

**Case File No. CMD11-164, TPM10059****October 5, 2011**

<b>Location:</b>	350-370 29 <sup>th</sup> Street (APNs 009-007-009-00 through 009-007-013-00)
<b>Proposal:</b>	Build 30,000 square foot 36-bay automobile repair garage and parts storage, with approximately 95 rooftop on-site vehicle parking spaces primarily for customer vehicles, supporting off-site existing automobile dealer; combine 5 existing parcels into 1 parcel, on 29 <sup>th</sup> Street between Webster and Summit Streets in Auto Row
<b>Contact Person/Phone Number:</b>	Christy Newport, Chatfield Construction, (209)333-1818, Mercedes Benz
<b>Owner:</b>	Jules & Geraldine Barsotti
<b>Case File Number:</b>	<b>CMD11-164, TPM10059</b>
<b>Planning Permits Required:</b>	Conditional Use Permit to allow Automotive and Light Vehicle Repair and Cleaning Commercial Activity pursuant to Oakland Planning Code Section 17.134; Regular Design Review to construct a new 1-story, 30,000 square foot building; and Tentative Parcel Map to combine 5 existing parcels into 1 parcel
<b>General Plan:</b>	Community Commercial
<b>Zoning:</b>	CC-2 Community Commercial Zoning District
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15315, 15332 and 15183
<b>Historic Status:</b>	Vacant parcel; Not a Potential Designated Historic Property
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	3
<b>For Further Information:</b>	Contact <b>David Valeska</b> at <b>(510) 238-2075</b> or <a href="mailto:dvaleska@oaklandnet.com">dvaleska@oaklandnet.com</a>

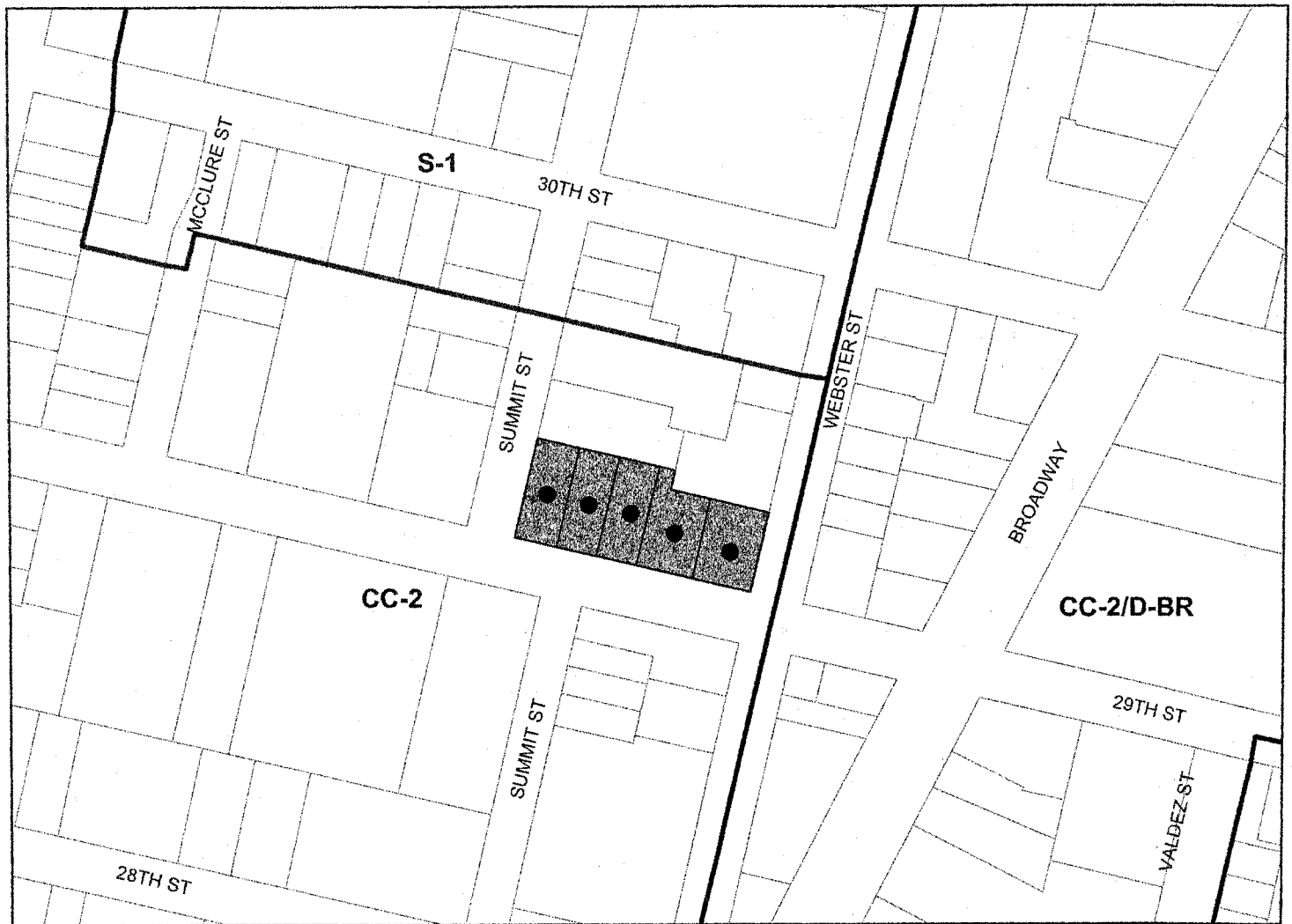
**PROJECT DESCRIPTION**

The proposed project includes construction of a 30,000 square foot commercial building with an additional 29,000 square feet of rooftop parking open to the sky, classified by the Planning Code as an Automotive and Light Vehicle Repair and Cleaning Commercial Activity, for Mercedes Benz. The project site is an existing 30,000 square foot open parking lot located at 350-370 29<sup>th</sup> Street, between Webster Street and Summit Street, in the CC-2 Community Commercial Zoning District.

The proposed development will accommodate the repair of vehicles and storage of automobiles for sale at the existing Mercedes Benz dealer across the street. The first level would have 36 auto repair bays, offices and other administrative space, replacing 21 service bays at the Broadway building. On the second roof level, parking for 95 automobiles including stored vehicles for sale and employee parking.

Automotive and Light Vehicle Repair and Cleaning Commercial Activities require a Conditional Use Permit when located in the CC-2 zone. The proposed building also requires Regular Design Review. The on-site parking supply of 95 spaces, which is shared with employees and parking of vehicles for sale and customer parking, meets the applicable parking requirements.

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: CMD11-164, TPM10059  
Applicant: Christy Newport, Chatfield Construction, Mercedes Benz  
Address: 350-370 29th Street  
Zone: CC-2

The proposed Tentative Parcel Map would allow merger of the existing 5 vacant parcels, each one-sixth of an acre, into a single parcel consisting of three-quarters of an acre. This would allow development across the current lot lines, which otherwise would not be feasible under the Building Code, and would eliminate obsolete land divisions.

## **PROJECT VICINITY**

The site is adjacent to medical office buildings including a Kaiser facility. Additional medical and automotive sales and service facilities are in this area known as Broadway Auto Row. New or recent construction nearby includes Temple Sinai and an expansion of Summit Hospital. Residential facilities are mixed in the neighborhood including an apartment tower and other buildings along 29<sup>th</sup> Street north of Summit Street.

## **GENERAL PLAN ANALYSIS**

### *Land Use and Transportation Element*

The proposed project site is located within the Community Commercial land use designation of the Land Use and Transportation Element (LUTE). The intent of the CC classification is "to identify, create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers." Among the Desired Character and Uses are "auto related businesses." Specific policies that relate to the proposed project include the following (staff's analysis of the application is in italics):

- **Policy D3.2: Incorporating Parking Facilities:** New parking facilities for cars and bicycles should be incorporated into the design of any project in a manner that encourages and promotes safe pedestrian activity.
  - *The project relies on curb cuts and ingress and egress points located on the street frontages which provide crossing for pedestrians sufficiently separated from corner alignments. Automobile and bicycle parking and access will also be provided on-site in a design intended to avoid conflicts.*
- **Commercial Development:** Concentrate region-serving or "destination" commercial development in the corridor around Broadway between 12<sup>th</sup> and 21<sup>st</sup> streets, In Chinatown, and along the Jack London Waterfront. Ground floor locations for commercial uses that encourage a pedestrian-friendly environment should be encouraged throughout the downtown.
  - *Developing an auto repair and storage facility on this site is key to retaining the large automobile dealer across the street (Mercedes Benz) which contributes to concentrating region-serving and destination commercial development along the Broadway corridor. This would be the largest commercial support building added to this area in decades.*

## **ZONING ANALYSIS**

The proposed project is located in the CC-2 Community Commercial zoning district. Automobile and Light Vehicle Repair and Cleaning Commercial Activities are allowed by Conditional Use Permit. Regular Design Review is required for a building of this size. The provision of on-site employee parking spaces among the facility's 95 parking spaces on the second floor, next to customer parking spaces, eliminates the need for a parking variance.

### **ENVIRONMENTAL DETERMINATION**

The request is Categorical Exempt under Section 15332, Infill Development (Findings made). Also reference Section 15183, Projects Consistent with a Community Plan, General Plan or Zoning of the California Environmental Quality Act Guidelines.

Findings under Section 15332 are fulfilled as follows:

- 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.*

The staff report provides a detailed analysis of the project's consistency with applicable General Plan and Zoning designations and policies. Staff has determined that the project, subject to issuance of this Conditional Use Permit, Design Review and Tentative Parcel Map, is consistent with both the General Plan and Zoning regulations, as detailed in findings attached to this staff report.

- b) *The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.*

The site is within the Oakland city limits, comprises  $\frac{3}{4}$  acre and is surrounded by urban uses.

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

The project site is developed as paved parking. There is no substantial vegetation on the site, and there is no evidence of 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.*

The proposed project is within the traffic, noise, air quality and water quality thresholds of the City's environmental guidelines, as analyzed in documents on file with the Planning and Zoning Division. Traffic impacts from expansion of the use are expected to be below Level of Service thresholds of significance under CEQA. New parking impacts, while not CEQA impacts, would be just slightly more than existing conditions, therefore not substantial. Noise from the proposal is subject to compliance with City noise regulations, and is likely to be contained within the enclosed building. Air quality



will be maintained by applicant due diligence under conditions of City and regional-agency regulatory authorities, such as air cleaners attached to exhaust systems of vehicles being serviced and air cleaners for the building as a whole.

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

The proposed development is not likely to result in any substantial new demand on existing utilities. Public Transit, Fire and Police protection services are adequate in the area now.

Staff concludes that Section 15332 of California Environmental Quality Act (CEQA) Guidelines exempts this project from further CEQA review. An additional CEQA citation (15183, for projects in compliance with local zoning and General Plan designations) also apply to this case, supporting a finding of exemption independent of Section 15332.

## **KEY ISSUES AND IMPACTS**

### *Building Shape and Volume*

This structure would contain 30,000 square feet (3/4 acre) on the ground floor and a rooftop parking deck open to the sky. Currently there is no building on the site. The building is a simple box shape, and would visually create a large volume along 29<sup>th</sup> Street between Webster Street and Summit Street. However, this neighborhood contains a number of building volumes this large or larger. Behind the site are medical office buildings. Nearby is Summit Hospital with several large buildings. Also nearby are the new Temple Sinai sanctuary and a few other new buildings. Being located in Auto Row, many of the existing buildings are also large box volumes. There are also a number of residential structures in the neighborhood, including two-story or taller box-shaped apartment structures. Staff finds that the Mercedes building volume would be consistent with buildings in the area.

### *Traffic*

The new facility combined with the Broadway dealership building should have similar traffic generation from auto service as in existing conditions. The service facility would have 95 upper level parking spaces, approximately the same as the existing surface parking lot. Approximately 21 service bays, equal to 2/3 of the new building's 36 service bay spaces, already exist in the Broadway dealership and would be removed to create showroom space. These service bays are just being relocated across Webster Street. This is no major increase from the existing parking lot and the existing dealer service bays, being relocated. Most customers and staff would arrive in the first hours before and during the workday and leave at the end of the workday. Vehicle transfers from the Mercedes dealer across the street would occur, primarily covering one block between driveways of the two buildings. These business vehicle movements would be unlikely to disrupt traffic in this area.

Traffic demand by automobile service garages is generally low. The 8<sup>th</sup> edition Institute for Traffic Engineering (ITE) manual reports vehicle trips per 1,000 square feet per PM peak hour for this use as follows: 2.6 for new car sales, 3.4 for automobile care center and 4.5 for automobile parts and service center. The applicant submitted Attachment F, a traffic engineering letter from Dowling Associates, indicating that the project is not expected to generate substantial net traffic demand.

#### *Restructuring of Auto Parking*

The proposed project site has been used as a surface parking lot. The site is paved and has existing curb cuts to provide site access and egress which would be relocated. The revised project would replace one level of vehicle activity with two levels and relocate the curb cuts. Since the proposed parking would be on top of a landscape-walled new building, the visual screening effect would be enhancement for the neighborhood. Staff finds no issues with parking restructuring.

#### *Employee Parking*

The rooftop 95 space parking area is shared between Mercedes vehicles and employee parking. Oakland Planning Code (OPC) for Automotive Sales and Service requires "1 space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces." While the 30,000 square foot building would require 30 spaces by the former category, the latter category applies. There would be less than thirty (30) employees on a typical shift, dividing by three per OPC results in a parking demand of 10 or fewer spaces. This amount is one-eighth of the parking supply and is easily accommodated by the upper floor parking area. Staff finds no issues with employee parking. There is no customer parking, since the vehicles from customers are always either under repair, or arriving at or leaving the building.

#### *Security and Lighting*

The facility is designed to be extremely secure, holding a valuable inventory of high-end vehicles day and night. There are corner clerestory windows but no openable windows; and few doors at the ground level in order to prevent unlawful entry. There are large areas of greenscreen, a metal lattice support system for climbing vines. The project meets CPTED (Crime Prevention Through Environmental Design) criteria. There will be no open parking lots or wide areas. Lighting fixtures will include shields to direct lighting down rather than toward residential buildings in the area. Lighting reflecting off paved areas should be comparable to shopping center parking lot lighting, with minimum glare for neighbors. Staff finds that the building will promote security for its valuable contents and lighting which respects neighbors.

