

Case File Number: PLN14-032**July 2, 2014**

Location:	867 West Grand Avenue (APNs: 003-0029-004-00; 003-0029-005-00; 003-0029-006-00)
Proposal:	To demolish and/or relocate 2 residential buildings, merge and re-subdivide site into six residential parcels and construct 6 new residential buildings
Owner:	Flatlands Development Company LLC
Applicant:	William Mollard, Dwellwell Group (415)409-9267
Case File Number:	PLN14-032
Planning Permits Required:	Tentative Tract Map to merge 3 parcels totaling 5,583 square feet, then re-subdivide into six mini-lots; Minor Conditional Use Permit for mini-lot Development and for Shared Access Facility/Public Access Easement (PAE) facility serving each lot; Regular Design Review for construction of six (6) three-story residential buildings; Minor Variances to waive required group open space and to allow residential activities on the ground level, and to allow ground level parking within 30 feet of the street, in the CC-2 Zone
General Plan:	Community Commercial
Zoning:	CC-2 Community Commercial Zoning District
Environmental Determination:	State CEQA Guidelines: Pursuant to Section 15332, infill development; Section 15315, minor land division; and Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status:	Potential Designated Historic Property (PDHP); Survey Rating: Dc2+ and C2+ to be relocated or demolished
Service Delivery District:	Metro
City Council District:	3
Staff Recommendation:	Approval subject to conditions
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner David Valeska at (510) 238-2075 or by email at dvaleska@oaklandnet.com .

SUMMARY

The proposed project is for a mini-lot development involving demolition of two existing residential buildings, merger and re-subdivision of the site into six (6) mini-lots and construction of six (6) new homes served by a Shared Access Facility. The applicant requests variances to waive required group open space (with only private open spaces provided) and to allow residential activities on the ground level, and to allow parking within 30 feet of the front property line in the CC-2 Community Commercial Zone.

The subject site is a 5,583 square-foot lot (approximately 80 by 70 feet) currently occupied by two dilapidated residential buildings with moderate historic significance proposed for relocation or demolition. The site is located mid-block at 867 Grand Avenue near Curtis Street in West Oakland. The six (6) mini-lots are proposed to range from 722 square feet in the rear row of 4 lots to 977 and

CITY OF OAKLAND PLANNING COMMISSION



0 75 150 300 450 600 Feet



Case File: PLN14032
Applicant: Flatlands Development Company LLC
Address: 867 West Grand Avenue
Zone: CC-2

1029 square feet respectively for two front units. The three-level units would have a per-floor area of approximately 350 square feet each, with open parking in a central courtyard that covers over one-third of the parcel.

The proposed project complies with the applicable criteria for all required planning permits (Tentative Tract Map for a mini-lot subdivision to create six mini lots; Minor Conditional Use Permits for: 1.) Mini-Lot Development, and 2.) Shared Access Facility; Variances for 1.) waiver of group open space, 2.) allowing residential use at the ground floor and 3.) allowing parking located within 30 feet of the street in the CC-2 Zone; and Design Review for new construction of six new single family dwellings). The proposed project is consistent with the Community Commercial General Plan designation as well as the applicable zoning standards for the CC-2 Community Commercial Zone as applied to mini-lot developments.

Staff believes that the project will complement the West Oakland neighborhood and therefore recommend that the Planning Commission confirm the environmental determination and approve the Tentative Tract Map, Conditional Use Permits, Variances and Design Review application for the proposed development subject to the attached Conditions of Approval.

PROJECT DESCRIPTION

The mini-lot development provision of the Oakland Planning Code allows certain properties to be developed so that each unit at the site can be on their own individual lots as long as the entire development site complies with the applicable zoning standards in terms of density, parking, building envelope, etc. The proposed project involves the demolition or relocation of two older residential buildings that currently occupy the approximately 5,583 square-foot mid-block lot and construction of six (6) new townhomes. Concurrent with the construction of the new homes, the site will also be subdivided into six (6) mini-lots ranging from approximately 722 to 1,029 square feet in size so that each of the new homes has its own lot. The mini-lot development will also create a 12 foot wide driveway entry which widens to a 25 foot wide maneuvering aisle, 68 feet wide Private Access Easement at the middle of the site (six space motor court) to provide vehicular access and off-street parking for the entire site. The proposed buildings include two units along West Grand Avenue and four units at the rear in contemporary style, single family dwellings (townhomes) organized along a central motor court. Each of the houses has a share of the motor court for one off-street parking space. Each unit has a private deck and/or backyard enclosed by a combination of railings, fence and landscaping.

PROPERTY DESCRIPTION

The site is located along West Grand Avenue in West Oakland. This compact rectangular lot is located between a corner residential building on the left hand side and a row of older homes on the right hand side. Across West Grand Avenue is a multiple unit housing facility with commercial spaces on the ground floor. Further east and west of the area are commercial and residential properties. West Grand Avenue is a major arterial street connecting the area to the Freeway and the Port of Oakland.

The property currently contains two dilapidated residential structures (one of which is fire-damaged). Owners have been looking for interested parties to move the structures to another lot. If no takers are found by the time construction begins, the buildings will be demolished.

ENVIRONMENTAL DETERMINATION

The project qualifies for exemption from environmental review under Section 15332, in-fill development projects, of CEQA. The site would be also exempt under Section 15315, minor land divisions. The project is further exempt under projects consistent with a community plan, general plan or zoning, under Special Situation, Section 15183 of CEQA (See "Findings" section of this report for details).

GENERAL PLAN ANALYSIS

The subject site is located in the Community Commercial land use classification according to the City of Oakland General Plan Land Use and Transportation Element (LUTE). The desired character and uses in the Community Commercial classification include urban residential development and compatible mixed use development. The proposed development is consistent to the general plan in that it is a six-unit urban residential project located along West Grand Avenue, which is a major arterial street with good access to public transit and public services.

The proposed project is also consistent in all significant respects with the following General Plan objectives and policies:

- Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community. The project provides the Oakland community with 6(six) new dwelling units.
- Policy N3.1, Facilitating Housing Construction: Facilitating the construction of housing units should be considered a high priority for the City of Oakland. The City of Oakland's Planning and Zoning Department has streamlined its systems in order to facilitate the construction of new homes by assisting the developer to navigate the permitting process smoothly and in a timely manner.
- Policy N3.2, Encouraging Infill Development: In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City Oakland. The project is proposed for a site located in a built-up part of West Oakland. After moving or dismantling the existing structures the new development will be an infill development for the vacant site.
- Policy N6.2, Increased Home Ownership: Housing developments that increase home ownership opportunities for households of all incomes are desirable. The project will provide home ownership opportunities for 6(six) new households. The mini-lot approach will make the units more affordable due to the smaller lot sizes.

- Policy N7.6, Developing Subdivided Parcels: *Development on subdivided parcels should be allowed where site and building design minimize environmental impacts, building intensity and activity can be accommodated by available and planned infrastructure, and site and building designs are compatible with neighborhood character.* The current proposal is to subdivide the site into six (6) mini parcels in order to enable separate ownership; based on the initial review by the relevant agencies, the development can be adequately served by existing infrastructure. The new homes will be a hybrid that will complement both the homes in the surrounding neighborhood.

ZONING ANALYSIS

The project site is located in the CC-2 Community Commercial zone. The intent of the CC-2 zone is to create, maintain, and enhance areas of the City that are appropriate neighborhood businesses on the City's major corridors (and related housing). The following are the zoning standards that apply:

Maximum Residential Density

The CC-2 zone allows one unit for every 275 square feet of site area. The subject 5583 square foot site would therefore permit up to 20 units. The proposed 6 units are well below the maximum possible units and therefore the project complies with the maximum density requirement.

Building Envelope

The mini-lot concept allows the setbacks to be applied to the entire site regardless of the location of internal lot lines.

Mini-Lot Development

Pursuant to the zone and the mini-lot development standards and the Conditional Use Permit findings the site maintains the applicable 10-foot rear setback to the entire site. Each of the six (6) mini-lots is proposed to have adequate sizes. Although two of the proposed mini-lots do not have frontage on a public street, the proposed Shared Access Facility allows vehicular access to and from those lots. The site is located in the height area 75 feet in height limit of 75 feet. The proposed 33-foot heights are consistent with the immediate context and comply with the height limit.

KEY ISSUES AND IMPACTS

Overall, the site plan and buildings design for the proposed project is successful and provide a hybrid between the abutting medium density residential buildings in the neighborhood and the direction of the General Plan. The development is appropriate for the site and complements the other detached and semi-detached residential structures on this particular block of West Grand and the neighborhood. The key issues and impacts are discussed below:

Potential Historic Buildings

The two Victorian-era residential buildings on the parcel are proposed for relocation or, failing that, demolition. The buildings are rated Dc2+ and C2+ respectively on the historic buildings survey, moderately historical but not landmarks. A rating of Dc2+ generally means that a physical restoration or upgrade is needed to qualify for the higher rating (C), otherwise the lower rating (D) remains.

The required findings for demolition of a PDHP under Historic Preservation Policy 3.5 (see findings below) have been made for this project. In addition, the applicant would be required to make good faith efforts to relocate the building (condition of approval #60) as required under Historic Preservation Policy 3.7.

Policy 3.5 of the Historic Preservation Element of the General Plan states that:

For any project involving complete demolition of Heritage Properties or Potentially Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

The proposed development has been carefully designed to exhibit desirable architectural characteristics consistent with the historic design elements found in the neighborhood while providing for increased housing opportunities within this desirable residential neighborhood. Therefore, finding No. 1 and 3 can be made with respect to demolition of the two structures as outlined below.

Historic Preservation and discretionary permit approvals**Policy 3.5:**

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that:

1. *The design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood;*

The proposed new homes are designed to have a unified-theme modernist minimalist style to replace the two Victorian buildings, which will blend in with the newer designs in the West Oakland neighborhood, without visually competing with remaining Victorians in the area. The three-story structures apply quality exterior materials and treatments such as siding, metal, and glass panels. The design incorporates elements and detailing such as contrasting patinas on walls, minimal automobile orientation for the streetscape etc. to achieve a series of well-composed building volumes that are proportionally scaled to each mini-lot. Staff has made this finding in the "Regular Design Review Criteria 17.136.050.D(2)" section of this report.

3. *The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.*

The original buildings have been remodeled, damaged and neglected over the years resulting in the degradation of the historic architectural significance these buildings once had. The resultant condition of the buildings is not offset by any special architectural interest or historic significance worth preserving.

Property relocation rather than demolition as part of discretionary projects

Policy 3.7:

As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate that property to an acceptable site.

A statement submitted by the applicants indicate that they have explored possible relocation of the building in accordance with Policy 3.7 of the Historic Preservation Element, however due to the large sizes and fragile conditions of the two buildings, the need for structural reinforcement prior to moving, and the limitations presented by the street width and street trees, it is virtually impossible to move each in one piece. The applicants considered an option to dismantle the structure and re-use as much of the salvaged materials in the new buildings as possible. However, the composite new/old building would be more expensive and less practical in today's market than an all-new design. As part of a condition of approval for all discretionary projects involving demolition of existing Potential Designated Historic Properties, the City will require that reasonable efforts be made to relocate the existing buildings to an acceptable site (See Condition of Approval) prior to any dismantling or demolition, and to present a report/evaluation by an historic expert for future information to the public. This has been attempted and documented, thus far without any takers.

Density

The CC-2 Zone permits the proposed six (6) units which are below the maximum 20 units allowed by the zone. Staff finds this lower density and townhouse-style development appropriate for this particular site because it is a hybrid that combines positive attributes of both high and low density residential developments. It is a good example of efficient use of space and constitutes the type of dynamic development concept needed to attract new investment to the area and usher in the urban residential development concept envisioned by the general plan and zoning for the West Grand Avenue corridor. It will be a catalyst for similar development and foster an atmosphere of vitality in the area.

