plans and Elevations

ATTACHMENT A

FINDINGS FOR APPROVAL

This proposal meets the required findings under Section 17.134.050, General Use Permit Criteria; Section 17.102.0210, Conditional Use Permit Criteria for Convenience Markets; and Section 17.136.070(B), Regular Design Review; as set forth below. Required findings are shown in normal type; explanations as to why these findings can be made are in bold type.

Section 17.102.210, Special Conditional Use Permit Findings applying to Convenience Markets:

- A. That the proposal will not contribute to undue proliferation of such uses in an area where additional convenience markets would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.

The proposal is to enhance an existing gas station by improving site aesthetics and adding a new convenience market. The site is located at the intersection of two major thoroughfares in the Community Commercial Zones, which allows for auto oriented activities. The enhancement of this type of operation is ideal at this highly visible location. The nearest market (Oak Tree Market) to the proposal is located approximately 300 feet from the site at the Highland Square shopping center. Signage will be added prohibiting loitering and the playing of loud music from vehicles, pay phones and clothing collection facilities /bins will be removed to further discourage individuals from loitering on the premises (see Specific Condition # 48). Condition of Approval #46 limits hours of operation in order to further eliminate potential for adverse impacts or nuisance conditions. These measures are intended to prevent criminal activity on the site. The proposal closes two driveways which will help traffic capacity and circulation.

- B. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public or parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

The proposed activity is not adjacent to any sensitive civic uses. Therefore, the proposal would not adversely effect adjacent or nearby churches, temples, or synagogues; public or parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

- C. That the proposal will not interfere with the movement of people along an important pedestrian Street;

The design of the site layout and use of the facility will not interfere with pedestrian movement along the street. The site layout will enhance on-site vehicular circulation and increase on-site parking. New landscaping should enhance the pedestrian experience in the immediate area.

- D. That the proposal will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area.

See design review findings below.

FINDINGS

- E. That the design will avoid unduly large or obtrusive signs, bleak unlandscaped parking areas, and an overall garish impression.

The proposal does not include specific sign programs or designs at this time, but will come back before zoning for a small project design review and be required to meet the standards for the CC-2 Zone. New landscaping will be included to improve the visual character of the site. The existing freestanding billboard sign will remain (due to existign lease agreements?). The proposed design also features a decorative parapet and façade (with expanded glazing) facing International Blvd and site improvements with new landscape areas and new street trees.

- F. That adequate litter receptacles will be provided where appropriate.

Litter receptacles will be placed adjacent at the gasoline pump islands as well as at the entrance to the store. A fully enclosed trash enclosure is provided on site. As a condition of approval the applicant will be required to keep the site free of litter and debris at all times.

- G. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of the resident's sleep between the hours of 10 p.m. and seven a.m.

The proposed activity is not in close proximity to any residential uses. The nearest residential zone is approximately 430 feet to the east (on 44th Avenue). The site is prominently located on the corner of two major commercial corridors. In addition the proposed activity will not allow for walk-in convenience store activities between the hours of 10:00 pm and 6:00 am, and will utilize a service window only during those hours. On site signage will be added prohibiting loitering and the playing of loud music from vehicles, pay phones will be removed to further discourage individuals from loitering on the premises, and (as stated) the hours of walk-in operation will be limited to reduce or eliminate potential for nuisance activities (Condition of Approval #46). These measures are intended to prevent criminal activity on the site and discourage loitering.

Section 17.134.050, General 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 subject site is located within an area generally characterized by a mixture of one and two-story auto-oriented commercial structures, as well large commercial lots and industrial structures and uses. The site is already developed as a gas station and will continue to function as such. The proposal will enhance the existing gas station operation by including landscaping to improve the visual characteristics of the site and expand upon the existing structure on-site for a new convenience market directly related to the gas station operation. The location, size, and operating characteristics of the proposed gas station and convenience

FINDINGS

market will be compatible with the surrounding neighborhood and its location at the intersection of two major thoroughfares and will serve residents, businesses and patrons of businesses in the local community.

- 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 site currently operates as a gas station as well as a smog check station and the proposal will retain the gas station function while adding a convenience market in place of the service bays used for the smog check. The gas station and proposed convenience market will provide a convenient shopping environment as the site is designed for easy and convenient access to both the petroleum products as well as the market and located at the intersection of two major streets. The location, size, and operating characteristics of the proposed gas station and convenience market will be compatible with the surrounding neighborhood and will serve the local community. A condition related to hours of operation has been added (#46) to reduce or eliminate potential for nuisance activity. The new convenience market building will meet the required Design Review criteria, and landscaping will be provided around the project site to improve the visual presence of the property at the corner of two major Oakland Streets.

- 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 location, size, and operating characteristics of the proposed gas station and convenience market will be compatible with the surrounding neighborhood and will serve the local community. The station's proximity to the interstate will also allow it to serve regional motorists as well. The wide variety of products available at the facility will serve the surrounding area as well as local and regional commuters. The hours of operation limitation (Condition of Approval #46) will serve to reduce potential adverse impacts from this operation and will enhance the successful operation of the surrounding area.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

See design review findings below.

- 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 Community Commercial District General Plan classification as that designation seeks to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors. The creation of a convenience market in as part of the expansion of an existing gas station which is located on a nexus corner intersecting two major street corridors will allow for convenience shopping for automotive patrons primarily, but also for pedestrian oriented commerce as well.

FINDINGS

17.136.070(B), Design Review Findings for Nonresidential Facilities and signs:

- A. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030.

The surrounding neighborhood is a mixture of building designs with varying elevations, textures, scales, and materials. The proposed structure is one story in height and is compatible and consistent with the existing size, scale, and architectural character of the surrounding neighborhood. The new design is a significant upgrade over the existing gas station and will see an increase in the amount of site area devoted to landscaping. The proposal does not include a proposal for new signage. Existing signage will be removed with the exception of the existing non-conforming freestanding billboard sign located on the northwest property line. Per Specific Condition #47 any new signs shall conform to the General Limitations on Signs (17.104). The total amount of aggregate sign area shall not exceed one hundred and twenty five (125) square feet on the property.

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

The proposed building design is a significant upgrade over the existing gas station service building, and an increase in the amount of site area devoted to landscaping will also help to improve the visual quality of the site. The proposal will essentially be a quality gas station and convenience market development that compliments the existing neighborhood, especially given the auto oriented site location at two major auto thoroughfares and in close proximity to the freeway.

- C. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council.

The proposal will essentially be a quality gas station and convenience market development that compliments the existing neighborhood, especially given the auto oriented site location at two major auto thoroughfares and in close proximity to the freeway. The proposal conforms to the Community Commercial District General Plan classification as that designation seeks to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors. The allowance for convenience shopping in a location with high volumes of automotive activity will help to encourage vibrancy along a well established commercial corridor both for local patrons as well as visitors transiting through the Melrose and Fruitvale districts.

FINDINGS

ATTACHMENT B

CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated and submitted February 9, 2012, 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 approval by the City Planning Commission includes the approvals set forth below. Approval of a conditional use permit and design review permit, under Oakland Municipal Code Sections 17.34, 17.102, 17.134, and 17.136.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local 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.

CONDITIONS OF APPROVAL

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.

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) The project applicant shall defend (with counsel reasonably 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 their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. Compliance with Conditions of Approval***Ongoing***

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

CONDITIONS OF APPROVAL

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, 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 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 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 alleys,

CONDITIONS OF APPROVAL

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 Certificate of Occupancy

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.

15. Landscape Maintenance.

Ongoing

All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced. The applicant shall contract with a licensed landscape maintenance contractor to maintain the landscaping at this site.

16. Bicycle Parking

Prior to the issuance of first certificate of occupancy.

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities to accommodate 2 short-term bicycle parking spaces onsite or on public sidewalk, and 2 long-term bicycle parking spaces. The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.