#### *Parcel Map Merging Lots*

Currently there are five (5) lots, which are remnants of an early 20<sup>th</sup> Century lot pattern. Since the building code does not permit building a structure across lot lines, the applicant has

submitted a parcel map to merge the lots into one parcel. If there were only 4 lots, this could be accomplished with an administrative Parcel Map Waiver; however, the merging of 5 lots requires a Parcel Map. The City has processed a number of such Parcel Maps to merge lots in recent years, and this is a routine matter to achieve conformity with adopted codes. Conditions for the Parcel Map are included with this report. Staff finds no issues with this map.

*Drainage/Runoff and Green Building Compliance*

Drainage/Runoff and Green Building compliance are routine components of project development, addressed by conditions of approval. Condition 14 of this report requires the applicant to follow Best Management Practices of drainage and runoff ("C-3"), including on-site interception of part of the drainage. Condition 19 requires implementation of the City's Green Point rating system, during and after construction. The project is being required to meet 33 green points, is at approximately 28 points now and with a minor additional effort, will comply. In addition, procedures followed during the building permit process also provide follow-through on these criteria. The applicant expects to comply with these regulations.

**RECOMMENDATION**

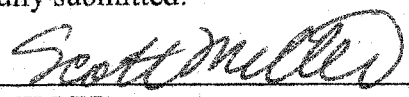
Staff believes that the proposed project is consistent with adopted land use policy, and recommends approval. Staff recommends that the Planning Commission:

- 1) Hold a public hearing and receive public testimony regarding the proposed project;
  - a) Affirm staff's environmental determination that approval of the project is subject to an exemption from CEQA, relying on sections: 15183, Projects In Compliance with General Plans and Zoning, and 15332, Infill Development Projects.
  - b) Approve the Major Conditional Use Permit, Design Review and Tentative Parcel Map per the attached set of Findings and Conditions of Approval (Attachments A and B).

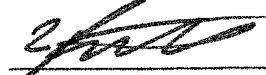
Prepared by:

  
David Valeska, Planner II

Respectfully submitted:

  
SCOTT MILLER  
Zoning Manager, Planning and Zoning Division

Approved for Forwarding to the Planning Commission:



**ERIC ANGSTADT**

Deputy Director, Community and Economic Development Agency

**Attachments:**

- A. Findings for Approval
- B. Conditions of Approval
- C. Site plans and photographs
- D. Applicant statement
- E. Citizen correspondence
- F. Dowling Traffic Letter, September 2011

**ATTACHMENT A: FINDINGS FOR APPROVAL**

The Planning Commission finds that the 350 to 370 29<sup>th</sup> Street Automotive and Light Vehicle Repair Commercial Activity and facility proposal meets the required findings for compliance with Oakland Planning Code Sections 16.136.050B (Regular Design Review Criteria for Non-Residential Facilities, referenced due to Conditional Use Permit criteria for Design Review), 17.134.050 (Conditional Use Permit), and Tentative Parcel Map (Chapter 16 OMC) as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can or cannot be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record.

**Planning Code Section 17.136.050B (Regular Design Review Criteria for Non-Residential Facilities and Signs):**

**1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;**

The proposed facility would enhance the appearance of the site, which is currently surface parking, and would provide an aesthetically appealing street frontage.

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

The proposed facility includes design features such as exterior greenscreen and metal panels which would soften the appearance and would provide an aesthetically appealing street frontage.

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

The project includes Automotive Repair, which is a conditionally permitted activity in the CC-2 Zoning District. Staff finds it to be consistent with the Oakland General Plan (see General Plan Analysis section of this report). In addition, the proposal includes features intended to provide an aesthetically pleasing frontage along the public Right-of-Way, consistent with the objectives of the Design Review criteria.

**Planning Code Section 17.134.050 (Conditional Use Permit)**

A CUP is required for this activity and facility located in the CC-2 zoning districts.

**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 proposed facility is similar in shape and volume to numerous buildings in the area, particularly automotive facilities and would not hinder future and long-term development compatible with the existing and desired neighborhood character.

**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 facility would provide customer service to automobile owners and would not hinder future and long-term development of convenient, functional and attractive 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 proposed facility would not hinder future and long-term development that would enhance the surrounding area and provide community functions and essential services, particularly automobile repair and cleaning.

**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;**

Consistent with the findings of Section 17.136.050, the proposed facility complies with the applicable design review criteria (see above).

**E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council. (Ord. 12376 § 3 (part), 2001: prior planning code § 9204)**

The proposed facility would conform to plans and criteria upon issuance of a Conditional Use Permit with Design Review, and would not hinder future and long-term development consistent with the Oakland General Plan.

**SECTION 17.35.01-L.5: CONDITIONAL USE PERMIT FINDINGS FOR  
AUTOMOBILE AND OTHER LIGHT VEHICLE REPAIR AND CLEANING**

- 1. All repair and servicing is performed in an enclosed building.**

All activities except parking will occur in the enclosed building.

- 2. A minimum six foot tall masonry or decorative screening wall is provided at all parcel lines adjacent to an RH-, RD- or RM-zone.**

There are no residential zones adjacent; but the building itself exceeds the separations of height (masonry) and screening required as if it was near a residential zone.

- 3. A landscape buffering is at all parcel lines adjacent to an RH-, RD- or RM-zone.**

There are no residential zones adjacent. Greenscreen vertical landscaping is planned for all building walls facing the 3 adjacent streets, and a wall is planned on the 4<sup>th</sup> (interior) side adjacent to office buildings.

- 4. No auto repair activities shall be conducted before 7:00 am or after 9:00 pm on any day of the week.**

No auto repair activities will be conducted outside of the specified hours above.

**SECTION 16.24.040: TENTATIVE PARCEL MAP FINDINGS**

- A. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:**
  - a. Lots created in conjunction with approved private easements;**
  - b. 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.**

Pursuant to (a) above, the combined parcels, forming a single parcel, will have frontage on public streets (29<sup>th</sup> Street, Webster Street, Summit Street).

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

The side property lines of the resulting merged lot will be at right angles to streets.

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

Except as modified by permits and conditions of approval herein, all applicable requirements are met.

- D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except a) where the area is still considered acreage; b) 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 resulting lot will be of sufficient size similar to some older building sites in the area, and will not result in a change of character. The new lot lines will not be perceived and will not affect the visual character of the property.

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

No rock outcroppings, groups of trees or creeks exist on the property, which is paved.

**Tentative Map Findings (Section 16.08.030 OMC & California Government Code S. 66474):**

- F. The proposed map is consistent with applicable general and specific plans as specified in the State Government Code Section 65451.**

The map supports the planned automobile repair and storage garage, for a nearby auto dealer, which contributes to neighborhood character and conforms with applicable general and specific plans.

- G. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**

The map retains design and improvements traditional to this neighborhood and conforming to applicable general and specific plans, including grid shape of lots and full street improvements.

- H. The site is physically suitable for the type of development.**

The property is a moderately sloping rectangular lot with frontage on three streets. The resulting lot will continue to be consistent with development in this area.

- I. The site is physically suitable for the proposed density of development.**

A 2-level commercial building for auto repair and storage would be consistent with density pursuant to issuance of a CUP and Design Review. The development is not more dense than other automotive facilities in the area. Thus the site is suitable for the current density of development.



- J. The design of the subdivision or type of improvements is not likely to cause serious public health problems.**

The properties have access to public water, sewer and drainage systems designed to City standards, and does not involve any changes that would likely result in serious public health problems.

- K. The design of the subdivision or the type of improvements will not 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).**

There are no easements to the public on the property.

- L. The design of the subdivision provides to the extent feasible for future passive or natural heating or cooling opportunities in the subdivision.**

The proposed subdivision design will not change the buildings' existing passive or natural heating and cooling opportunities.

## **ATTACHMENT B: CONDITIONS OF APPROVAL**

The proposal is hereby approved subject to the following Conditions of Approval:

### **STANDARD CONDITIONS:**

**1. Approved Use.**

***Ongoing.***

a. The project shall be constructed and operated in accordance with the authorized use as described in this letter and the plans submitted **August, 2011**, 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 Zoning Administrator.

b. Conditional Use Permit to allow Automotive and Light Vehicle Repair and Cleaning Commercial Activity; pursuant to Oakland Planning Code Section 17.134; Regular Design Review; Tentative Parcel Map to combine 5 existing parcels into one parcel, to allow the applicant to build a 30,000 square foot 36-bay automobile repair garage and parts storage, with over 95 on-site vehicle parking spaces on a 29,000 square foot second level, open to the sky primarily for customer vehicles, for an off-site existing automobile dealer; on a 30,000 square foot site on 29<sup>th</sup> Street between Webster and Summit Streets in Auto Row.

**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 have been issued, or 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 valid building permit for this project may invalidate this approval if the said extension period has also expired.

**3. Scope of This Approval: Major and Minor Changes**

***Ongoing.***

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

**4. Conformance with Other Requirements.**

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

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

those imposed by the City's Building Services Division, the City's Fire Marshall, and the City's Public Works Agency.

b. The applicant shall submit approved plans for project-specific needs related to fire protection 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. The City Planning Department 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 or other corrective action.

b. Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and /or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions, or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement Actions.

**6. Signed Copy of 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 and submitted with each set of permit plans submitted for this project.

**7. Indemnification**  
***Ongoing***

a. The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul, this approval or any related approval by the City. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorneys fees.

b. Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void or annul this Approval or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment or invalidation of this or any related approval. Failure to timely execute the Letter

Agreement does not relieve the project applicant of any of the obligations contained in 7a above, or other conditions of approval.

**8. Compliance with Conditions of Approval**

***Ongoing***

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted mitigation measures 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 any 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 approved plans, along with the Approval Letter and Conditions of Approval shall be available for review at the job site at all times.

**11. Recycling Space Allocation Requirements**

***Prior to issuance of a building permit***

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. Pursuant to Section 17.118.020 of the Oakland Planning Code, this condition shall apply to new commercial and industrial development that requires a building permit. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

***Ongoing.***

No deviation shall be made from the approved drawings or conditions of approval that alters the project's siting, height, exterior appearance, and/or required new landscaping without prior written approval from the Oakland Planning & Zoning Department.

**12. Construction Practices.**

***During construction.***

All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.

**13. 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 AM and 4:00 PM 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 residents' 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 residents' 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 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.

**14. Storm Drainage Compliance.**

***Prior to issuance of a grading permit***

The applicant shall ensure that all proposed improvements shall comply with all provisions of the Alameda County's National Pollutant Discharge Elimination System (NPDES)

permit issued on February 19, 2003, and related post-construction Best Management Practices (BMP) that would apply to the project; all proposed improvements shall also comply with the Clean Water Act (1972) as amended by the Water Quality Act of 1987, and City of Oakland Storm Water Management and Controls Ordinance No. 11590 C.M.S. and Creek Protection Ordinance No. 12024; and shall utilize all BMPs to prevent sediments or pollutants from entering the storm drain system or watercourses.

The impact of the proposed improvements on the storm drain system and watercourses shall be mitigated to the extent practicable by using site design techniques such as minimizing impervious surfaces, minimizing disturbed area, clustering and constructing grass/vegetated swales. The specific C-3 measures include a) draining to peripheral landscaped areas, which will be in beds or other restraints; and/or b) addition of internal filters in the building first floor or below, to intercept and clean runoff and/or c) other measures as may be assigned by the Zoning Manager pursuant to commonly implemented Best Management Practices for drainage and C-3 procedures.

**15. Submittal of Final Parcel Map and Final Parcel 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 Parcel Map to the 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 reconfigured parcels as part of the deed with the Alameda County Recorder's Office. The Final Map shall be recorded prior to the certificate of occupancy and final inspection of the last unit if any under rehabilitation. A copy of the recorded map shall be provided to the City Engineer. 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 Parcel Map within these time limits shall nullify the previous approval or conditional approval of the Tentative Parcel Map. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Zoning Administrator may grant an extension of this permit, and up to two subsequent extensions upon receipt of a subsequent written request and payment of appropriate fees received no later than the expiration date of the previous extension.

**16. Certification of Parcel Map**

A Parcel Map may be certified by the Oakland City Engineer at the expiration of the 10-day appeal period from the date of approval.

**17. Engineering, Building and Fire Services Requirements**

The project shall comply with all the requirements from the City Engineering and Building Services Division and the Fire Marshall.

a) Engineering and Building Services Conditions: Each parcel created shall have its own and separate sanitary sewer lateral connection to the public sewer main. Owner(s) must apply and obtain final approval for Sewer Lateral and Excavation permit(s) from the City of Oakland Engineering Services Department prior to submitting the Parcel Map for review.

b) Fire Marshall: An additional on-site hydrant of approved specifications may be required at the rear of the property. Stair exit discharges and window openings close to adjacent property lines may be required to provided fire rating protection. Property addresses for all buildings shall be provided at the street frontage.

**18. Engineering Conditions**

***Prior to recording Final Map***

- A. Show location of the City of Oakland monuments used to establish the basis of bearings and property lines. 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 the combined lot.
- C. Provide numerical or alphabetic designation for the new parcel. Show the square footage of the parcel.
- D. Use City of Oakland datum to establish elevations. State elevations are based on City of Oakland datum. Show location of bench mark used for survey.
- E. Show location, purpose and width of all existing and proposed easements.
- F. Provide written, photographic, or survey documentation showing the location of the existing buildings within the boundaries of the Tentative Parcel Map and those immediately adjacent lots do not extend beyond the property lines. If buildings or portions of the buildings extend into the adjacent properties an easement shall be obtained for the encroachments prior to approval of the Parcel Map.
- G. Improvements within the public right-of-way may be required for this project. If required a P-job permit and a signed Subdivision Improvement Agreement shall be completed prior to the City signing the Parcel Map.
- H. Add the following statement to the final Parcel Map:

**"PUBLIC ADVISORY**

This map is based on private surveys performed by licensed professionals and will not be updated or corrected by the City of Oakland after its filing. No warranty, either expressed or implied, is made by the city of Oakland that this map and the survey information on which it is based is correct, accurate and current, nor that the City will retain for public inspection any related information which may be subsequently submitted to the City, including alleged or actual discrepancies, inaccuracies, deficiencies, and errors."