Design

The proposed buildings are designed to have a Contemporary style with traditional hints to blend in with the other traditional designs in the neighborhood. The three story structures apply high quality exterior materials and treatments such siding, glass and steel. The designs incorporate various architectural elements and detailing to achieve a group of well-composed building volumes that are proportionally scaled to fit each mini-lot. Together, the buildings form an enclave of residential

structures with private quarters organized around a central motor-court that could also serve as a community space.

Allowable Uses

The project is a six-unit residential project located in the CC-2 zone, which encourages residential uses with ground floor neighborhood commercial uses. A Variance is needed to allow the first level of this project to be residentially oriented, although the front two units are designed to encourage commercial/home occupation spaces suitable for designers, artisans and small merchants of custom items. The units fronting on West Grand Avenue have been designed to have flexible ground floor spaces that could be easily transformed into separate commercial quarters for uses that are allowed within the CC-2 zone. Staff would like to clarify that all the units are residential units and do not constitute official live-work spaces.

Private Access Easement (PAE)/Shared Access Facility

The proposed Private Access Easement (also referred to as a Shared Access Facility) provides vehicular access to all six lots and enables two of the six lots to be created without frontage on a public street. This is an efficient way of minimizing the number of driveway openings at the subject site. The PAE also serves as a common space for utility lines and other shared facilities.

Accessibility to Transportation Routes, Shopping and Community Centers

The subject site is located on West Grand Avenue, a major arterial street with public transit services provided by AC Transit. There are several civic and commercial establishments in the vicinity to serve residents.

Parking

The project would provide six parking spaces, one per unit as required in the CC-2 zoning district. The planned spaces meet the dimensions, backout area and other standards of the Zoning Code. Parking within 30 feet of the front property line requires a variance in the CC-2 zone. Staff supports this variance because the parking spaces are located behind the front units and are not visible.

Group Open Space

Although the site has an auto-court with 25 by 68 square foot open area, the project does not provide the minimum group open space, which requires a variance to waive this requirement on the grounds that all the required open space is provided by means of private yards and decks. Neighborhood parks are available in the vicinity, such as Raimondi Park ballfields.

The CC-2 zone requires 150 square feet of open space per unit and therefore a total of 900 square feet of open space is required for 6 units. The project provides 1,344 square feet of open space and therefore meets the total requirement. However, a minimum of 225 square feet (15 by 15 feet) needs to be group open space and staff supports a variance to waive the group open space requirement (see Findings).

CONCLUSION:

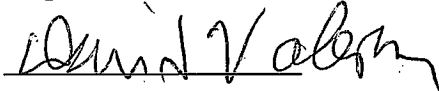
The proposed mini-lot development complies with the applicable zoning standards for the CC-2 Zone as provided for in the mini-lot development standards. The project will provide additional housing for the community and home ownership opportunities for Oakland residents.

RECOMMENDATIONS:

Based on the analysis contained in this report, the conditions of approval attached to this report, and elsewhere within the administrative record, staff believes that the proposed project is an appropriate development for an urban infill project that will further the overall objectives of the General Plan, particularly related to new housing development. Thus, staff recommends that the Commission:

1. Confirm the CEQA exemption under Sections 15183, 15315 and 15332; and
2. Approve the Tentative Tract Map, Conditional Use Permits, Variances and Design Review subject to the attached findings and conditions of approval.

Prepared by:




David Valeska, Planner II

Forwarded:



SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Bureau of Planning

- ATTACHMENTS:**
- A. Tentative Tract Map and Project Plans
 - B. Findings
 - C. Conditions of Approval

FINDINGS FOR APPROVAL:

This proposal meets the required findings and standards under Section 16.04.010, *Purpose*, Section 16.24.040, *Lot Design Standards*, and Section 16.08.030 *Tentative Maps*, of the Oakland Subdivision Regulations, and Section 17.134.050, *General Use Permit* criteria, Section 17.102.320, *Conditional Use Permit for waiver of certain requirements in mini-lot developments*, Section 17.102.090, *Conditional Use Permit for Shared Access Facilities*, and Section 17.136.050, *Regular Design Review* criteria of the Oakland Planning Code as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type.

Section 16.04.010, Purpose:

“...ensure that the development of subdivisions is consistent with the goals and policies of the Oakland General Plan.”

The subject site is located in the Community Commercial land use classification according to the City of Oakland General Plan Land Use and Transportation Element (LUTE). The desired character and uses in the Community Commercial classification include urban residential development and compatible mixed use development. The proposed development is consistent to the general plan in that it is a six-unit urban residential project located along West Grand Avenue, which is a major arterial street with good access to public transit and public services.

The proposed project is also consistent in all significant respects with the following General Plan objectives and policies:

- **Objective N3:** *Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community.* The project provides the Oakland community with 6 (six) new dwelling units.
- **Policy N3.1, Facilitating Housing Construction:** *Facilitating the construction of housing units should be considered a high priority for the City of Oakland.* The City of Oakland's Planning and Zoning Department has streamlined its systems in order to facilitate the construction of new homes by assisting the developer to navigate the permitting process smoothly and in a timely manner.
- **Policy N3.2, Encouraging Infill Development:** *In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City Oakland.* The project is proposed for a site located in a built-up part of West Oakland. After moving or dismantling the existing structures the new development will be an infill development for the vacant site.
- **Policy N6.2, Increased Home Ownership:** *Housing developments that increase home ownership opportunities for households of all incomes are desirable.* The project will provide home ownership opportunities for 6 (six) new households. The mini-lot approach will make the units more affordable due to the smaller lot sizes.

- *Policy N7.6. Developing Subdivided Parcels: Development on subdivided parcels should be allowed where site and building design minimize environmental impacts, building intensity and activity can be accommodated by available and planned infrastructure, and site and building designs are compatible with neighborhood character.* The current proposal is to subdivide the site into six (6) mini parcels in order to enable separate ownership; based on the initial review by the relevant agencies, the development can be adequately served by existing infrastructure. The new homes will be a hybrid that will complement both the homes in the surrounding neighborhood.

The proposed six-unit residential development located on West Grand Avenue, a major arterial street with access to public transit and services is consistent with the intended character, land uses, and densities of the General Plan.

Section 16.24.040 Lot design standards.

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

- A. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:**
- 1. Lots created in conjunction with approved private access easements; or**
 - 2. A single lot with frontage on a public street by means of a vehicular access corridor provided that in all cases the corridor shall have a minimum width of twenty (20) feet and shall not exceed three hundred (300) feet in length. Provided further, the corridor shall be a portion of the lot it serves, except that its area (square footage) shall not be included in computing the minimum lot area requirements of the zoning district.**

Of the proposed six mini-lots, four have frontage on public streets (West Grand Avenue). The four lots that do not have frontage on a public street are being created in conjunction with the proposed Private Access Easement, which provides vehicular access to all 6 lots.

- B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.**
~~All six proposed lots have side lot lines that run at right angles to the streets and easements upon which they front.~~

- C. All applicable requirements of the zoning regulations shall be met.**
The subject site complies with the zone setbacks in its entirety except where approved by the mini-lot standards waive certain zoning requirements such as minimum lot size, width, and setbacks for the new individual mini lots, and by variances herein.

- D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:**
- 1. Where the area is still considered acreage;**

2. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development.

The mini-lot standards waive certain zoning requirements such as minimum lot size and prevalent size and width requirements for the new individual mini lots (See findings below).

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

There are no natural out-croppings of rock, specimen trees or group of trees, creeks, etc. that need preservation at the subject site or other known amenities that has not been addressed in this report.

Section 16.08.030 Tentative Map (Pursuant also to California Government Code §66474 (Chapter 4, Subdivision Map Act))

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

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

The subject site is located in the Community Commercial land use classification in which mixed use buildings that house ground floor commercial uses and public facilities of compatible character are also encouraged. The proposed six (6) units are below the maximum residential density of 20 units allowed by the Community Commercial land use classification. Hence, the proposed project is consistent with the intended character, land uses, and densities of the General Plan.

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

See "A" above. There is no specific plan that governs this area.

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

There are no known physical constraints that make the site unsuitable for the proposed type of development.

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

The proposed six (6) units is below the maximum residential density of 20 units allowed by both the Community Commercial land use classification and the Community Commercial Zone.

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

The subject site is located in an urbanized area with existing structures that will be replaced with the proposed development. There are no known fish or wildlife habitat at the site.

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

The attached standard conditions of approval are to ensure that best management practices are followed during dismantling and construction of buildings. No serious public health problems are anticipated from the proposed subdivision.

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

N/A

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

Energy efficient techniques such as south facing fenestration has been incorporated into the site planning and home designs to take advantage of natural solar heating and cooling opportunities.

Section 17.134.050 General Use Permit criteria.

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

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;**
The two Conditional Use Permits required for the proposed project are: 1.) to allow a mini-lot development and 2.) for a Shared Access Facility to provide vehicular access to the proposed homes. The mini-lot development allows the site to be improved as six (6) separate lots. The townhome-style units have been designed to provide a convenient living environment that allows private ownership as well as community benefits. The development will not adversely affect the availability of civic facilities and utilities. The Shared Access Facility will provide vehicular access to all six homes while eliminating the need for private driveways.

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

The proposed development has a well-designed site plan that allows the site to be developed within the prescribed density and at the same time allows each building to have its own lot. It allows a shared driveway to minimize the need for multiple driveways, provides private quarters for each unit while at the same time promoting community living with homes that front on the private access easement to achieve a courtyard effect. The Private access easement will be required to incorporate attractive paving and landscape strips to enhance the shared space and contribute to the visual appeal of the proposed development.

- 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 surrounding area of the subject site is characterized by a mixture of single family and medium density residences. The proposed six units will be in keeping with the residential character of the community and provide additional housing for the City at large. The subject site is located on West Grand Avenue, a major arterial street with public transit services provided by AC Transit. There are several small commercial establishments on West Grand Avenue that could potentially benefit from the new residents.

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

The project conforms to the regular design review criteria at Section 17.136.050. See findings below.

- E. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:**

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

N/A

2. At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of

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immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

N/A

F. 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 subject site is located in the Community Commercial land use classification according to the City of Oakland General Plan Land Use and Transportation Element (LUTE). The desired character and uses in the Community Commercial classification include urban residential development and compatible mixed use development. The proposed development is consistent to the general plan in that it is a six-unit urban residential project located along West Grand Avenue, which is a major arterial street with good access to public transit and public services.

The proposed project is also consistent in all significant respects with the following General Plan objectives and policies:

- Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community. The project provides the Oakland community with 6(six) new dwelling units.
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- Policy N6.2, Increased Home Ownership: Housing developments that increase home ownership opportunities for households of all incomes are desirable. The project will provide home ownership opportunities for 6(six) new households. The mini-lot approach will make the units more affordable due to the smaller lot sizes.
- Policy N7.6, Developing Subdivided Parcels: Development on subdivided parcels should be allowed where site and building design minimize environmental impacts, building intensity and activity can be accommodated by available and planned infrastructure, and site and building designs are compatible with neighborhood character. The current proposal is to subdivide the site into six (6) mini parcels in order to enable separate ownership; based on the initial review by the relevant agencies, the development can be adequately served by existing infrastructure. The new homes will be a hybrid that will complement both the homes in the surrounding neighborhood.

The proposed six-unit residential development located on West Grand Avenue, a major arterial street with access to public transit and services is consistent with the intended character, land uses, and densities of the General Plan.

Section 17.102.320 Conditional Use Permit for waiver of certain requirements in Mini-lot Developments

A. Basic Provisions. Subject to the provisions of subsections B and C of this section, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a mini-lot development, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

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

The proposed mini-lot development also involves a private access easement that will be improved as a Shared Access Facility for vehicular ingress and egress and also serve as a utilities easement. A condition of approval has been added to this approval to require a maintenance agreement that ensures that adequate maintenance for all common areas is in place.