17. Underground Utilities

Prior to issuance of a building permit

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

18. 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

CONDITIONS OF APPROVAL

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.

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

20. 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.

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

22. Dust Control

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. 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.

CONDITIONS OF APPROVAL

- 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) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) 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.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

23. Construction Emissions

Prior to issuance of a demolition, grading or building permit

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

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

24. 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

CONDITIONS OF APPROVAL

- 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.

25. Noise Control

Ongoing throughout demolition, grading, and/or construction

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

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

CONDITIONS OF APPROVAL

26. 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.

27. Interior Noise

Prior to issuance of a building permit

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) 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. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase; however, the following sound-rated assembly recommendations, based on the conceptual project layout, design, and preliminary noise study should be considered in the final study.

28. 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.

29. Construction Management

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

CONDITIONS OF APPROVAL

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.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.

30. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

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

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

CONDITIONS OF APPROVAL

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 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. Lighting Plan

Prior to the issuance of an electrical or building permit

The applicant shall present a site plan with locations of all exterior and interior illumination levels (in foot-candles) and uniformity ratios (U. Ratio). The plans shall present the location and types of all lighting fixtures. The proposed lighting full cut off type fixtures which shall provide adequate shielding that will not allow any light dispersion or direct glare to shine above 90 degrees, horizontal plane from the base of the fixture. These fixtures shall provide high foot-candle levels (between 3.6 and a minimum of .9 at a 4:1 U Ratio) suitable for parking and pedestrian uses as well as suitable illumination for the required on site security and surveillance cameras). All canopy lights shall be recessed so that the lenses covers are flush or recessed with the bottom surface of the canopy (or shielded so that light is restrained to no more than 85 degrees from the vertical edge of the canopy). Unshielded wall pack type fixtures are not acceptable. The lighting plan shall illuminate the rear parking and driveway areas (closed at night) as well all other open spaces (including landscaped areas). Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

33. Site Review by the Fire Services Division

Prior to the issuance of demolition, grading or building permit

The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.

CONDITIONS OF APPROVAL

34. Phase I and/or Phase II Reports

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

Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

35. Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment

Prior to issuance of any demolition, grading or building permit

The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

36. Environmental Site Assessment Reports Remediation

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

If the environmental site assessment reports recommend remedial action, the project applicant shall:

- a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
- b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.
- c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

37. Lead-based Paint Remediation

Prior to issuance of any demolition, grading or building permit

If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

38. Other Materials Classified as Hazardous Waste

Prior to issuance of any demolition, grading or building permit

If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

CONDITIONS OF APPROVAL

39. Health and Safety Plan per Assessment

Prior to issuance of any demolition, grading or building permit

If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

40. Hazardous Materials Business Plan

Prior to issuance of a business license

The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b) The location of such hazardous materials.
- c) An emergency response plan including employee training information
- d) A plan that describes the manner in which these materials are handled, transported and disposed.

Specific Conditions of Approval

41. Windows in Convenience Market

Ongoing

- a) The surface of the windows of the convenience market shall be kept free of posters, signage, advertisement, and obstructions of any kind, except for hours of operation and no loitering signage.
- b) No shelves, equipment, or other structures shall impede the view through the windows in the convenience market.

42. Fire Department

Prior to Building permit submittal

The applicant shall submit plans to the City of Oakland Fire Services for approval.

43. Special Signage

Prior to Building Final

- a. A sign shall be posted requesting that radio/cd players and other sound emitting devices be turned off when entering this area.
- b. Signage shall be posted around the property prohibiting loitering and the playing of loud music from vehicles.

44. Street Lighting

Prior to Building Permit Application

- a. The applicant shall initiate a request to Public Works Agency DIO Electrical for modification to streetlights, with the payment of \$500.00 to cover city cost to evaluate the request. The funds will be

CONDITIONS OF APPROVAL

used to cover staff expense in field check, records check, and photometric calculations to accommodate the request.

- b. Based on the field check performed in Step 1 above, the City may require the developer to modify streetlights. There may be additional work or cost associated with this phase of the work.

45. Security Cameras

Ongoing

Plans shall be presented to the Planning and Zoning Division showing the location of all security and surveillance cameras. Cameras shall be placed in locations that allow for full surveillance of the entire site area (including all parking areas, the rear driveway area, and the interior and exterior night security fencing areas and well as all landscaped areas). Where possible the security camera shall be designed to face outward onto the surrounding intersection and adjacent sidewalk areas on both International Boulevard and High Street. The security camera system shall be design in conjunction with the lighting and illumination systems (see Condition #32). All Security cameras shall be web/internet based, and operated and maintained at all times. All security and surveillance camera tapes or digital information /recordings and live internet based information shall be made available to the Oakland Police Department at their request and retained by the facility operators for 14 days.

46. Security.

Ongoing

The applicant/property owner shall keep windows clear of visual obstructions including, but not limited to window signage, any advertising displays, chip/product racks, refrigerated equipment, cardboard, trash, wire mesh/security bars, reflective coatings, or other materials. Note that this is more restrictive than the state regulations related to signage. The purpose of this condition is to maintain good sight lines in and out of the store to allow police to monitor activity inside and to allow store staff to monitor and discourage inappropriate activity in front of the store. No pay phones are permitted on the premises. The entire facility and all sales may be open are limited to between the hours of 6:00 AM and 10:00 PM. Service and commerce for the activity shall be limited to a walk-up service window only between the hours of 10:00 PM to 6:00 AM. The operator /owners of this establishment shall, maintain a permanent private security service to patrol the site at irregular intervals. Private security patrols of the site shall be made no less than once every hour during the hours of 10:00 pm and 6:00 am.

47. Sign Program.

Prior to the addition of any new signage and Ongoing.

Informational Signs:

The applicant/property owner shall post on site signage that keeps windows clear of visual obstructions including, but not limited to product advertising signs, price signs, and other promotional signage. The establishment shall display signage inside the building and next to the exit and night service window discouraging the patrons from generating nuisances outdoors both fronting the building and within the neighborhood. Additional signage shall be posted at a minimum of 6 on-site locations, and maintained in a legible condition at each location prohibiting littering and Loitering (Per City Municipal Code Sections), and advising the public that the site is equipped with surveillance cameras and that the camera information /recordings are available to and monitored by the Oakland Police Department. These informational signs shall not be counted against the Master Sign Program sign area limitations. All sign designs, size and locations shall be submitted for approval to the Planning Division prior to placement. Changes in signage text, other alteration or wholly new signs shall be placed (or replaced) on site at the discretion of the Zoning Manager.

CONDITIONS OF APPROVAL

Master Sign Program:

All proposed changes to existing signage or proposed new signage on the sight shall be submitted as part of a master sign plan encompassing the entire site and shall be submitted to the Planning Division for review pursuant to the General Limitations on Signs Section of the Zoning Code (17.104). No signage shall exceed these provisions with regard to height, area, material, animation, or illumination.

48. Trash, litter, Graffiti, Loitering, and Clothing collection (bins)

Prior commencement of use and ongoing.

The applicant/property owner shall install and maintain at least one non-flammable trash can located near the entrance of the store. Graffiti shall be removed from the premises within 72 hours (3 days) of application. Existing clothing collection stations (bins) shall be removed from the site. No clothing collection or recycling facilities shall be established at this location.

49. Street Trees

Ongoing

As shown in approved plans 2 street trees shall be planted and maintained in good condition, or replaced as needed. Street trees shall be 24" box size at time of planting, and trees shall be installed by licensed landscape contractor.