**19. 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 the 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.

**20. Landscape Requirements for Street Frontages**

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

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 and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist or waived. The trees to be provided shall include species acceptable to the Tree Services Division.

**21. Landscape Maintenance.**

***Ongoing***

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

**22. 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.

**23. 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.

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

***Approved prior to the issuance of a grading or building permit***

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

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

**25. 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.

**26. 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 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.

**27. 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.

## **28. 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.

## **29. 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.

## **30. 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.

### **31. 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.

### **32. 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.

### **33. 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.

#### **34. Construction 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](http://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.

### **35. 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.

### **36. 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.

### **37. 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.

### **38. 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.

### **39. 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 establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.
- b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
- c) All boring logs shall be included in the soils report.

#### **B. Test pits and trenches**

- a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils



profile for the design of all proposed structures.

- b) Soils profiles of all test pits and trenches shall be included in the soils report.
- C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.
- D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, 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.
  - i. All proposed impervious surface on the site;
  - ii. Anticipated directional flows of on-site stormwater runoff;
  - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces;
  - iv. Source control measures to limit the potential for stormwater pollution; and
  - v. Stormwater treatment measures to remove pollutants from stormwater runoff.

#### **40. Post-Construction Stormwater Management Plan**

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

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
  - i. All proposed impervious surface on the site;
  - ii. Anticipated directional flows of on-site stormwater runoff; and
  - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
  - iv. Source control measures to limit the potential for stormwater pollution;
  - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
  - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
  - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
  - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

##### ***Prior to final permit inspection***

The applicant shall implement the approved stormwater management plan.

#### **41. Maintenance Agreement for Stormwater Treatment Measures**

##### ***Prior to final zoning inspection***

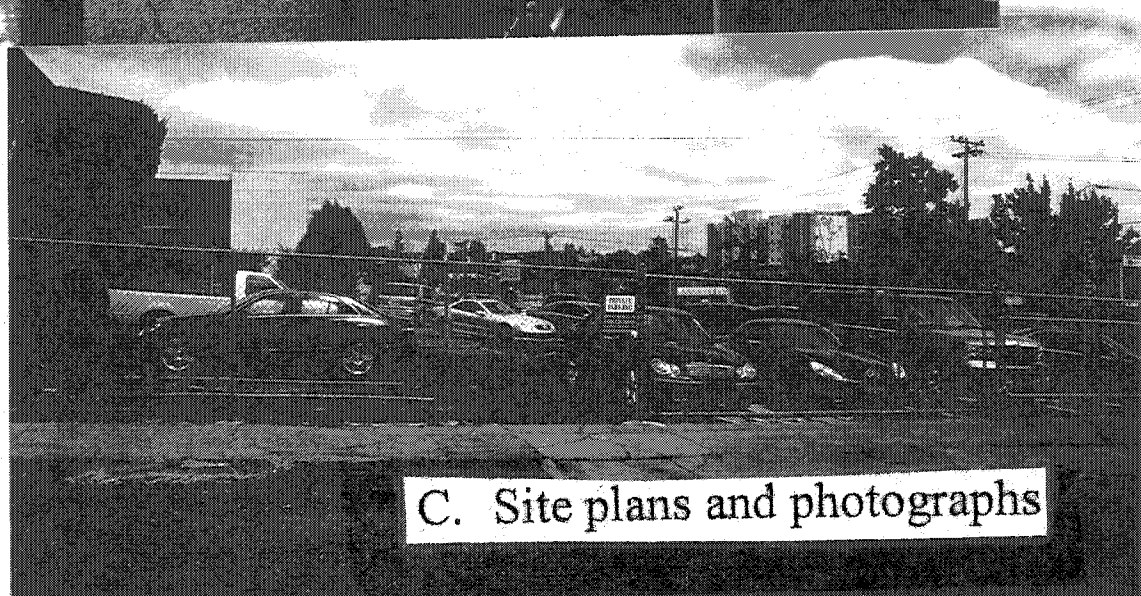
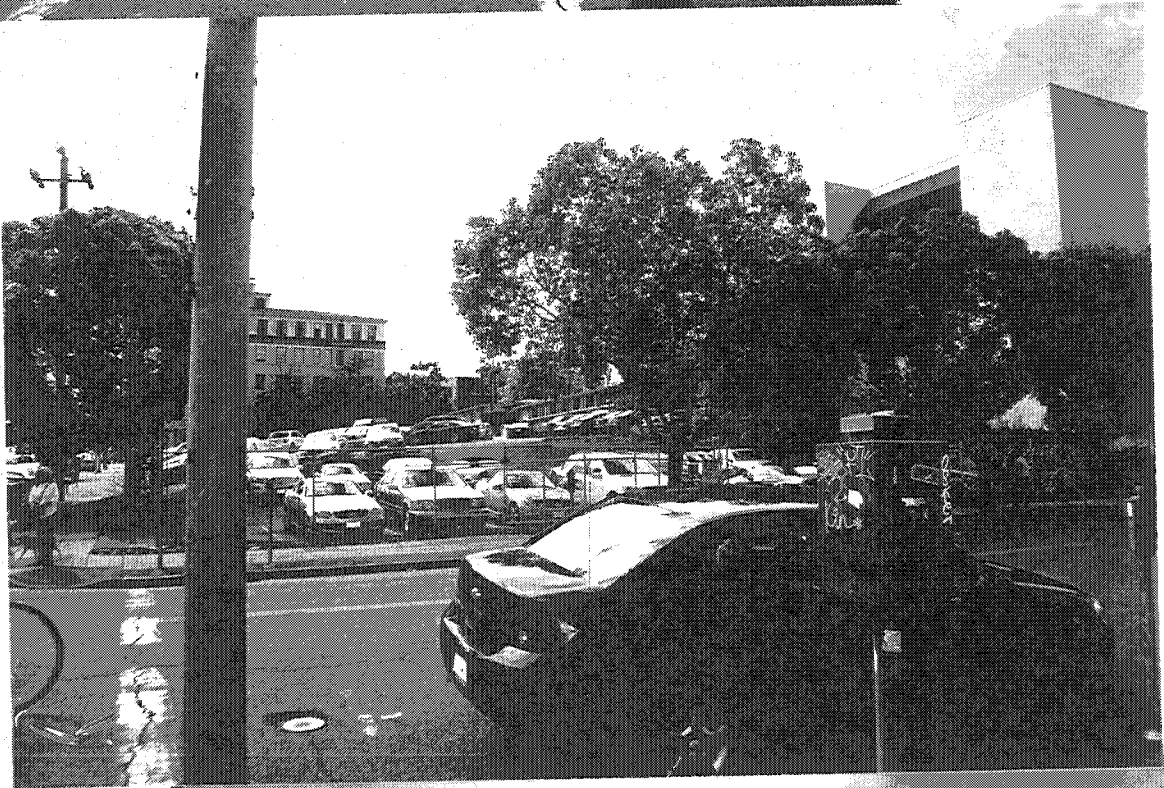
For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

#### **42. Stormwater and Sewer**

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

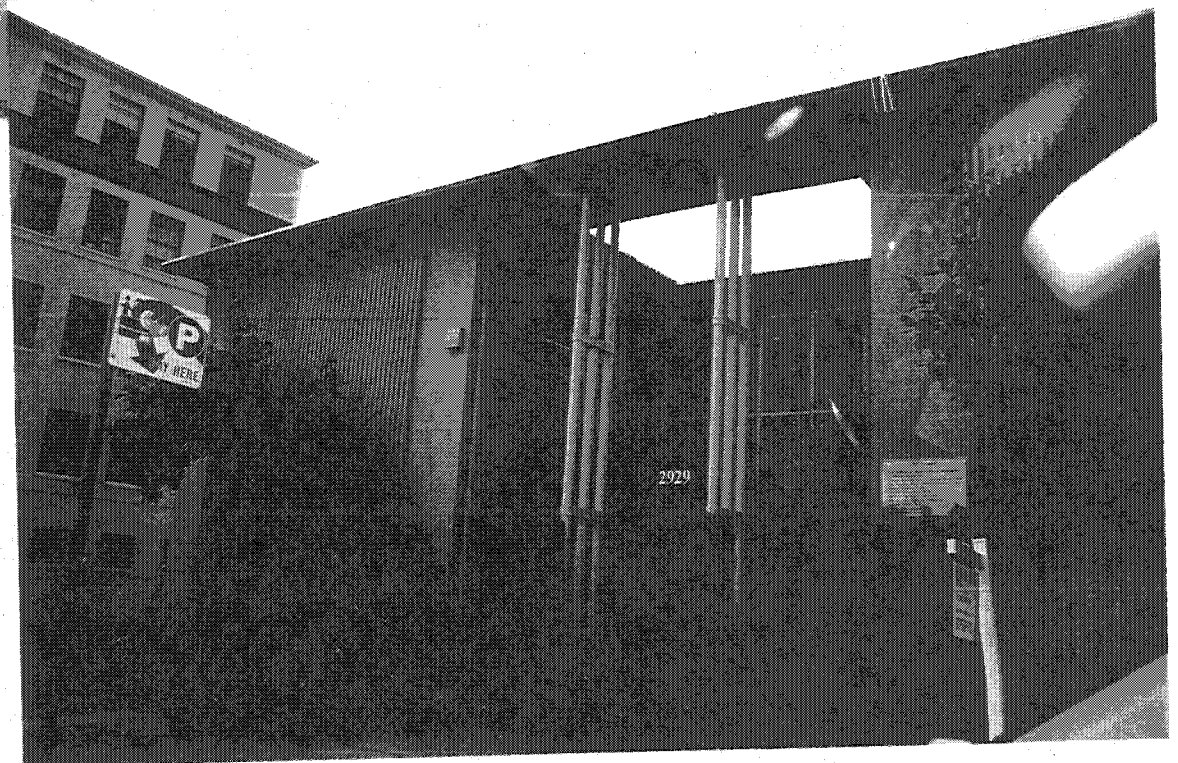
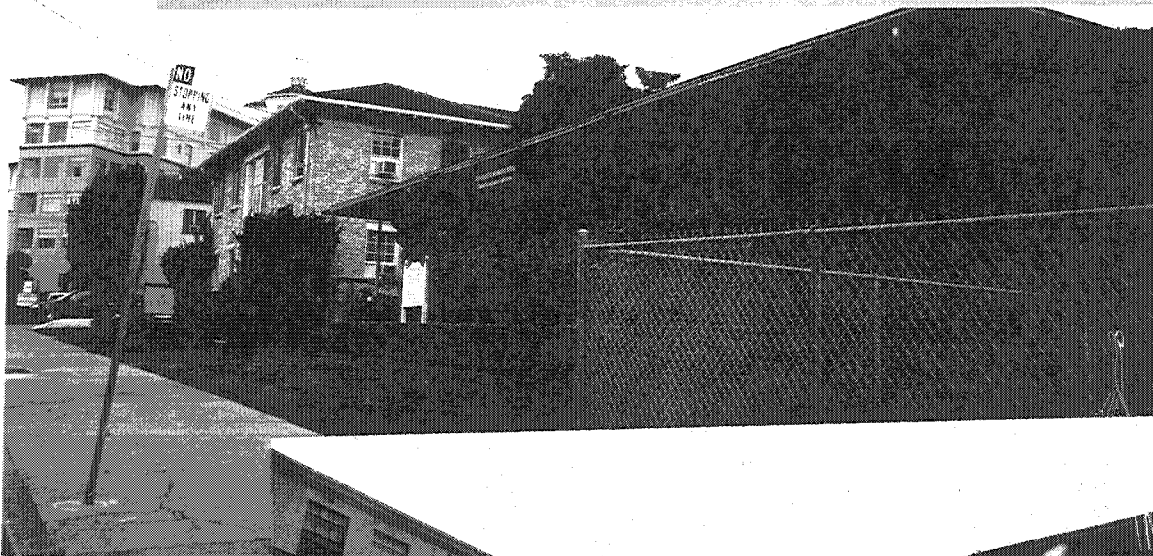
Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure 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.