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

The proposed development complies with the density, setbacks, height limits, useable open space, off-street parking, and all other requirements that would apply if the site were developed as a single lot, except as permitted by CUP and Variance.

B. Zones in Which Requirements May Be Waived. A conditional use permit pursuant to subsection A of this section may be granted only in the S-1 or S-2 zone or in any residential or commercial zone other than RH zones or the RD-1 zone.

The subject site is zoned Community Commercial Zone and therefore complies with above criterion.

C. Maximum Size for Which Requirements May Be Waived. A conditional use permit pursuant to subsection A of this section may be granted only if the total land area of the mini-lot development is less than sixty thousand (60,000) square feet.

The subject site is small and complies with the above criterion.

Section 17.102.090 Conditional Use Permit for Shared Access Facilities

A. Use Permit Required. A shared access facility shall be allowed only upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. The proposed application involves a Minor Conditional Use Permit pursuant to Section 17.134. See findings above.

B. Use Permit Criteria. A conditional use permit under this section may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. Compliance with Guidelines. Each shared access facility proposal shall be in compliance with the City Planning Commission guidelines for development and evaluation of shared access facilities.

The proposed shared access facility has adequate width for maneuverability for both emergency and non-emergency vehicles and is therefore consistent with the guidelines for development and evaluation of shared access facilities.

2. Public Safety. The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to city standards for roadway layout and design.

The width of the proposed shared access facility has 12 feet entry with 25 foot maneuvering aisle and 68 foot wide parking court. The Oakland Fire and Building Department reviewed the dimensions and the shallow distance from the street to the deepest part of the parking court, for firehose and other access and found that the width provides adequate emergency and nonemergency ingress and egress. The relatively short length of the shared access facility also provides easy access to all units served. The proposed shared access facility conforms to city standards for private access easements.

3. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; ~~necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.~~

The proposed shared access facility is located at a relatively flat site and will not involve any retaining walls. The surface of the facility would be required to be finished with suitable paving for visual appeal as well as an environmentally superior alternative that will minimize stormwater runoff. Landscape strips shall be provided at appropriate areas to soften the edges of the easement.

4. On-Going Owner Responsibility. Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage.

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Documentation of insurance coverage shall include the written undertaking of each insurer to give the city thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.

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

5. Certification. Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.

Staff has added a condition of approval to this report for the project to meet this criterion

SECTION 17.148.050(a)—MINOR VARIANCE FINDINGS:

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

The applicant's proposal is an effective design solution improving livability, operational efficiency and community benefit of the structures, and therefore qualifies for relaxation of the following requirements:

Group Open Space. The project provides more than the required total open space for the six units in the form of private yards and decks. Although the project does not have the minimum 225 square feet (15 feet by 15 feet) group open space, there are adequate open areas at the center of the site (within the motor court) that provide some common open space for the development.

Restriction of Residential Space on Ground Floor: Allowing residential buildings on the ground floor in the CC-2 Zone is appropriate because of the neighborhood context and the constrained site. However, the spaces have been designed to accommodate other uses or to enable easy future conversion to nonresidential spaces. Future home occupation small business uses may occupy these front two buildings. The rear four units do not have the same open floor plan on the ground level as the street facing units. The code requirement to keep ground floor areas for commercial activity is intended to maintain a continuous commercial corridor on the City's major streets. This particular stretch of West Grand Avenue is residential and therefore strict compliance with the

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residential restriction on the ground floor would preclude an effective design that can be adapted for residential and also in the future for non-residential use.

Restriction of Parking within 30 feet of the front property line: The intent of the 30 foot minimum setback for parking is to make room for occupied space along the street. In this case not only does this permit relax ground floor commercial requirements, but also the proposed parking will be behind the street fronting units. Furthermore, allowing ground floor parking behind the front row of buildings enables the developer to sell the housing at reasonable prices, whereas requiring structured or underground parking would be impractical and prohibitively expensive on such a small constrained site.

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

Since this site is small and located within a context of residential developments, strict compliance with the regulation would preclude an effective design solution. Variances are justified.

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

The subject variance approvals in this location would not be detrimental to or adversely affect neighbors, due to the neighborhood context of residential buildings. The site is small with a limited lot depth. Each of the six units will have a dedicated private open space as well as have use of the common central motor court. The ground floor residential use is consistent with that block of West Grand Avenue. The parking within 30 feet of the front is only partial and still allows occupied space along the street.

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

Other projects with similar constraints have been granted variances in the past. These variances therefore do not constitute a grant of special privilege inconsistent with the limitations on other sites.

5. That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.050.

As demonstrated by design review findings contained herewith, the proposal conforms with design review criteria and is the optimal design review solution. The design has been sensitive to the site.

6. That the proposal conforms in all significant requests with the Oakland General Plan and

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with any other applicable guidelines or criteria, district plan or development control map which may have been adopted by the Planning Commission or City Council.

The proposal is located in a General Plan designation which, as discussed in Design Review findings, is compatible with the proposed project. There are no district plans, guidelines, criteria or maps with which creation of 6 residential units at this location is inconsistent.

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

a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by additional height.

N/A

b. Over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built conditions on these lots, and for height variances, the proposal provides detailing, articulation and other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project plus the ten closest lots on the opposite side of the street (see Illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

N/A

Section 17.136.050 Regular Design Review criteria

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

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

The proposed development has a Contemporary design with elements typical of the mixture of traditional designs in the neighborhood. The three story structures apply similar exterior materials and treatments such as decorative panel siding, windows and steel. The design incorporates various architectural elements and detailing to achieve a series of well-composed building volumes that are proportionally scaled to each mini-lot. Together, the buildings form an enclave of townhouse structures with private yards organized around a central motor court that also serves as a community space.

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

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The proposed development will preserve the urban residential character of the neighborhood. The proposed Contemporary design will also be compatible with the other traditional buildings in the neighborhood. The new residents will serve as potential new patrons to the local businesses located on West Grand Avenue.

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

The subject site is a relatively flat lot located in an urbanized area and will involve minimum grading.

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

The subject lot is not situated on a hill.

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

The proposed project is a residential development that is consistent in all significant regards with the Community Commercial General Plan designation.

CEQA Findings:

ENVIRONMENTAL DETERMINATION

The project has been found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) under Section 15332 of the CEQA Guidelines (Class 32, "In-fill Development Projects") because the project consists of in-fill development within an urbanized area where there is no potential for the project to cause any significant environmental impacts. A parcel map of this type is exempt under Section 15305. On a separate and independent basis, the project is also exempt under CEQA Guidelines Section 15183, projects consistent with a community plan, general plan or zoning. Below are the findings required for projects found exempt under Section 15332 and the reasons the proposed project meets these findings:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

Finding: The project is consistent with the general plan designation, all applicable general plan policies, and the applicable zoning regulations as described under the "General Plan Analysis" and "Zoning Analysis" sections as well as the above findings for Section 16.04.010 of this report.

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

Finding: The project is located within the city limits of the city of Oakland in an urbanized area along an arterial street. The site is 5,583 square feet in size.

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

Finding: The project is located within a substantially urbanized area on a site containing a commercial building. The site has no value as habitat for endangered, rare, or threatened species.

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

Finding: The project involves only six new residential units is not anticipated to result in any significant effects relating to traffic, noise, air quality, or water quality for the following reasons:

The project would involve both construction noise and post-construction noise consistent with the typical noise associated with developments of this type in an urban location. Standard conditions of approval and uniformly applied development associated with construction noise and the City's Noise Ordinance would reduce noise impacts to less than significant levels.

Considering the projected less-than-significant traffic impacts associated with the building and the availability of nearby transit which would further reduce potential traffic associated with the project, the impacts to air quality from the pollution generated by vehicles would be less than significant. Implementation of Standard Conditions of Approval involving Dust Control and Construction Emissions, would further reduce air quality impacts to less than significant levels.

Implementation of the City's standard conditions of approval, which includes, but is not limited to, specific site design measures for post-construction stormwater pollution management, would reduce impacts to water quality to less than significant levels.

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

Finding: The project site is conveniently accessible to all required utilities (e.g., water, power, sanitary sewer facilities, and storm drain facilities) and all required public services (e.g., police and fire services).

As a separate and independent basis, the project also satisfies CEQA Guidelines Section 15183 as the project is consistent with the general plan and zoning. Specifically, as a separate and independent basis from the other CEQA findings, pursuant to CEQA section 21083.3 and Guidelines section 15183, staff recommends that the Planning Commission find: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998; (b) feasible mitigation measures identified in the LUTE EIR were adopted and have been, or will be, undertaken; (c) the EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, staff recommends that the City Planning Commission find and determine that the Standard Conditions of Approval substantially reduce environmental impacts;

and (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts.

Findings for Historic Preservation and discretionary permit approvals**Policy 3.5:**

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that:

2. *The design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood;*

The proposed new homes are designed to have a unified-theme modernist minimalist style to replace the two Victorian buildings, which will blend in with the newer designs in the West Oakland neighborhood, without visually competing with remaining Victorians in the area. The two-story structures apply quality exterior materials and treatments such as siding, metal, and glass panels. The design incorporates elements and detailing such as contrasting patinas on walls, minimal automobile orientation for the streetscape etc. to achieve a series of well-composed building volumes that are proportionally scaled to each mini-lot. Staff has made this finding in the "Regular Design Review Criteria 17.136.050.D(2)" section of this report.

4. *The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.*

The original buildings have been remodeled, damaged and neglected over the years resulting in the degradation of the historic architectural significance these buildings once had. The resultant condition of the buildings is not offset by any special architectural interest or historic significance worth preserving.

Property relocation rather than demolition as part of discretionary projects**Policy 3.7:**

As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate that property to an acceptable site.

A statement submitted by the applicants indicate that they have explored possible relocation of the building in accordance with Policy 3.7 of the Historic Preservation Element, however due to the large sizes and fragile conditions of the two buildings, the need for structural reinforcement prior to moving, and the limitations presented by the street width and street trees, it is virtually impossible to move each in one piece. The applicants considered an option to dismantle the structure and re-use as much of the salvaged materials in the new buildings as possible. However, the composite new/old building would be more expensive and less practical in today's market than an all-new design. As

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part of a condition of approval for all discretionary projects involving demolition of existing Potential Designated Historic Properties, the City will require that reasonable efforts be made to relocate the existing buildings to an acceptable site (See Condition of Approval) prior to any dismantling or demolition, and to present a report/evaluation by an historic expert for information to the public.

CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, and/or staff report, and the revised plans dated **March and June, 2014** and submitted in **June, 2014**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes:

- I. Tentative Map for a mini-lot subdivision to create six (6) mini-lots;
- II. Minor Conditional Use Permits for 1.) Mini-lot Development and 2.) Shared Access Facility;
- III. Design Review for new construction of six new single family dwellings;
- IV. Variances to waive group for open space and allow and for ground floor residential in the CC-2 Zone and allow parking within 30 feet of the front property line.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.

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

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

Ongoing

a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.

b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.

c) Violation of any term, **Conditions** or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **Conditions** if it is found that there is violation of any of the **Conditions** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

Ongoing

a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

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

edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

14. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

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

15. Landscape Maintenance.

Ongoing

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

16. 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.

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

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

a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.

b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.

c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.

d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

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

Approved prior to the issuance of a grading or building permit

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

- a) Install streetlights **along the Shared Access Facility**.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- d) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- e) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

19. Payment for Public Improvements

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

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

20. Compliance Matrix

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

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

21. Construction Management Plan

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

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

22. 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.
- 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 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.

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 and Certificate of Occupancy***

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

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

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 Traffic and Parking***Prior to the issuance of a demolition, grading or building permit***

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

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

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.