50. Compliance Review

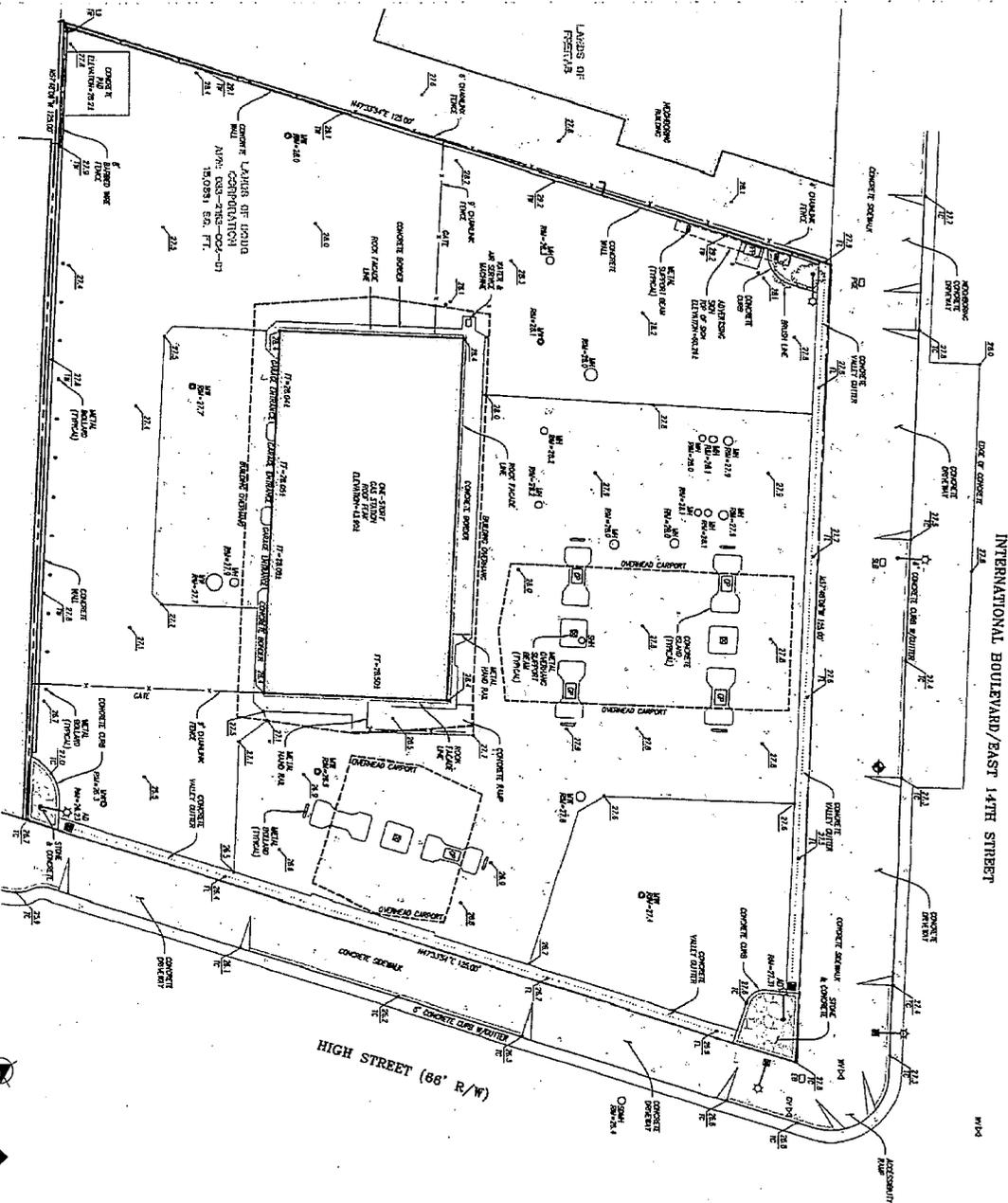
After Six (6) months of business operation after the convenience market is added, the applicant shall, (within 21 days of the 6-month anniversary date) submit for a compliance review, and pay all appropriate fees consistent with the then current Master Fee Schedule (currently \$1,352.91), to assess compliance with all applicable Conditions of Approval. The Compliance Review shall provide an opportunity for the Commission and the public to provide comments on the operation and determine whether there is compliance with condition of approval or whether any changes are warranted, such as additional conditions or revisions to any existing conditions. The Compliance Review shall specifically review and address concerns that may arise from the allowance of 24 hour operation. If deemed appropriate at the time of review the permitted hours of operation may be changed.

APPROVED BY:

City Planning Commission: _____ (April 4, 2012) _____ (vote)

CONDITIONS OF APPROVAL

ATTACHMENT C



True North
Plan North

Existing Site Plan 1/8"=1'-0" 5

Vicinity Map N.T.S. 1



Project Data

Project:
Service Station, C-Store
4251 International Blvd.
Oakland, CA 94601
Owner: Harmit Mann

Sheet Index:

- A1.1 Project Data, Existing Site Plan
- A1.2 New Site Plan
- A2.0 Existing Floor Plan
- A2.1 New Floor Plan
- A3.1 Existing Exterior Elevations
- A3.2 New Exterior Elevations
- A3.3 New Exterior Elevations
- A3.4 Color Rendering
- A4.0 Existing Conditions Photos
- A10 Existing Conditions Photos
- A11 Existing Conditions Photos
- A12 Existing Conditions Photos

AREA CALCULATIONS
EXISTING LOT AREA = 15,174 SF
IMPERVIOUS SURFACE = 11,194 SF
LANDSCAPE = 1,080 SF
EXISTING BUILDING AREA = 1,648 SF
NEW BUILDING AREA = 1,252 SF
TOTAL NEW BUILDING AREA = 2,900 SF
REQUIRED PARKING = 7

DAVID J. ELLIOTT & ASSOCIATES
Architects
1100 COMMERCIAL
SUITE 200
4251 International Blvd.
Oakland, CA 94601
Tel: 510.833.1118
Fax: 510.833.2555
www.djellott.com

FOOD MART EXPANSION
4251 International Blvd.
Oakland, CA 94601

TENANT IMPROVEMENTS

NO.	DESCRIPTION	DATE
1	REVISIONS	
2	CONNECTIONS	01/11/11
3	SITE MODIFICATIONS	01/11/11
4	SITE & BLDG REV	02/01/11
5	SITE & BLDG REV	02/01/11
6	LANDSCAPE REV	02/01/11

Issue Date: 09-30-11
Drawn By: DJE
Project Number: 1040
Sheet Title: Project Data Existing Site Plan Vicinity Map
Sheet Number: A1.1

Notes

1 -

DAVE
Architectural
Interiors
17800 Chula Vista
Tul. #10100-3118
Fax #210-620-3338
www.daveinteriors.com

**David J. Elliott
& Associates**

**TENANT
IMPROVEMENTS**

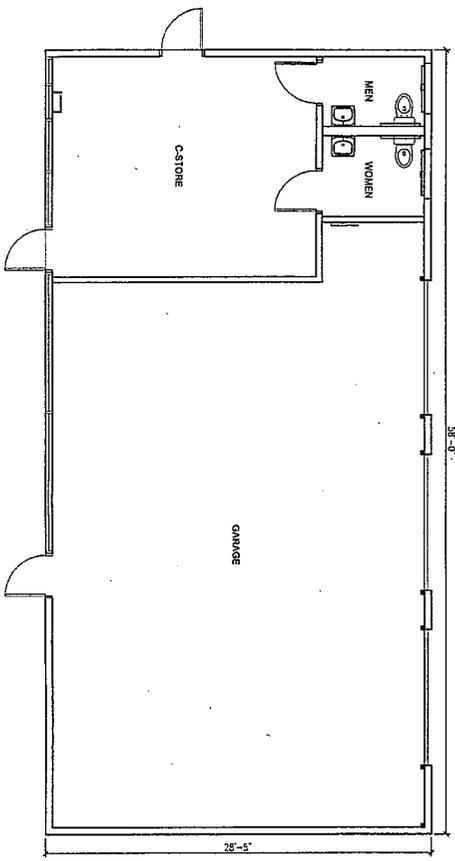
**FOOD MART
EXPANSION**
4251 International Blvd.
Oakland, CA 94601