C. Site plans and photographs









350 29th St. Oakland, CA 94609

© 2011 Google

Google

Imagery Date: 10/1/2009

37°49'04.51" N 122°15'51.34" W elev: 83 ft

Eye alt: 400 ft

APN 009-700-17 (5,100± sf)



**PROJ**

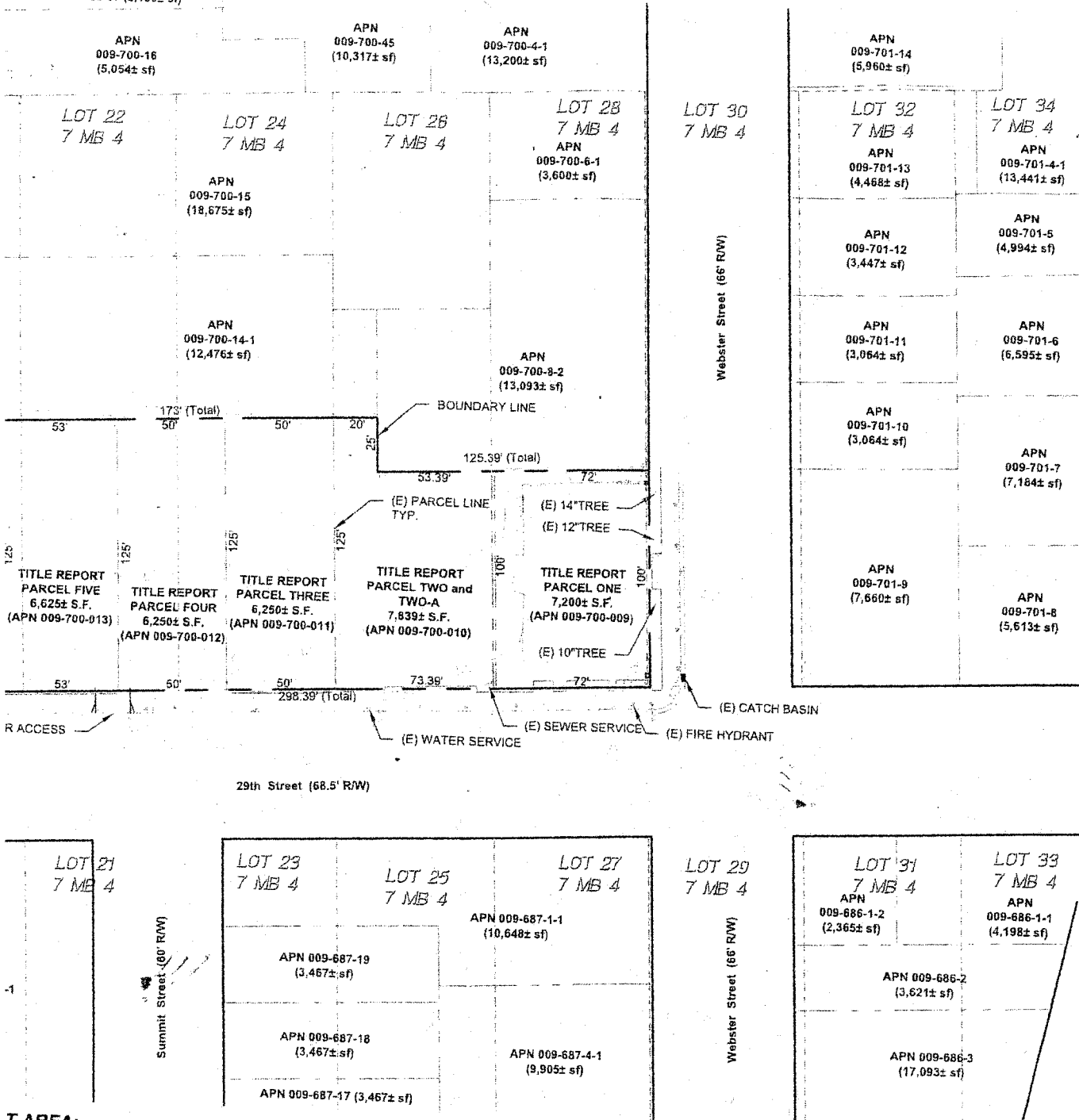
APN	Area
009-688	
009-699	
009-700	
009-701	
009-702	
009-687	
009-688	
009-689	
009-690	
009-700	
009-681	
009-686	
009-701	
009-702	
009-700	
009-701	
009-699	
009-699	
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009-699	
009-687	
009-700	
009-687	
009-700	
009-700	
009-701	
009-686	
009-700	
009-699	
009-688	

NOTE: MEDIAN AREA = 6,220

**TEN**

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CITY

JOE # 31

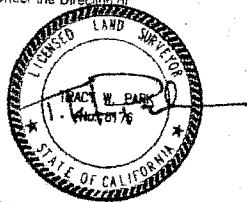


**T AREA:**  
 PARCELS AREA (5 TOTAL) 34,164 S.F.  
 PARCEL AREA (1 TOTAL) 34,164 S.F.

**DR'S PARCEL NUMBERS:**  
 9, 10, 11, 12, AND 13

**ARK:**  
 FOR THIS PROJECT IS NGS PID  
 VATION 42.82 (NAYD88).

Prepared Under the Direction of



**CSW ST 2**

**CSW/Stuber-Stroeh Engineering Group, Inc.**

Civil & Structural Engineers | Surveying & Mapping | Environmental Planning  
 Land Planning | Construction Management

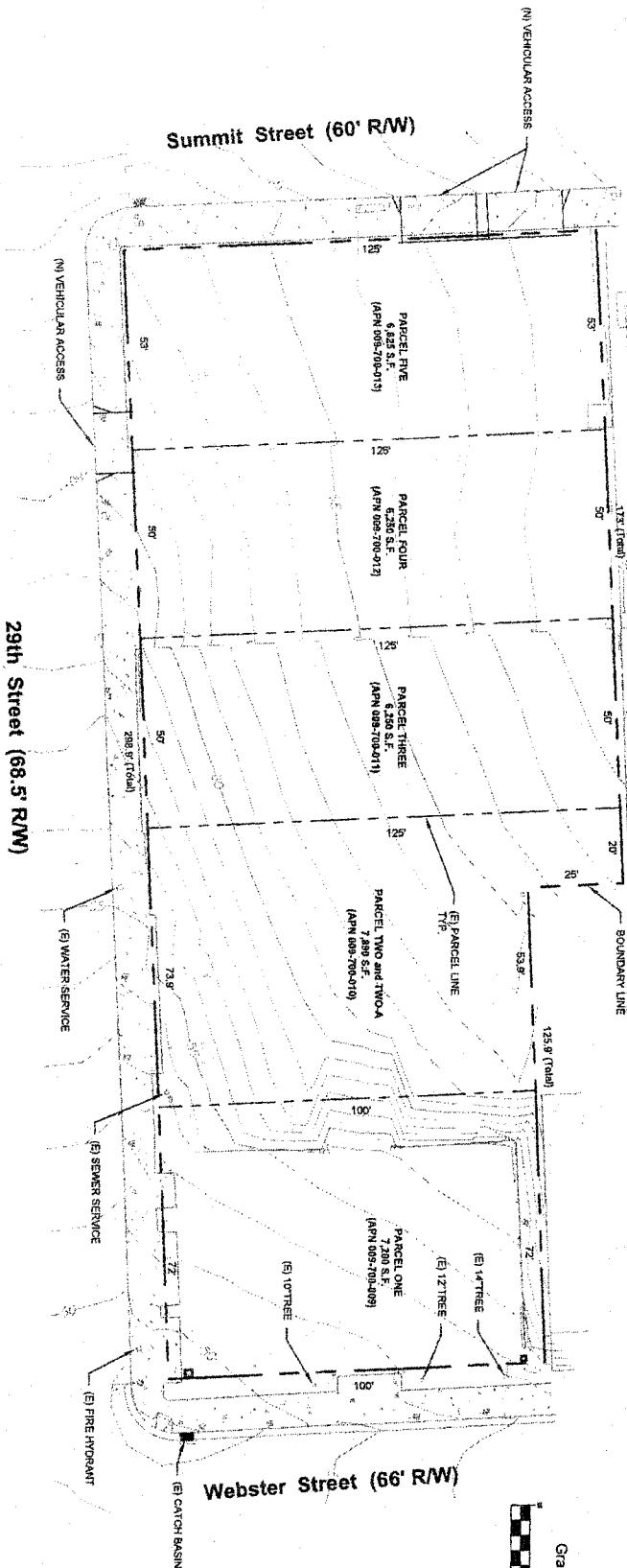
45 Leveroni Court  
 Novato, CA 94949

tel: 415.883.9850  
 fax: 415.883.9835

<http://www.cswst2.com>

© 2010





**PROPERTY OWNER:**  
GERALDINE A. BARSOTTI

**PROJECT ADDRESS:**  
120 29th STREET  
OAKLAND, CA 94611

EXISTING PARCEL AREAS (3 TOTAL): 34,215 S.F.  
PROPOSED PARCEL AREA (1 TOTAL): 34,215 S.F.

**PREPARED BY:**

**CSW ST 2**

**CSW/Stroth Engineering Group, Inc.**  
Civil & Structural Engineers | Surveying & Mapping | Environmental Planning  
Land Planning | Construction Management  
461 Leavenworth Court  
North, CA 94948  
Tel: 415.883.8850  
Fax: 415.883.8835

**APPLICATION TO WAIVE PARCEL MAP**

I certify that I am the applicant named herein and that the information given on any submission herewith is in all respects true and accurate to the best of my knowledge and belief. I further certify that I am the owner or purchaser (option holder) of the property involved in this application.

I understand that any maps or exhibits filed become a permanent part of the file and may not be returned to me.

Signature \_\_\_\_\_ I am the \_\_\_\_\_ Property Owner  
Address \_\_\_\_\_ Purchaser (include copy of contract)  
Telephone No. \_\_\_\_\_  
Owner's Name \_\_\_\_\_ (if other than applicant)  
Owner's Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**PARCEL MAP WAIVER MAP  
LANDS OF BARSOTTI**

MERGER OF PARCELS ONE, TWO, TWO-A, THREE, FOUR, AND FIVE, BEING PORTIONS OF LOT 20 THROUGH 26 AS SHOWN ON THE MAP OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, ASSASSINATOR FILED AUGUST 5, 1986, IN MAP BOOK 7, PAGE 4, ALAMEDA COUNTY RECORDS

CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA  
AUGUST 2011

## About Mercedes-Benz of Oakland

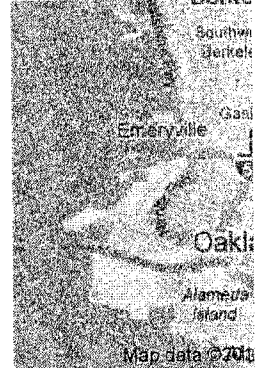


### Contact Information

Mercedes-Benz of Oakland  
2915 Broadway  
Oakland, CA 94611  
Sales: (866) 938-05  
Service: (866) 938-02  
Parts: (888) 711-16

### Hours

*Monday:* 8:30 AM - 7:00 PM  
*Tuesday:* 8:30 AM - 7:00 PM  
*Wednesday:* 8:30 AM - 7:00 PM  
*Thursday:* 8:30 AM - 7:00 PM  
*Friday:* 8:30 AM - 7:00 PM  
*Saturday:* 9:00 AM - 6:00 PM  
*Sunday:* 11:00 AM - 5:00 PM



## Welcome to our new website!

### Mercedes-Benz of Oakland-"East Bay Excellence"

For over 42 years, the Barsotti Family's Mercedes-Benz of Oakland dealership has been serving generations of Bay Area Mercedes-Benz owners and enthusiasts. As one of the oldest family-owned Mercedes-Benz dealerships in Northern California, we have a long-standing reputation of top-notch client treatment and pledge to maintain that reputation in our community for future generations.

### The Barsotti Family's History of Mercedes-Benz in California:

1950's- started out as a Studebaker dealer in San Francisco.  
1958 - San Francisco Mercedes-Benz Dealer founded as European Motors San Francisco  
1967- Oakland Mercedes-Benz Dealer serving the entire East Bay founded as European Motors Oakland

Today we are known as Mercedes-Benz of Oakland, and we maintain a large selection of new and pre-owned Mercedes-Benz inventory in the San Francisco and East Bay. If we don't have exactly what you're looking for - we'll get it.

### EXPERTISE, CONVENIENCE, VALUE, PASSION

Our VIP Mercedes Service department offers one-of-a-kind personal treatment, 34 service bays, free shuttle pickup, complimentary Enterprise Rental car with select scheduled maintenance, and a staff that is both personable and knowledgeable.

Mercedes-Benz of Oakland also carries a vast selection of Genuine Mercedes-Benz replacement parts and accessories, a boutique with Lifestyle and Classic collectibles from roof racks and model cars to purses, golf shirts, and watches.

The staff at Mercedes-Benz of Oakland is proud to be a part of a long-standing tradition of excellence and it shows. We look forward to welcoming and serving you. Call or come in today!

**About Mercedes-Benz of Oakland - Serving Alameda, Berkeley, Emeryville, Piedmont, & San Leandro, CA**

Our team at Mercedes-Benz of Oakland would like to thank you for visiting our website!

We have a strong and committed sales staff with many years of experience satisfying our customers' needs. Located in Oakland, California, the staff at Mercedes-Benz of Oakland will help you find the Mercedes-Benz vehicle you want. At Mercedes-Benz of Oakland we offer a searchable online inventory of new Mercedes-Benz cars in Oakland, along with well-maintained used cars.

**D. Applicant statement**

- Check Active Body Control (ABC)
  - Check battery condition and service if necessary
  - Visually inspect trunk release catch and hinges
  - Check condition of Poly-V belt and other belts
- \*(Additional maintenance items are required at 2 year, 3 year and 60,000 mile intervals)

**Brake Fluid Service** (recommended every 2 years)

Flush all moisture and contaminated fluid from each brake caliper and master cylinder

**Coolant System Service** (recommended every 3 years on most models)

Pressure test the system for leaks in the cooling system and cap. Inspect the cooling system hoses, freeze plugs and radiator for deterioration. Drain and refill system with Mercedes-Benz approved antifreeze/coolant.

**Transmission Service** (recommended every 4 years)

Change oil with Mercedes-Benz synthetic based transmission oil. Replace filter and transmission pan gasket. Road test for shift patterns and adapt on board computer when applicable.