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. Pile Driving and Other Extreme Noise Generators***Ongoing throughout demolition, grading, and/or construction***

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;

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

33. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

34. Asbestos Removal in Structures

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

35. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice

to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

36. Tree Removal Permit

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

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

37. Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit

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

a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.

b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.

c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.

d) Minimum planting areas must be available on site as follows:

i. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;

ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.

e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

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

to become established within one year of planting shall be replanted at the project applicant's expense.

38. Tree Protection During Construction

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

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

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

39. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

a) Pursuant to CEQA Guidelines section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.

c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

40. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all

excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

41. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

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

42. Erosion and Sedimentation Control Plan

Prior to any grading activities

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

Ongoing throughout grading and construction activities

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

43. Soils Report

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

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

A. Logs of borings and/or profiles of test pits and trenches:

- a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to
- b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
- c) All boring logs shall be included in the soils report.

B. Test pits and trenches

- a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
- b) Soils profiles of all test pits and trenches shall be included in the soils report.

C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.

D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.

E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:

- a) Site description;
- b) Local and site geology;
- c) Review of previous field and laboratory investigations for the site;
- d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;
- e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;
- f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;
- g) Conclusions and recommendations for temporary and permanent erosion control and drainage.

If not provided in a separate report they shall be appended to the required soils report;

- h) All other items which a Soils Engineer deems necessary;
- i) The signature and registration number of the Civil Engineer preparing the report.

F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.

44. Geotechnical Report

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

a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically:

i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.

ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).

iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.

iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.

v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project's design phase, shall be incorporated in the project.

vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.

vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.

b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.

45. 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.

46. 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.

47. 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.

48. 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.

49. Site Design Measures for Post-Construction Stormwater Management

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

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

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

Ongoing

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

50. Source Control Measures to Limit Stormwater Pollution

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

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

Ongoing

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

51. Stormwater and Sewer

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

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

PROJECT SPECIFIC CONDITIONS

52. Maintenance Agreement and On-Going Owner Responsibility

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

Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the city thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.

53. Certification***Prior to construction of shared access facility***

Prior to construction, applicants for the proposed shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.

54. Decorative and Permeable pavers***Prior to application for building permits***

The applicant shall incorporate decorative and permeable paver into the design of the shared access facility and revised plans showing details of the proposed materials and finishes shall be submitted to the Planning Department for review and approval.

55. Walls, fences, and other site amenities***Prior to application for building permits***

The applicant shall submit a revised set of plans showing an integrated wall, fence, and landscaping design that enhances the public view of the subject site while at the same time providing privacy and safety for future residents.

56. Parking Areas***Ongoing***

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

57. Submittal of Final Map and Final Map Requirements***Within two years of the effective date of approval.***

The applicant shall submit within 2 years of the approval of this permit, a Final Map to the Oakland Building Services Division. The Final Map submittal shall include: all easements for rights-of-way provided for public services or utilities; all property which is offered for dedication for public use; and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision, in a form acceptable to the City Engineer and acceptance language by the City Engineer, along with all other supplementary maps or plans required as conditions of Tentative Map approval. The applicant shall record the Final Map and a written legal description of the parcels as part of the deed with the Alameda County Recorder's Office. The applicant shall provide a proof of such recordation to the Building Services Division prior to issuance of any Building Permits. Failure to file a Final Map within these time limits shall nullify the previous approval or conditional approval of the Tentative Map.

58. Final Map

Prior to recording Final Map

- A. Provide identification numbers for City of Oakland monuments.
- B. Show location of existing and proposed drainage, sanitary sewer, water supply, and other utility facilities for each lot. Provide separate utility services and meters for each lot.
- C. Clarify the location of parking on lots. A Driveway Appeal shall be obtained for the driveways shown; this permit is discretionary.
- D. Show location, purpose and width of all existing and proposed easements.
- E. The fences shown within the right-of-way on-street may require a Major or Minor Encroachment Permit. Provide documentation including pictures, sizes, dimensions and any other applicable information so a determination can be made as to whether a Permit is required.
- F. Note that the property lies within a seismic hazard zone with earthquake-induced liquefaction potential. A statement acknowledging the above shall be placed on the parcel map. Add a statement to the Map that says "This property lies within the following hazardous area: A SEISMIC HAZARD ZONE—Liquefaction Zone pursuant to Section 2696 of the Public Resources Code. These hazards may limit your ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. The maps on which these disclosures are based estimate where natural hazards exist. They are not definitive indicators of whether or not a property will be affected by a natural disaster. Transferee(s) and transferor(s) may wish to obtain professional advice regarding seismic hazards and other hazards that may affect the property.
- G. Improvements within the public right-of-way may be required for this project. Provide documentation including photographic showing the condition of the sidewalk, curb, gutter and street pavement so a determination can be made if any improvements are required.
- H. The following requirements shall be met by the applicant:
 - 1. Separate permit series required for each structure
 - 2. Obtain CGS permit for new driveway, curb cut or sidewalk work
 - 3. Show & provide Easement for new Shared Common Driveway
 - 4. Obtain new sewer lateral permit
 - 5. Obtain Excavation permit for sewer lateral work outside property lines
 - 6. Obtain Encroachment permit for all other work outside property lines
 - 7. Provide Stormwater management for drainage per City requirements
 - 8. Obtain separate Building permits for any fences & gates
 - 9. Provide 1 hour Fire Resistive construction for exterior walls less than 5 ft. from property line

59. Homeowner Association and Covenants, Conditions and Restrictions

Prior to certificate of occupancy.

The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a

non-profit homeowners association for the maintenance and operation of all on-site sidewalks, pathways, common open space and all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold.

60. Efforts to Relocate Historic Buildings

Prior to Issuance of Building Permits

The applicant shall present to for Zoning Manager review and approval documented evidence of efforts made to relocate the two buildings on the subject property to properly zoned sites in Oakland or other areas. The evidence shall include the letter form of contact used, the names and addresses of persons contacted about relocation and the replies of such persons to the applicants. The evidence shall contain documentation of any due diligence efforts to assist such relocation, such as offers to share the cost of the actual moving of buildings, if applicable. If the Zoning Manager finds that such due diligence exhausted reasonable opportunities to comply with Category III Historic Properties findings, the Zoning Manager may authorize filing of demolition permit applications with the City. If demolition is authorized, the Zoning Manager shall require a written and photographic record of the two buildings which will be reviewed and archived.

61. Compliance with the Green Point Rating Implementation, OMC Chapter 18.2

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

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

- a) The following information shall be submitted to the Building Services Division for review and approval with the application for a building permit:
 - i. Documentation showing compliance with Title 24 of the 2008 California Building Energy Standards.
 - ii. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - iii. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - iv. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below.
 - v. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - vi. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - vii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- (b) The set of plans in subsection (a) shall demonstrate compliance with the following:

- i. CALGreen mandatory measures.
- ii. All pre-requisites per GreenPoint Rated checklist approved during the review of the Planning and Zoning permits, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.
- iii. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plancheck application is submitted and approved by the Planning and Zoning Division that shows the previously approved points that will be eliminated or substituted. The project shall meet a minimum of 33 points, for non-residential LEED Silver rating.
- iv. The required green building point minimums in appropriate credit categories.

During construction.

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

- (a) The following information shall be submitted to the Building Inspections Division of the Building Services Division for review and approval:
 - i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
 - ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
 - iii. Point total shall be at least 33 points (LEED Silver) including the mandatory categories shown on the rating forms.
 - iv. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

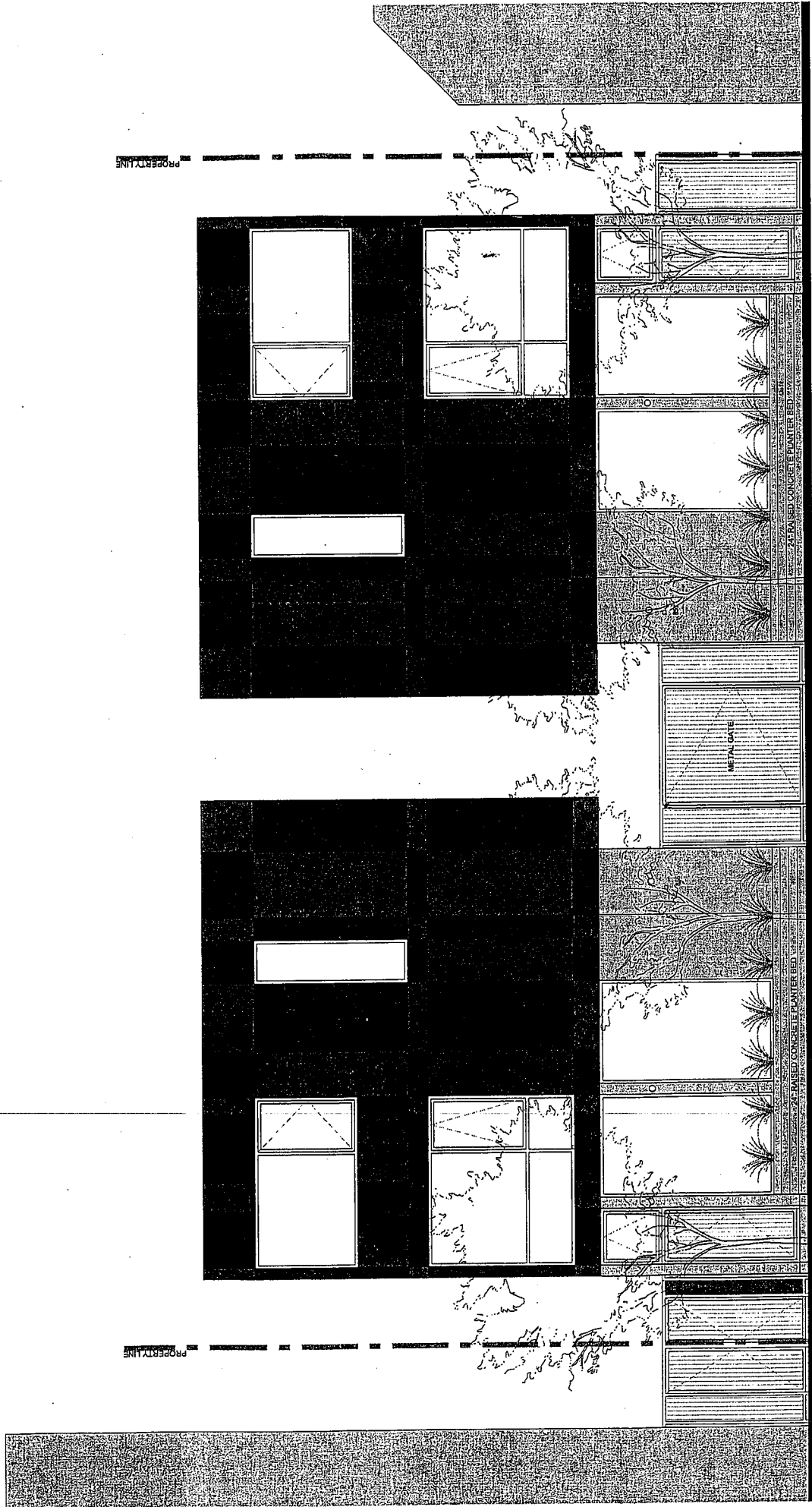
After construction, as specified below.

Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to Green Building Certification Institute and attain the minimum certification/point level identified in subsection a above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Planning and Zoning Division the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

62. Units Fronting Grand Avenue

Ongoing

The two units fronting on Grand Avenue shall contain flexible space on the ground floor such that a home occupation or limited commercial activity will be viable. Marketing information about these units shall specifically include the allowance and encouragement for home occupation on the ground floor.