General Notes

1 -

Wall Legend

- EXISTING WALL
- EXISTING WALL TO BE REMOVED
- NEW 2X STUD WALL



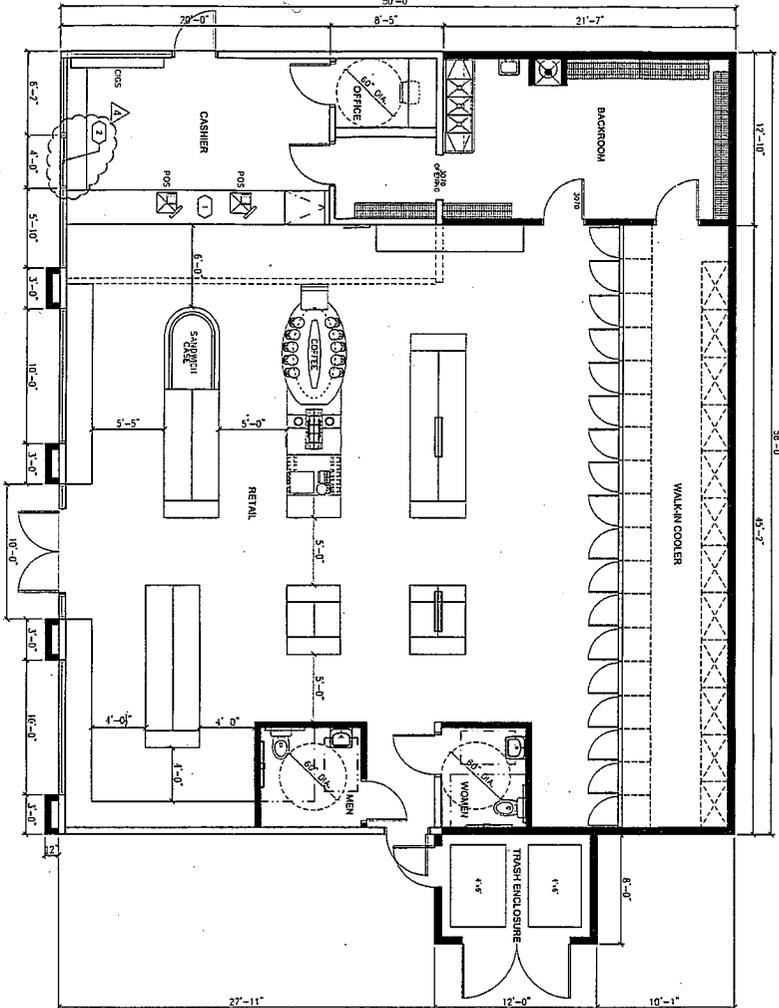
Existing Floor Plan 1/4" = 1'-0" 5

Use of these floor and wall types shall be limited to the existing conditions shown on this drawing. Any changes to the existing conditions shall be noted on the drawing. The contractor shall be responsible for the verification of the existing conditions.

NO.	Description	Date
1	REVISIONS	12/11/12
2	CONNECTIONS	01/21/12
3	SITE CONDITIONS	01/21/12
4	SITE & BLDG REV	02/07/12
5	SITE & BLDG REV	02/17/12
6	LANDSCAPE REV	02/17/12

Issue Date: 09-30-11
Drawn By: DJE
Project Number: 1040

Sheet Title: Existing Floor Plan
Sheet Number: A2.0



New Floor Plan 1/4" = 1'-0" 5

Notes
 1. NO CHANGE TO THE 2'-0" x 1'-0" AREA...
 2. WALK-IN COOLER...
 3. WALK-IN COOLER...
 4. WALK-IN COOLER...

General Notes

1 -

Wall Legend

- EXISTING WALL
- EXISTING WALL TO BE REMOVED
- NEW 2X STUD WALL

PARRE
DJE
 Architect
 17800 Dunbar Lane
 Suite 200
 San Diego, CA 92128
 Tel: 619-594-1416
 Fax: 619-594-1417
 www.parre.com

David J. Elliott & Associates

TENANT IMPROVEMENTS

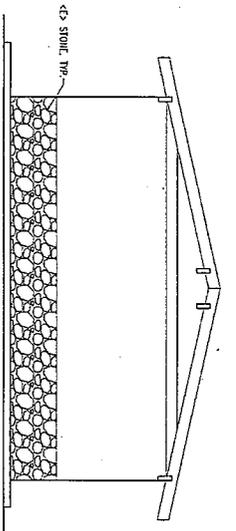
FOOD MART EXPANSION
 4251 International Blvd.
 Oakland, CA 94601

Use of this plan and specifications, in whole or in part, is hereby authorized on the condition that the contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

NO.	DESCRIPTION	DATE
1	CONNECTIONS	02/01/11
2	SITE REVISIONS	02/01/11
3	SITE & BLDG. REV.	02/01/11
4	SITE & BLDG. REV.	02/01/11
5	WALK-IN COOLER	02/01/11

Issue Date: 09-30-11
 Drawn By: DJE
 Project Number: 1040
 Sheet Title: New Floor Plan

Sheet Number: A2.1

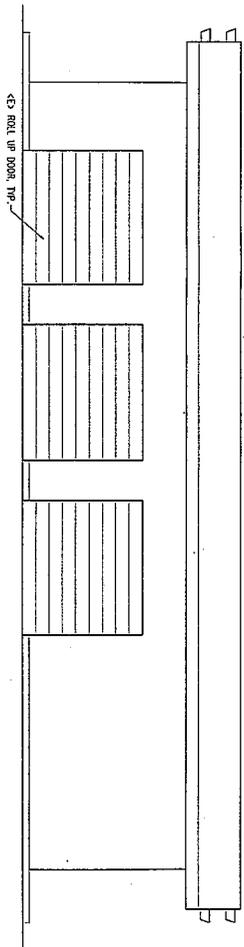


West Elevation 1/4" = 1'-0"

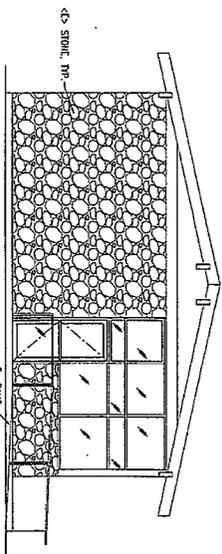
DAVID J. ELLIOTT & ASSOCIATES
 Planning
 Architecture
 Interiors
 17800 County Line
 The Bldg. 31116
 PM: 83102-2333
 SAN DIEGO, CALIF. 92123-2333

TENANT IMPROVEMENTS

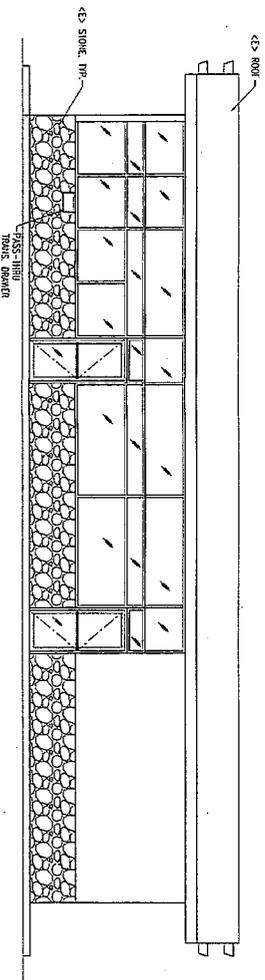
FOOD MART EXPANSION
 4251 International Blvd,
 Oakland, CA 94601



South Elevation 1/4" = 1'-0"



East Elevation 1/4" = 1'-0"



North Elevation 1/4" = 1'-0"

THIS SET OF PLANS AND SPECIFICATIONS IS THE PROPERTY OF DAVID J. ELLIOTT & ASSOCIATES. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS SET OF PLANS OR SPECIFICATIONS IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF DAVID J. ELLIOTT & ASSOCIATES. THE USER OF THESE PLANS AND SPECIFICATIONS AGREES TO HOLD DAVID J. ELLIOTT & ASSOCIATES HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THESE PLANS AND SPECIFICATIONS.