**Air Condition Service**

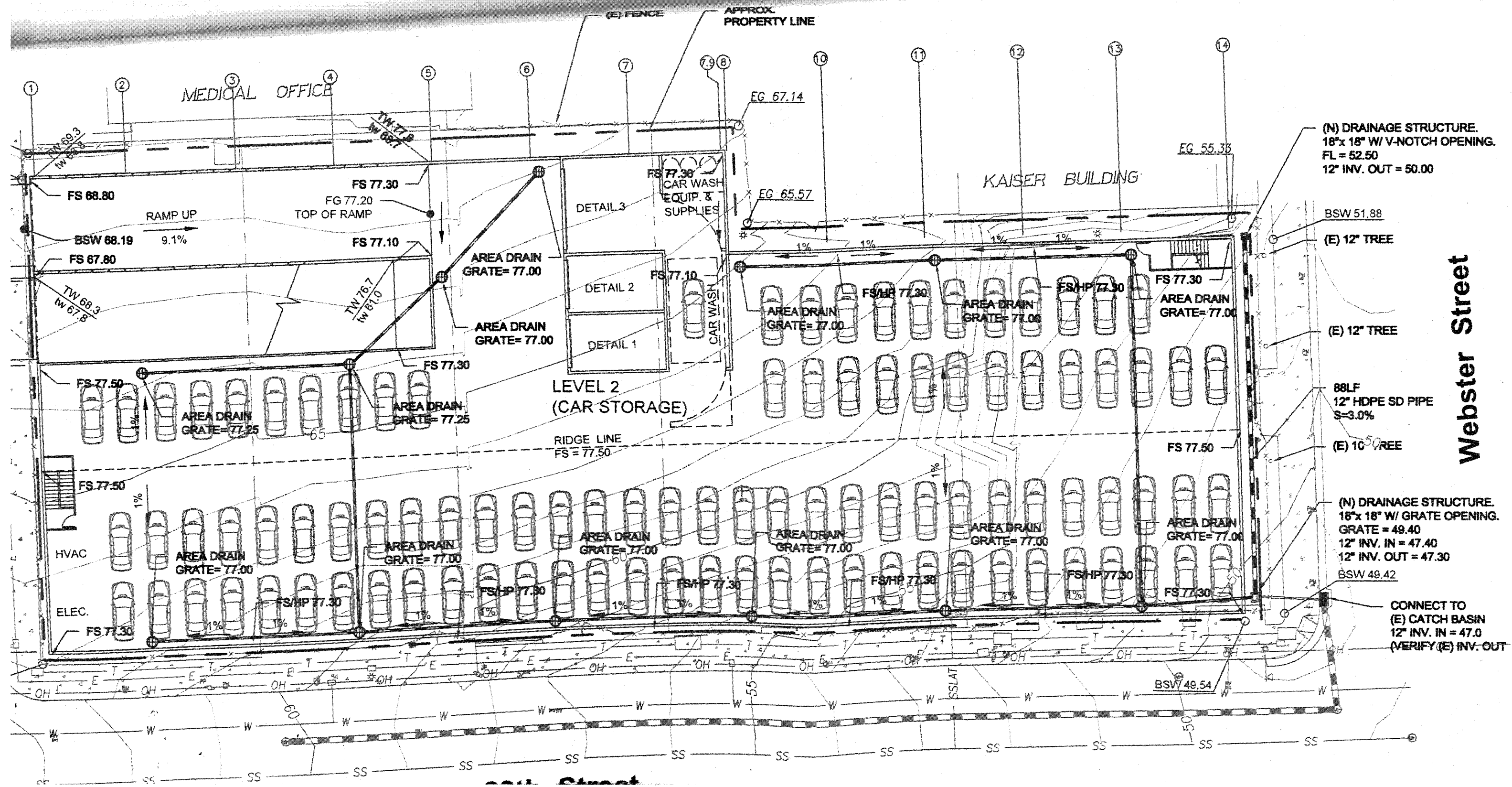
Evacuate and recharge air conditioning system, clean condenser inlets, water drain and inspect for leaks.

[ Click to Edit ]

[ Click to Edit ]

**RECEIVED**  
AUG 25 2011  
City of Oakland  
Planning & Zoning Division

DESIGN DEVELOPMENT LEVEL[illegible]



(N) DRAINAGE STRUCTURE.  
18"x 18" W/ V-NOTCH OPENING.  
FL = 52.50  
12" INV. OUT = 50.00

BSW 51.88  
(E) 12" TREE

(E) 12" TREE

88LF  
12" HDPE SD PIPE  
S=3.0%  
(E) 10" TREE

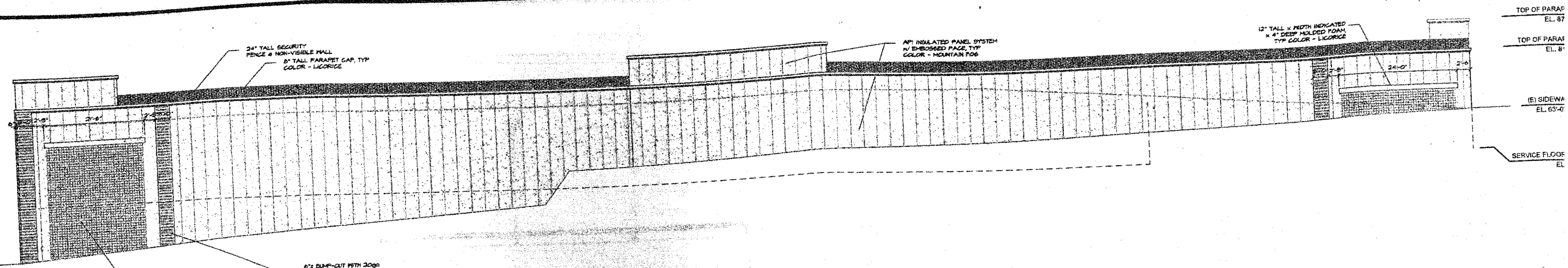
(N) DRAINAGE STRUCTURE.  
18"x 18" W/ GRATE OPENING.  
GRATE = 49.40  
12" INV. IN = 47.40  
12" INV. OUT = 47.30  
BSW 49.42

CONNECT TO  
(E) CATCH BASIN  
12" INV. IN = 47.0  
(VERIFY (E) INV. OUT

Webster Street







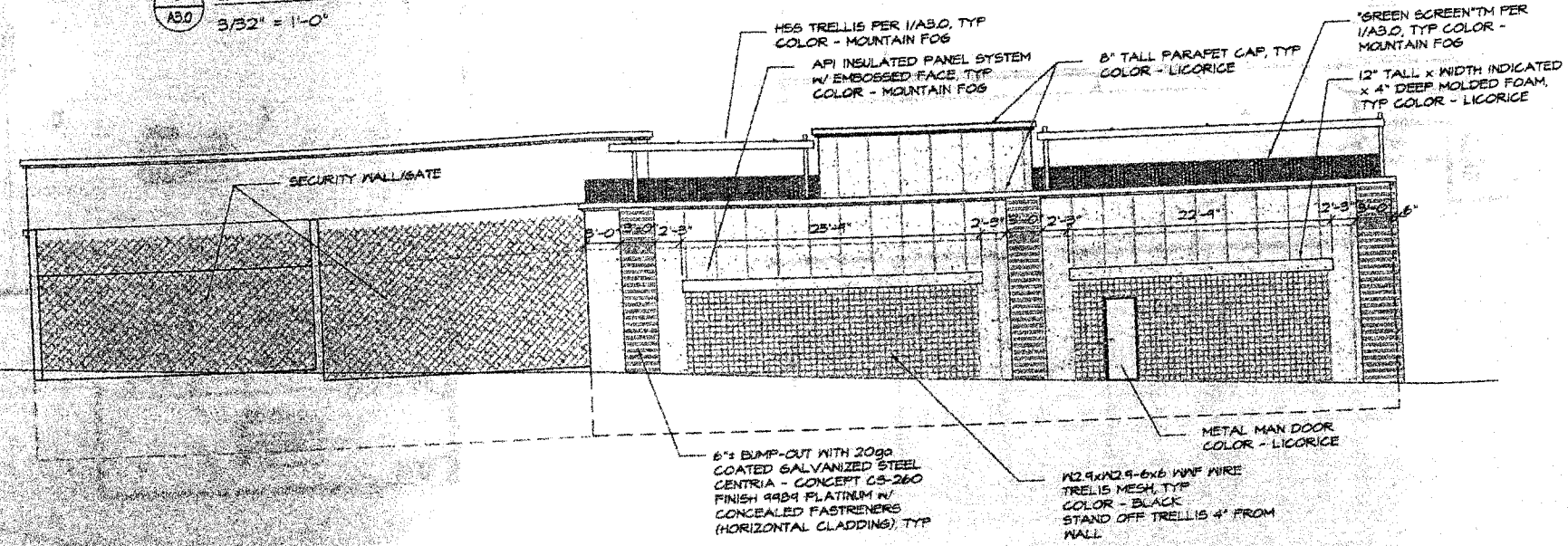
**D SERVICE BACK ELEVATION**  
 3/32" = 1'-0"

TOP OF PARAPET  
EL. 87'-0"

TOP OF SECURITY WALL/GATE  
EL. 81'-0"

SIDEWALK ELEVATION  
EL. 69'-0" ±

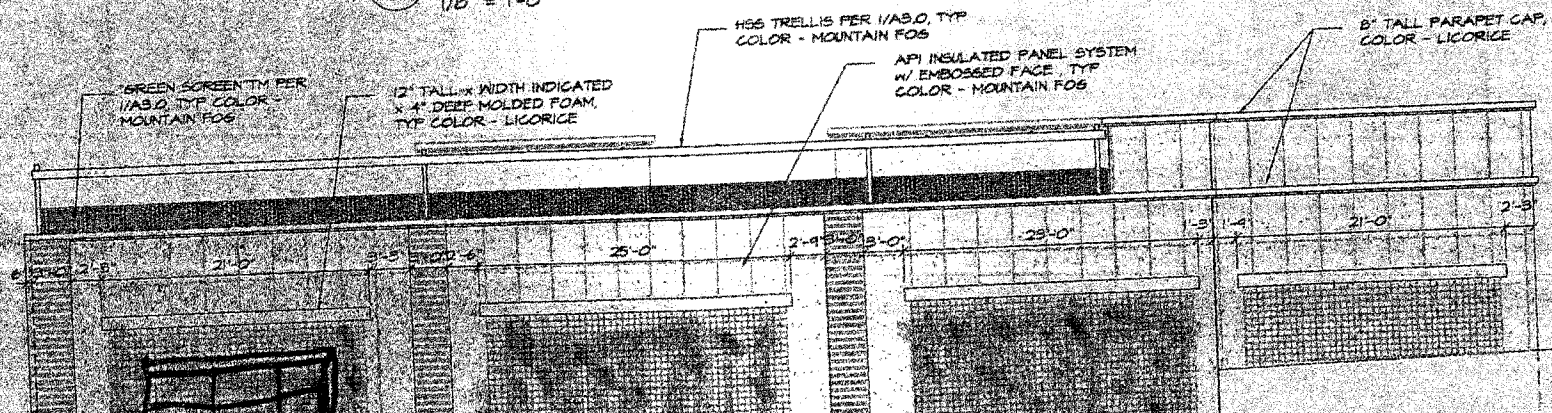
SERVICE FLOOR SLAB  
EL. 61'-0"



**E SERVICE SUMMIT STREET SIDE ELEVATION**  
 1/8" = 1'-0"

TOP OF PARAPET  
EL. 87'-0"

TOP OF PARAPET  
EL. 81'-0"



SERVICE FLOOR SLAB

XOR SLAB.

ELEV.

N2.9xN2.9-6x6 PIPE WIRE  
TRELLIS MESH, TYP  
COLOR - BLACK  
STAND OFF TRELLIS 4" FROM  
WALL

6"± BUMP-OUT WITH 20ga  
COATED GALVANIZED STEEL  
CENTRIA - CONCEPT CS-260  
FINISH 9989 PLATINUM W/  
CONCEALED FASTENERS  
(HORIZONTAL CLADDING), TYP

D SERVICE BACK ELEVATION  
3/32" = 1'-0"

TOP OF PARAPET  
EL. 87'-0"

TOP OF SECURITY WALL/GATE  
EL. 81'-0"

SIDEWALK ELEVATION  
EL. 69'-0"±

SERVICE FLOOR SLAB  
EL. 61'-0"

HSS 2x2x1/8"  
@ 8'-3"± OC MAX  
SPACING (3 EQ SPACES)