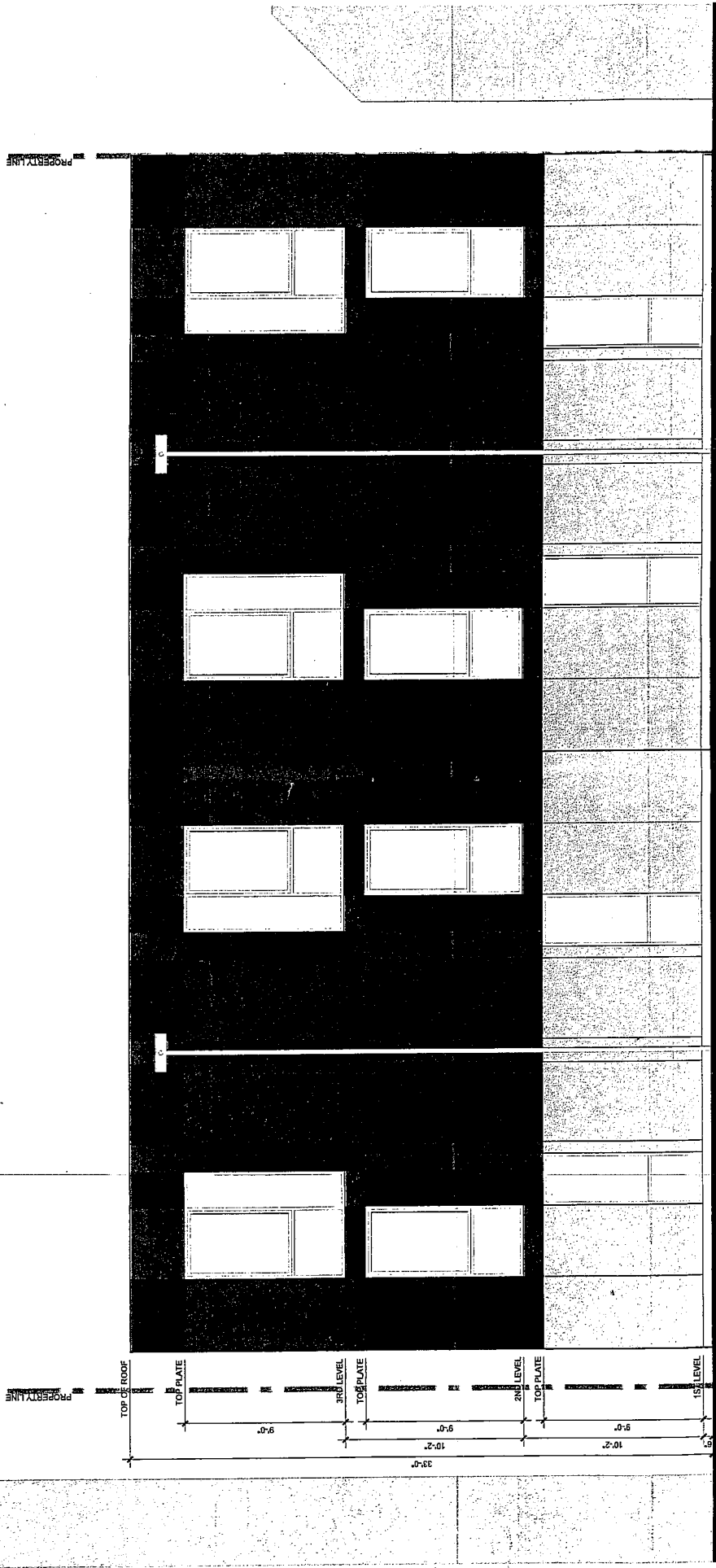


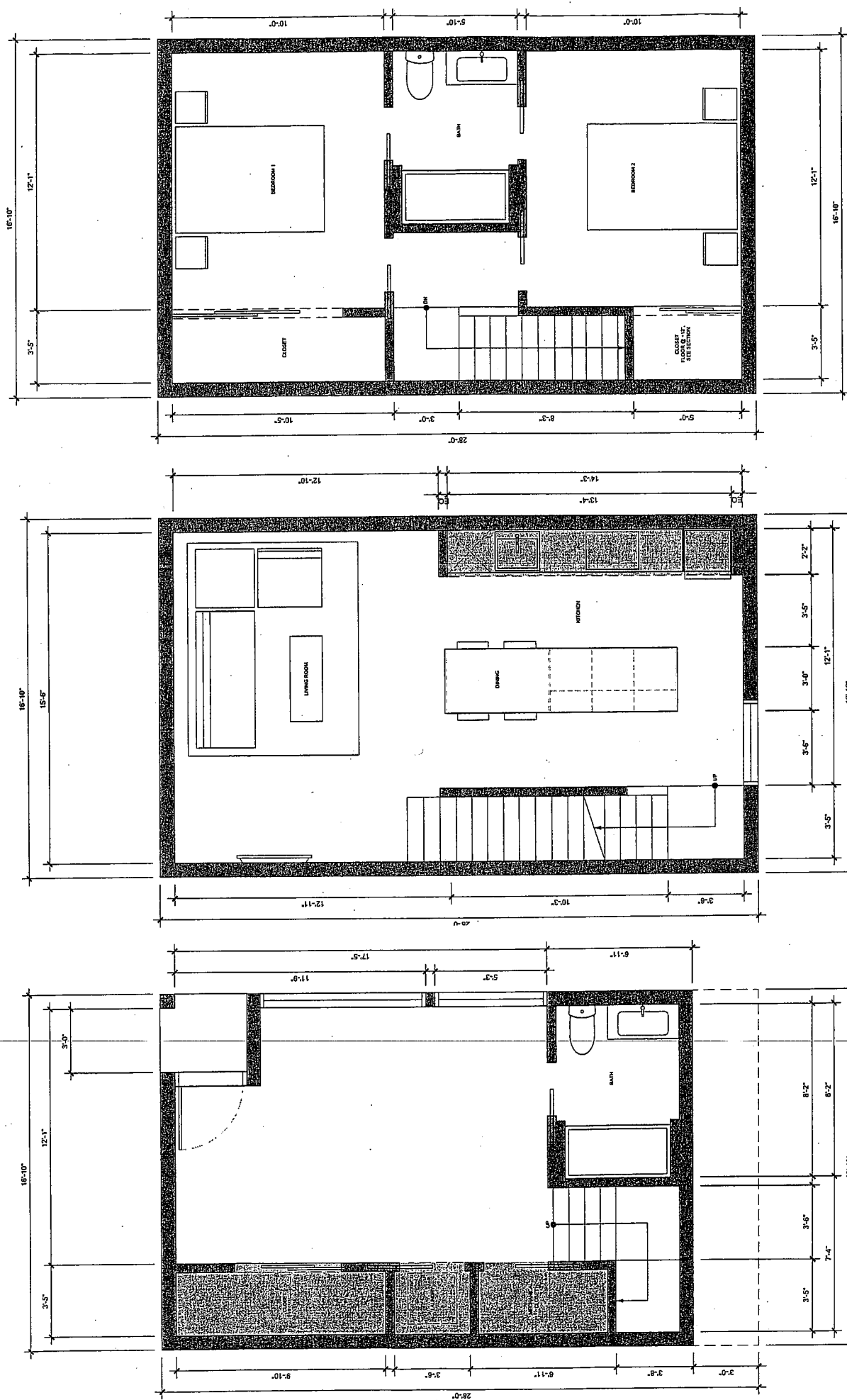
PLANNING APPLICATION REVISION | 859-867 WEST GRAND AVENUE

GRAND AVENUE (NORTH) ELEVATION

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

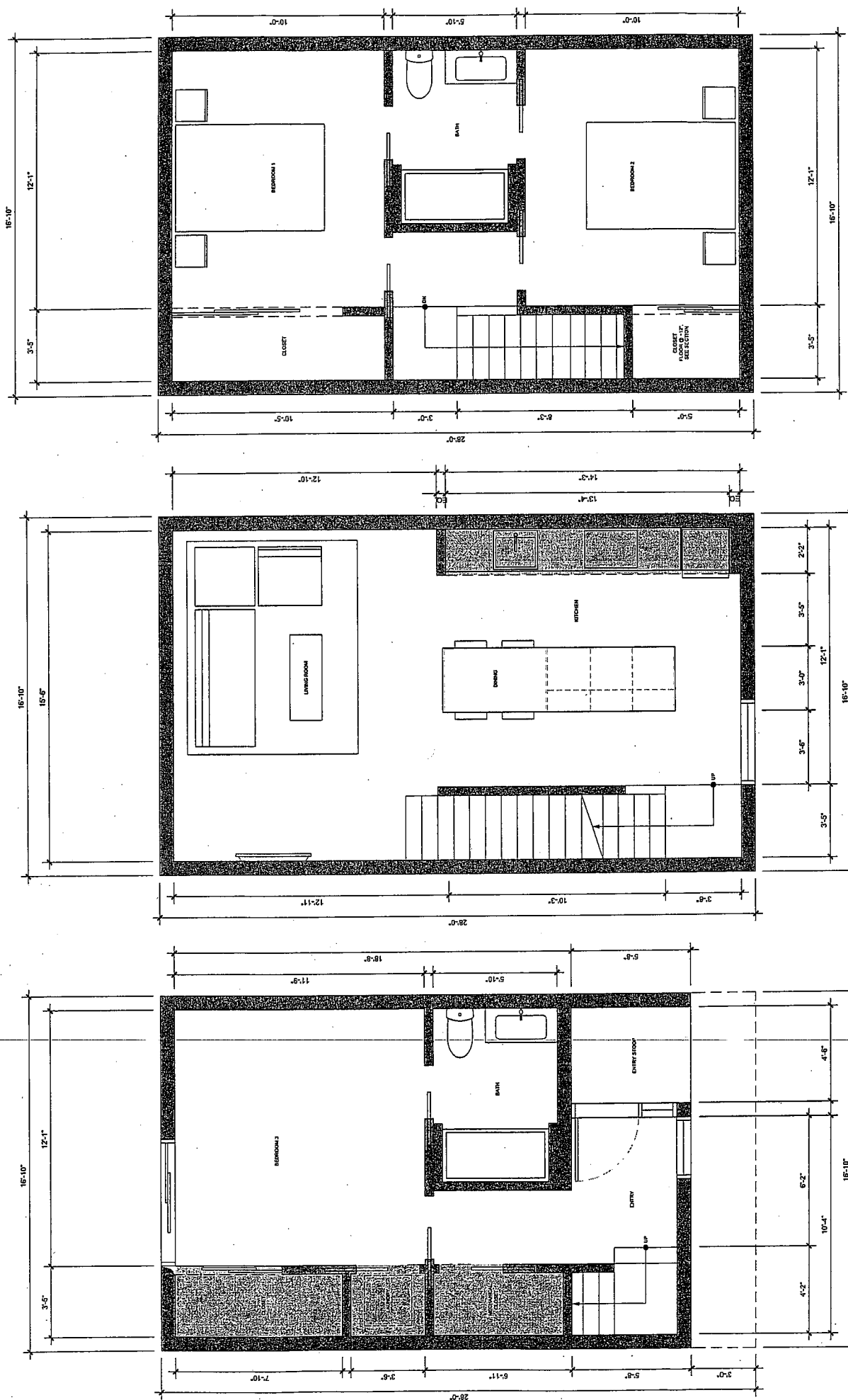
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DWELLWELL GROUP | 29 APRIL 2014 | SCALE: 1/4" = 1'-0" | LIVEWORK UNIT (GRAND AVENUE) FLOOR PLANS | PLANNING APPLICATION REVISION | 659-867 WEST GRAND AVENUE