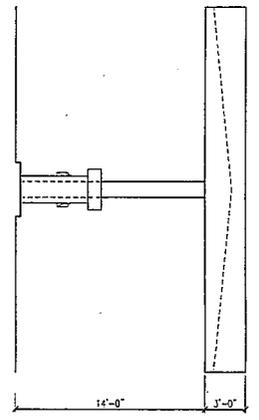
NO.	DESCRIPTION	DATE
1	CONNECTIONS	12/16/11
2	SITE MODIFICATIONS	09/19/12
3	SITE & BLDG. REV.	09/07/12
4	SITE & BLDG. REV.	09/17/12
5	LANDSCAPE REV.	02/22/12

Issue Date: **09-30-11**
 Drawn By: **DJE**
 Project Number: **1040**
 Sheet Title: **<E> Exterior Elevations**

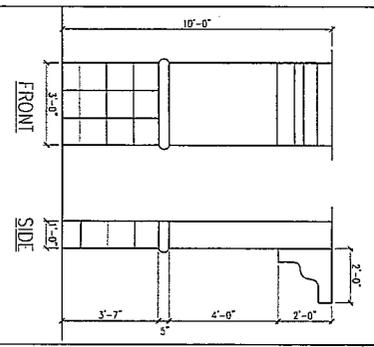
Sheet Number: **A3.1**

Notes

1. 1" = 1'-0" SCALE FOR ALL ELEVATIONS UNLESS OTHERWISE NOTED.

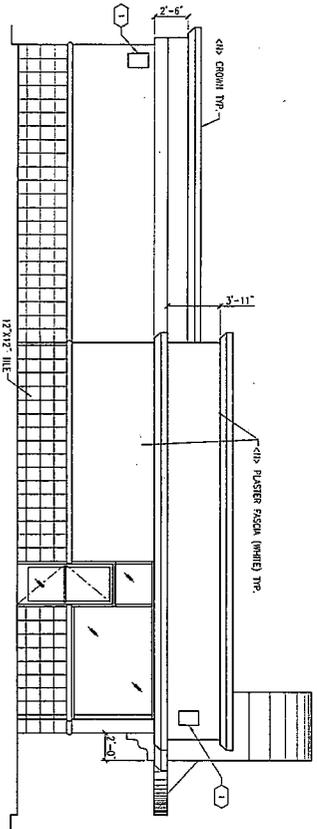


Island Canopy Elevation 1/4" = 1'-0" 12

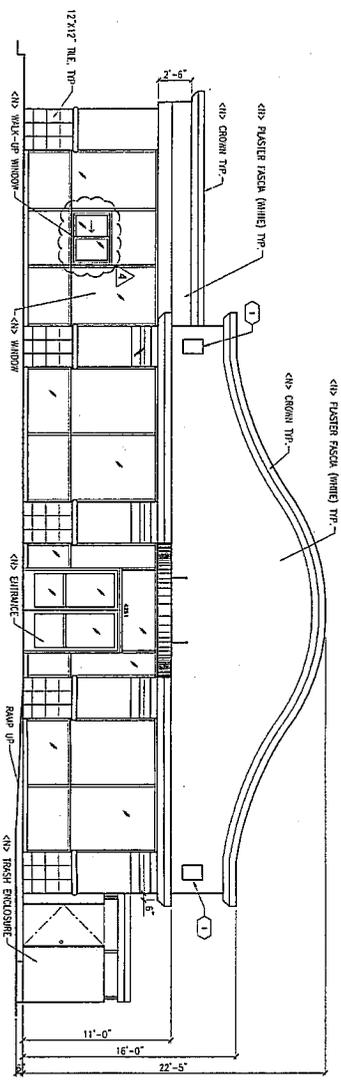


Column Detail 1/2" = 1'-0" 8

General Notes 1-



East Elevation 1/4" = 1'-0" 6



North Elevation 1/4" = 1'-0" 5

DAVE BERRY
Architect
17800 Central Expressway
1st Floor, Suite 100
San Diego, CA 92128
619-594-8888

David J. Elliott & Associates
TENANT IMPROVEMENTS

FOOD MART EXPANSION
4251 International Blvd.
Oakland, CA 94601

NO.	DESCRIPTION	DATE
1	CONSTRUCTION	02/01/12
2	SITE & BUILDING REVIEW	02/01/12
3	SITE & BUILDING REVIEW	02/01/12
4	LANDSCAPE REVIEW	02/01/12

DATE: 09-30-11
DRAWN BY: DJE
PROJECT NUMBER: 1040
SHEET TITLE: New Exterior Elevations
SHEET NUMBER: A3.2

Notes

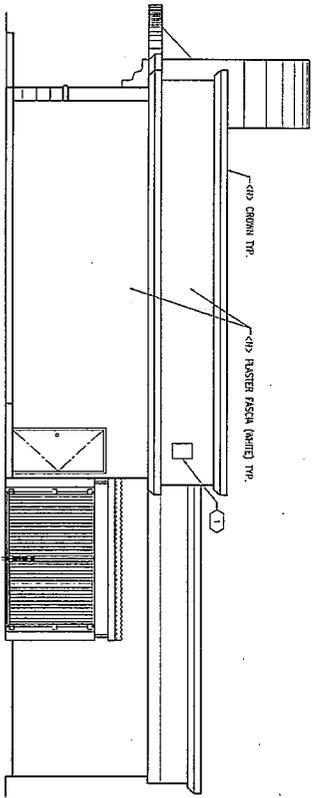
1. WALL PACK WITH CURTOP TO PROPERTY LINE

BJE Architecture
 11600 Central Expressway
 Suite 200
 San Diego, CA 92120
 Tel: 619-594-4444
 Fax: 619-594-4444
 www.bje.com

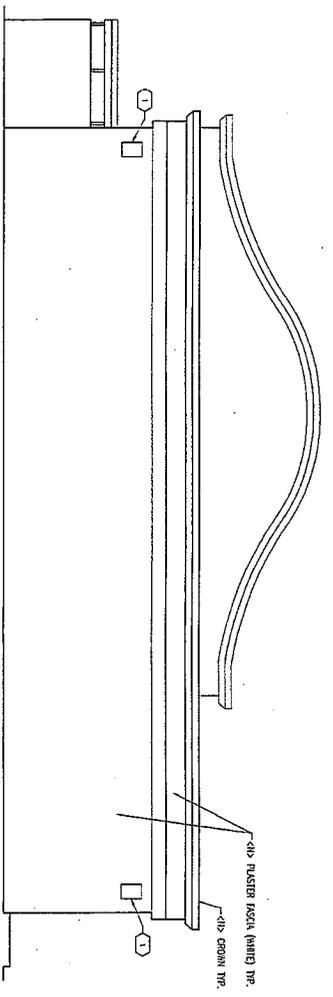
David J. Elliott & Associates

FOOD MART EXPANSION
 4251 International Blvd.
 Oakland, CA 94601

General Notes



West Elevation 1/4" = 1'-0"



South Elevation 1/4" = 1'-0"

DATE OF THIS SET OF DRAWINGS IS AS SHOWN. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.