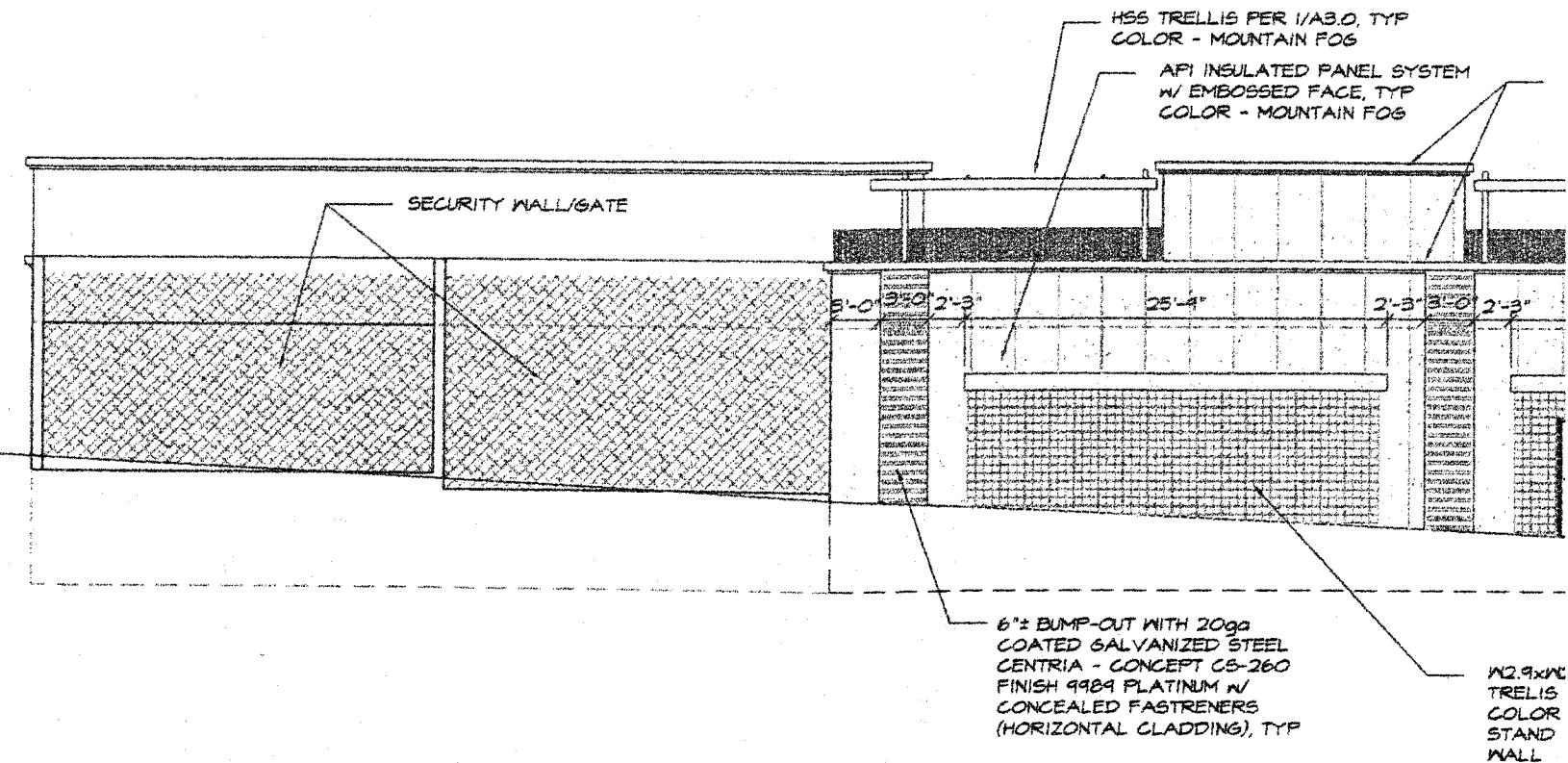
HSS 8x2x1/2" TRANSVERSE  
CONT., TYP

HSS 4x4x1/2" TRELLIS  
POST @ CENTER OF  
EA BUMP-OUT, TYP

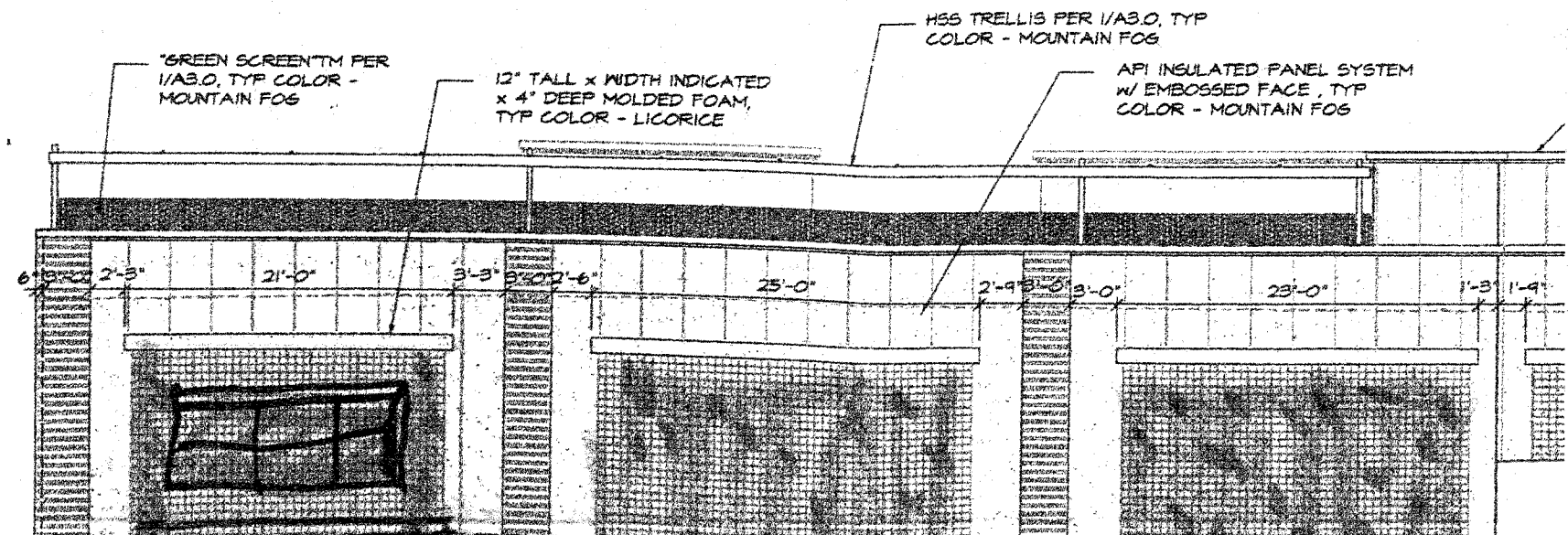
"GREEN SCREEN"™ FENCING  
BETWEEN POSTS TO +24"  
ABOVE TOP OF PARAPET

CAP FLASHING

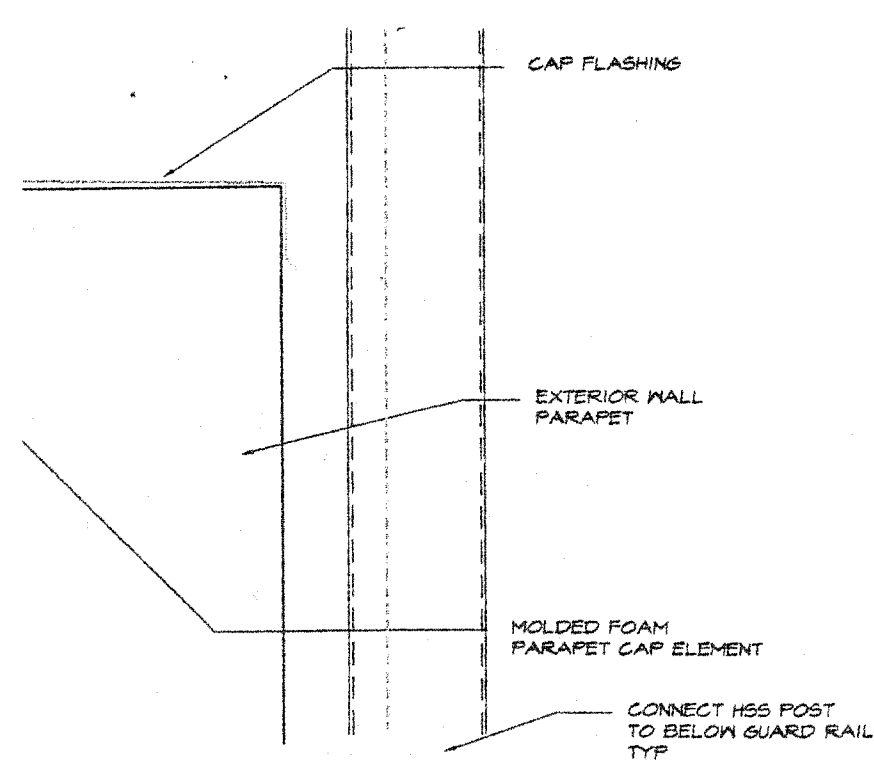
EXTERIOR WALL  
PARAPET



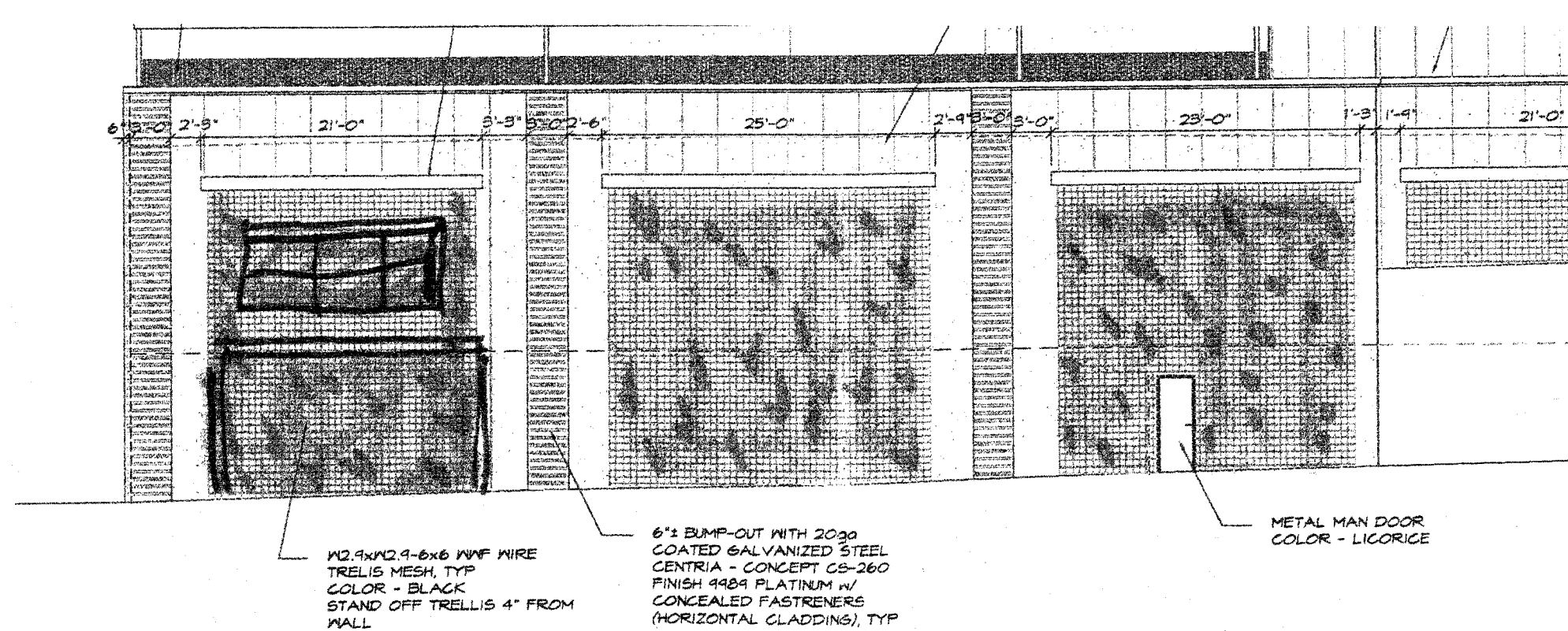
C SERVICE SUMMIT STREET SIDE ELEVATION  
1/8" = 1'-0"



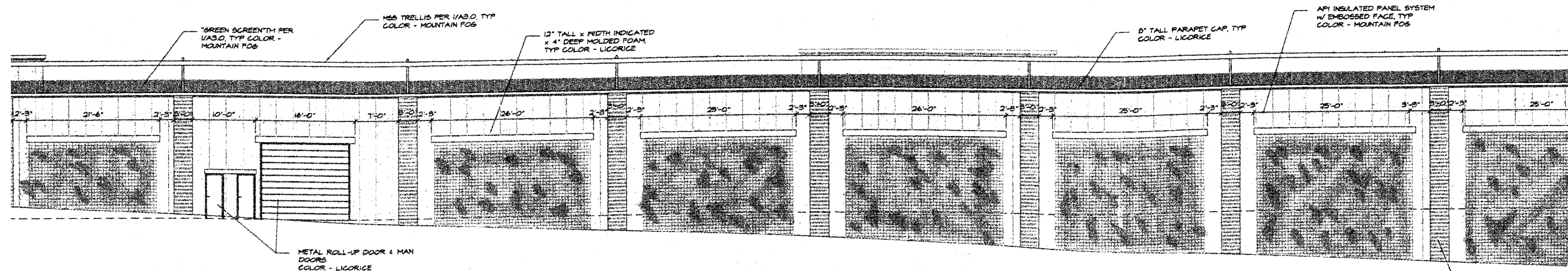




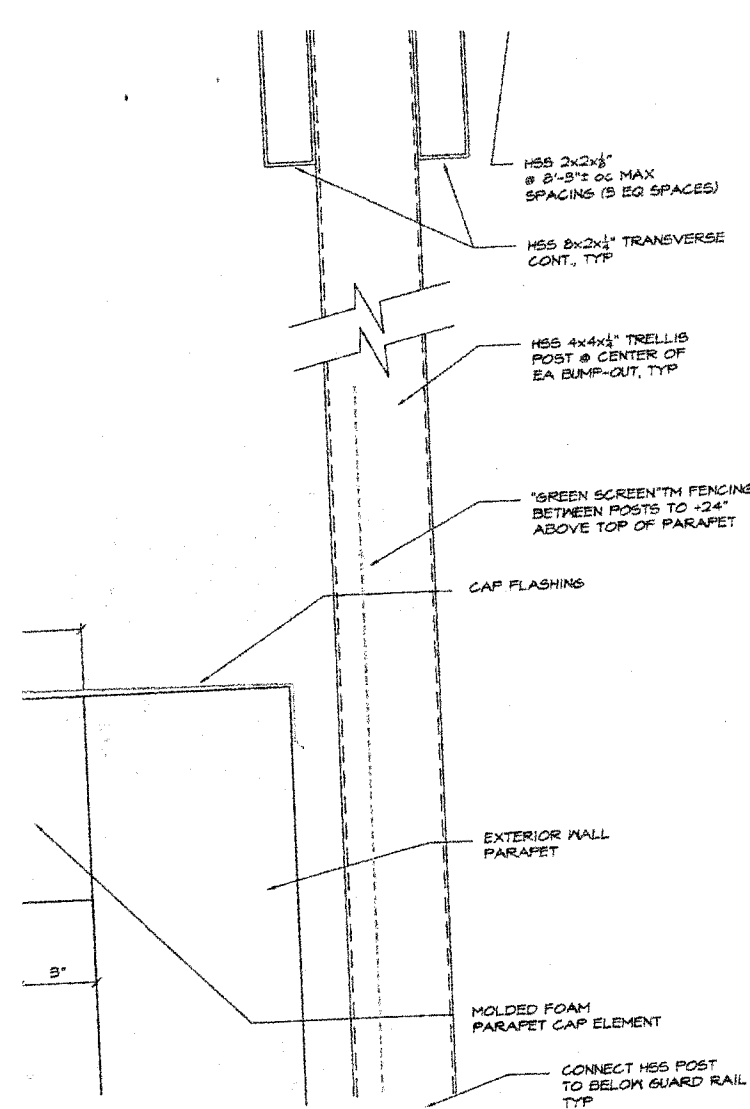
**1**  
A30  
PARAPET/TRELLIS DETAIL  
3" = 1'-0"