GROUND FLOOR
FRONT

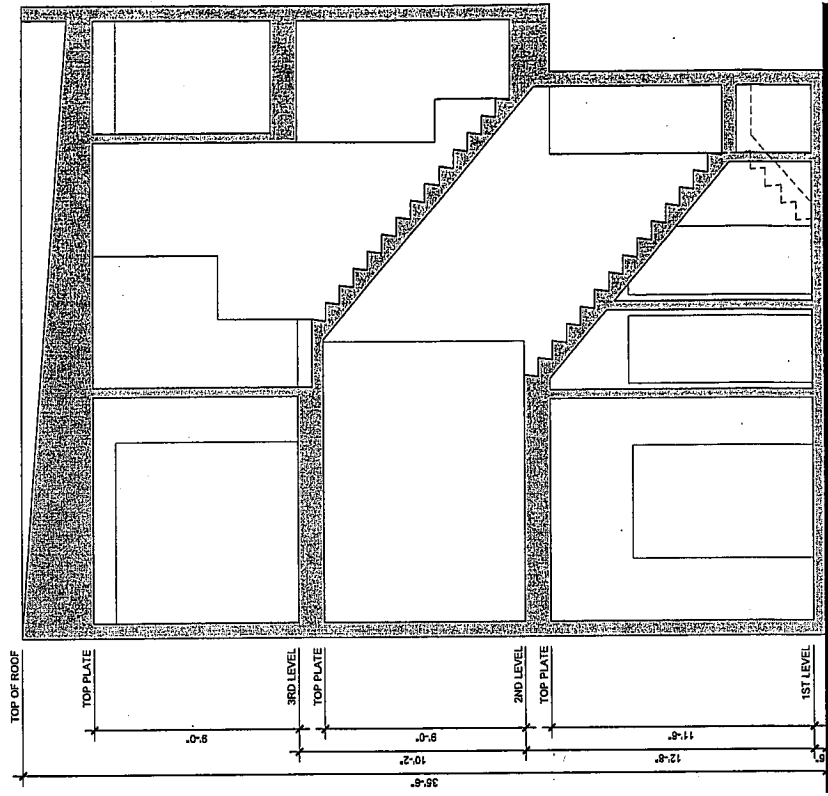


PLANNING APPLICATION REVISION | 859-867 WEST GRAND AVENUE

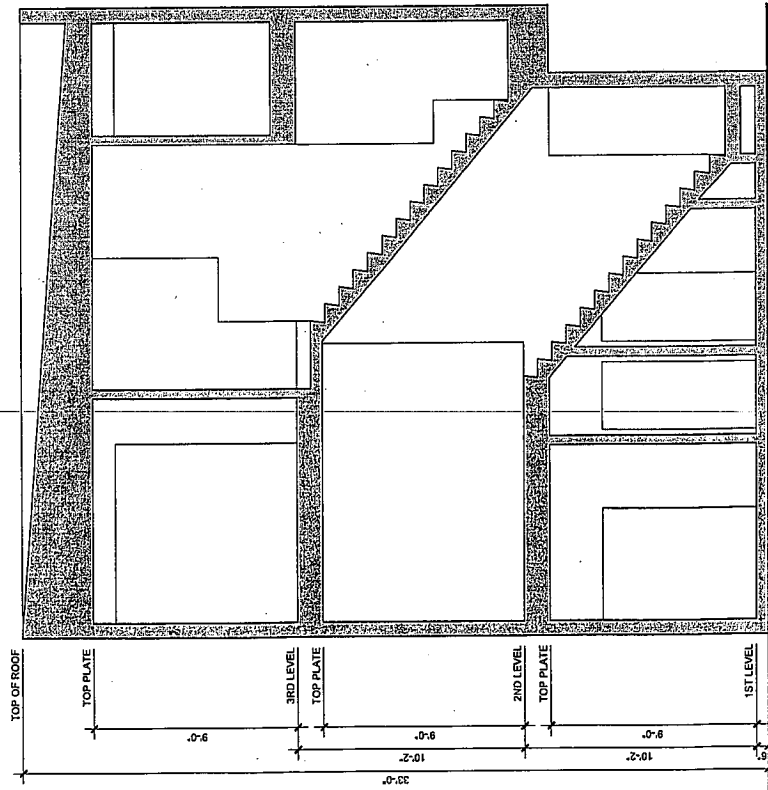
RESIDENTIAL UNIT (REAR) FLOOR PLANS

DWE L W E L L G R O U P | 29 APRIL 2014 | SCALE: 1/4" = 1'-0"