NO.	DESCRIPTION	DATE
1	CONNECTIONS	12/14/11
2	SITE MODIFICATIONS	01/21/12
3	SITE & BLDG REV	02/07/12
4	SITE & BLDG REV	02/07/12
5	LANDSCAPE REV	02/07/12

Issue Date: 09-30-11
 Drawn By: DJE
 Project Number: 1040
 Sheet Title: New Exterior Elevations

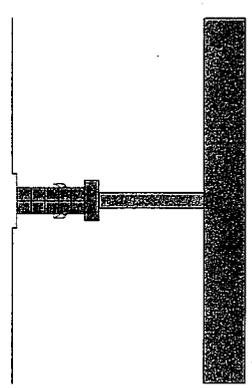
Sheet Number: A33

172905 Corna Lane
 Suite 100
 Oakland, CA 94601
 Tel. 510.862.4116
 Fax 510.862.4118
 david@djeloft.com

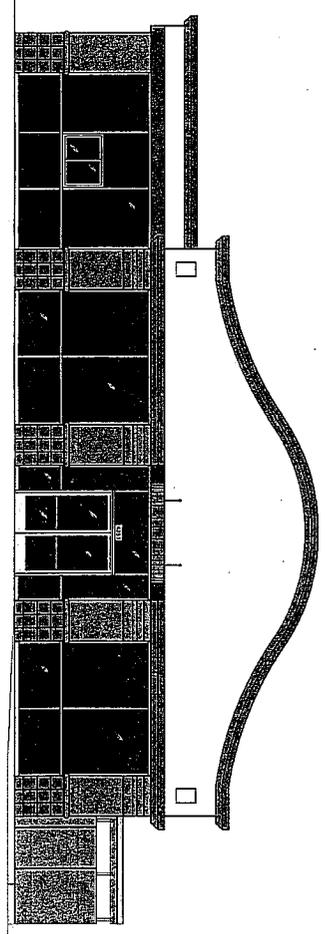
DJELLOTT
DAVID J. EILLOTT
& ASSOCIATES

Architect
 Interior

FOOD MART
EXPANSION
 4251 International Blvd.,
 Oakland, CA 94601



Island Canopy Color Rendering 2

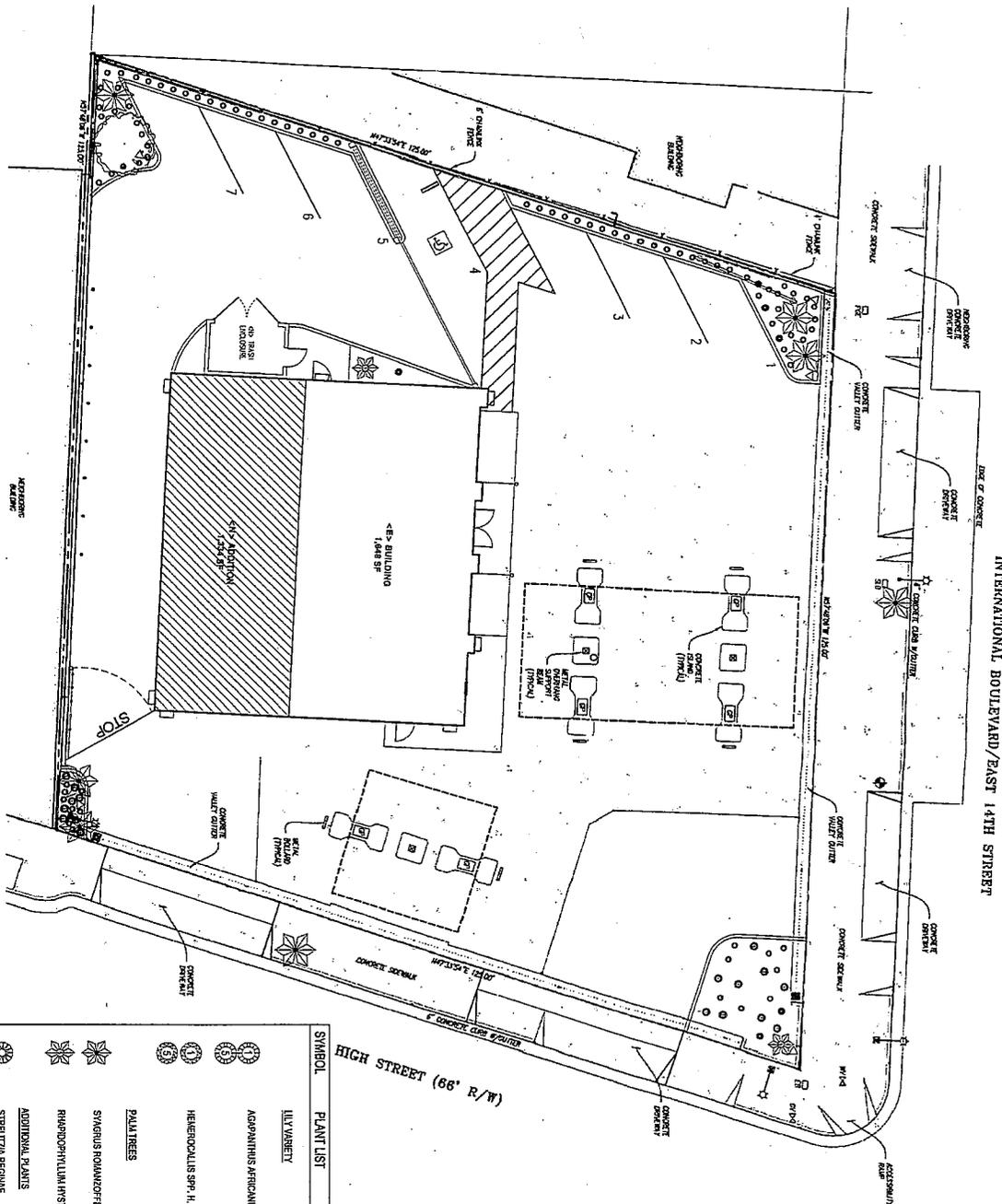


North Elevation Color Rendering 1

DATE: 09-30-11
 DRAWN BY: DJE
 PROJECT NUMBER: 1040

No.	Description	Date
1	Issue for Review	09-30-11
2	Revised	10-05-11
3	Final	10-10-11

Sheet Title
Color Rendering
Sign Details
 Sheet Number
A3.4



TOTAL LANDSCAPE AREA = 1,080 SF

NOTE: 3/4" WATER IRRIGATION LINES AND 1/2" CONDUIT FOR LOW VOLTAGE LIGHTING TO BE PLANNED AND PLANT SHIP TO BE DELIVERED TO SITE.

Landscape and Lighting Plan 1/8"=1'-0"

SYMBOL	PLANT LIST	COMMON NAME	SIZE
(Symbol)	LIV/WARETY		
(Symbol)	ADAPANTHUS AFRICANUS	LILY OF THE NILE	1 GAL
(Symbol)	HEMEROCALLIS SPP. H. HYBRIDS	DAY LILY	1 GAL
(Symbol)	PLANT TREES		
(Symbol)	SYNGENES ROMANZOFFIANA	QUEEN PALM	2" BOX
(Symbol)	RHAPHOCHINUM HYSTRIX	SENTRY HEDESARUS PALM	5 GAL
(Symbol)	ADDITIONAL PLANTS		
(Symbol)	STREPTISIA REQUIRE	BIRD OF PARADISE	5 GAL
(Symbol)	FICUS PUMILA	CREeping FIG	180