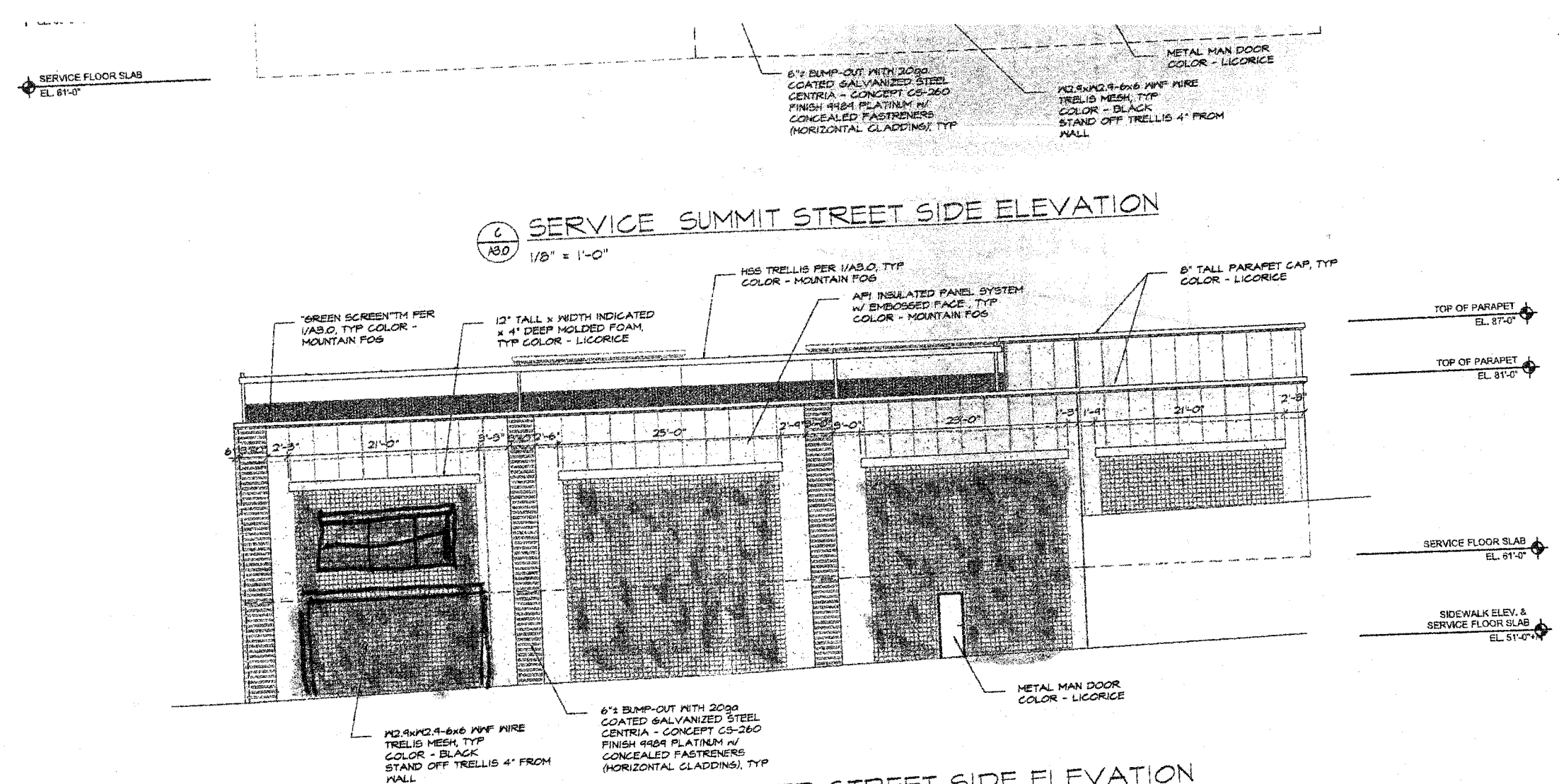
**B**  
A30  
SERVICE WEBSTER STREET SIDE ELEVATION  
1/8" = 1'-0"



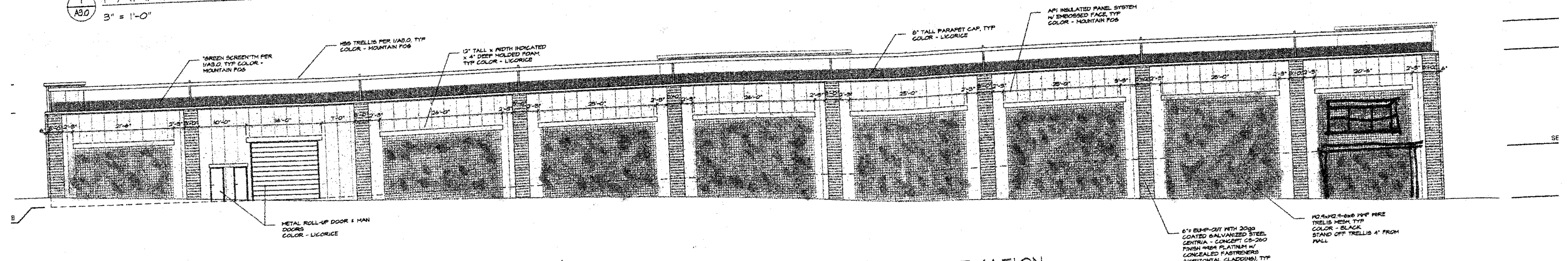
**A**  
A30  
SERVICE 29th STREET FRONT ELEVATION  
3/32" = 1'-0"



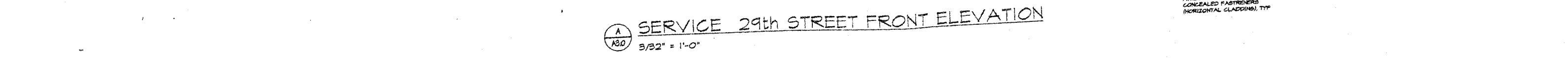
1 PARAPET/TRELLIS DETAIL  
 A3.0 3" = 1'-0"



6 SERVICE SUMMIT STREET SIDE ELEVATION  
 A3.0 1/8" = 1'-0"



7 SERVICE WEBSTER STREET SIDE ELEVATION  
 A3.0 1/8" = 1'-0"



8 SERVICE 29th STREET FRONT ELEVATION  
 A3.0 3/32" = 1'-0"



PRELIMINARY IRRIGATION NOTES:

All vines planted per this plan set will receive drip irrigation with potable water which will be connected to new valves. All new areas of landscape planting will be irrigated using a fully automatic system which shall connect to the existing Point of Connection.

Drip irrigation to vines to be Rainbird drip control zone (valve) kits operating Rainbird Xerf-Bubblers on stakes, (2) two per vine. Vines on north and east sides of buildings shall be on separate zones from vines on south and west sides of building.

Lateral line piping to be Schedule 40 PVC at the appropriate size to ensure proper functioning of irrigation heads in relation to the available water pressure. Mainline to be schedule 40 PVC.

Contractor is responsible for all field modifications which are necessary to ensure proper irrigation coverage to all vine plantings.

All irrigation installed shall comply with the criteria of the AB 1881 ordinance and all requirements will be applied accordingly for the efficient use of water in the irrigation system.

Irrigation equipment to be installed per manufacturer's specifications.

MERCEDES-BENZ of  
OAKLAND  
SERVICE BUILDING ADDITION  
370 29th STREET  
OAKLAND, CA

PROJECT NO:	10139-B
DATE:	JULY 15, 2011
ENGINEERED BY:	JJM
DRAWN BY:	
SHEET NAME:	PRELIMINARY LANDSCAPE PLAN
SHEET NO:	L1.0

VERIFY SCALE  
BAR IS ONE INCH ON  
ORIGINAL DRAWINGS.  
0 1"  
IF NOT ONE INCH ON  
THIS SHEET, ADJUST  
SCALES ACCORDINGLY.

303 Whatecaver without written permission of MARTIN CONSULTING GROUP.

PDF Created with deskPDF PDF Writer - Trial :: http://www.docudesk.com

vided and paid for by the  
nd. Arc. upon

chip size shall be

ball and the depth of the  
e following:

d in all planting pits in

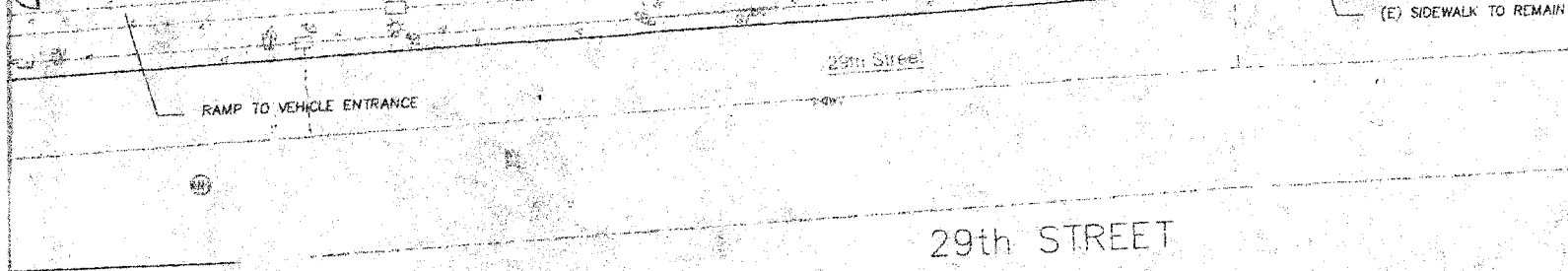
8 Fertilizer applied at the  
bimonthly intervals.  
shall be vigorous and of  
ons. disease, insects,  
ined by the American

property of MARTIN CONSULTING GROUP, and were created, evolved and developed for use on, and in conjunction with, the specified project. None of such ideas, designs, arrangements or plans shall be used by, or disclosed to any

Landscape Contractor  
and/or any additional  
aterial. The following  
oil to depth of 12" by

sixty (60) days after

be replaced by the  
rchitect or Owner's  
r to the owner.  
the specifications of the  
g the screen. 'Green  
ement of work implies  
t of work. Any  
ation process shall be



PLANTING LEGEND

Trees Symbol	Scientific Name	Common Name	Size & Spacing
	Ficus pumila	Creeping Fig	15 gal. vine staked to 'Green Screen

PRELIMINARY



(E) MEDICAL OFFICE BLDG

PROPERTY LINE

(E) KAISER BLDG.

GREEN SCREEN UNIT  
(SEE ARCHITECTURAL PLANS)

VINES 10'-0" APART AT GREEN SCREEN LOCATIONS.  
TWO (2) VINES PER SCREEN (TYP).

VINES 10'-0" APART AT GREEN SCREEN LOCATIONS.  
TWO (2) VINES PER SCREEN (TYP).

(E) SIDEWALK TO REMAIN

12" WIDE PLANTER AGAINST BUILDING  
FOR VINES TO BE PLANTED

RAMP TO VEHICLE ENTRANCE

29th STREET

## NOTING NOTES

all examine the conditions of the site prior to commencement of work. Any  
er from what is shown on the plans that will affect the installation process shall be  
ntion of the Owner or Land. Arch. prior to work. Commencement of work implies  
conditions of the site.

attached to 'Green Screen' structure to promote growth along the screen. 'Green  
ctural plans.

all be responsible for the purchasing of all material to meet the specifications of the  
nts, soil, fertilizer and stakes. The contractor shall also be responsible for the  
materials until the project has been completely turned over to the owner.

hall be subject to approval or rejection by the Landscape Architect or Owner's  
or to installation. Installed and then rejected material shall be replaced by the  
er expense.

PRELIMINARY LANDSCAPE PLAN

SCALE: 3/32" = 1'-0"



**Valeska, David**

**From:** Valeska, David  
**Sent:** Thursday, September 22, 2011 10:59 AM  
**To:** 'Misha Nishiki'  
**Subject:** RE: Case file: CMD11-164, TPM10059; 350-370 29th Street

Misha Nishiki, the October 5 Planning Commission hearing (6pm, City Hall 1<sup>st</sup> floor) will consider This application from Mercedes Benz. You may attend and speak (please fill out and hand the clerk A speaker's card before the hearing) and may submit written information at the hearing or before. Any attempt to stop the project would start with that. If approved by the Commission, within 10 days You or other party may file an appeal to City Council in the Planning Office, including a letter with The reasons and paying the Council-approved filing fee to the 2<sup>nd</sup> floor annex cashier, with the Invoice from the planning counter, for \$1352.91 payable to the City.

RE: you questions, merger of 5 parcels into 1 is covered by 15315, a lesser included effect (if making Several parcels out of 1 parcel is not significant, the reverse is even less significant).

The zoning is CC-2, Community Commercial.

Before you take a position, you may want to visit Planning to review the plans for the garage, A 95-space open parking lot over a 36 bay auto repair facility. Other than the roof parking, it is all Enclosed and surrounded with greenscreen (metal mesh with flowering vines growing through it). You may want to compare this concept with other possible permitted or conditional uses in the Zone for the future.

I can be reached at (510) 238-2075 for questions, and you may continue to e-mail; and may meet With us here at your convenience 8 to 4 everyday. Thank you for expressing your views.

---

**From:** Misha Nishiki [mailto:mlnishiki@cityofemery.com]  
**Sent:** Wednesday, September 21, 2011 4:10 PM  
**To:** Valeska, David  
**Subject:** Case file: CMD11-164, TPM10059; 350-370 29th Street

Hi Mr. Valeska,

I am a homeowner at 371 30th and I also sit on the HOA Board for the same building. I am contacting you because I am concerned with the planned proposal for 350-370 29th Street; the building of a 30,000 square foot automobile garage and storage for Mercedes Benz. I was wondering if you could please clarify a few things for me:

- 1) Can you please email me the most updated CEQA document that you are citing from? I feel that I am looking at an old version online, as the CEQA Guideline Section 15315 is entitled "Minor Lands Division" when in the case of 350-370 29th street it is a planned combination of 5 parcels into 1, not a division.
- 2) Please verify the zoning of parcels 350-370 29th Street.
- 3) Can you please tell me the procedure, or point me in the direction to stop this planned project; the

**E. Citizen correspondence**

9/22/2011

**Valeska, David**

**From:** Misha Nishiki [mailto:mishiki@gmail.com]  
**Sent:** Wednesday, September 21, 2011 4:10 PM  
**To:** Valeska, David  
**Subject:** Case file: CMD11-164, TPM10059; 350-370 29th Street

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- 2) Please verify the zoning of parcels 350-370 29th Street.
- 3) Can you please tell me the procedure, or point me in the direction to stop this planned project; the forms I need to fill out, the people I need to contact.