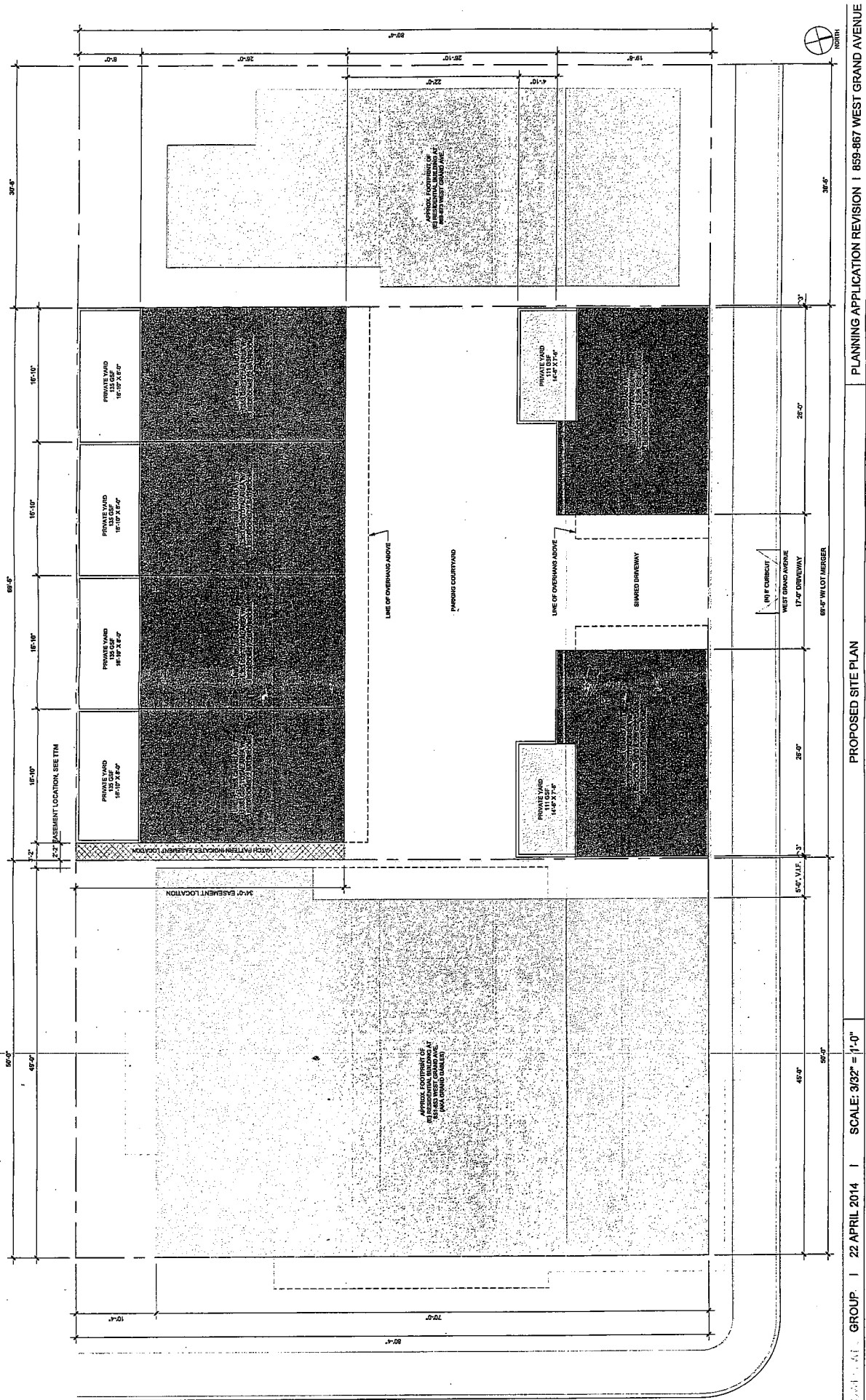
REAR GROUND FLOOR

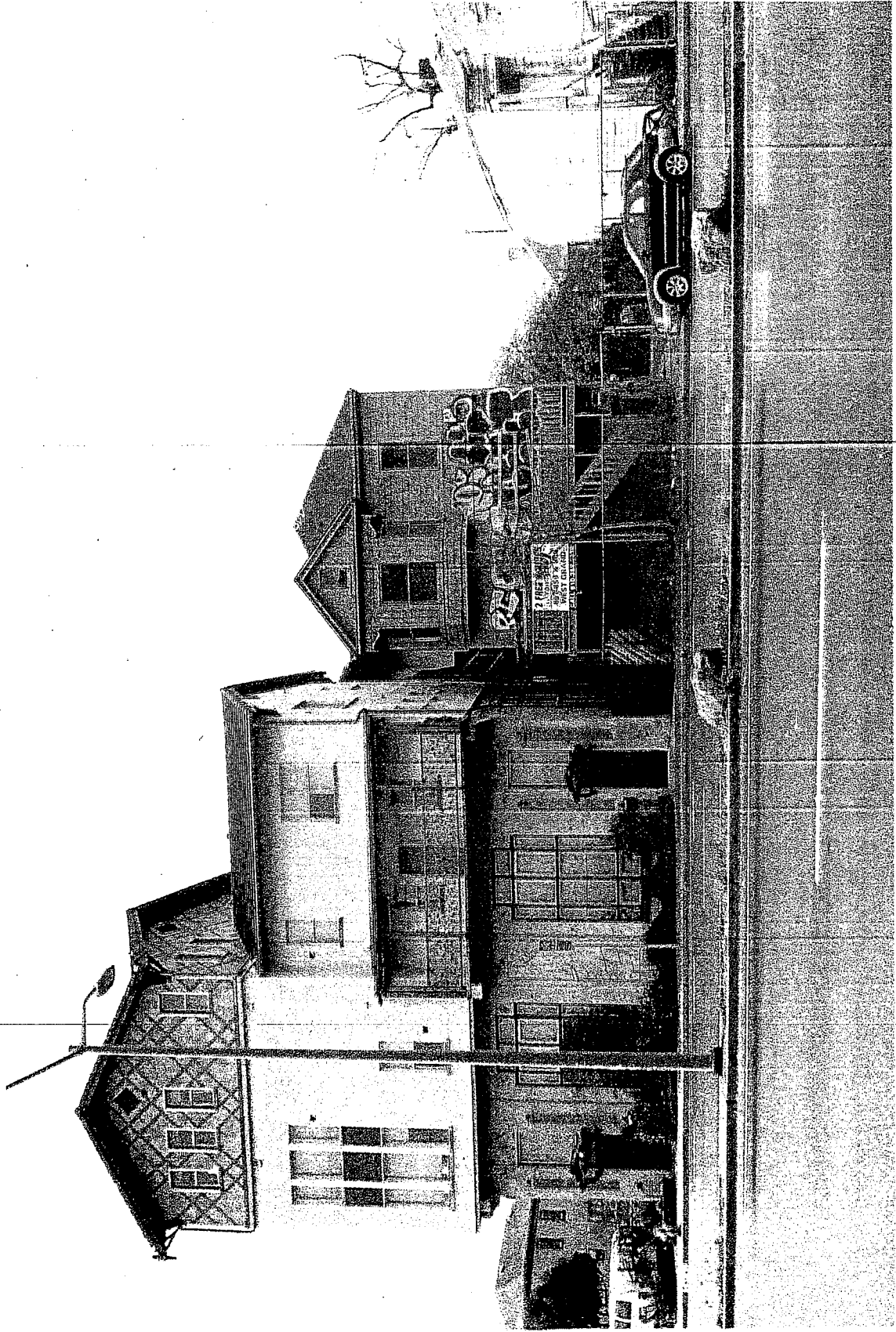


LIVEWORK UNIT

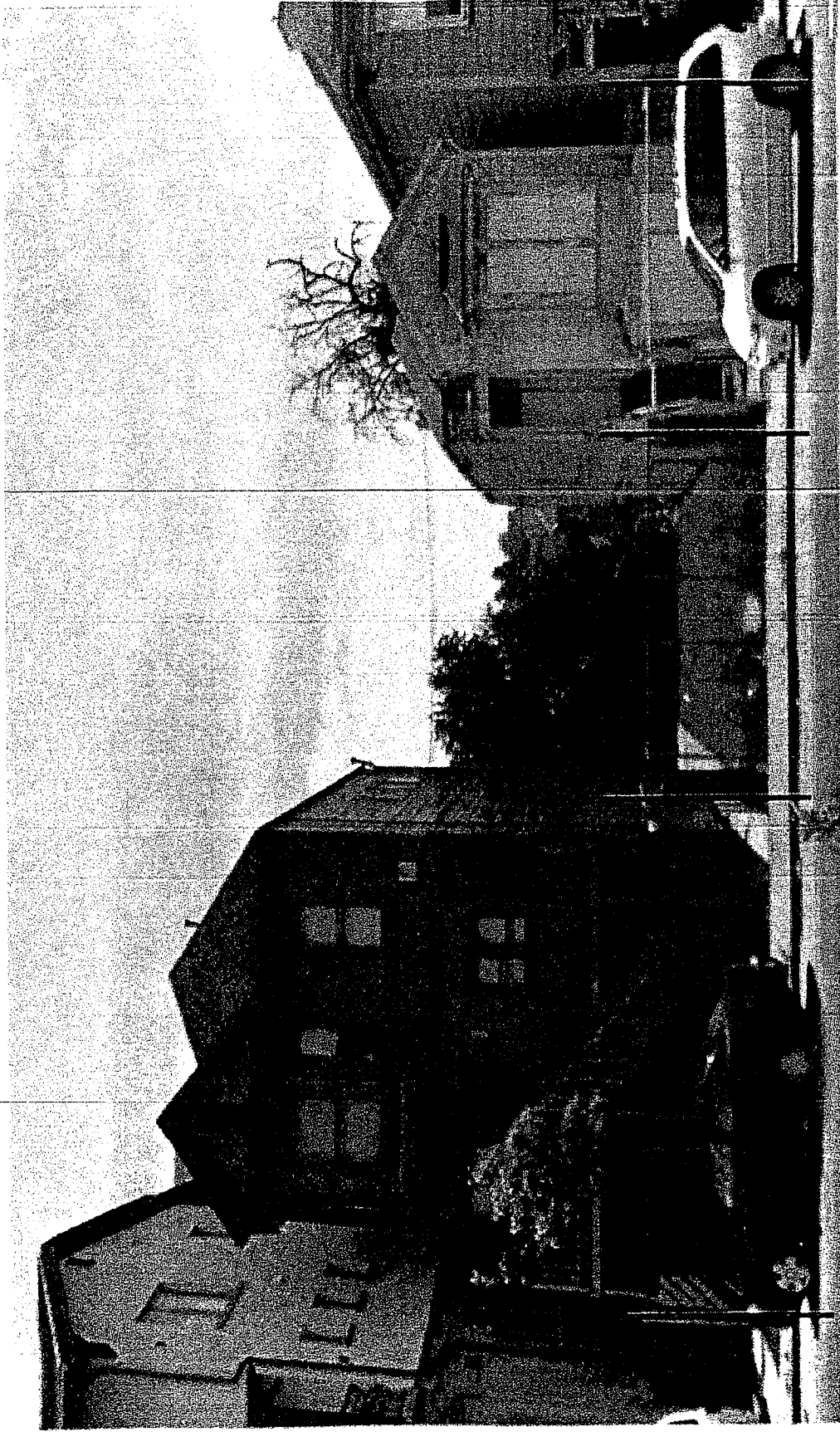


RESIDENTIAL UNIT

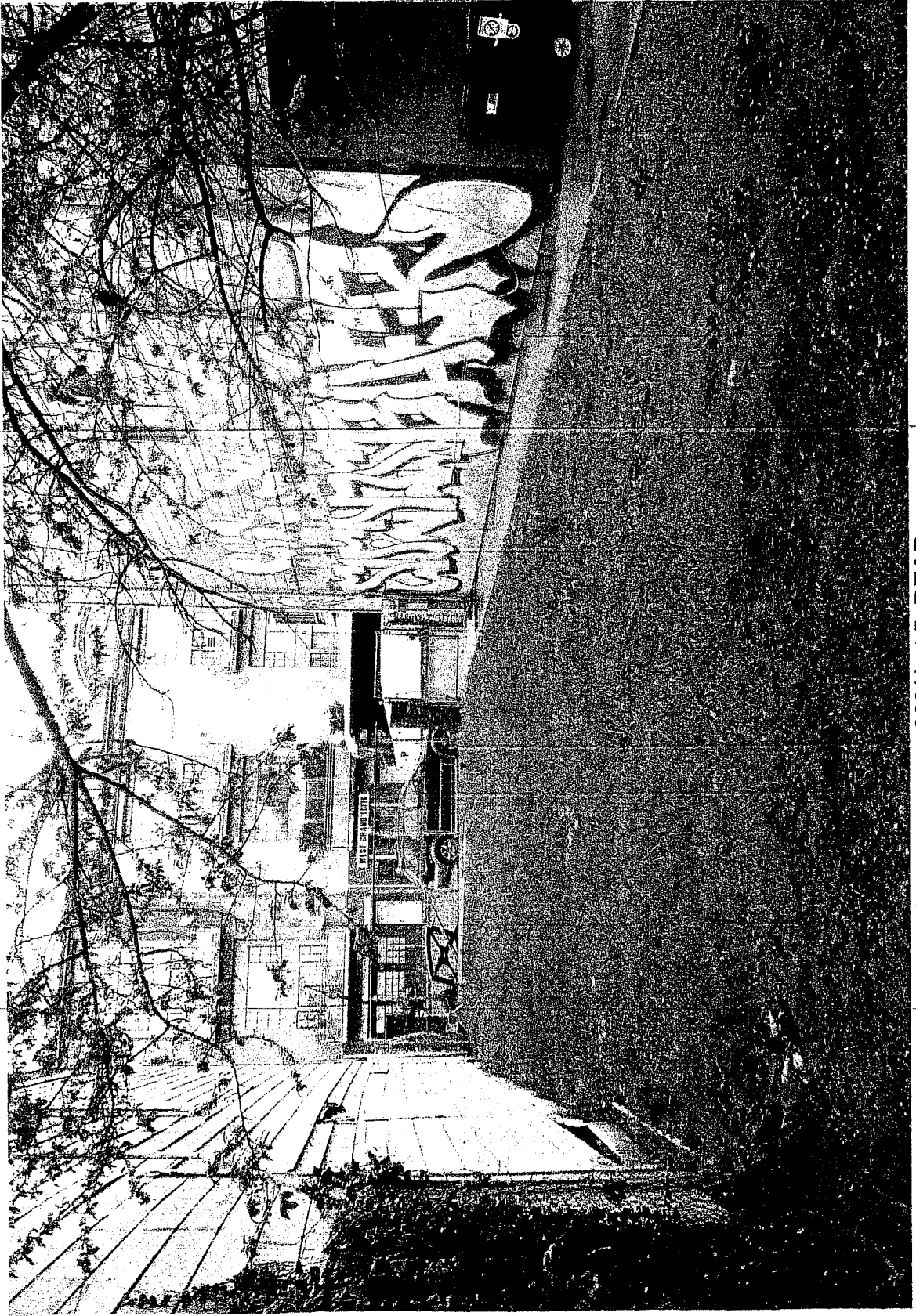




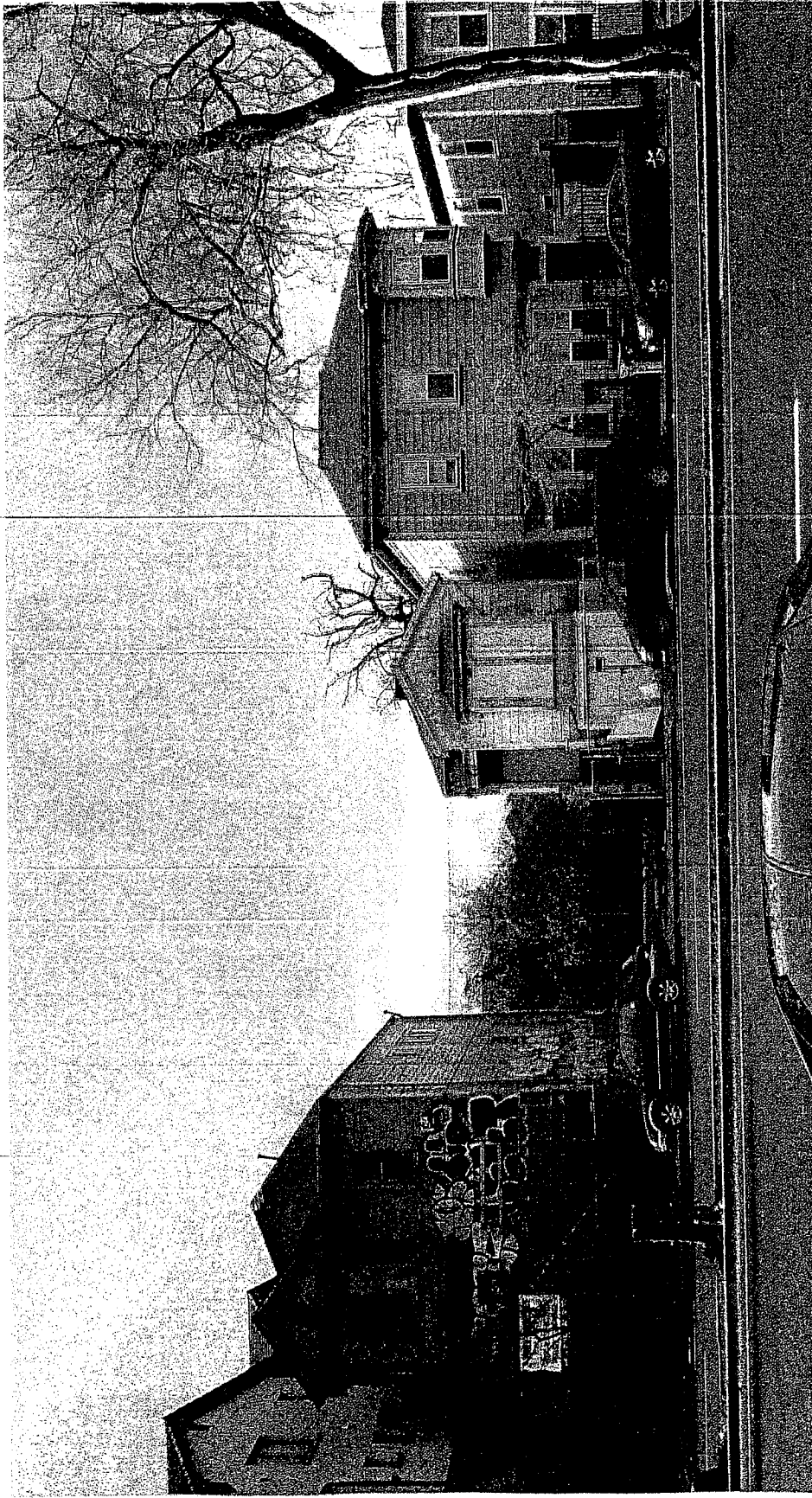
853-855/Lot7, 857-861/Lot 6, 863/Lot5, 867/ Lot 4: Nearest Lots on either side