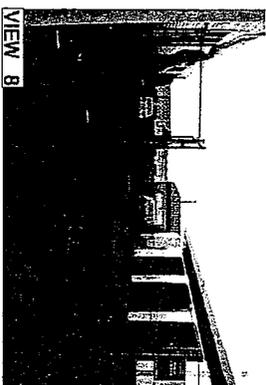
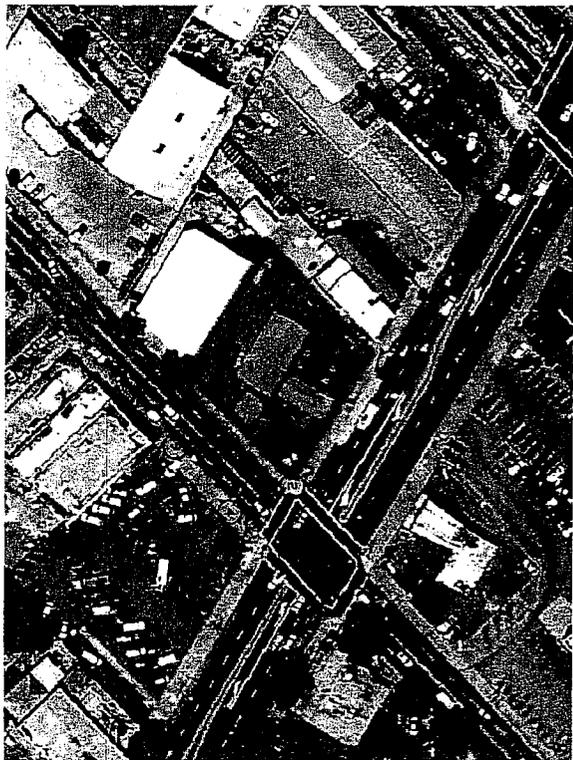
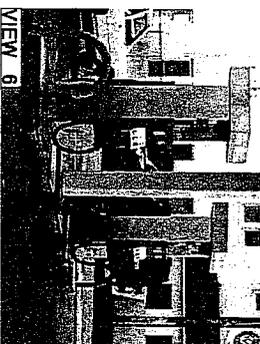
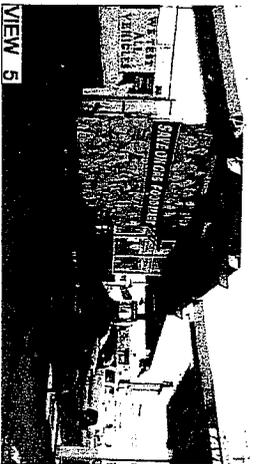
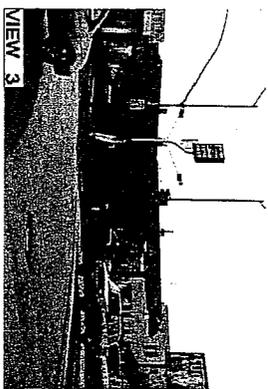
LIGHTING LEGEND

- WALL PACK
- △ 12 VOLT TREE ACCENT

DATE: 09-30-11
 DRAWN BY: DJE
 PROJECT NUMBER: 1040

DAVID J. ELLIOTT & ASSOCIATES
 Planning
 Architecture
 Interiors
 17800 Central Expressway
 Suite 200
 San Diego, CA 92128
 Tel: 619-594-3333
 Fax: 619-594-3333
 www.djellott.com

FOOD MART EXPANSION
 4251 International Blvd.
 Oakland, CA 94601



DAVID J. ELLIOTT
Architects
17300 CHINA LANE
SUITE 100, CA 94601
TEL: 510.853.4433
FAX: 510.853.4432
dave@djellott.com

David J. Elliott & Associates

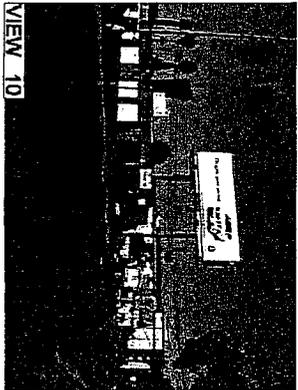
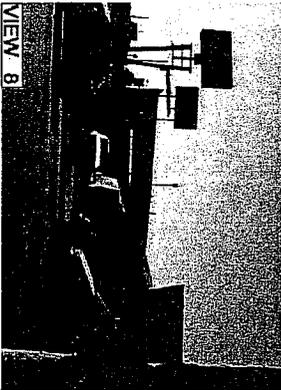
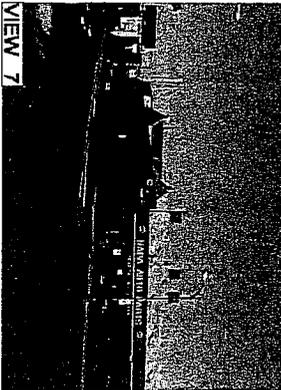
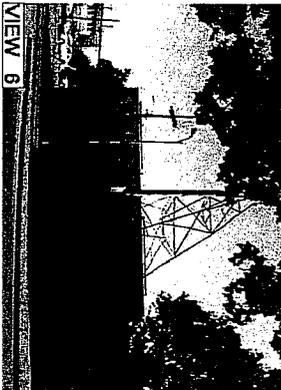
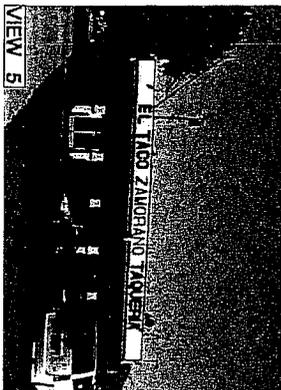
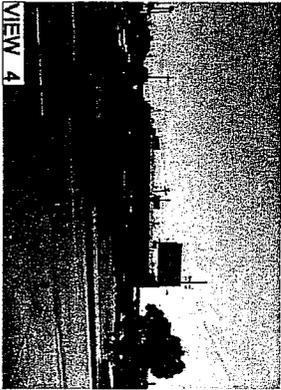
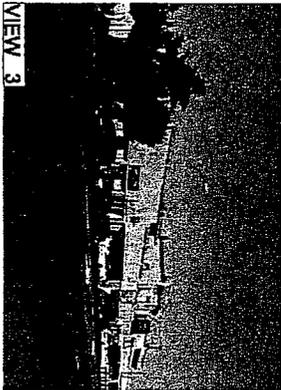
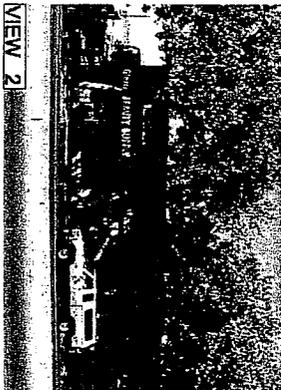
TENANT
IMPROVEMENTS

**FOOD MART
EXPANSION**
4251 International Blvd,
Oakland, CA 94601

Use of this plan and specifications, in whole or in part, is limited to the project and site shown on this drawing. Any other use, without the written consent of the architect, is prohibited. The architect and engineer assume no responsibility for the accuracy of the information shown on this drawing, and the user assumes all responsibility for the accuracy of the information shown on this drawing.

NO.	Description	Date
1	CONNECTIONS	12/18/11
2	SITE CONNECTIONS	02/29/12
3	SITE & BUILDING REV.	02/29/12
4	SITE & BUILDING REV.	02/29/12
5	LANDSCAPE REV.	02/29/12

Issue Date	09-30-11
Drawn By	DJE
Project Number	1040
Sheet Title	Existing Conditions Photo Sheet
Sheet Number	A9



DAVID J. ELLIOTT & ASSOCIATES
 ARCHITECTS
 17800 Central Expressway
 Suite 200
 The Bishops
 San Diego, CA 92128
 Tel: 619-594-1111
 Fax: 619-594-1111