Finally, I would like to point out that there are a number of residential buildings that border or are within a blocks radius of the proposed site. My building alone has 26 residential units, and there are facilities that house people with acute illnesses in very close proximity. It seems counter-intuitive for the City to approve plans for a site that would raise noise and air pollution levels with the construction as well as the increased automobile and diesel on-road trucks.

I appreciate your consideration, and look forward to hearing from you.

Best,

Misha Nishiki  
cell: 415-760-1781

9/22/2011

**Valeska, David**

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**From:** P L [mailto:plarimail@hotmail.com]  
**Sent:** Saturday, September 24, 2011 7:57 AM  
**To:** Valeska, David  
**Subject:** Proposed Neighborhood Development (from Pier)

Dear Mr. Valeska,

I have been informed that the Mercedes dealership a block away from where I am a homeowner (371 30th Street in Oakland) is planning a large building next door to our condo building. There are 26 residential units in our building, and one commercial unit on the ground floor. The proposed development at 350-370 29th Street (APNs 009-007-009-00 through 009-007-013-00) presents some serious issues that are very concerning to me and the other homeowners in the building, including potential noise and air quality problems. I would like to register my objections to the proposed development and would like to know how to follow through regarding my concerns.

I have been told that an environmental impact report is not be required for this large automotive repair business with 36 bays and 95 vehicle parking spaces to within 100 feet of a multi-unit residential building and various nursing facilities. I do not want "Auto Row" to grow any further!

Please let me know what my options are in further communication of my concerns and my interest in diverting this project to another site or preventing it from taking place in this inappropriate spot. Thank you for your help.

Sincerely,

Phyllis Larimore  
Owner  
371 30th Street #306  
Oakland, CA 94609

9/26/2011



September 29, 2011

Mr. David Valeska  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
510-238-2075

**Subject: Oakland Mercedes-Benz Service Garage**

**[P11044]**

Dear Mr. Valeska:

This letter documents Dowling Associates' review and assessment of potential transportation impacts associated with the construction of a new service garage by Mercedes-Benz of Oakland. This service garage would be located on 29<sup>th</sup> Street between Summit and Webster Streets. This letter will:

- Describe the proposed project
- Describe existing use and access
- Describe future use and access
- Identify potential transportation impacts
- Suggest improvements

### ***Project Description***

Mercedes-Benz of Oakland is looking to build a new service department north of 29<sup>th</sup> Street between Summit Street and Webster Street. Currently this site is a surface parking lot for the dealership with 100 parking spaces used for vehicle storage prior to customer pick-up. It is not used for any employee parking. The new service department facility would be built on the ground floor with a parking area on the floor above accommodating 96 spaces for a net loss of 4 parking spaces. These 96 parking spaces would be used for vehicle storage prior to customer pick-up.

The new service facility would have a total of 36 service bays and service between 70 and 80 vehicles per day. The existing facility has 21 service bays and averages 50 vehicles serviced per day. This existing service facility would be converted into a used car showroom and the current used car showroom at the intersection of 30<sup>th</sup> and Broadway would be vacated. This would also entail moving the existing detailing area but a new location for this area has not yet been determined.

Our understanding of this project and the resulting assessment is based on our field observations conducted on Tuesday, September 27<sup>th</sup>, 2011 from 9:45 – 11:00 AM. It is also based on discussions with the Mercedes-Benz Fixed Operations Director, General Manager, Service Manager, and with Chatfield Construction.



### ***Existing Use and Access***

The current service facility at Mercedes-Benz of Oakland is a 21 bay facility servicing about 50 vehicles per day. A vehicle coming in for service at Mercedes-Benz of Oakland currently goes through the following steps where the vehicle is:

- Dropped off by the customer
- Moved to the surface lot
- Taken into the service area
- Taken for auto detailing
- Moved to the surface lot awaiting pick-up
- Returned to the customer

Vehicle drop off by the customer currently takes place in the customer access area marked as location (A) on the aerial shown in Exhibit 1. This small lot can only be accessed by a right turn when traveling southbound down Broadway. These vehicles are then driven by Mercedes-Benz staff to the surface lot (proposed project site) to await a maintenance bay for service. The course taken from the customer access point (A) to the surface lot is to make a left out of the dealer onto Webster Street and a right into the surface lot at the existing site access denoted by (C) on the aerial.

Once a maintenance bay opens up in the existing service area (B), vehicles are transferred directly across the street from the existing site access (C) to have their service completed. There is a smaller service garage that also services some vehicles that can be accessed from location (A). Vehicles serviced at this location travel up Webster Street to 30<sup>th</sup> Street where they make a right to get back to Broadway before making a right into the dealership at the customer access point (A).

Upon completion of service, vehicles are taken to be detailed behind the existing used car showroom (E) at the existing detail area (D). These vehicles are driven by Mercedes-Benz staff to the existing detail area by making a right out of the existing service garage (B), a right at the intersection of Webster and 30<sup>th</sup> Streets, and straight across Broadway until they make a right into the existing detail area (D). Vehicles reverse this course once detailing is completed and are parked back in the surface lot via the existing site access at location (C) to await pick-up.

Customers arrive to pick-up their vehicles at the customer access area (A). The dealership then sends a runner to pick up the customer's car in the surface lot and drive it back to meet the customer at point (A). This involves a left turn out of the existing site access (C) onto Webster Street, a right at Webster and 30<sup>th</sup> Streets, a right at Broadway, and a right turn into the customer access area (A).

Deliveries are currently being made to the parts department which is located off of Webster Street near the existing service garage (B). There is no loading dock so delivery trucks must park on Webster Street. When no parking is available they appear to double park blocking one lane of the street. This was observed in the field with a FedEx truck stopped in the NB lane of Webster. This particular truck was also observed parked facing south in the northbound travel lane.

Exhibit 1 also shows the routes currently traveled by vehicles being serviced. As this exhibit demonstrates, service vehicle traffic is limited to Webster Street, 30<sup>th</sup> Street, and Broadway. The intersections of Webster & 30<sup>th</sup> Street and 30<sup>th</sup> & Broadway are the only routes currently used for transporting vehicles being serviced at the dealership.

These intersections are utilized about three times for each vehicle. Once while being taken for detailing, the second while returning from detailing, and the third is delivering the vehicle back to the customer. With an average of 50 vehicles serviced per day, this results in an additional volume of 150 vehicles on average at each intersection over the 10.5 hours the service center is open or about 14 vehicles per hour.

**Dowling Associates, Inc.**

Transportation Engineering • Planning • Research • Education

Exhibit 1 – Existing Facilities and Access Routes for Vehicles Being Serviced



180 Grand Avenue, Suite 250 • Oakland, CA 94612 • Phone 510.839.1742 • Fax 510.839.0871  
428 J Street, Suite 500 • Sacramento, CA 95814 • Phone 916 266-2190 • Fax 916-266-2195

### ***Future Use and Access***

The proposed service garage would be constructed on the existing parking lot on 29<sup>th</sup> Street between Webster and Summit Streets. The new service facility would have 36 bays and service between 70 and 80 vehicles per day for a net increase of between 20 and 30 vehicles compared to existing conditions. All service operations would move to this new facility and the existing service facility at location (B) would be converted into a used car showroom. The second existing service facility, accessed off of location (A), would not be used and would most likely be demolished. Given the terrain of the existing surface lot at the project site, the new service garage would have different access points and vehicle routes for service.

All customer access would remain at the customer access location marked as (A) in Exhibit 2. Access to the service garage would move from location (B) to location (F) which is north of 29<sup>th</sup> Street. The 96 parking spaces available on the roof of the new facility would be accessed via ramps at the future parking access (G) off of Summit Street. Truck deliveries for parts would be conducted at a new loading dock that would also be located at the future parking access (G) near the ramp to the second floor.

Once a vehicle is dropped off by the customer, it would be driven from the customer area (A) to the second floor parking area via the ramp located at (G). The new route would likely involve right turns at both Webster & 29<sup>th</sup> and Summit & 29<sup>th</sup>. These two intersections are not being used in the current vehicle service process.

When a service bay becomes available, these vehicles would be driven from the second floor parking lot (G) to the service garage (F), using the intersection of Summit and 29<sup>th</sup> Streets. Detailing the vehicle is the next step in the process after servicing but a final location for the detailing area has not been identified. After detailing, the vehicle would be moved back to the second floor parking lot most likely via 29<sup>th</sup> Street & Summit Street to await customer pick-up.

When the customer arrives to pick-up their vehicle, a runner would move it from the second floor future parking access (G) back to the customer access area (A). This would most likely be done by making right turns at Summit & 30<sup>th</sup> and Broadway & 30<sup>th</sup>.

Exhibit 2 shows a graphical representation of the routes driven by service vehicles given the new access points and service facility. The intersection experiencing the biggest volume change would be the one located at Summit Street and 29<sup>th</sup> Street.

This intersection would likely be utilized at least three times: once when the vehicle is moved to the second floor, again when moved from the second floor to the service garage, and a third time when moved back to the second floor awaiting customer

pickup. If there is an average of 80 vehicles serviced per day, this is 240 trips over the 10.5 hours the service department is open or an average of about 23 additional trips per hour. This number could increase depending on the final location of the future detailing area.

Exhibit 2 - Future Facilities and Access Routes for Vehicles Being Serviced



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### ***Potential Impacts on the Transportation System***

The major difference of this new facility in regards to traffic operations is how the access points to the parking lot and service garage would change. Current access points for the service garage and site access are all off of Webster Street, especially the section near 29<sup>th</sup> Street. Future access to the second floor parking lot would be off of Summit Street (G) while the service garage would be accessed off of 29<sup>th</sup> Street (F).

There are a number of advantages to moving the access points for vehicle service. The first advantage is for safety along Webster Street. This street is used by the dealership for moving vehicles and accepting deliveries. The on-street parking on the street limits site distances and delivery trucks were observed stopped in the travel lanes. This can make the movement between the existing service garage (B) and the existing site access (C) challenging. Additionally, Webster Street is a class 3 bike route in the City and having vehicles traveling directly across the street or trucks blocking the travel lane could be a concern for bicyclists.

The second advantage is the improvement of the local street circulation because delivery trucks would have an actual loading dock with the new service facility. Trucks would no longer have to be parked on the street to make deliveries which result in them sometimes blocking traffic.

A few potential disadvantages arise with the new facility access points. The first is that there would be three more intersections impacted by vehicle service operations: 29<sup>th</sup> & Webster, 29<sup>th</sup> & Summit, and 30<sup>th</sup> & Summit. Of particular concern is the intersection of 29<sup>th</sup> & Summit which is near a school and would experience the biggest increase in vehicles. This is because it is the primary intersection that would be used to transfer vehicles between the storage lot on the second floor and the service garage on the first floor.

Assuming the future vehicle detailing area is located either in the service garage or on the second floor parking facility where it would generate no additional street trips, the following increase in intersection volumes might be expected given an average of 80 vehicles service per day:

- 29<sup>th</sup> & Webster (80 additional trips over 10.5 hours or about 8 veh/hr)
- 29<sup>th</sup> & Summit (240 additional trips over 10.5 hours or about 23 veh/hr)
- 30<sup>th</sup> & Summit (80 additional trips over 10.5 hours or about 8 veh/hr)

29<sup>th</sup> & Webster and 30<sup>th</sup> & Summit would only increase by 80 trips total because these intersections would only be used when taking the vehicle from the customer access area (A) to the future parking access (G) and back again. This would happen only once during the vehicle's service duration. According to a study performed for

the Oakland Temple Sinai in 2008, Webster and 29<sup>th</sup> is currently operating at LOS A in the PM peak hour. 30<sup>th</sup> & Summit was not analyzed but it is likely to have a similar LOS. Therefore, the addition of 80 trips per day or about 8 trips an hour is not likely to have a significant impact.

The intersection of 29<sup>th</sup> & Summit which is currently an all way stop-controlled intersection with school cross walks striped on the eastern and western leg. This intersection is likely to experience a volume increase of approximately 240 veh/day or 23 veh/hr on average. The additional vehicles are not likely to cause a significant impact because this intersection was operating at LOS A in the 2008 study of the Oakland Sinai Temple. However, this intersection does have school crosswalks and serves children walking to school.

All traffic accessing the current used car showroom on the SE corner of 30<sup>th</sup> and Webster would access the future used car showroom at 29<sup>th</sup> & Broadway adding traffic to this intersection. However, once again, this intersection was operating at LOS B during the 2008 study so it should be able to accommodate the extra demand of the used car showroom.

### ***Suggestions for Improvements***

Suggestions to alleviate potential disadvantages of the proposed project include:

1. Provide adequate set-backs for the new facility to provide adequate site distances. This is especially true of the intersection at Summit and 29<sup>th</sup> Streets since it is likely to be utilized the most by the new service facility and has existing school crosswalks.
2. Locate the future vehicle detail area either within the service garage or on the second floor parking facility. Locating the future detailing area in either of these places would reduce the number of trips that need to utilize the local transportation system since the vehicles being serviced must already travel to these two locations.
3. Change the anticipated access route from the customer access area (A) to the future parking access (G). It is currently expected that this route would make a left onto Webster, a right at 29<sup>th</sup>, and a right from 29<sup>th</sup> onto Summit. Our suggestion is to change this route to a right on Webster, a left at 30<sup>th</sup>, and a left from 30<sup>th</sup> onto Summit. This would help reduce dealership trips at the school zone intersection of Summit & 29<sup>th</sup>. The reduction of trips in the morning when the dealership experiences a surge of drop-offs and students are headed to school.



Page 10  
September 29, 2011  
Oakland Mercedes-Benz Service Garage

Please contact us at 510-839-1742 (Mark Bowman ext. 117 and Aaron Elias ext. 129) if you have any questions.

Sincerely,  
**Dowling Associates, Inc.**

Mark Bowman  
Principal

Aaron Elias  
Associate Transportation Engineer