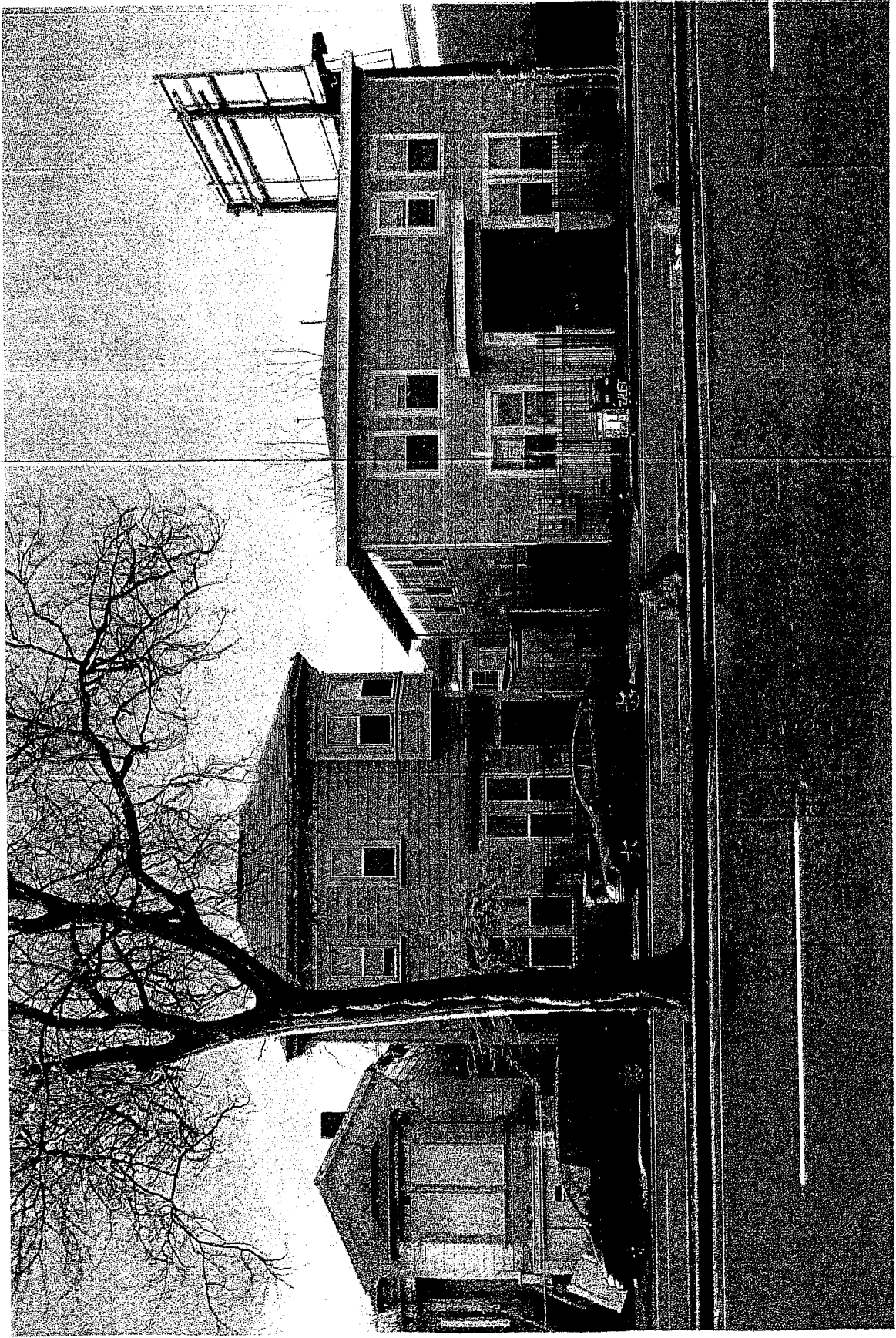
857-861 / Lot 6, 863 / Lot 5, 867 / Lot 4: FRONT



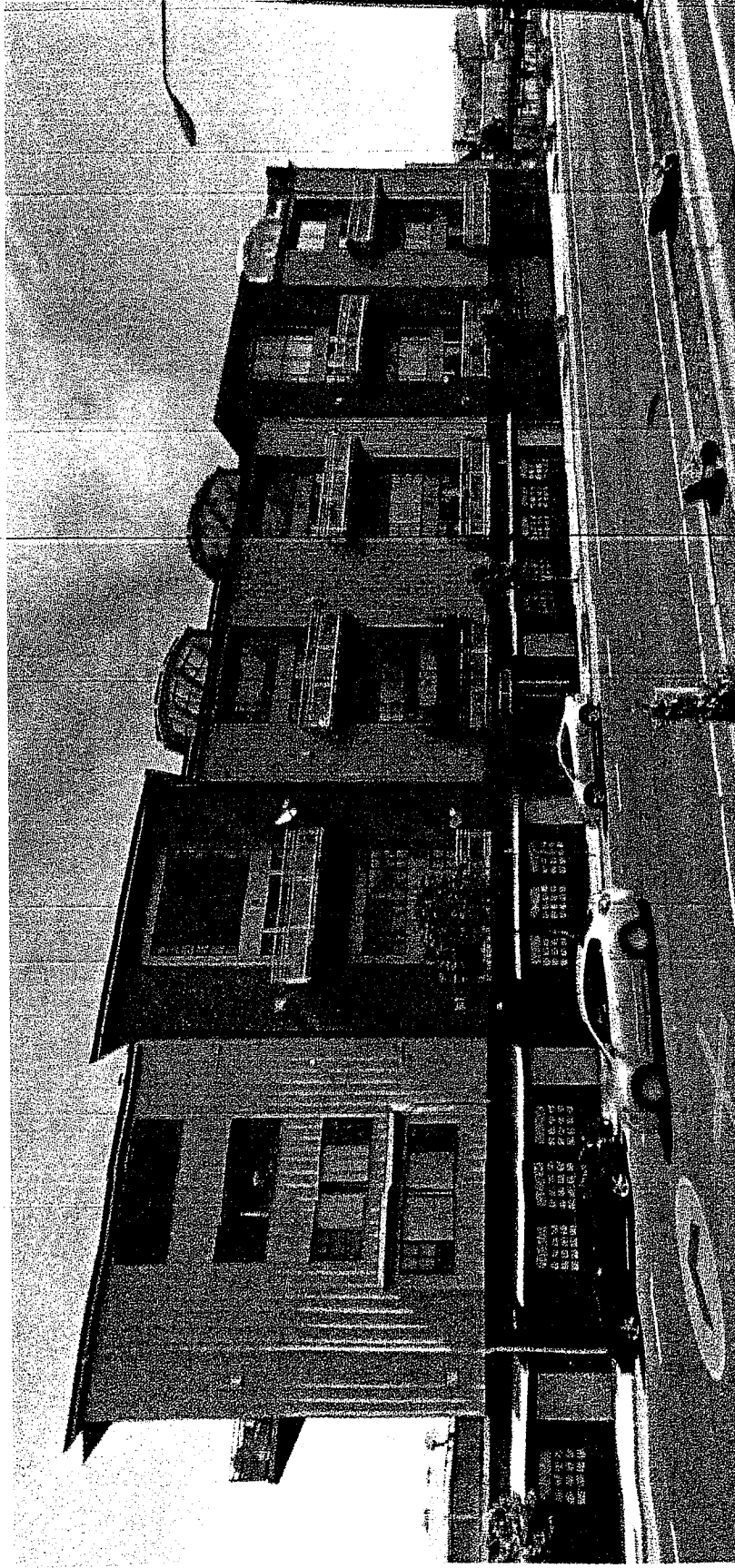
863/ Lot 5: REAR



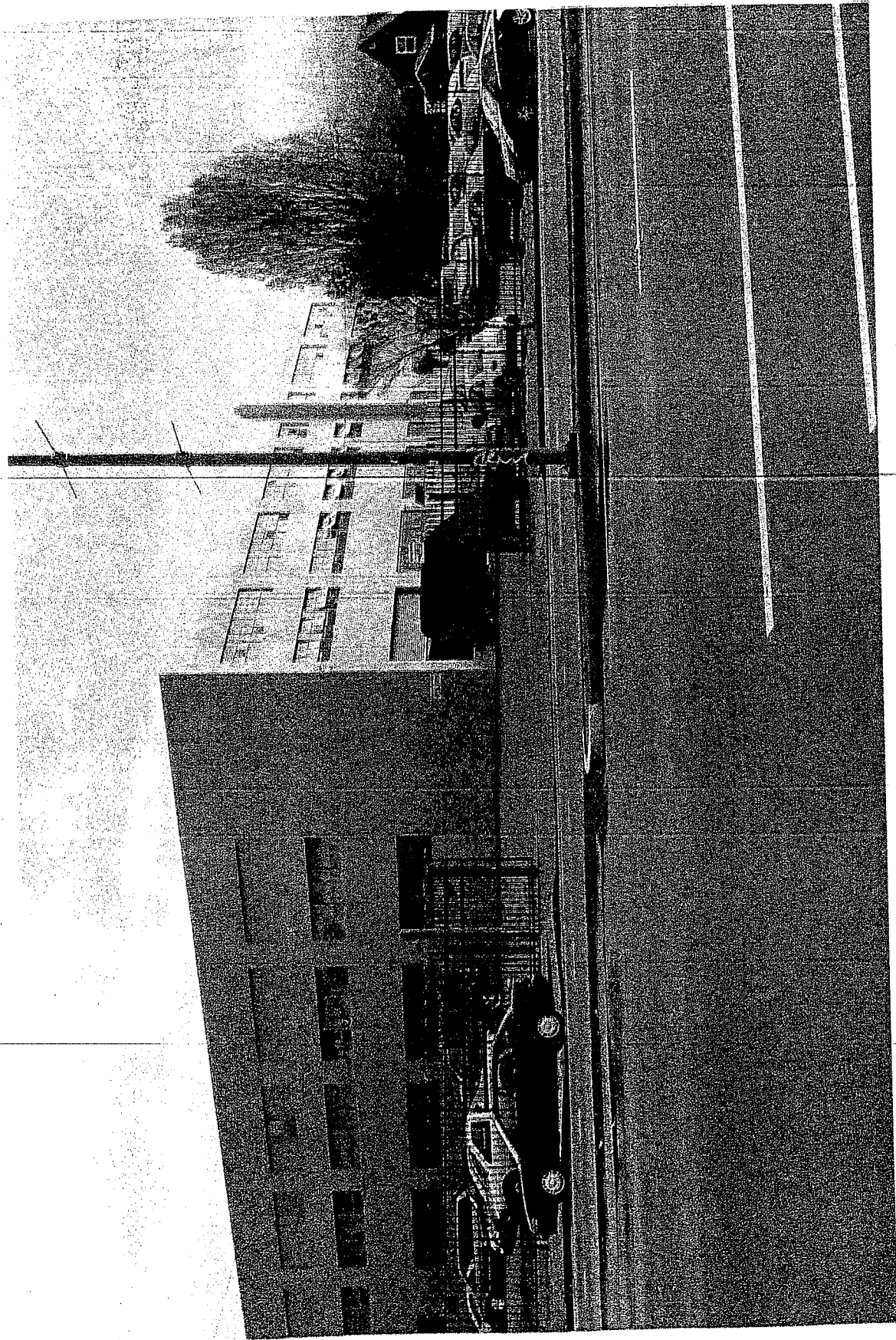
857-861/ Lot 6, 863/ Lot 5, 867/ Lot 4, 869-873/ Lot 3, 875-881/ Lot2: Nearest Lots on either side



867/ Lot 4, 869-873/ Lot 3, 875-881/ Lot 2: Nearest lots on either side



859-867/ Lot 19, West Grand Ave: West Grand Lofts: across the street



865 Isabella St: With rear of building on West Grand: across the street