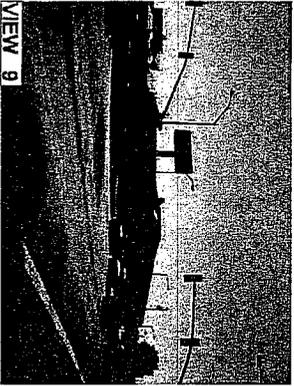
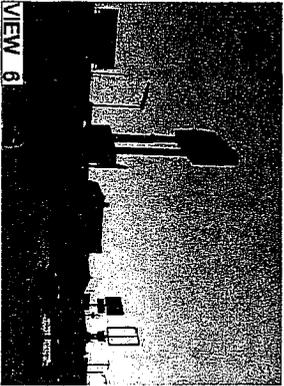
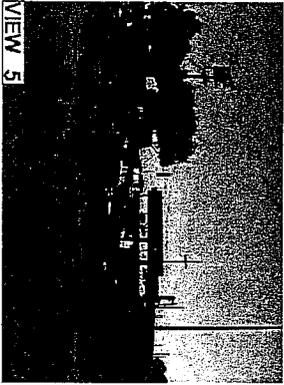
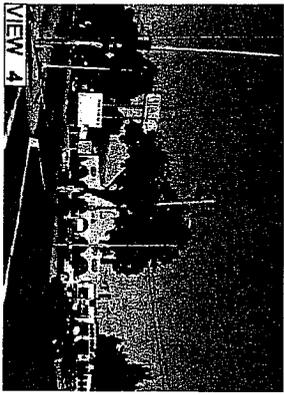
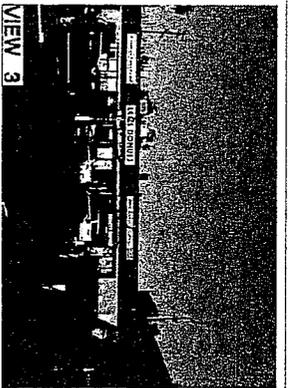
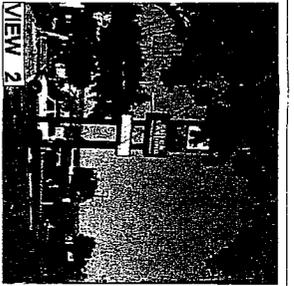
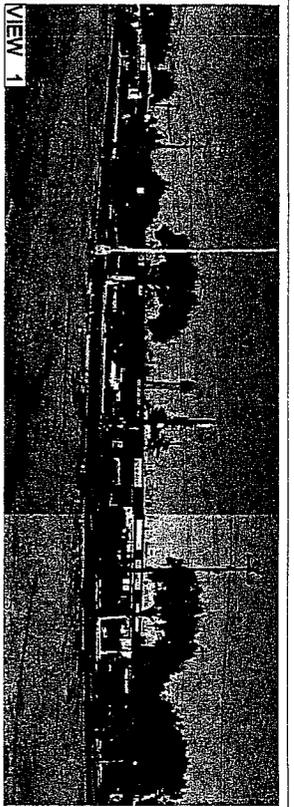
TENANT IMPROVEMENTS

FOOD MART EXPANSION
 4251 International Blvd.
 Oakland, CA 94601

THE CLIENT HAS BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT HAS BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT HAS BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

REVISIONS	DATE
NO. 1	01/11/11
NO. 2	01/11/11
NO. 3	01/11/11
NO. 4	01/11/11
NO. 5	01/11/11
NO. 6	01/11/11
NO. 7	01/11/11
NO. 8	01/11/11
NO. 9	01/11/11
NO. 10	01/11/11

Issue Date: 09-30-11
 Drawn By: DJE
 Project Number: 1040
 Sheet Title: Existing Conditions Photo Sheet
 Sheet Number: A10



DAVID J. ELLIOTT & ASSOCIATES
 Planning
 2004 Park Lane
 Suite 200
 The Brixley Building
 1015 Broadway
 Oakland, CA 94601

TENANT IMPROVEMENTS

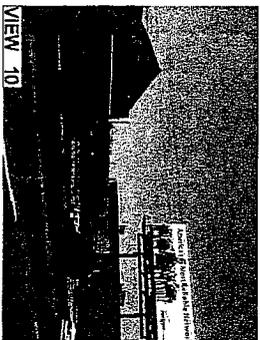
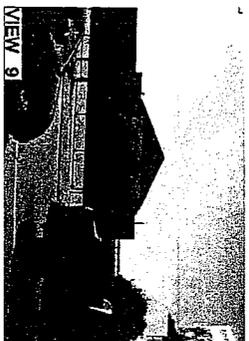
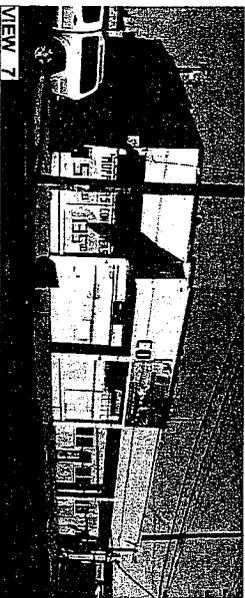
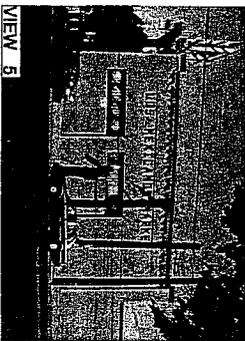
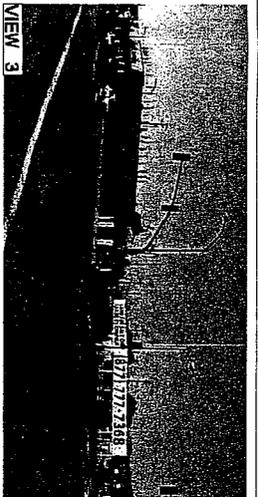
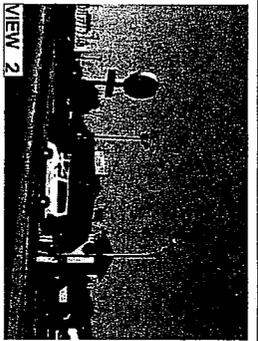
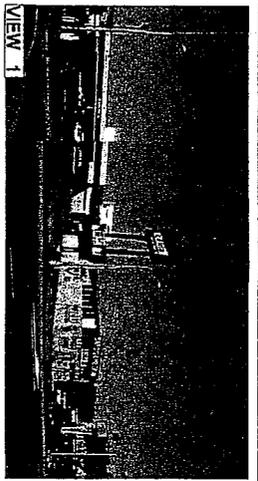
FOOD MART EXPANSION
 4251 International Blvd,
 Oakland, CA 94601

View of 1st floor and 2nd floor of building 11. The building is a large commercial building with multiple stories. The view shows the building's facade and the surrounding area. The building is located at 4251 International Blvd, Oakland, CA 94601.

NO.	Description	DATE
1	EXAMINE CONNECTIONS	02/14/11
2	SITE INVESTIGATIONS	04/14/11
3	SITE & BUILDING REV.	05/20/11
4	SITE & BUILDING REV.	07/11/11
5	LANDSCAPE REV.	07/27/11

Issue Date: 09-30-11
 Drawn by: DUE
 Project Number: 1040
 Sheet Title: Existing Conditions Photo Sheet

Sheet Number: A11



DAVE
DUE
 Architects
 13200 DUBIN LANE
 DUBLIN, CA 94568-1119
 TEL. 415-855-5119
 FAX 415-855-5333
 dave@duearch.com

David J. Elliott
 & Associates

TENANT
 IMPROVEMENTS

FOOD MART
EXPANSION
 4251 International Blvd.
 Oakland, CA 94601

Use of these plans and specifications, in whole or in part, is limited to the project and site shown on these drawings. Any use for other projects, sites, or conditions, without the written consent of the architect, is prohibited. The architect shall not be responsible for any errors or omissions in these drawings, specifications, or conditions, or for any consequences arising therefrom, whether or not such errors or omissions are caused in whole or in part by negligence.

No.	Description	Date
1	PERMITS	10/11/11
2	SITE LAYOUT/CONCRETE	04/20/12
3	SITE & BLDG REV.	02/09/12
4	SITE & BLDG REV.	02/02/12
5	LANDSCAPE REV.	02/02/12

Sheet Title
Existing Conditions
 Photo Sheet

Sheet Number
A12

Issue Date
 09-30-11

Drawn By
 DJE

Project Number
 1040